

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 11 April 2012

DPTL: In light of recent changes with the publication of the National Planning Policy Framework the opportunity has been taken to revise the reasons for the proposed conditions set out below to reflect the relevant policy considerations both national and local.

**Stansted
Downs**

TM/11/03055/FL

Section 73 application to vary the conditions of TM/01/01069/FL to allow the use of touring units on a year round basis with the original condition 4 of TM/01/01069/FL remaining in force in respect of the 30 approved static caravans (TM/01/01069/FL being Variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans) at Thriftwood Caravan And Camping Park Plaxdale Green Road Stansted Sevenoaks Kent TN15 7PB for Thriftwood Holiday Park

DPTL: Due to the number and extent of queries raised at the recent Members' Site Inspection, this item will be reported to a subsequent Committee meeting.

AMENDED RECOMMENDATION:

Item withdrawn from agenda

**Plaxtol
Borough Green And
Long Mill**

TM/12/00457/FL

Proposed two storey side/rear extension and single storey rear extension and porch to front, including widening access drive and hardstanding for two car parking spaces at Caterways Cottage Old Soar Road Plaxtol Sevenoaks Kent TN15 0QX for Mr Mark Prior

DPTL: In my Main Report to Members, I explained that the National Planning Policy Framework [NPPF] was published on 27 March 2012. The NPPF replaced the national planning guidance and policy previously contained in the various Planning Policy Statements and Planning Policy Guidance Notes. The NPPF is a material consideration in the determination of this application. The most relevant paragraphs are paragraph 89 (inappropriate development in the Metropolitan Green Belt), paragraph 137 (impact of proposals on the Conservation Area) and paragraph 64 (good design).

In light of recent changes with the publication of the National Planning Policy Framework the opportunity has been taken to revise the reasons for the proposed conditions to reflect the relevant policy considerations both national and local.

An additional condition to remove permitted development rights is also suggested.

AMENDED RECOMMENDATION:

Amended Conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.**

Reason: To ensure that the development does not harm the visual amenity of the locality and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

- 3. The external brickwork shall be constructed to show a bond to match the existing brickwork.**

Reason: To ensure that the development does not harm the visual amenity of the locality and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

- 4. No development shall take place until details of any joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.**

Reason: To ensure that the development does not harm the visual amenity of the locality and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

5. **No development shall take place until details of the eaves, ridge and verge have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.**

Reason: To ensure that the development does not harm the visual amenity of the locality and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

6. **Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the northern elevation of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.**

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property and in accordance with saved policy P4/12 of the Tonbridge and Malling Borough Core Policy 2007, policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

7. **No development shall take place until details of the construction, surfacing and drainage of the vehicle parking area, to include full details of any retaining walls and boundary treatment as may be required and proposed replacement landscaping, have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the parking area is brought into use and shall be so retained at all times thereafter.**

Reason: To ensure a finish to the parking area consistent with the character and appearance of the locality and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

8. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A or B of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.**

Reason: In the interests of the Green Belt in accordance with Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 79 of the National Planning Policy Framework 2012.

Platt (A)TM/11/03061/FLX
Borough Green (B)TM/12/00690/RD
And Long Mill

A) Extension of time limit on planning permission TM/07/01810/FL (Demolition of existing buildings and erection of 11 dwellings with car ports and access road; (B) Details submitted pursuant to Condition 13 (affordable housing) of planning permission TM/07/01807/FL (erection of 8 dwellings with private access) at (A) Platt C Of E Primary School Maidstone Road Platt Sevenoaks Kent TN15 8JY; (B) Playing Fields, Grange Road, Platt, Sevenoaks, Kent for Rydon Homes Ltd

A considerable amount of further correspondence has been received since the publication of the Main Report, and the Parish Council has requested that its comments are set out verbatim. Accordingly, the following supplementary information is rather lengthy.

