

Aylesford **TM/12/00821/FL**
Blue Bell Hill And
Walderslade

Erection of a building in the rear garden for the purpose of carrying out a dog grooming business at 34 Hurst Hill Walderslade Chatham Kent ME5 9BU for Mrs Valerie Tucker

The applicant: Has advised that paragraph 6.9 of the report should read that it is her intention to groom a maximum of 3 clients' dogs in any single day and that she will not have more than one dog, unless under the same ownership, at the property at any one time.

AMENDED RECOMMENDATION:

Amend condition 5 to read:

5. Dogs from a maximum of three clients shall be groomed at the premises within any single day.

Reason: To avoid unnecessary disturbance to nearby residential properties, in accordance with Policy CP24 of the Tonbridge and Malling Core Strategy.

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

Private Reps: One resident has requested that the text of the address to Members at the previous Committee meeting is printed in full. This is therefore reproduced below:

"If we were to go back a couple of years and were considering an application for stables and a horse exercise/training area, I think that we would be looking at this in a totally different light. The erection of stables on an area planted as a commercial orchard would, without a shadow of doubt, be regarded as changing its appearance in a manner detrimental to the area; an area, incidentally, formerly regarded as Green Wedge separating the settlements of East and West Malling. Yet what we have here is a situation where the removal of fruit trees and the change of use to grazing is regarded as continued

agricultural use that does not require planning consents. Prior to this an unauthorised dwelling was installed on the site (I recognise that this is not the subject of debate this evening but it is, nevertheless, relevant) and now application is made for the stables etc. Indeed, now that the general appearance of the site has been changed (both lawfully and otherwise) it is difficult to argue that the erection of stables etc would be detrimental to the sites appearance.

Moving on to the document approving this development it is clear that some of the conditions are required to be fulfilled PRIOR to commencement of any works and yet we already have an access road and a whole area that looks remarkably like the basis for the sand ménage cleared with a JCB so any hope of wildlife surveys are futile. However, one just has to look at the authorised development at Springhill Stables, immediately adjacent to this site to see what we might potentially get if unrestricted authority is given to this application.

If approved we will then have a stable block that will make it so much easier to justify the retention of the dwelling, so what we have here is a deliberate manipulation of the planning process plus of course that old chestnut we have valuable property and livestock so we need to have the facility to look after them ie: a caravan! The reality is that it is rare to have a sand school completely detached from living accommodation and this is likely to be one more step towards residential use.

On the site in question we already have some chattels installed WITHOUT the planning consent of the stables (various shelters, dog kennels etc) which, I presume, immediately become lawful once stables are established.

If this is to approved tonight then let us please ensure that substantial conditions are applied AND policed.”

Further comments have been received as follows:

- An area of approximately the size and location of the proposed sand school has been cleared by a mechanical digger (JCB?).
- The access road, originally created for application 11/02655/FL , that has not yet been determined and as such should not be there, will now be used for 11/03558 and I suspect any residual works, should the Planning Committee accept your department's recommendations to refuse 11/02655, will also form part of the stables and manege in 11/03558.
- Therefore, work has already started and, as commented on at the last planning committee meeting, any form of habitat survey would be futile as the damage has already been done. Also, I still contend that as this is the case, and that horses are already being kept, then this should have been a retrospective application.

A further letter from another original objector has been received, which may be summarised as follows:

The land has already undergone a change of use from orchard to grazing and livery. There are no details of a drainage survey which are needed before the construction of a septic tank – so as an adjoining neighbour how will the waste be disposed of? If allowed this will open up the opportunity for neighbouring plots to be developed in the same way – the neighbourhood will be destroyed by indiscriminate development.

