

Plaxtol
Borough Green And
Long Mill

562079 155007 8 May 2012

TM/12/01430/FL

Proposal: Change of use from dwelling to 16 bedroom hotel with on-suite facilities, including single storey extension to main building and conversions and extensions to existing out buildings to provide additional accommodation, plus the provision of 4 on site staff bedrooms (resubmission of TM/10/01491/FL)

Location: Hatcham Place The Hurst Plaxtol Kent TN15 8QA

Applicant: Mr Paul Scally

1. Description:

- 1.1 The application is for the change of use of the existing large dwelling and grounds into a 16 bedroom hotel. To enable this change of use, single storey extensions to the main house and an existing detached annex building are proposed. These extensions are to provide additional bedroom accommodation and an enlarged dining area to serve the hotel.
- 1.2 The main building would have 12 double bedrooms and all the other hotel services, swimming pool and spa. The converted detached garage building would have 3 suites and the annex building would have 4 staff accommodation bedrooms. This totals 16 rooms and 4 staff bedrooms. The hotel proposal, if fully occupied, could result in a maximum of 32/34 guests.
- 1.3 The existing swimming pool and associated rooms would be used as a health and beauty spa in association with the hotel and the agent has stated that the spa is designed to accommodate 2 people. The spa would not be open to the general public, only residents of the hotel.
- 1.4 It is proposed to use the existing go-kart track as a running track for occupiers of the hotel.
- 1.5 Various supporting documents have been submitted with the application; additional information provided in support of the application states:

' The proposal is for a boutique hotel designed to offer its small number of guests an intimate relaxed quiet experience with a small spa designed for a maximum of two people. The existing house already has pool facilities with good sized bedrooms that require little change to turn it back into a hotel.

The hotel would normally have a 60% occupancy during the year, which means the number of traffic movements is very minimal especially compared to its existing use as a seven bedroomed house with bungalow.

We do not propose to construct any new function or conference facilities to this existing house and do not see that the highway traffic movements will be an issue due to its proposed size, use and occupancy level.'

- 1.6 A Transport Statement has also been submitted with the application.
- 1.7 Amended plans and clarification on a number of matters have also recently been submitted. These clarify a number of inaccuracies and information on the original plans and also provide details of the kitchen and bin storage area.
- 1.8 The plans also now provide for 24 car parking spaces on site and a turning area, plus an overflow car parking area if required. The access road also has two passing places and complies with the requirements for a fire engine.
- 1.9 In addition, further information has been submitted as a supporting statement in relation to the number of deliveries to the site, the staff accommodation proposed and that events, parties and weddings are proposed.
- 1.10 In relation to events and weddings, the applicant has stated that he would find acceptable a condition that imposed a total of 12 events or weddings per calendar year or, if this was not acceptable, all reference to weddings would be removed from the application.

2. Reason for reporting to Committee:

- 2.1 The level of local opposition to the proposed development.

3. The Site:

- 3.1 The application site is situated in The Hurst, a very rural single track road in the open countryside and also within the Metropolitan Green Belt. The site is fairly isolated, but with a residential property adjoining the southern boundary, otherwise it is surrounded by open fields.
- 3.2 The site is accessed via a gated entrance off The Hurst and along a single track gravel drive through the grounds to the main entrance of the house. There is currently a single storey garage block sited to the north of the main dwelling and parking for a significant number of cars.
- 3.3 The main dwelling is a large two storey property, constructed of red brick with timber detailing. The property has previously been extended and there is also a large single storey addition to the northern side which comprises a swimming pool, associated rooms and a cinema room.
- 3.4 To the south of the main dwelling is a detached single storey red brick annexe building that is clearly used as a separate annex/guest accommodation.

- 3.5 The grounds associated with the dwelling have mature landscaping around most boundaries and across the site. Along the boundary with The Hurst is a stone wall that extends in height at the entrance. There are a number of large oak trees and other species on the site. At present there is also a tennis court, small golf course and go-kart track on the site.
- 3.6 Although the main dwelling and grounds are significant, their impact on the landscape is limited due to the large variation in ground levels across the site and within the locality. The dwelling is sited on a small plateau on the side of a hill and screened from most views by the surrounding trees. In addition the nearby hedge lined highways/roads are all sited at a much lower ground level.