Applicant: Two letters have been received from the applicant. These set out that the proposed programme of works at the various sites are as follows:

Date	Event
April 2012	<ul style="list-style-type: none"> • Rydon purchase Grange Road Playing Fields site from KCC and commence development; • Platt C of E Primary School transfer all outdoor sporting activity to Stonehouse Field; • KCC purchases site of Land opposite The Ferns; • Rydon commences construction of parking area and further works to access and lays out the playing fields at Land opposite The Ferns
July 2012	Playing fields at Land opposite The Ferns are completed
September 2012	Further works to access and parking areas at Land opposite The Ferns are completed
June 2013	Controlled crossing over A25 completed under Section 278 of the Highways Act
July 2013	"Bedding in" period for playing fields at Land opposite The Ferns completed. Sporting activities to be transferred from Stonehouse Field to new playing fields at Land opposite The Ferns
July 2015	Commencement of construction of new school building at Land opposite The Ferns
August 2016	Completion of new school at Land opposite The Ferns
September 2016	School occupies new building
October 2016	Sale of existing school site to Rydon's is completed and work starts on this site

The letters also state that the dates from July 2015 – October 2016 “may vary depending on the timing of the available funding, but the occupation of the new school will always be arranged to commence at the beginning of a new school term”.

Private Representations:

A petition of 190 signatories has been submitted to the Council. The cover to the petition states that the Borough Council are being petitioned “*to delay the development of the current playing field in Grange Road until the school can move to its proposed site across the A25, because Condition 15 of its planning permission is not complied with*”.

Correspondence has since been received from 10 signatories of the petition wishing to rescind their names because, apparently, they were not aware of all the relevant facts at the time they signed the petition.

There has also been considerable correspondence between a resident of Platt (who objects to the proposal for a number of reasons) and myself.

A petition containing 31 signatures has also been submitted on behalf of “Platt Society” stating that the signatories “*support the renewal of planning permission for Platt C of E Primary School*”.

A further 18 letters have been received stating support for the extension of the time limit to implement the permission at Platt C of E Primary School (i.e. application (A) TM/11/03061/FLX) and detailing that the respondents’ considerations that the proposed interim playing field provision are considered to satisfy the requirements of Condition 15 attached to planning permission TM/07/01807/FL. Two additional letters objected to the proposal on the grounds that the interim playing field arrangements were not safe. One of these Representations supports application (B) at Platt C of E Primary School.

Platt Parish Council: Responses have been received in respect of application (A) TM/11/038061/FLX:

05 April 2012:

“The Parish Council has received a complaint regarding the signing of the petition against the above application. The resident felt she was harassed into signing the petition and did so after 20 minutes because she couldn’t get rid of the lady in question. The house was visited again and her son and his friend (who does not live in the parish) were asked to sign. Regrettably, the same person made a third visit but the 13year old who was asked to sign refused.

The Council has also received a number of enquiries about this petition because people, whether they were going to sign or not, were not able to view the document. This

complaint was made about the same person, namely the one mentioned above. On the other hand, one parishioner that has spoken to me said they were shown the document but the person petitioning could not answer his queries.....”

“.....For information, at our Parish Council meeting on Tuesday 3rd April, there were 10 residents in attendance who were interested in supporting this application. At no time has any resident made contact with the Parish Council who objecting to this application.

Finally, I would like to thank you for your report which I believe has covered all the points of concern raised.”

[There were also several paragraphs regarding the availability of the petition on the TMBC website which have since been addressed and are therefore not set out here].

10 April 2012:

“Most of the Area 2 Planning Committee will know the location of Stonehouse Field, which was bought by the Parish Council in the early 1980s. The land was originally a pig farm and is now a well used recreational facility catering for this parish and the surrounding area.

Apart from the well appointed children’s play area and hard ball court, there is a football pitch, cricket square, changing rooms, allotments, a dog exercise area and more recently a purpose built Scout HQ for both scout and guiding activities. Platt United and Borough Green Junior Football Clubs use the field in winter and there is a junior cricket club and, from this season, two senior clubs playing there. For some years Platt C of E School has used Stonehouse Field for cross country running and the district schools also hold their annual cross country events there. In the summer the Kent County Cricket League hire the field for county level junior matches.

The field has also been used for community events such as the Church Fair, the annual school bonfire, concerts and even balls. This year the Parish Council received QE II Fields in Trust status and we do not feel this would have been achieved if the field were considered an unsafe environment.

Platt Parish Council prides itself on the standard of the field and takes very seriously any comments received from members of the public. We have regular groups of dog walkers who use the field and we do not have a dog fouling problem. As in all walks of life there is always an exception to the rule and very occasionally there is an irresponsible dog owner who fails to clear up after their animal. There is the dog exercise area and two dog bins provided.

The Parish Council were therefore disturbed to read the comments of one of our Borough Councillors, who also resides in the parish, on the front of the Sevenoaks Chronicle. Mr Evans is quoted as saying “Stonehouse Field is not safe either – it is used by dog walkers and all sorts and isn’t secure – using this area for sport would

leave kids exposed to all kinds of nasties". It is distressing that Mr Evans has only now seen fit to point out these 'nasties' when our children have used the field over the past 25 years.

