

**East Malling & Larkfield TM/11/02586/FL
Larkfield South**

**Part single/part double storey extension with new single garage at 22 Willow Road
Larkfield Aylesford Kent ME20 6QZ for Mr Arnold**

PC: Would like to make the following comments following the Members site inspection:

- The proposal would seem to possibly require crossing the currently grassed KCC service strip and if approved the applicants should be informed of any works to this, such as surfacing, will require KCC consent.
- The neighbour raised uses as to drainage and in heavy rain it gathers and some flooding occurs at the lower end of Willow Road. This should be highlighted to the Building Regulation department

Private Reps: One further representation received from the neighbour to the rear providing photographs of flooding following a thunderstorm and heavy rain last week. The photos show flooding adjacent to his patio and on the road outside his property. The neighbour is of the view that the situation could get worse if the development is permitted.

DPTL: The comments above are noted. Whilst they are not matters it is appropriate to control through planning conditions it is considered appropriate to attach Informatives advising the applicant of the points.

For the avoidance of doubt and to clarify a point raised at the site inspection on 11 April 2012 I can confirm that the extension approved in 2007 was 5.4m deep as indicated on the submitted drawings not 6m as sought under this application.

AMMEND RECOMMENDATION

Add the following Informatives:

1. Any extension to the existing vehicular crossing or works within the existing grassed service strip will require the consent of Kent County Council as Highway Authority.
2. All drainage works shall be of an appropriate capacity to cope with the runoff from the site in accordance with the Building Regulations and to avoid water flowing onto the highway.

**East Malling & Larkfield TM/11/03406/FL
Larkfield South****Change of use of ground floor to hot food takeaway and cafe, creation of 4 x 2 bed maisonettes above, to include rear extension, improved vehicular access at 751-757 London Road Larkfield Aylesford Kent ME20 6DE for Mr A Carcabuk**

An additional letter has been received from the applicant's agent supporting the application addressing issues raised in the letters of representation. For information a copy of this letter is attached as an appendix to this report.

DPTLS: There is a typographical error in the last sentence of para. 6.10 in the report. This sentence should read 'For the same reason it is not considered appropriate to seek a developer contribution **for** the NHS towards local medical centres'.

In light of the 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. It is also noted that the recommended planning conditions 10 and 18 are duplications. The revised conditions below delete condition 18 to overcome this.

AMMEND RECOMMENDATION

Revise conditions as follows:

- 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 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 of the existing building or the visual amenity of the locality and to ensure compliance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 3 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity and to ensure compliance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 4 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease immediately, and an investigation/ remediation strategy shall be agreed with the Local Planning Authority and implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer verifying how (a) and (b) above have been dealt with and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of protection of the environment and harm to human health in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 5 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 policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment Development Plan Document 2010.

- 6 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space and 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 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 not be in compliance with policy SQ8 of the Managing Development and the Environment Development Plan Document 2010 and Kent Highway Services Interim Guidance Note 3: Residential Development (2008).

- 7 No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site for cycles to be parked.

Reason: In the interests of highway safety and to ensure compliance with policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

- 8 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 policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment Development Plan Document 2010.

- 9 The ragstone wall along the site frontage shall be retained as indicated on the submitted plan and at no time shall it be removed without the prior consent in writing

of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 10 The applicant shall demonstrate that noise from vehicles accessing the car park provided will not result in internal noise levels greater than 30 LAeqdB in bedrooms and 40 LAeq dB in living rooms with windows closed. Additionally where the internal noise levels will exceed 40 LAeq in bedrooms or 48 LAeq dB in living rooms with windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation and/or other forms of mitigation to ensure that the preceding levels can be met. This assessment shall be for both the new residences to be created and existing residences around the site. The approved scheme shall be implemented prior to the first use of any of the A3/A5 uses to which this permission relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved and to ensure compliance with SQ6 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 11 No development shall take place until details of a scheme of mechanical ventilation to ensure adequate air quality for the occupants of the development has been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and shall be retained at all times thereafter.

Reason: To safeguard the amenity of the occupiers of the dwellings hereby approved and to accord with policy CP24 of the Tonbridge and Malling Local Development Framework Core Strategy 2007 and Section 7 of the National Planning Policy Framework 2012.

- 12 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and in accordance with Section 12 of the National Planning Policy Framework 2012.

- 13 Before any works commence on site, a bat survey shall be carried out. Details of the survey and an assessment of the impact of the proposed development and any appropriate alleviation measures shall be submitted to and approved in writing by the Local Planning Authority before any works on site are commenced. Such measures

shall then be implemented concurrently with the development or in accordance with a programme to be agreed with the Local Planning Authority.

Reason: To ensure that any protected species on the site are satisfactorily protected and to ensure compliance with policy NE3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 14 The development hereby permitted shall not be occupied until the highways improvements as detailed in the transport statement dated 8 December 2011 have been carried out and brought into use.