4. Planning History:

TM/88/10410/FUL grant with conditions 14 June 1988

Change of use from dwelling to residential home for the elderly.

TM/89/11755/FUL grant with conditions 25 May 1989

Change of use to Hotel.

TM/90/11233/FUL grant with conditions 27 February 1990

Variation of condition (iii) of permission TM/89/0489 to enable increased number of non-residents to be accommodated

TM/95/00358/FL refuse 9 May 1995

two storey detached dwelling

TM/98/01419/FL Grant With Conditions 17 September 1998

two storey front extension

TM/98/02094/FL Grant With Conditions 27 January 1999

construction of new enclosed swimming pool

TM/04/04277/FL Application Withdrawn 13 April 2005

Provision of new vehicular access and closure of existing access

TM/10/01491/FL

Refuse

5 July 2011

Change of use from dwelling to hotel with 11 double bedrooms, 7 double suites and 1 no. 2 bedroomed suites and a health and beauty spa. Including erection of two storey stable building and single storey garage block to form additional accommodation with associated parking and single storey extension to main building

5. Consultees:

- 5.1 PC: Plaxtol: Objects and wish to re-state the objections given in the earlier application TM/10/01492/FL (which were: *“No objection to the principal of change of use to a hotel but has two major concerns: the number of bedrooms for the hotel and the impact on the surrounding highways. For a hotel of 20 bedrooms plus ancillary staff, the applicant would need to indicate how he will enhance choice of transport and also needs to show that the development will be compatible with the character and capacity of the highway network, in terms of volume and traffic generated by a 20 bedroom hotel rather than a seven bedroom dwelling. The overall trip generation would not be lower than that associated with the former use. Support is given for Platt Parish Council’s comment that when approval for a 6 bedroom hotel with no more than 20 residents was granted due to ‘the local public highway is considered inadequate...’ (TM/89/11755/FUL and was then increased to 60 non-residents (TM/90/11233/FUL), there had been no discernible improvement on the rural lanes around the hotel. This was in 1990 and now 20 years on, the same still applies; that is, the lanes are as they were - small, narrow and very rural. The increase in volume of traffic for the new application will only make matters worse.”*
- 5.1.1 Although the scheme has been amended slightly, the Parish does not feel that the revisions are significant enough to address the earlier objections.
- 5.1.2 Hatcham Place is in an unsustainable location with poor access arrangements due to narrow rural roads which are incapable of dealing with an increased flow of vehicular traffic.
- 5.1.3 The Transport Statement submitted is largely based on misleading assumptions helpful to the applicant and that any increase in vehicular traffic can only be attributed to 16 bedrooms. It makes no mention of existing domestic and agricultural traffic; the latter of course would be intense during summer months coinciding with summer parties and weddings. Service or delivery vehicles are not mentioned nor the lack of Public Transport infrastructure: the bus services highlighted in the application only run on school days. The increase in vehicular traffic will be considerable and unsustainable.