Before agreeing to Stonehouse Field being used by the school as an interim measure, the Parish Council knew that the school were required to carry out a risk assessment and had every confidence that the first priority of the parents, school and KCC was the safety of the children. Those actually responsible for the children – teachers, parents, school governors etc – are happy with the management of any risk arising from the journey from School to SHF and are very much better placed than those currently raising this issue. The Parish Council are of the opinion that it has been more dangerous to use the present playing field in Grange Road as the children must walk down a narrow road with blind bends and no pavement. As you will know, there is always at least 1 adult to every 6 children when pupils leave the school for outside activities.

As you have so rightly pointed out in your report, the route to Stonehouse Field will probably be less hazardous. It appears that some residents were unaware that when the new playing field is used, before the school is finished, there will be a crossing on the A25.

We are aware that the Borough Council has received a petition seeking to halt the developments relating to the new school. Unfortunately, the petitioners have not always been aware of all the relevant facts (for example, they have not known about plans to install a new crossing on the A25) and the Parish Council has been informed that because of this some of the petitioners feel they were misled and are now writing to withdraw their support. It should also be noted that some of those signing the petition are from outside the parish.

We regret having to write in this vein but we are mindful that great thought has been given to the future of our parish, and providing an up to date modern school is very important to us. It is imperative that the children in our parish have the same opportunities as children in neighbouring parishes.

Platt Parish Council believe that all the queries raised at the last Area 2 meeting have been answered in your excellent committee report and we request that this letter be printed in its entirety in the Supplementary Report (despite its length) in order that the Planning Committee Members can endorse your recommendation."

10 April 2012

"Further to our conversation today, perhaps we could clarify the situation as we see it.

The application to extend the existing approval of TM/07/0180/FL is for the existing school site only.

There is no tie within that original decision notice to link it to the Playing Field site TM/07/01807/FL.

Therefore, we see no grounds for refusal to extend the application of the Existing School Site due to non availability of playing fields. It was not a condition of the Planning Decision.

There is, however, a condition (No.15) on the Playing Field site decision notice stipulating that “permission shall not be exercised unless and until TM/07/01810/FL has been commenced or until playing fields of adequate size, quality, convenience and pedestrian safety have been made available”

This is the only tie between the two approvals.

As the waters are being muddied by the linking in of the Playing Field site approval, we would say that the condition re alternative playing areas are satisfied with the use of Stonehouse Field, which is already used for all sorts of sporting activities.

We would add here that the Playing Field approval is still current and not up for discussion.

We would also agree that the two are linked by necessity of funding, but this does not apply to the application being considered.

Your report adequately addresses all the concerns, including safety, that would prevent this application being approved, so we see no reason for further damaging delay.”

DPTL: In my Main Report to Members, I explained that the National Planning Policy Framework [NPPF] was published on 27 March 2012. The NPPF replaced much national planning guidance and policy previously contained in the various Planning Policy Statements and Planning Policy Guidance Notes and some other documents. The NPPF is a material consideration in the determination of these two applications.

In addition to the general principles regarding sustainable development and the presumption in favour of sustainable development (paragraphs 1 – 14), core planning principles (paragraph 17) and decision taking in the determination of planning applications (186, 187, 196, 197 and 203 – 206), I consider that the most relevant policies in the NPPF to the two applications are those set out at paragraphs 32, 35, 49, 50, 54, 55, 56 – 66 (design), 69, 70, 72, 96, 109 – 111, 120 and 169. These detail, *inter alia*:

- *Decisions should take account of whether safe and suitable access to a site can be achieved for all people and development should be located and designed to create safe and secure layouts which minimise conflicts between traffic and cyclists and pedestrians;*
- *Housing should be located where it will enhance or maintain the vitality of rural communities, whilst contributing to the deliverance of a wide choice of high quality homes which widen opportunities for home ownership;*

- *That development should be of high quality, well designed and secure a good standard of amenity for existing and future occupants of land and buildings;*

Members' attention is also drawn to paragraph 72 of the NPPF. This states that:

"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *Give great weight to the need to create, expand or alter schools, and;*
- *Work with schools promoters to identify and resolve key planning issues before applications are submitted".*

(A) TM/11/03061/FLX – Platt C of E Primary School

Since the publication of the Main Report, I have reviewed the correspondence which has been provided in support of, and objecting to the proposal.

