

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 10 APRIL 2019

West Malling **TM/18/02642/FL**
West Malling And Leybourne

Use of land to provide station car parking and new access at Land West of Station Road North West Malling

EM&L PC:

The PC notes the access to this site has now been revised so as to be off Station road North instead of directly to Lucks Hill. This would remove the need to remove trees along the boundary with Lucks Hill to make an access together with its sight lines. It is considered that this would be an improvement as it would help retain the tree lined approach to West Malling from this Parish which is felt is an important feature of the entrance to the town.

It is also considered that this change is an improvement in highway terms and we note that KCC Highways are making no objections on highway grounds.

The arboricultural report of 09 March is also noted and if planning permission is granted we consider that there should be a landscaping and boundary condition with particular reference to the need to improve and strengthen the tree screen along the Lucks Hill and Station Road North boundaries of this site. It should also define what are within the application site and those outside which may be on highway land.

There should be a condition that any new signage should require specific consent so the impact can be considered on the appearance of the area and the setting of West Malling as well as the separation of the town from East Malling.

Similarly any lighting should require specific consent for the same reason.

West Malling PC:

West Malling Parish Council considered this application on the 28th November 2018 and objected on 4 main grounds. Although the applicant has made a change to the access our objections stand and we are disappointed that the planners' report recommends granting permission.

Development would harm the rural approach to and setting of West Malling, in contravention of Tonbridge & Malling Core Strategy policy CP14. As the original report states, in terms: "the site lies outside the rural settlement of West Malling and within the countryside."

It represents further urbanisation of the area following the extensive development of the station car park and the development of two privately operated car parks.

This land is designated as Green Belt in the new Local Plan now submitted for Examination. West Malling Parish Council has undertaken a survey of local views which shows overwhelming support for the extension of the Green Belt.

To give permission would undermine the local planning process and public faith in consultation.

Although the proposed access has moved, the positioning close to Lucks Hill will, we believe, cause considerable congestion and conflict particularly at peak times.

No details of the proposed lighting have been provided but this is likely to add to local light pollution and could well be active all day, every day. Taken together with the associated infrastructure (cabin, payment machines, fences, signage etc) this will simply add to the urban, rather than rural, feel.

5) We note that the applicant has still not offered any parental drop-off facilities which could help to ease the situation on Lucks Hill

DPHEH:

Paragraph 4.1 – cited documents should read as follows: 2018/4465/004revB, Transport Statement Addendum and plan submitted 08 March 2019, revised Arboricultural report submitted 11 March 2019.

Conditions 5 and 6 address matters of external lighting, landscaping and boundary treatment. Since publication of the main report, Officers have further considered the requirements of condition 5 and suggest that a further condition be imposed to require a scheme of the management and operation of the lighting system to ensure this is only in use when necessary and that is time linked to the first and last trains of the day.

Signage cannot be subject to a planning condition setting out that all must be subject to advertisement consent as the Regulations in certain instances grant express consent. However, the applicant can be advised by way of informative to ensure that the level, scale and design of any signage should be appropriate to the location.

AMENDED RECOMMENDATION

Additional Condition:

16. Any lighting scheme approved shall not be brought into operation until a scheme for the effective operation and ongoing maintenance of the lighting system has been submitted to and approved by the Local Planning Authority. The details should include, but not necessarily be limited to, information setting out how the system will be managed to ensure the lights are extinguished after the last train arrives at the station and come on at a time that reflects the arrival of the first train. The lighting scheme shall thereafter be operated and maintained in strict accordance with those approved details at all times thereafter.

Additional Informatives:

8. The applicant is advised that in seeking to discharge conditions 5 and 6 imposed on this permission, they consider the level and scale of any lighting proposed, keep this to a minimum and at low level and that the landscaping and boundary treatment scheme includes provision to enhance the boundaries to create an improved screen to the site.

9. The applicant is advised that any signage installed within the car park is appropriately and sensitively designed and sited to reflect and respect the particular amenities of the locality.

Offham TM/18/01013/OA
West Malling And Leybourne

Outline Application: Demolition of existing dwellinghouse (Sportsmans' Bungalow, 124 Teston Road) and outbuildings and erection of up to 120 dwellings including 40% affordable housing, with public open space, a community orchard, landscaping and sustainable drainage system (SuDS) and vehicular access point from King Hill. All matters reserved except for means of access at Land East of King Hill West Malling

One further representation received commenting on the location of milestones within the vicinity and requesting that an informative be added to any permission granted drawing attention to the positions of the milestones and emphasising the need for retention.

DPHEH:

It should be noted that the milestones in question lie outside of the application site boundary and therefore outside the control of the applicant. Condition 7 seeks to require fencing around the milestone in order to secure its protection but the applicant has rightly questioned whether this is appropriate. I would suggest that condition 7 be deleted and an informative added as an alternative highlighting the importance of protecting the milestones but accepting that they lie outside of the control of the applicant.

Members may be aware that a decision from the planning inspectorate was issued this week concerning a proposed residential development at Aylesford Quarry. The appeal was dismissed and whilst very different and specific reasons were given for this decision, none of which bore any comparison to this scheme or the constraints of the site, the Inspector in making his decision made absolutely plain that given the absence of a 5 year supply of housing land, policy CP14 of the TMBCS is out of date, limiting the weight to be afforded to it and that given the stage in the emerging local plan process, limited weight can be afforded to the draft policies in the plan also. This commentary is a key material planning consideration and reiterates the assessment and conclusions drawn within the main report before Members.

Members will note that the recommendation seeks a resolution to grant outline planning permission subject to the applicant entering into a legal agreement in respect of various matters. This is a common approach but in order to bring about a greater degree of certainty in this process, it is suggested that specific timeframes be attached.

Officers can be guided by the Committee on the reasonableness of this approach but would suggest that an initial contact by the developer should be made within 28 days of the resolution being made to instigate discussions on those matters. Officers would also undertake to ensure the progress made in terms of the detail of the obligations within the legal agreement be shared with key Members. In the event that a successful outcome on such matters cannot be reached within 6 months of the date of the committee resolution (for example), Officers would undertake to report back to the Planning Committee with a further recommendation for consideration or in exceptional circumstances and where resolution is simply not possible for some reason, the application be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

AMENDED RECOMMENDATION

Paragraph 7.2: It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 10 September 2019, a report back to the Area 2 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application will be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

Delete Condition 7

Additional Informative 14

14. The applicant should be aware of the location of milestones within the near vicinity of the site and take all reasonable measures to ensure their protection in liaison with nearby residents and the Parish Council where appropriate to do so.

**Borough Green TM/19/00199/FL
Borough Green And Long Mill**

Section 73 application for the removal of condition 6 (opening hours) pursuant to planning permission TM/83/10931/FUL (Redevelopment of Petrol Filling Service Station, including erection of new sales building and canopy) at Brackenhill Service Station 82 - 106 Maidstone Road Borough Green

Private Reps: One further letter of objection has been received on the grounds of noise nuisance and disturbance.

DPHEH:

The planning agent has questioned why the tyre pressure machines and deliveries are being limited to 7pm, suggesting they consider these to be unreasonable conditions.

Paragraph 55 of the NPPF states that planning conditions should only be imposed where they are necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects.

The PPG goes on to set out that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls

Given that the planning inspectorate granted a temporary planning permission in order to effectively test the operation of the 24 hour use of the site, it is considered to be entirely reasonable to, having taken into account the experiences of the past year, impose conditions restricting deliveries the use of this equipment in order to suitably protect residential amenity.

RECOMMENDATION REMAINS UNCHANGED

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