DPTL: In response to the points raised above I would comment that there will be a point at which "grazing land" may move from agricultural status to equestrian use and it is fair to say that this 'point' has not been clearly defined in legislation nor subsequently through the Courts. Given the nature of the application before the Council, (i.e. the erection of stables and the manege) there is no doubt that what is being sought is development that clearly changes the nature of the land use away from agriculture. What I believe was said during the advice given to this Planning Committee previously is that it is quite common for equestrian uses, which by their very nature occur predominantly in rural areas, to include at the outset or at a later date proposals for stables. Incidentally, the erection of a stable requires planning permission in its own right *unless* it is to house agricultural working horses or is a moveable structure (which could also be properly described as a "chattel").

In this particular case there is no doubt that the application requires assessment as to the impact of the stables and sand school which has the effect of changing the use of the land and I believe that this point was made in advice to Members at the previous Committee meeting. Whether the grant of rights for wider equestrian use, in the countryside, increases the value of that land would not be a material consideration.

As I understand it the works had not started at the time of submission, nor were they noticeable to my staff on the day before the previous Planning Committee meeting. The site has been inspected again today and there is no evidence that would indicate that the development that is the subject of this application has been commenced. It has been suggested that the intended site of the manege has or had been cleared of vegetation. It is far from clear that any such works would have amounted to a "material start" pursuant to Section 56 of the Planning Act. Nevertheless, today's inspection revealed that this area is now overgrown.

With regard to the alterations that have taken place to the access onto Well Street, these works are not explicitly included in this application and it is true that the application describes the access as "existing". This point is discussed in detail in paragraphs 7.6 and 7.7 of my main report. Members will note that the Enforcement Notice recommended elsewhere on this agenda in relation to application TM/11/02655/FL does not go so far as to require the reinstatement of the access to its former condition. Given the conclusions reached in paragraph 7.7 of my main report on this application (TM/11/03558/FL), I believe that is the correct approach. In these circumstances, although no explicit planning permission will have been granted for the access alterations, they will become lawful under the provisions of the Planning Acts.

AMENDED RECOMMENDATION:

Amend condition 4 to read:

4. The stables and sand school hereby approved shall not be brought into use until details of the means of storage and disposal of manure, bedding or any other waste associated with the stable and sand school have been submitted to and approved by the Local Planning Authority.

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, policy DC4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document and paragraphs 109 and 120 of the National Planning Policy Framework (2012).

Amend condition 5 to read:

5. The stables hereby permitted shall be used solely for private stabling of a maximum of seven horses 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, policies SQ8 and DC4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph of the National Planning Policy Framework (2012).

**Snodland TM/12/00730/FL
Snodland West**

Change of use to A3 and erection of Extract Riser at 66 Malling Road Snodland Kent ME6 5NB for Mrs M Yuzey

Snodland Town Council: Response to amended details. No Objection providing there is close monitoring of the opening and closing times, and the extract riser.

Private Reps: Nine further representations have been received. (Summarised)

Objection - The extract riser does not fit into the aesthetic of the surrounding area and can it be guaranteed to reduce all smells and create no noise? Also concern is raised relating to children congregating, obstruction on the pavement and alcohol being served.

Objection - The details (received 16.05.12) refer to the closest sensitive receptor being between 20m and 100m from discharge. The nearest point is however a

bedroom window 8m distance. This would change the proximity score from 5 – 10 low to medium risk to a high risk level of odour control. The extract riser would be an eyesore and concern remains about odour. Snodland has two other cafes in close proximity with a snack bar and other coffee shops and many fast food establishments.

Support – I have no objections towards the operation of a café in the area as I believe this could be good for local business.

Support – We are pleased to see previous empty shop being used and have suffered no noise, smell, disruption or parking problems.

Support – The café is welcome. It is clean, fresh and friendly and located in the heart of the town. It is a disappointment that the café can only serve sandwiches at the moment. The residents of Bramley Road have not been approached by the Council or other residents but it is hoped that the café can stay trading.

Support – I would fully support this change of use as Snodland needs new business and a coffee shop can only be a benefit.

Support – A significant improvement on an empty unit, located among a mixed environment of retail and domestic premises on a main thoroughfare which has significant noise levels. More concerned speeding vans with noisy exhausts.