Much of this correspondence relates to the requirements for alternative playing field provision to be provided in accordance with Condition 15 attached to planning permission TM/07/01807/FL (at Grange Road Playing Fields). Although this Condition is attached to a grant of planning permission at a different site to the current application at Platt C of E Primary School, much of the correspondence that has been submitted opposing application (A) TM/11/03061/FLX suggests that the fact that there will be interim arrangements for playing field provision until the replacement school is constructed represents a change in circumstance since the original grant of planning permissions on both sites. This is an important issue but not one *directly* related to the determination of this case which Members are being asked to consider tonight.

Although the wording of Condition 15 to TM/07/01807/FL does not require the formal submission and approval of details of alternative playing field provision, I nevertheless set out in my Main Report my detailed consideration as to whether the interim arrangements would be likely to satisfy the requirements of Condition 15. The reason for doing so was so Members are aware of my assessment at this stage and also to help in examining whether the interim playing field arrangements represents a change in circumstance since the original grant of planning permission.

Members are advised that Platt C of E Primary School has confirmed that travel between the school and the Grange Road Playing Fields utilises both routes from the school (i.e. along Platt Common Road and the PROW to Grange Road, and also along the southern side of the A25 to Grange Road). It is understood that the latter route was preferred when it was raining, as the PROW can become rather muddy.

As detailed in the Main Report, the School's risk assessment and risk management record for the use of Stonehouse Field indicates that the route which is and has been used is that via Platt Common Road, the PROW, the Blue Anchor garden and Long Mill Lane. Your Officers have reviewed and walked both this route and the alternate route along the southern side of the A25 to Long Mill Lane.

Members are also advised that when considering the appeal in respect of planning application TM/03/03647/OA for a "new replacement primary school with attached playing field, new replacement Memorial Hall, 20 affordable houses, 16 private houses and public open space" at the three sites (i.e. Platt C of E Primary School, Grange Road Playing Fields and Land Opposite the Ferns), the Planning Inspector commented:

Para 210. *"The [existing] school playing field (site 3) is remotely located, with access either by way of the main A25 road or via a footpath from Platt Common to Grange Road. Both routes require children to be closely supervised, which takes up scarce staff resources. The walk is acknowledged by the school to be "not great", being in the region of 5 - 10 minutes duration. I consider the question of safety under (d) below, but it is clear that the separation of the school from its field results in the latter not being used to its full advantage, with consequent implications for the health and education of the school children"....*

(d) Safety of staff and pupils.

Para 226. *"This item relates to movement of staff and pupils between the school and its playing field, and to road safety around the school. The A25 is a busy road carrying heavy vehicles. Walking along it is not a particularly pleasant experience at times of heavy traffic, but the route is along a pavement and I consider the effect of the vehicles to be intimidating rather than dangerous. The alternative walk through the lanes does involve the use of roads without footpaths over some of its length and, while these appear mostly quiet, there is some potential for hazard."*

Members are advised that the context within which the Inspector made the above comments was that an assessment was being made as to whether the provision of the new school and associated playing fields at the same site (i.e. Land opposite The Ferns) amounted, either by itself or in combination with other factors, to Very Special Circumstances which were sufficient to overcome the harm caused to the openness of the MGB by reason of inappropriate development. .

It is apparent from the Inspector's conclusions that whilst he considered that the provision of playing fields separate from the existing school was not ideal, it was not inherently unsafe or dangerous.

I have had regard to the additional comments submitted to the Borough Council since the publication of the Main Report and the comments of the Inspector above, and I reach a similar conclusion in respect of the interim alternative playing field provision as set out in the Main Report: namely that the requirements of Condition 15 attached to permission

TM/07/01807/FL would be satisfied if the interim arrangements as indicated in the exchange in correspondence with the various parties is undertaken as detailed. I have therefore concluded that this does not represent a change in circumstance since the original grant of planning permission at Platt C of E Primary School such as to lead me to recommend that the period of time for this permission to be implemented is not extended.

Since the publication of the Main Report, I have also given careful consideration to the NPPF and how this affects the consideration of this application and have concluded that it does not affect my overall original conclusions. However, in light of recent changes with the publication of the National Planning Policy Framework the opportunity has been taken to revise the reasons for the proposed conditions to reflect the relevant policy considerations both national and local.