- 5.1.4 During winter months and freezing weather we do not believe that Long Mill Lane or The Hurst are a priority for road gritting which will bring about further problems.
- 5.1.5 Noise and light pollution from parties and functions would result.
- 5.1.6 The application should be refused as the local transport infrastructure is incapable of bearing such an increase in traffic without degrading the local environment.
- 5.1.7 Following Amendments: The additional information and amendments are not sufficient to address its earlier objections. Wish to raise the issue of noise pollution resulting from the proposed use of the site for functions such as weddings and parties, which, given its location, would impact on the wider surrounding area across the river valley.
- 5.2 PC: Platt: Comments as submitted to the previous application remain the same. No objection in principle to the change of use and the Applicant is commended for reducing the capacity of the proposal. Concern about the additional traffic that will be generated to access this site. The traffic report does assume, probably correctly, that "the majority of trips would travel north on The Hurst towards Long Mill Lane which connects to the A25..." Long Mill Lane is already heavily used as a "by-pass" and as you are aware we have, and are still having, problems with parking and speeding.
- 5.2.1 The traffic report bases its emphasis on residential usage with its associated trips - more attention should have been given to non-residential attendance and its traffic usage. One of the main priorities of the owners would be to encourage a vibrant usage during the day by non-residential guests.
- 5.2.2 Little thought appears to have been put into the design itself. There seems no allowance in the bedrooms for wardrobes, lack of public area toilets, lack of storage areas both for food and linen, no laundry facilities etc.
- 5.2.3 There would be noise and light pollution to the surrounding area and the Parish would expect stringent conditions to be applied should this be approved.
- 5.2.4 Following amendments: Parish comments remain the same as previous. When this project was first mooted it was to be a "boutique hotel" with beauty and spa facilities. The beauty and spa bit now appears to be abandoned to allow for staff quarters.
- 5.2.5 Concerns remain about any increase in traffic, both commercial and private cars travelling through the existing narrow lanes. With more applications being approved for residential units throughout Plaxtol, Crouch and Platt, the Parish feels that traffic is rapidly reaching saturation point.
- 5.2.6 Acknowledged increase in parking spaces but there are 16 bedrooms and 12 staff. There will be deliveries and people coming and going using the facilities.

Presumably the applicant will be required to provide one or two disabled car parking spaces which will reduce the number of spaces available to other users/visitors.

- 5.3 KHS: Although this site is in the middle of a remote country lane network, there are no grounds for recommending refusal in traffic generation terms. The NPPF is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The normal traffic generated from the proposed 16 bedroom hotel would not create this situation.
- 5.3.1 Despite the parking accumulation assessment given in 3.3.2 of the consultant's Transport Statement, an allocation of a full 24 spaces (6 more than proposed) would be more appropriate at this location, although it would appear that there is plenty of space for informal parking to occur. With regards to the formal parking spaces allocated, the provision and location of one clearly marked disabled space and two wider spaces needs to be indicated.
- 5.3.2 More service/delivery vehicles will be generated from this proposed change in use than a single domestic dwelling. Attention should be given therefore to the access road width and the possible need for a passing bay or two along the road to safeguard against reversing back out onto the highway. The access gate appears to be set back sufficiently (at least 5.5m) from the highway.
- 5.3.3 It would appear that the access road needs to be widening although the views of the Fire Brigade with respect to this application would be useful.
- 5.3.4 With appropriate adjustment or stipulation in any approval, I would not wish to fundamentally object to this proposal with respect to highway matters and the hotel proposal.
- 5.3.5 No reference is made, however, in the Transport Statement to the scenario of wedding receptions at the hotel. Without particular consideration to building capacity, frequency, opening hours, overflow car parking and traffic generation that this may entail, any current approval should exclude this prospect.
- 5.3.6 Following amendments: I note the addition of passing spaces on the access road, the addition of more formal car parking spaces and the comments regarding further overflow parking possible to the rear of the site. Studying the plans it is envisaged that access to the bin store will be less than straightforward but noted that refuse collection will be undertaken privately.
- 5.3.7 The Planning Design and Access Statement submitted does not envisage that the current condition of no more than 60 non-resident guests/customers at any one time, would be exceeded. I would not wish to raise objection to this application and find the proposals satisfactory.

- 5.4 DHH: Environmental Protection: During the construction/work phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
- 5.4.1 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires are not permitted at the site.
- 5.4.2 Prior to any works commencing on the existing structure that could disturb asbestos containing materials, an asbestos survey should be carried out by a competent person. HSE publication HSG 264 Asbestos: The Survey Guide, provides more information.
- 5.4.3 Food Safety: The size of the kitchen and food storage areas must be adequate to cater for the intended use and any function catering that may take place. There are no detailed plans of the kitchen or the beauty spa to comment on availability and suitability of fixtures and fittings. The plans do not provide details of WC facilities outside of those provided in the bedrooms.
- 5.4.4 Housing – Standards: The staff accommodation may be a House in Multiple Occupation. I note there is no kitchen facilities provided or living space. Please advise if the proposed staff rooms are for staff to live permanently on site. Contact the Private Sector Housing Team on 01732 876395 for further advice.
- 5.4.5 Contaminated Land: With regard to the conversion of the existing detached garage block and the conversion of the existing cinema, garage and store room conversion into bedroom and staff accommodation, I would suggest an informative relating to the incorporation of a vapour impermeable membrane within the floor slab of the development. Any services entering/leaving the structure should be located either above the vapour impermeable membrane or sealed with appropriate top hat and tape to current guidelines.
- 5.4.6 Following amendments: **Waste Management Services**: Standard guidelines and a comment that the Hotel itself will be subject to duty of care trade waste restrictions. The accommodation for the staff we will need to know if they are being paid for as Domestic rate and if they are we will supply bins to each domestic rate property.
- 5.4.7 **Food Safety**: Kitchen and associated food storage area must be large enough to prepare and store food safely in line with proposed number for larger functions e.g. weddings. A food registration form will need to be submitted 28 days before the food operation begins.

