

## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

#### Report of the Director of Planning, Housing & Environmental Health

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

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#### GLOSSARY of Abbreviations and Application types

#### used in reports to Area Planning Committees as at 23 September 2015

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

**Borough Green                      TM/16/01859/FL**  
**Borough Green And Long Mill**

**Demolition of 6 industrial buildings and construction of a replacement industrial unit and a flexible change of use within Use Classes B1, B2 and B8 as well as use by Robert Body Haulage for parking and maintenance of vehicles and office use as an administrative base at Development Site Long Pond Works Wrotham Road Borough Green for Robert Body Haulage**

DPHEH:

I understand that the agent on behalf of the applicant has written to all Members of the Area Planning Committee concerning the Officer report, in particular with regards to the judgement made that the proposals amount to inappropriate development within the Green Belt. I do not intend to reproduce in full the contents of the letter but would reiterate that Officer view remains that the proposal amounts to inappropriate development within the Green Belt meaning that very special circumstances must be demonstrated that outweigh the harm to the Green Belt in order for planning permission to be granted.

The letter goes on to make comments on the conditions suggested to be imposed in the event that the Planning Committee judges such very special circumstances to exist. Specifically in respect of condition 3 as suggested, the letter advises that the application is in part for Robert Body Haulage to park lorries and suggests the condition would need to be redrafted to allow for this to take place.

The letter also states that the proposed office would ideally need to be open at 06.30 as people arrive on site to start work at 07.00 and relevant paperwork for drivers needs to be put in place. It explains that Robert Body and other occupiers also work on Saturdays 07.00 – 13.00, and that this already takes place at the site.

If Members are minded to grant planning permission contrary to the recommendation in the main report, I am of the opinion that the suggested changes to conditions 3 and 9 could be amended accordingly to take into account the agent's detailed comments.

**RECOMMENDATION REMAINS UNCHANGED**

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**Addington                      (A) TM/16/02318/FL**  
**Downs And Mereworth        (B) TM/16/02947/RD**

**(A) Section 73 application to vary condition 6 (Opening hours) of Planning Permission TM/10/00938/FL (Retrospective application for the change of use of the former Venture Café building, associated land and residential land for the display and sale of motor vehicles. Demolition of the existing bungalow, garage**

**and office building (formerly Valrosa). Erection of a two storey extension to the former Venture Café building for office use in connection with the display and sale of motor vehicles. Provision of car parking and vehicle display areas)**

**(B) Details submitted in pursuant to condition 7 (Lighting) of Planning Permission TM/10/00938/FL (Retrospective application for the change of use of the former Venture Café building, associated land and residential land for the display and sale of motor vehicles. Demolition of the existing bungalow, garage and office building (formerly Valrosa). Erection of a two storey extension to the former Venture Café building for office use in connection with the display and sale of motor vehicles. Provision of car parking and vehicle display areas) at Big Motoring World London Road Addington for Big Motoring World**

Applicant: Additional Information: An amended layout plan correctly reflecting the car parking arrangements in situ including the position of the lighting has been submitted along with a revision to the External Light Report to reflect the correct layout. The position of the lighting column within the car park between the northwest corner of the office building and the site frontage has also been accurately shown in these latest plans.

Private Reps: An additional representation has been submitted in support of the application. The following comments were submitted by the neighbour directly to the south of the site (Mount Offham) on the opposite side of the railway line:

*"I contacted Big Motoring World last year concerning the lights that were shining into my property and would like to offer support to the application because Big Motoring World promptly reacted to my complaint and reduced the level of lighting and increased the shades to reduce the spread across the railway line."*

DPHEH:

The amended information has been submitted to accurately reflect the situation as it currently exists on site in terms of the car parking area. As such, the additional information received does not materially affect the assessment of the scheme as set out in the main report. It will be necessary to update the plans/document list at paragraph 7.1 of the report to reflect this information.

For the avoidance of any doubt, the following information summarises the changes to the lighting scheme from that as originally installed some time ago:

The submitted lighting report advises that the lighting consultant (CSA) were employed by the applicant in December 2015 to design a scheme with luminaires with 'zero upward light ratio' to reduce obtrusive light illuminance beyond the site boundaries. Luminaires suggested were installed and a close-boarded fence erected along the frontage. A lighting control system was also installed.