Furthermore, for the reasons set out below, I recommend a change in respect of Condition 13 in order to ensure that an appropriate mix of affordable houses is provided overall.

This is not, of course, to diminish the importance of the relationship between the existing school and any interim playing field provision in the period up until the co-location of the new school and playing fields. To this end I propose an additional Informative which deals with the matter.

(B) TM/12/00690/RD: Grange Road Playing Fields

A number of options for the provision and mix of affordable housing were examined during the course of discussing and determining both applications TM/07/01807/FL (Grange Road Playing Fields) and TM/07/01810/FL (Platt C of E Primary School). The applicant had stated that “any mix of tenure that the Borough Council considers to be appropriate” would be accepted. Conditions were accordingly attached to both grants of planning permission requiring the submission of schemes of affordable housing.

The current proposal (i.e. the provision of three units of shared ownership housing at the Grange Road Playing Field site) with the balance (of rented accommodation) to be provided at Platt C of E Primary School has been assessed on its own merits, having regard to a number of factors, including the requirement of CS Policy CP17, the original resolutions of APC2 to grant planning permission at the two sites, the need to ensure the cost-effective development in provision of affordable housing and the efficiency with which the properties can be managed by RSLs. My conclusions in this respect remain as set out in the Main Report.

However, in order to ensure that the provision of the balance of affordable housing, in the form of rented housing at the Platt C of E Primary School, is delivered as expected at that site, I recommend Condition 13 of (A) TM/11/03061/FLX be varied in order to ensure that the specific nature of this provision is specified now. Members are advised that Section 70 of the Town and Country Planning Act 1990 allows for different or alternative Conditions to

be imposed when existing permissions are reviewed/extended under this procedure. This is accordingly reflected in my amended recommendation below.

(A) TM/11/03061/FLX: Platt C of E Primary School

AMENDED RECOMMENDATION:

Amend Conditions to the following:

- 1 The development hereby permitted shall be begun before the expiration of six years from the date of this permission.**

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.**

Reason: To ensure that the development does not harm the character and appearance or the visual amenity of the locality, in accordance with Tonbridge and Malling Borough Core Strategy Policies CP1 and CP24 and Managing Development and the Environment Development Plan Document Policy SQ1 and paragraphs 56 – 66 of the National Planning Policy Framework (2012).

- 3 The access shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.**

Reason: To ensure the safe and free flow of traffic in accordance with Tonbridge and Malling Borough Managing Development and the Environment Policy SQ8 and paragraphs 32 and 35 of the National Planning Policy Framework (2012).

- 4 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.**

Reason: To ensure the safe and free flow of traffic in accordance with Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document Policy SQ8 and paragraphs 32 and 35 of the National Planning Policy Framework (2012).

- 5 The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

Reason: To ensure the safe and free flow of traffic to ensure the safe and free flow of traffic in accordance with Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document Policy SQ8 and paragraphs 32 and 35 of the National Planning Policy Framework (2012).

- 6 The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety in accordance with Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document Policy SQ8 and paragraphs 32 and 35 of the National Planning Policy Framework (2012).

- 7 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking which would be contrary to Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document Policy SQ8 and paragraphs 32 and 35 of the National Planning Policy Framework(2012).

- 8 No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate accommodation for the

parking of vehicles is likely to lead to hazardous on-street parking which would be contrary to Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document Policy SQ8 and paragraphs 32 and 35 of the National Planning Policy Framework (2012).

- 9 The development shall be undertaken in strict accordance with the tree protection measures specified in arboricultural report by Broad Oak Tree Consultants Limited dated 25.03.2008 ref. J 37.12-SCHOOL, unless otherwise agreed in writing with the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality in accordance with Tonbridge and Malling Borough Core Strategy Policies CP1 and CP24 and Managing Development and the Environment Development Plan Document Policy SQ1 and paragraphs 56 – 66 of the National Planning Policy Framework (2012).

- 10 No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms having windows that will be exposed to a level of road traffic noise in Noise Exposure Category B or C as set out in Policy SQ6 and Policy Annex SQ6 of the Managing Development and the Environment Development Plan Document have been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40 LAeq dB in living rooms with windows closed. Additionally, where the internal noise level will exceed 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open the scheme for acoustic protection should incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation should also be provided to bedrooms having openings onto facades that will be exposed to a level of road traffic noise in excess of 78 L_{Amax} (slow) time weighting. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and maintained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved, in accordance with Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document Policy SQ6 and paragraph 123 of the National Planning Policy Framework (2012).