5.5 Kent Fire and Rescue: It appears that access to the site for the fire and rescue service, as required by Section 53 of the legislation, is inadequate. In particular I make the following observations:

- Confirm that there is sufficient access for a fire appliance, with road widths no less than 3.7m, pinch points no less than 3.1m i.e. gates and no overhead cables/trees etc. below 4m.
- Confirm that the road can take the weight of a 12.5 tonne fire appliance.
- Confirm that there is sufficient turning facilities for a fire appliance i.e. turning circle or hammerhead.

5.6 Private Repts: (11/17R/0X/0S) Site and Press Notice (HA, DEPART and MD).

5.6.1 Seventeen letters of objections have been raised on the following grounds:

- The extensions are not small and are contrary to Green Belt policy and policies DC1 and DC5 of the MDE DPD.
- This application results in overdevelopment of the site.
- There is no need for an additional hotel in the area and of this size with extensive leisure facilities.
- Existing facilities are struggling and to survive the hotel would need to have events.
- The proposed outbuildings will become dwellings by the backdoor.
- The change of use would destroy adjoining land and harm the nature reserve on adjacent land; Local wildlife will be affected by the proposal.
- The development will affect the peaceful enjoyment and tranquillity of the AONB and be out of keeping with the locality.
- Noise and music from events would have a significant detrimental impact on surrounding residential properties.
- The roads and services are not adequate for a development of this size and cannot sustain any increase in traffic volumes.
- Delivery, commercial and refuse lorries, staff or events have not been considered in the transport statement or calculations. Daily delivery lorries on narrow rural lanes is unacceptable. There will be far more deliveries and staff movements from and to the site than stated in the submitted supporting letter.
- Increase in traffic will affect the safety of walkers, cyclists and horse riders who use these lanes.

- There is not enough car parking spaces proposed to serve the development, let alone any additional events or weddings with guests.
- The spa and leisure facilities will be used by non-residents and the general public.
- The trip generation and distribution examples provided are misleading. The transport report is very selective and is not an accurate representation of the local circumstances and the submitted swept path analysis shows there is not enough space to turn a large vehicle.
- The adjoining roads have dangerous bends and poor sight lines, are narrow and designated quiet lanes; additional traffic will destroy this valuable concept and concerns about road safety and congestion.
- Maximum car parking standards have not been applied on this site and are required. On street parking cannot take place, this would block roads.
- Light pollution from events at the hotel, no details of external lighting have been provided. There is no street lighting in this rural area.
- The hotel has the potential to be turned into a bar, disco or restaurant: Weddings and other events on site are referred to in the application/proposal.
- Water supplies to nearby properties will be affected, as residents have no water when the swimming pool is being filled.
- There are no details of bin storage, recycling and commercial collection of waste.
- How is surface water to be dealt with.
- Renewable energy has been given limited consideration and no solar panels are shown on the elevations.
- The kitchen will need ventilation or extraction facilities.
- The area and context has changed since the previous hotel and there are more residential properties within close proximity.
- Staff accommodation is inadequate and information on it is limited.