Support – I live next door and I can see no problem with what they are trying to do and have no objection to the extractor allowing them to prepare hot meals. The business complements the shops surrounding it and adds to the village.

Support – The café is a welcome asset to the community. It provides a place to socialise other than a pub. There has never been a disturbance from the café and cannot see any future problems.

DHH: I note that the applicant has submitted further details of the extract riser, including an appraisal of the system with reference to Annex C of DEFRA's 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. This indicates that a Low to Medium level of Odour Control will be required. However, further comments from members of the public indicate that the nearest sensitive receptor is some 8m away and not in excess of 20m as has been cited. This being the case, a High level of Odour Control will be required. The proposed Activated Carbon Filter will provide a High level of Odour Control.

DPTL: Additional information (letter dated 25.05.12) has been received from the Applicant's Agent providing details of the intended service and maintenance regime for the proposed extract system.

DHH: Having just seen the recently submitted details about the cleaning and maintenance proposed by the applicant, I am content that this deals with my concern. I am thus happy for this matter to be discharged, although I would ask for a Condition requiring the submitted schedule to be implemented and the equipment to be in use at all times when hot food is being prepared.

DPTL: The discrepancy in the closest sensitive receptor is noted however DHH remains of the opinion that the proposed extraction system is adequate in this respect. The submission of additional details regarding the intended service and maintenance regime of the proposed extraction system has overcome any previous DHH concerns. In the light of this, it is appropriate to amend the detailed wording of condition 2.

AMENDED RECOMMENDATION:

Amend condition 2 to read:

- 2. The approved scheme of mechanical ventilation for the removal and treatment of cooking odours shall be fully installed before use of the kitchen commences and shall thereafter be maintained in strict accordance with the approved details. No hot food shall be cooked at the premises unless the mechanical ventilation system is in operation.**

Reason: In the interests of the residential amenity of nearby dwellings in accordance with Policy CP24 of the Tonbridge and Malling Core Strategy 2007, policy SQ1 of the Managing Development and the Environment Development Plan Document and paragraphs 120 and 123 of the National Planning Policy Framework 2012.

**Aylesford
Aylesford**

TM/11/02654/FL

Retention of the use of land as a residential caravan site for one Gypsy family including the retention of hardstanding and erection of utility building at Old Orchard Rochester Road Aylesford Kent ME20 7ED for Mr Steven Dunn

Private Reps: A further letter from an original objector has been received, which may be summarised as follows:.

The application relates to unauthorised structures that have been built illegally and this is an attempt to change not retain the use of the land. No temporary permission has ever been granted. It seems unnecessary to provide more gypsy provision with the expansion of Cold Harbour. The PC is strongly opposed and the site is unsuitable according to the NPPF and KCC policies. The application is vague referring to one gypsy family.

Additional information: Letter received from Agent 31.05.12.

"I refer to your letter to my client dated 8 May 2012.

Firstly, I would draw your attention to Policy C of Planning policy for traveller site (PPTS) which clearly does not presume against the development of gypsy sites in the countryside. It may have escaped your attention, but Coldharbour is in the countryside, as is every other Gypsy site in this and adjoining districts.

Policy H, likewise, does not presume against sites outside of existing settlements, but seeks to strictly limit, for reasons relating to sustainability, the use of locations "away from" existing settlements. A graduated approach is being advocated by which, the larger the site, the closer it should be to an existing settlement. Furthermore, the size of the site should be in proportion to the size of the closest settlement to which it relates. In this case, the development of one pitch within a reasonable distance of Aylesford accords with both Development Plan and national planning policies.

Secondly please note that one of the main aims of PPTS is to encourage and facilitate private site provision, whilst recognising the role that public sites have to play in meeting the accommodation needs of Gypsies who cannot provide sites for themselves.