Reason: In the interest of highway safety and to ensure compliance with policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 15 Prior to the development hereby approved commencing the applicants shall submit a Letter of Agreement regarding the extension of the parking restrictions outside the site as far as the on street parking bays, to the satisfaction of the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of highway safety and to ensure compliance with policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 16 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 cumulative noise level from any extraction system shall not exceed NR35 when measured at the nearest site boundary. 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. No cooking of food shall take place unless the approved extraction system is being operated.

Reason: In the interests of the amenities of nearby properties and in accordance with policy SQ6 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 17 The businesses shall not be carried on outside the hours of 0700-2300 Mondays to Saturdays and 0900-2200 on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance to nearby residential properties and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

Informatives

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to nameandnumbering@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 Adequate precautions shall be taken during the progress of works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.
- 3 During the demolition and construction phase the hours of working (including deliveries) shall be restricted to 0800 -1800 hours Monday to Friday, 0800-1300 on Saturdays with no work on Sundays or Public Holidays.
- 4 You are advised to avoid the disposal of waste by bonfires as this could lead to complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation.
- 5 The customer toilet facilities should meet adopted standards and should be ventilated using either natural or mechanical ventilation.
- 6 You are advised to contact the Local Planning Authority in the event that signage or adverts are required in association with the approved scheme as Advertisement Consent may be required.
Please note that this proposal is required to meet the sound insulation requirements under Approved Document E1. The sound attenuation between flats and the ground floor take away and cafe need to achieve a minimum of 43 Dntw + Ctr dB air bourne sound reduction. This will apply to the walls between the new flats and the floor between the ground floor and first floor only. These properties will require sound testing once work is completed, to demonstrate compliance of the building regulation.
- 7 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 8 You are advised to provide a parking space within the site for the occupants of number 749 London Road.

date of this permission. By the date this permission expires, the use of the PA system shall cease unless otherwise approved by this Authority.

Reason: In the interest of the residential amenity of the occupants of the area and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007

6. A condition to ensure adequate storage and disposal of manure. Final wording to be agreed DPTL/DHH.

Informative.

The applicant is invited to meet with representatives of the Council's Planning and Environmental Health departments and Kent County Highways to discuss methods of mitigating the impact of the facility on the surrounding area.

East Malling & Larkfield TM/11/03558/FL
East Malling

Construction of stables and outdoor sand manege at Land at Well Street East Malling West Malling Kent for Mr John Fuller

PC: Further comments received following the publication of the report making the following points:

- It is understood this application has to be considered in its own right but it remains concerned this is a means to obtain approval for some built development at the site.
- If however, the use is approved can a condition be included to require the removal of the buildings should the Equestrian use cease?
- Lastly, as the report states views from Sitckens Lane are screened by an evergreen tree belt. Can a landscaping condition be included to retain these?

DPTLS: Following receipt of the PC comments above it is considered appropriate to attach further conditions to the recommendation seeking the removal of the buildings if the equestrian use would cease and including a landscaping condition. Given the applicants statement as to the number of horses on site it is also considered appropriate to amend the wording of condition 5 to limit the number of horses to a maximum of 7 (the number identified by the applicant in a letter sent to the Council). The wording of condition 4 also requires amending to add the word storage.

It is also considered appropriate to add an informative advising the applicants to consider installing stock proof fencing to the boundaries to ensure that horses cannot escape.

AMMEND RECOMMENDATION:**Amend conditions 4 and 5 and add the following conditions and informative:**

- 4 No development shall take place until details of the means of storage and disposal of manure, bedding or any other waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the details so approved.

Reason: To prevent nuisance to neighbours by virtue of smell, vermin and flies and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007

- 5 The stables hereby permitted shall be used solely for private stabling of a maximum of seven horses owned by the owner/occupier of the application site and not for commercial stabling or in connection with a riding school/livery.

Reason: Commercial use could harm significantly the amenities of the locality and the free and safe flow of traffic on local highways and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010

- 8 If at any time the equestrian buildings hereby approved cease to be used they shall be removed within one month of the cessation and the land returned to its original condition.

Reason: In the interest of the visual amenity of the area and to accord with the aspirations of paragraph 109 of the National Planning Policy Framework 2012.

- 9 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 policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment Development Plan Document 2010.

Informative

- 2 The applicant is advised to consider the use of stock proof fencing to the site boundaries to ensure that animals cannot break out of the site.

Appendix – Letter received from Applicants Agent in respect of TM/11/03406/FL



NTR Planning Ltd
Property • Planning • Consulting

Additional Information

Clareville House
26-27 Oxendon Street
London SW1Y 4EL

T: (020) 7734 3920
F: (020) 7494 4563

www.ntrplanning.co.uk

TM 11 / 3 4 0 6 FL .

Our ref: 3089/TMBC4/SMG/GW
14th March 2012

Ms Hilary Johnson
Senior Planning Officer
Tonbridge & Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ

Dear Ms Johnson

Re: Application Ref: TM/11/03406 751 – 757 London Road, Larkfield

With reference to the above application, I note from your Council's website that you have received a number of consultation responses, both in support and objecting to the proposal. In response to the objections, I would comment as follows.