- 11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the west (flank) elevation of the dwelling within plot 9, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Tonbridge and Malling Borough Core Strategy Policies CP1 and CP24 and Managing Development and the Environment Development Plan Document Policy SQ1 and paragraphs 56 – 66 of the National Planning Policy Framework (2012).

- 12 **Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the rear (south facing roof slope) of the dwellings within plots 4-9 inclusive without the prior written consent of the Local Planning Authority.**

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Tonbridge and Malling Borough Core Strategy Policies CP1 and CP24 and Managing Development and the Environment Development Plan Document Policy SQ1 and paragraphs 56 – 66 of the National Planning Policy Framework (2012).

- 13 **Within one month of the implementation of this planning permission, a scheme shall be submitted to the Local Planning Authority for the provision of affordable housing on-site. Such a scheme shall indicate the provision of at least 4 no. units to be provided for rented accommodation, unless otherwise agreed in writing with the Local Planning Authority. Such a scheme shall be implemented before 50% of the total number of market housing units permitted by this permission are constructed and the scheme shall be completed before 50% of the said market housing units are occupied.**

Reason: In order to comply with Policy CP 17 of the Tonbridge and Malling Borough Core Strategy 2007 and the Affordable Housing Supplementary Planning Document adopted 2008 and paragraphs 50, 54 and 55 of the National Planning Policy Framework (2012).

- 14 **No development shall take place until details of the levels of the slabs, finished floors and ridges of the dwellings hereby approved have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.**

Reason: To ensure that the development does not harm the character and appearance or the visual amenity of the locality, in accordance with Tonbridge and Malling Borough Core Strategy Policies CP1 and CP24 and Managing

Development and the Environment Development Plan Document Policy SQ1 and paragraphs 56 – 66 of the National Planning Policy Framework (2012).

- 15 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, of Part 1 of Schedule 2 to that Order unless planning permission has been granted on an application relating thereto.**

Reason: In the interests of residential and visual amenity in accordance with Tonbridge and Malling Borough Core Strategy Policies CP1 and CP24 and Managing Development and the Environment Development Plan Document Policy SQ1 and paragraphs 56 – 66 of the National Planning Policy Framework (2012).

- 16 **No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.**

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Tonbridge and Malling Borough Core Strategy Policies CP1 and CP24 and Managing Development and the Environment Development Plan Document Policy SQ1 and paragraphs 56 – 66 of the National Planning Policy Framework (2012).

- 17 **Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on-site from alternative energy sources and the potential for recycling water. The approved scheme be implemented prior to the first occupation of any of the units hereby approved.**

Reason: In accordance with Tonbridge and Malling Borough Core Strategy Policy CP1 and Managing Development and the Environment Development

Plan Document Development Plan Document Policy CC1 and paragraphs 94 – 98 of the National Planning Policy Framework (2012).

- 18 **The development hereby approved shall be undertaken in accordance with the following plans submitted and approved under planning permission TM/07/01810/FL:**

Design and Access Statement received 27.03.2008, Acoustic Assessment received 20.06.2007, Letter received 16.04.2009, Site Plan SMP/PS/01 received 16.04.2009, Site Survey SMP/PS/02A received 16.04.2009, Site Layout SMP/PS/03C received 16.04.2009, Landscaping SMP/PS/04 tree removal received 16.04.2009, Floor Plan SMP/PS/05A received 16.04.2009, Drawing SMP/PS/06A development grain received 16.04.2009, Floor Plan SMP/PS/10A received 16.04.2009, Elevations SMP/PS/11A received 16.04.2009, Floor Plan SMP/PS/12C received 16.04.2009, Elevations SMP/PS/13B received 16.04.2009, Elevations SMP/PS/14C received 16.04.2009, Floor Plan SMP/PS/15B received 16.04.2009, Elevations SMP/PS/16B received 16.04.2009, Floor Plan SMP/PS/17A received 16.04.2009, Elevations SMP/PS/18B received 16.04.2009, Floor Plans And Elevations SMP/PS/19B received 16.04.2009, Elevations 143/PS1-20D received 06.05.2009, Section 143/PS1-21B received 16.04.2009, Section 143/PS-22E received 30.04.2009, Section 143/PS1-23A received 16.04.2009, email (Paul Hicks) received 10.07.2008, Arboricultural Assessment J 37.12-SCHOOL received 27.03.2007, and Email (Peter Smith) received 10.07.2008.