6. Determining Issues:

6.1 The relevant planning policies in the consideration of this application are:

Tonbridge and Malling Borough Core Strategy:

CP1 Sustainable Development

CP2 Sustainable Transport

CP3 Metropolitan Green Belt

CP14 Development in the countryside

CP24 Achieving a High Quality Environment

**Tonbridge and Malling Managing Development and the Environment
Development Plan Document:**

CC1: Sustainable Design

SQ1 Landscape and Townscape Protection and Enhancement

SQ5 Water Supply and Quality

SQ8 Road Safety

DC1 Re-use of Rural Buildings

DC5 Tourism and Leisure in Rural Areas

6.2 National Guidance in the National Planning Policy Framework 2012 (NPPF) is also relevant, in particular paragraphs 7, 17, 19, 28, 32, 58, 61, 89, 90, 123 and 125.

6.3 The site is situated within the MGB where new built development is generally inappropriate, unless the inappropriateness and any other harm can be justified by a suitable case of Very Special Circumstances (VSCs). The proposal includes the erection of single storey extensions to provide additional accommodation to the main building and the detached annex. Pitched roofs are also being added to the buildings that currently have flat roofs.

6.4 Paragraph 89 of the NPPF outlines a number of exceptions where new built development in the MGB is not regarded as inappropriate and this includes the extension or alteration of a building of any use provided that it does not result in disproportionate additions over and above the size of the original building. The proposed extensions are limited in their size and fairly minor in relation to the existing building.

- 6.5 Paragraph 90 of the NPPF then goes on to clarify that the re-use of buildings (provided that the buildings are of permanent and substantial construction) is also a form of development that is not inappropriate in the Green Belt, provided it preserves the openness of the Green Belt and the purposes of including land within the MGB.
- 6.6 The proposed extensions and pitched roofs to enable the change of use of the buildings into a hotel are therefore not inappropriate development and comply with paragraphs 89 and 90 of the NPPF and policy CP3 of the TMBCS.
- 6.7 However, the proposed development does not fall within any of the criteria identified in policy CP14 of the TMBCS, which states the type of development that may be acceptable within the countryside. The proposal therefore does not comply with policy CP14 of the TMBCS, although policies DC1 and DC5 of the MDE DPD deal in more detail with the re-use of rural buildings and tourist development in rural areas.
- 6.8 Policy DC1 of the MDE DPD allows for and identifies the criteria to be applied for the re-use of rural buildings and replacement rural buildings respectively. Policy DC1 allows for the re-use of rural buildings for tourist development and states that buildings capable of conversion should be used under this policy. The erection of a single storey extension to an annex building and minor extensions to the main building would, due their limited size, be considered as alterations and are of a form, bulk and design in keeping with the existing building and rural area.
- 6.9 However, the policy also identifies that the proposed use should be acceptable in terms of residential and rural amenity, highway impacts and the use of land surrounding the buildings, and can be accommodated without requiring the erection of extensions or ancillary buildings.
- 6.10 Policy DC5 of the MDE DPD further clarifies the detailed criteria in relation to rural development for tourism and leisure. It identifies that within rural areas, proposals for new tourism and leisure facilities will be permitted subject to the following criteria being met:
- it does not detract from the character of the area;
 - it is appropriately located and existing buildings are re-used where possible in accordance with Policy DC1;
 - it will support the local economy;
 - the amount of any associated new built development is directly related to the proposed use and the minimum required to serve that use;
 - the proposal is adequately served by the highway network and avoids off-site highway improvements;

- there is no hazard to road safety and
- there is no unacceptable adverse impact arising from lighting, traffic generation, activity at unsocial hours or noise.

6.11 These two policies, DC1 and DC5, both relate to a number of criteria in relation to the highway network and access and residential and rural amenities that will be discussed in detail later in the report. However, it is clear that the principles underlying these policy considerations are fulfilled and the proposal is acceptable due to being the re-use of an existing building that is largely capable of conversion, with a limited amount of new build development and it will support the local economy, whilst not detracting from the rural character of the area.

6.12 Paragraph 28 of the NPPF also sets out in detail the need to support a prosperous rural economy and the need to support economic growth in rural areas. This includes the conversion of existing buildings and sustainable rural tourism that will benefit businesses and communities in the rural areas and provide jobs, whilst respecting the character of the countryside. This proposal is fully in line with this guidance.