I am dismayed to think that professional Planners believe that all Gypsies and Travellers wishing to live in Tonbridge and Malling must either live on Coldharbour, or move out of the District (the implication of your letter). It leads me to question the motives for extending Coldharbour: was it a genuine attempt to provide much needed public provision; or just a cynical attempt to force Gypsies and travellers off temporary and unauthorised sites in the District, and to export your accommodation problem to adjoining districts. The vast majority of Gypsies and Travellers do not want to live on public sites and, of all the ethnic groups represented in Tonbridge and Malling, only Gypsies and Travellers are to be forced into a ghetto of the Council's making, and denied any alternative.

I do hope you will reflect on the implications of your letter, and the attitudes it conveyed. "

MY RECOMMENDATION REMAINS UNCHANGED.

**East Malling & Larkfield TM/11/02655/FL
East Malling**

Change of use of land for stationing of two caravans for residential occupation with associated development (utility shed, hardstanding, amended access, access track and septic tank) at Land At Well Street East Malling West Malling Kent for Mr Johny Fuller

DPTL: The "Requirements" of the Enforcement Notice under paragraph 8.2 of the report have been incorrectly reproduced. I apologise for this error. The correct wording is set out below.

AMENDED RECOMMENDATION:

The wording of the enforcement notice should be amended to:

Requirements: To cease the use of the site as a residential caravan site by removing the mobile home, utility building, dog pens and hard standing.

**Snodland/ Birling TM/12/00983/MIN
Snodland West/Downs**

Aggregate recycling facility and a concrete batching plant together with amendments to the currently approved quarry restoration plans (KCC Ref: KCC/TM/0075/2012) at Ham Hill Quarry Land East Of Sandy Lane Snodland Kent for Tarmac Ltd

The following comments have been received from the Applicant in response to the publication of the report:

I note your recommendation is that TMBC, in its role of consultee, objects to the application because 'it does not appear that the noise issues have been fully or correctly addressed'. I have advised that KCC's noise consultant is on site today [29 May] and any comments will be appropriately considered by my client and its retained noise consultant. I doubt that there will be an opportunity to adequately address your concerns prior to the committee date of 31 May 2012.

In terms of your non-noise related remarks I comment as follows, using your numbering:

1.2 The times stated are incorrect; the Supporting Statement, paragraphs 7.11 & 7.19 give hours of operation for material processing and sale as 0700 – 1800 Mondays to Fridays, 0700 – 1300 Saturdays, with no operations other than essential maintenance on Sundays or Public Holidays.

- 5.3 2nd bullet – ‘No indication appears to be given as to where the received planings will be unloaded and/or stored’. However, your paragraph 6.2 states, ‘The material would be stored on the existing quarry floor until processed’.
- 5.3 5th bullet – ‘Tarmac have said that they do not believe that a noise attenuation barrier is possible on the Eastern boundary of their site (adjacent to Mary Last Close).’ Could I ask you to re-read the relevant application documents? I attach the Supporting Statement, The Noise Report & drawing H10/154 in order that this might simplify your search of the text.
- 6.2 ‘The recycling and batching plant would only be brought on site when required, normally for a fortnight in every month (approximately) when there is adequate material stockpiled, and removed when the processing is finished’. No, this only applies to the recycling plant, as explained in paragraphs 7.9 & 7.12 of the Supporting Statement.
- 6.5 ‘The issue of dust also does not appear to have been fully addressed. Being in a quarry dust can swirl around and affect neighbouring properties, however no dust management plan has been submitted indicating how this would be dealt with.’ No, please note Appendix 10 of the planning application.

DPTL: I have noted these comments, but they do not alter the thrust of my recommendation regarding noise impact.

I have also been advised by KCC that their Planning applications Committee is to hold a site visit at 4pm on Thursday 28 June and, following that, a public meeting at 6pm on the same day. Representatives from the Borough Council have been invited to attend, although numbers attending the site visit will be limited for Health and Safety reasons.

MY RECOMMENDATION REMAINS UNCHANGED