Reason: In order to ensure that the development is undertaken in accordance with the approved plans.

- 19 **No development shall take place until the replacement primary school at Land opposite The Ferns, as permitted under planning permission TM/05/01328 (dated 23 August 2005) or any planning permission granted as an amendment or alternative to this permission, has been constructed and is in operational use.**

Reason: In order to ensure that an alternative community facility of equivalent or better quality and scale will be provided, in accordance with Tonbridge and Malling Borough Core Strategy Policy CP26 and paragraphs 70 and 72 of the National Planning Policy Framework (2012).

Additional Informative:

- 5 **The applicants, the Local Education Authority, the School Governors and Diocesan Board of Education are reminded of the requirements of condition 15 of planning permission TM/07/01807, in respect of alternative playing field provision whilst the current school remains in use. The parties are encouraged to update their risk assessments before bring any such alternative facility into**

use. With regard to the possibility of use of an alternative facility north of A25 the parties must ensure not only that a controlled pedestrian crossing is provided but that it is installed and configured in accordance with the requirements of the Local Highway Authority after the appropriate Safety Audit. All aspects of safety of use should be considered and the preferred solution would be the contemporaneous occupation of the new school and new playing fields. The operation of the controlled pedestrian crossing should be specifically designed to take account of the need for large groups of teachers/parents children to cross the road.

(B) TM/12/00690/RD: Grange Road Playing Fields

AMENDED RECOMMENDATION:

Informative:

The applicants, the Local Education Authority, the School Governors and Diocesan Board of Education are reminded of the requirements of condition 15. of planning permission TM/07/01807, in respect of alternative playing field provision whilst the current school remains in use. The parties are encouraged to update their risk assessments before bring any such alternative facility into use. With regard to the possibility of use of an alternative facility north of A25 the parties must ensure not only that a controlled pedestrian crossing is provided but that it is installed and configured in accordance with the requirements of the Local Highway Authority after the appropriate Safety Audit. All aspects of safety of use should be considered and the preferred solution would be the contemporaneous occupation of the new school and new playing fields.

**Stansted
Downs**

TM/11/00384/FL

Change of use of land for car parking, vehicular access road, erection of timber outbuilding to provide additional seating and food preparation areas, installation of petanque pitch (Partially Retrospective) at The Vigo Inn Gravesend Road Wrotham Sevenoaks Kent TN15 7JL for Mr Andrew Forrest

DPTL: In my Main Report to Members, I explained that the National Planning Policy Framework [NPPF] was published on 27 March 2012. The NPPF replaced the national planning guidance and policy previously contained in the various Planning Policy Statements and Planning Policy Guidance Notes. The NPPF is a material consideration in the determination of this application, in particular paragraphs 89 (inappropriate development within the Green Belt), paragraph 64 (protection of visual amenity), paragraph 115 (AONB) and paragraph 28 (rural community facilities).

In light of recent changes with the publication of the National Planning Policy Framework the opportunity has been taken to revise the reasons for the proposed conditions to reflect the relevant policy considerations both national and local. .

AMENDED RECOMMENDATION:

Amended Reasons for Conditions:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. **No development with regard to the creation of the proposed car parking area shall take place until details of the detailed layout, surfacing and draining of the vehicle parking area have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the parking area is brought into use and thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.**

Reason: To ensure a layout and finish to the parking area consistent with the character and appearance of the locality and in the interests of highway safety and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

3. **No car parking area hereby approved shall not be brought into use until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.**

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway which would be in conflict with the aims of policy SQ8 of the Managing Development and

the Environment DPD 2010 and Kent Highway Services Interim Guidance Note 3: Residential Development (2008).

- 4. The car parking area hereby approved shall not be brought into use until the access road which provides access to the car parking and turning area has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority.**

Reason: To ensure the safe and free flow of traffic which would be in accordance with the aims of policy SQ8 of the Managing Development and the Environment DPD 2010 and Kent Highway Services Interim Guidance Note 3: Residential Development (2008).

- 5. The car parking area hereby approved shall not be brought into use until details of appropriate signage and their siting to warn motorists of a concealed entrance to the public house car park have been submitted to and approved by the Local Planning Authority. Such details as approved, shall be fully implemented before use of the car park commences and shall not be varied without the prior written approval of the Local Planning Authority.**

Reason: In the interests of highway safety and policy SQ8 of the Managing Development and the Environment DPD 2010 and Kent Highway Services Interim Guidance Note 3: Residential Development (2008).