6.13 Looking specifically at the provision of tourist accommodation in the Borough, I believe that this application for additional hotel accommodation should be welcomed. Latest Cambridge Model results show how important the value of tourism activity is to the area. In 2009 it is estimated that tourism spend was worth approximately £149M, of which £116M directly benefited local businesses from hotels and restaurants to cafes, shops and attractions. This tourism activity supported 2,211 full time equivalent jobs in the Borough. The 2009 Cambridge Model results show that there were 601,000 staying visitors to the Tonbridge and Malling area who spent £34,925,000 during their stay. This was an 8% increase on the last available results delivered in 2006. This new stock will enhance the current provision within the borough, largely bed & breakfast establishments, and provide visitors with an alternative accommodation option.

6.14 In respect of its rural location, the site is accessed off a single lane rural road and a significant distance from local amenities. There are very limited public transport facilities in the area and all access to and from the site would need to be car based. In terms of whether this is a sustainable location for this type of development the NPPF, in paragraph 7, makes it clear that sustainable development encompasses three strands, economic, social and environmental. All of these elements should be considered in the determination of a planning application. On this basis, a new business and tourist development in a rural area would fulfil the economic and social strands of sustainable development by providing jobs and a new business in a rural location, which encourages visitors into the local area that will consequently benefit those communities. In terms of the

environmental role the use of the site for a hotel would not have a detrimental impact on the natural environment, as long as pollution is minimised. In addition, efforts are also being made to adapt to climate change with the introduction of renewable energy.

- 6.15 The NPPF further clarifies the matter of a site's location in respect of highway matters in paragraph 32. It recognises that not all sites, especially those in a rural location, can provide sustainable transport modes and reduce the need for car based journeys. It clearly states that: "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" It is accepted that the traffic generated from a hotel of this size could not be considered as severe in the context of the local area. This paragraph also identifies the need for the Transport Statement that has been submitted with this application.
- 6.16 Consequently, the proposed development complies with paragraphs 7 and 32 of the NPPF and also the core planning principles and the presumption in favour of sustainable economic development outlined in paragraphs 17 and 19 of the NPPF.
- 6.17 Local policies CP1 and CP2 of the TMBCS that relate to sustainable development and sustainable transport preceded the NPPF. Policy CP1 requires a high quality sustainable environment and identifies the need to balance the needs of development. The proposal, on balance, complies with this policy. Policy CP2 identifies the requirements of new development which generate a significant number of road trips. It identifies the type of transport modes, documents and types of enhancements that would be necessary in these circumstances. As the proposal is not considered to generate a significant number of trips, it would not be necessary for the proposal to fully comply with these requirements. The proposed development would therefore be acceptable under policies CP1 and CP2 of the TMBCS.
- 6.18 There is however significant concern raised by the Parish Councils and local representations that the existing rural roads and highway network used to access the site cannot cope with the additional traffic that such a development would generate. A Transport Statement was submitted with the application to allay these concerns and confirms that there will not be a detrimental impact on the adjoining highway network as a result of this development. Road safety issues on these rural roads, as result of their narrow width, have also been raised as an important issue. KHS have reported 2 personal injury accidents and a number of other representations have also reported other road accidents in the immediate area.
- 6.19 The NPPF, as previously discussed, clearly states that a Transport Statement is the appropriate means on which to assess access and highway safety issues. It also identifies that applications should only be refused on these issues if there is a

severe impact. Consequently, this application is acceptable in respect of the highway network and complies with policy SQ8 of the MDE DPD as well as paragraph 32 of the NPPF.