1. Principle of Use

The application site comprises an existing, formerly wholly commercial property, located within the district centre of Larkfield, where Policy R1 of the Tonbridge and Malling Development Land Allocations Development Plan Document supports appropriate ground floor uses which serve the needs of the local community and residential use of the upper floors. The location is therefore suitable in principle for Class A3/A5 uses, and the establishing of such uses would also accord with PPS4 which supports a diverse range of uses within centres which appeal to a wide range of age and social groups. To date, no alternative retail or office uses have come forward, despite extensive marketing, and the premises have remained vacant, detracting from the vitality and viability of the centre. The proposed mixed use presents a viable alternative to a 'non existent' Class A1 use, and is founded on an established business model and secured investment. Objections on grounds of the principle of acceptability of the use in this location are therefore unfounded.

2. Competition

The issue of potential competition which is raised by some objectors is also unfounded as a ground to refuse the application, and indeed would be contrary to PPS4 which promotes competition between retailers and enhanced consumer choice (para.10).

Bristol Office: WestPoint, 78 Queens Road, Clifton, Bristol, Avon BS8 1QU T: (0117) 985 8977 F: (0117) 985 8978

NTR Planning Ltd Registered Office: White Hart House, High Street, Limpsfield, Surrey RH8 0DT Registered in England and Wales No: 07101030



3. Effect on the visual environment

The building, which comprises an established Victorian terrace, has been vacant for a number of years and has become extremely dilapidated. Indeed, as pointed out by the Parish Council, the properties are specifically identified in the Medway Gap Character Area SPD, adopted in February 2012, as 'in a poor state of repair and currently detract from the character of the area' which form a negative feature worthy of enhancement. It is therefore in the interests of the community that the building is restored to beneficial use in early course. The current scheme provides the ability to re-use the existing building through conversion – again this is supported by PPS4 and the Development Plan, as well as being a “core planning principle” of the draft National Planning Policy Framework, July 2011, providing sustainable development through the re-use of existing resources.

4. Potential effects of traffic generation and parking

There are a number of objections on grounds of impact of traffic generation and parking. It is appreciated that the property fronts onto London Road, and for this reason, alternative provision for 24 off-street parking spaces has been made for customer and residents/staff parking, to the rear of the existing premises. The proposed access to the parking area reflects that previously approved in respect of the previous application for shops and 13 residential dwellings at the site (TM/08/03667/FL). Indeed, in response to that application, the Planning Officer reported:

“Given the fact that the development is within the district centre of Larkfield it is considered that although there is no specific parking provided for the retail units these are existing and currently provide no parking. There is adequate parking available in Martin Square to serve the area and so this point could not be considered a justifiable reason for refusal.”

A Traffic Statement has been provided and Kent Highways Services have responded in support of the application proposals, subject to conditions.

The district centre location of the proposal accords with the requirements of PPS4 in respect of accessibility to a range of alternative transport choices and in this respect the location is sustainable.

With regard to the proposed removal of two on-street parking bays, the applicant has offered to allow the residents affected to use the rear parking spaces and we trust this will be relayed to the relevant objector.

5. Operational Environmental Issues

A number of objectors raise issues relating to noise and disturbance, odour from cooking and issues related to rubbish disposal. These are issues which have been addressed in detail in the submitted details accompanying the application and can be controlled by planning conditions, or are addressed by alternative Health and Food Safety Regulations, with which the applicant must comply. As previously stated, the proposal is founded on an

TM 11 / 3406^{FL}

established business model and the applicant has successfully operated cafes and takeaways elsewhere in Maidstone and the Medway towns without detriment to local amenities. The flats will be occupied by the applicant and his family, with children, and any incidents of noise or disturbance will therefore be strictly controlled.

The applicant does not seek to serve the late night/early morning post-public house trade, and the proposed hours of opening can be controlled by planning condition.

In conclusion, it is considered that the benefits of the proposed re-use of the existing dilapidated buildings through the implementation of a viable commercial enterprise, which will enhance the visual environment of the area, add to the vitality and viability of the district centre and create employment, will outweigh the concerns expressed, particularly as any potential adverse effects can be addressed by conditions.

The development accords with PPS4 and the Development Plan, in providing for sustainable economic growth within the district centre. One of the "core planning principles" of the draft National Planning Policy Framework is to take into account market requirements and meet the needs of the business community. In respect of objections, paragraph 74 of the draft National Planning Policy Framework states:

"In considering applications for planning permission, local planning authorities should apply the presumption in favour of sustainable development and seek to find solutions to overcome any substantial planning objections where practical and consistent with the Framework."

We therefore trust that the application will be supported by your Council in order that this viable scheme for sustainable development can proceed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shelagh M Gray'.

Shelagh M Gray MRTPI
Director
NTR Planning
shelagh.gray@ntrplanning.co.uk