The additional changes to the lighting proposed to further reduce obtrusive light include the installation of baffles on the back of the light lanterns on the perimeter of the site, realignment of the lanterns along the A20 to be perpendicular to the frontage instead of at 45°,

replacement of several lights within the rear section of the site with improved lanterns and the luminaire outputs being dimmed to achieve the luminance levels shown on the lighting plan.

It has therefore been concluded that the improvements to the lighting on the site overall result in an acceptable form of development in this location that would not be harmful to visual or residential amenity and would not adversely affect highway safety.

Members are also reminded that the granting of planning permission for the applications would provide the Council with greater control and enforceability in respect to the lighting and use of site overall.

The additional representation received in support of the applications is from an immediate neighbour and indicates the applicant has taken positive action to minimise visual impact on adjacent neighbouring properties which is welcomed.

Officers have taken the opportunity to review the recommended conditions since publication of the main report. On reflection, Condition 5 should be amended to ensure that the site is completely vacated by 9.30pm Mondays to Fridays. Condition 6 should be amended to require that any modifications to the lighting on site that have not yet been fully implemented (as described above) be implemented and operational within one month of the date of any approval granted, and retained at all times thereafter.

#### **AMENDED RECOMMENDATION**

**Substitute the plan/document list for TM/16/02947/RD at paragraph 7.2 with the following one:**

**Site Layout 1101/LG/101 Car Park Lighting received 13.02.2017, Lighting PM1437/15 REV B Report received 17.02.2017, Details LIGHTING DISTRIBUTION received 29.09.2016, Details LIGHTS received 29.09.2016, Other PICTURE LIGHTING received 29.09.2016, Letter JAC/SG/11758 received 29.09.2016, Drawing DHA/11758/SK01 Lighting Strategy received 29.09.2016, Email received 04.01.2016, subject to the conditions set out in the main report and**

**Amend Conditions 5 and 6:**

**5. The business shall not be carried on outside the hours of 08.00 to 21:30 Mondays to Fridays and 08:00 to 18.00 on Saturdays, Sundays and Bank and Public Holidays, and the site shall be vacated by all persons by 21:30 Mondays to Fridays, unless otherwise approved by the Local Planning Authority.**

**Reason: In the interests of the amenity of the area.**

**6. Within one month of the date of this decision, the external lighting scheme including any and all modifications shall be installed and made operational in strict accordance with the Lighting Report (ref.PM1437/15 Rev B) and Lighting Strategy (Drawing No. DHA/11758/SK01) approved under planning reference TM/16/02947/RD and retained at all times thereafter unless otherwise approved by the Local Planning Authority.**

**Reason: To minimise harm to the visual amenity of the locality.**

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**West Malling                      TM/16/02592/FL  
West Malling And Leybourne**

**Change of use of ground floor residential unit to Class A4 (Drinking Establishment) with associated external alterations to the building and installation of an Air Conditioning unit and condenser at 52 High Street West Malling for Mr D Catterall**

Applicant: Since the agenda was published, the applicant has indicated an intention for a designated smoking area within the northeast corner of the beer garden/courtyard and has devised an interim smoking management policy.

DPHEH: This matter is dealt with via different legislation and is not a consideration material to the determination of the planning application. However, the applicant could be advised by way of an informative to take all reasonable steps to ensure his patrons behave in an appropriate way given the relative close proximity to residential properties.

**AMENDED RECOMMENDATION**

**Additional Informative:**

**4. The applicant is strongly encouraged to take all reasonable steps to ensure patrons behave in an appropriate manner particularly when leaving the premises to ensure the residential neighbours do not experience any undue disturbance.**

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**Wrotham                              TM/16/03038/FL  
Wrotham, Ightham And Stansted**

**Conversion of garage, loft conversion, installation of 4 No. dormer windows and installation of patio doors to west elevation of former annex to Park View House at Rose Cottage Bull Lane Wrotham for Mr J Garlinge**

No supplementary matters to report.

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**Alleged Unauthorised Development  
Addington                              16/00350/WORKM  
Downs And Mereworth**

**The Birches Sandy Lane Addington West Malling Kent ME19 5BX**

No supplementary matters to report.

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