- 6.20 For similar reasons, KHS has raised no objection in principle to the proposed use as a small hotel on traffic generation or highway grounds as a 16 bedroom hotel would not create a severe impact. It would therefore comply with guidance in the NPPF.
- 6.21 The original plans provided insufficient on-site car parking (18 spaces). KCC Highways advised of the need to provide maximum car parking standards and also further car parking for delivery vehicles and daily visitors to the site. This is due to the location of the proposed development and the lack of any other car parking outside the application site. Additionally, the original plans needed to be amended to provide for overflow car parking, a dedicated turning area and passing bays on the access road. The bays are required to ensure vehicles do not reverse onto the highway and ensure the access road is of sufficient width for a fire engine.
- 6.22 Amended plans were therefore submitted to provide 24 on-site car parking spaces and an overflow car parking area, if required. Consequently, there is sufficient car parking on site to serve the proposed development which now complies with policies CP1 and CP24 of the TMBCS and policy SQ8 of the MDE DPD. The plans have also been revised to comply with the necessary width of access for a fire engine, provide passing places and a turning area. KHS has confirmed that these revised plans are acceptable and comply with its requirements in respect of all highway matters.
- 6.23 Concern has also been raised over the vehicular access to the site and whether this is adequate to serve the proposed development without harm to highway safety. The access is quite tight, of limited width, but set back from the road. KHS has raised no specific objection in relation to the increased use of the existing access and it is therefore acceptable and in line with policy SQ8 of the MDE DPD.
- 6.24 In terms of residential and rural amenities, I have concerns that the residential amenities of nearby residential properties and the rural amenities of the countryside have the potential to be affected by the proposed development. There could be potential impacts in respect of noise and light pollution, but especially in relation to proposed events and weddings at the venue. Due to the limited size of the hotel and the desire to hold these in the summer months, there is a strong potential for a large number of people to be using the garden, with associated activities late into the evening. I would also anticipate the use of a marquee for these events. Being sited at the top of a valley also has the potential for this impact to be increased and have a wider impact than would normally be expected.

- 6.25 This potential impact could result in the proposed development failing to comply with policies CP1 and CP24 of the TMBCS, policies SQ1, DC1 and DC5 of the MDE DPD and paragraphs 17, 123 and 125 of the NPPF due to noise and light pollution.
- 6.26 The option of imposing conditions to control the number of guests and the number of events has been considered but this does not have the scope to quantify the level of noise and the potential for light pollution. The applicants has identified that a previous planning application ref: 90/11233/FUL (Alt ref: TM/89/1673), for the original hotel use was allowed with a condition requiring a maximum of 6 bedrooms and no more than 60 non-resident guests.
- 6.27 However, local circumstances have changed since the approval of those two applications and, following some rural building conversions in the vicinity, there is now a greater number of residential properties within the immediate area. There is therefore a greater need to ensure noise and light pollution is kept to a minimum to protect residential amenity and the visual amenities of the countryside. For these reasons it has been requested that the applicants delete the proposal to hold events and weddings at the venue, as it is not possible at this stage to quantify this potential impact, due to the limited information provided on the overall use of the hotel. It is considered that it would be better to establish the hotel and assess its impact before consideration can take place regarding the holding of events and weddings at this property.
- 6.28 The proposed development, for the reasons outlined above, therefore also complies with policies CP1, CP24 of the TMBCS or policy SQ1 of the MDE DPD, in that the proposed works would be in keeping with the rural character of the locality and would respect the character and appearance of the site and its surroundings. With the removal of events to take place on the site, I am of the view that residential amenities will be protected and any impact on the visual and other amenities of a countryside location would be retained. The application would therefore also comply with paragraphs 123 and 125 of the NPPF.
- 6.29 In respect of trees on the site and landscaping, there are no issues with the existing trees and these are to be retained. Conditions have been suggested in respect of the retention of trees and details of any new landscaping.
- 6.30 I have also suggested that conditions are also imposed in relation to sustainable design measures and the need to provide for the provision of renewable energy on the site and details of any kitchen extraction system.
- 6.31 In terms of the proposed on-site staff accommodation I consider there is no objection in principle to this provision. The staff accommodation is not of a form that allows independent occupation and could only be occupied in association with the hotel.