- 6. On completion of the full works to provide a car parking and turning area hereby approved, the area at the front of the public house shall not be used for the purposes of private or customer car parking at any time.**

Reason: The provision of a safer car parking area and in the interests of highway safety and policy SQ8 of the Managing Development and the Environment DPD 2010 and Kent Highway Services Interim Guidance Note 3: Residential Development (2008).

- 7. Within three months of the date of this permission details shall be submitted to the Local Planning Authority for approval of scheme of landscaping and boundary treatment, to include the provision of additional planting around the public house garden and car parking area hereby approved. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any approved scheme shall be retained thereafter.**

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

- 8. All the existing trees and shrubs on site, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.**

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

- 9. The car parking area hereby approved shall not be brought into use until details of measures to cut back the hedge and any other planting along the north western field boundary, to the north of the public house brick outbuilding have been submitted to and approved by the Local Planning Authority. Such details shall include the method of cutting back the hedge and maintenance and timetable of works to the hedge. Such details as approved shall be fully implemented before the car park is brought into use and retained and shall not be varied without the prior written approval of the Local Planning Authority.**

Reason: To provide improved vehicular visibility splays and in the interests of highway safety and policy SQ8 of the Managing Development and the Environment DPD 2010 and Kent Highway Services Interim Guidance Note 3: Residential Development (2008).

- 10. The retained outbuilding, hereby approved, shall be stained dark brown within three months of the date of this permission with the colour of the stain to be submitted to and approved by the Local Planning Authority. The colour of the stain shall be implemented, as approved and shall not be varied without the prior written approval of the Local Planning Authority.**

Reason: The protection of the visual amenities of the locality and the Metropolitan Green Belt and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

11. The retained outbuilding hereby approved shall be used as a service area for the preparation of food only, in association with the public house and for no other purpose in connection with the public house including the sale of drinks and beverages.

Reason: The outbuilding is submitted as ancillary to the main public house and is to be used for food preparation only.

12. The retained outbuilding and petanque pitch hereby approved shall not be used or operated outside the hours of 1300 to 2330 Mondays to Sunday.

Reason: To protect the aural environment of nearby dwellings in accordance with Policy CP26 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ6 of the Managing Development and Environment DPD 2010.

13. Details of all external lighting, including all existing lighting shall be submitted to the Local Planning Authority for approval within three months of the date of this permission. Any scheme as approved shall be fully implemented within one month of such approval and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: The protection of the rural locality and residential properties from light pollution in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

14. All external lighting, as shall be approved, in the submitted lighting scheme shall be turned off at 23.30 hrs.

Reason: To protect the rural locality and residential amenities from light pollution and in accordance with Policies CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

Alleged Unauthorised Development

Wrotham **11/00349/UNAWKS**
Wrotham

The Gables Nursing Home Gravesend Road Wrotham Sevenoaks Kent TN15 7QD

I have been contacted by an agent representing a client who has agreed to purchase The Gables Nursing Home with the intention of submitting a planning application which would rectify the situation regarding the unauthorised extensions, probably as part of a wider scheme for the site. They are concerned that whilst they would envisage an application

being submitted within the three months specified as the period for compliance with the Notice, a planning permission is unlikely to be granted within this period and the service of the Notice would therefore create a risk to their client taking on the site. They therefore suggest that if the Committee is minded to authorise the issuing of the Enforcement Notice, the actual service of the Notice be held in abeyance to allow the submission and consideration of the planning application to take place, but allow the service of the Notice if required and reduce the risk to their client.

No information has been given as to what the proposed scheme would be for or what the planning application would propose. It is not therefore possible to assess whether the proposal would be appropriate development in the MGB. In addition it is likely that the purchase of the site plus the preparation of an application will take longer to complete than envisaged. Based on the information currently available, the request to hold enforcement action in abeyance could not be supported, particularly bearing in mind the time limitations, with appropriate safety margins, involved. Section 173A (1) of the Town and Country Planning Act 1990 (as amended) does allow for the variation of a Notice even after it has taken effect and in particular for the extension of the period for compliance with the Notice. It is therefore considered that the best way to deal with this case is to proceed as set out in the main report and issue and serve the Notice in the terms set out, but to vary the period for compliance after the service of the Notice if the circumstances at the time indicate that it is appropriate to do so.

RECOMMENDATION UNCHANGED