6.32 The application is therefore recommended for approval, on the basis of the above discussion, subject to conditions.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Photographs dated 03.05.2012, Floor Plan 001 rev E dated 08.10.2012, Proposed Plans and Elevations 002 rev C dated 08.10.2012, Existing + Proposed Plans and Elevations 004 rev B dated 08.10.2012, Site Plan 006 rev E dated 08.10.2012, Proposed Floor Plans 009 rev A dated 08.10.2012, Proposed Floor Plans 010 dated 08.10.2012, Roof Plan 011 dated 08.10.2012, Proposed Layout 012 dated 08.10.2012, Details 013 dated 08.10.2012, Letter dated 18.10.2012, Planning Statement dated 18.10.2012, Letter dated 08.05.2012, Location Plan dated 08.05.2012, Location Plan dated 08.05.2012, Site Survey dated 08.05.2012, Design and Access Statement dated 03.05.2012, Transport Statement dated 03.05.2012, Sustainability Report dated 03.05.2012, Existing + Proposed Plans and Elevations 005 dated 03.05.2012, Drainage Layout 007 rev A dated 03.05.2012, Street Scenes 008 dated 03.05.2012, Email dated 09.11.2012, subject to the following:

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 functions, events or weddings shall take place on the premises in association with the hotel use hereby approved.

Reason: To protect the amenities of nearby dwellings and the amenities of the countryside in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 and 125 of the National Planning Policy Framework 2012.

3. The pool/gym/spa facilities shall not be used for non-residents other than employees of the premises.

Reason: To protect the amenities of nearby dwellings and the amenities of the countryside in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 and 125 of the National Planning Policy Framework 2012.

4. All materials used externally shall match those of the existing building.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

5. The use shall be commenced until the service road which provides access to the building has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 35 of the National Planning Policy Framework 2012.

6. The use shall not be commenced until the areas shown on the submitted plan as turning facilities have been provided, surfaced and drained. Thereafter they 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 contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 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 (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: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 35 of the National Planning Policy Framework 2012.

8. The use shall not commence 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.

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 Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policies SQ1 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 58 and 61 of the National Planning Policy Framework 2012.

9. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by 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 Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policies SQ1 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 58 and 61 of the National Planning Policy Framework 2012.

10. The existing trees and shrubs shown on the approved plan, 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 the appearance and character of the site and locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policies SQ1 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 58 and 61 of the National Planning Policy Framework 2012.

11. The use shall not commence until full details of a scheme of mechanical air extraction from the kitchen, including arrangements for the continuing maintenance of this equipment and any noise attenuation measures required in connection with the equipment, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed before use of the kitchen commences and shall thereafter be maintained in strict accordance with the approved details.

Reason: In the interests of the residential amenity of nearby dwellings in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy and paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

12. No fans, louvres, ducts, similar apparatus, air conditioning systems, public address or music systems (audible from outside the building), shall be installed without the prior written approval of the Local Planning Approval. Any details of such equipment that be installed shall be operated so as to prevent the transmission of noise and vibration into any neighbouring premises.

Reason: To protect the amenities of nearby dwellings in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy and paragraphs 17, 57, 58, 61 and 125 of the National Planning Policy Framework 2012.

13. No form of external lighting shall be erected without the prior written approval of the Local Planning Authority. Any external lighting as may be approved shall not be varied without prior approval.

Reason: In the interests of the residential amenity of nearby dwellings and visual amenities of the countryside in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy and paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

14. Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority for approval to demonstrate that the development hereby approved will adopt and incorporate practicable sustainable construction

standards and techniques. The scheme shall take account of the need to minimise: waste generation, water and energy consumption, and the depletion of non-renewable resources. The scheme shall also have regard to the target for at least 10% of the energy consumption requirements to be generated from decentralised and renewable/low carbon sources. The approved scheme shall be implemented prior to the first occupation of the buildings and retained thereafter.

Reason: In the interests of sustainable development and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy CC1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and the NPPF.

Informatives:

- 1 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours; and Saturday 08:00 to 13:00 hours, with no work on Sundays or Public or Bank Holidays.
- 2 With regard to the conversion of the existing detached garage block and the conversion of the existing cinema, garage and store room conversion into bedroom and staff accommodation. Consideration should be given to the incorporation of a vapour impermeable membrane within the floor slab of the development. Any services entering/leaving the structure should be located either above the vapour impermeable membrane or sealed with appropriate top hat and tape to current guidelines. To secure the safe development of the site in terms of human health from the previous use of the property.

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