

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.

GLOSSARY of Abbreviations and Application types used in reports to Area Planning Committees as at 16 August 2013

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
CBCO	Chief Building Control Officer
CEHO	Chief Environmental Health Officer
CHO	Chief Housing Officer
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 (part of the emerging LDF)
DMPO	Development Management Procedure Order
DPD	Development Plan Document (part of emerging LDF)
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 1995
GPDO	Town & Country Planning (General Permitted Development) Order 1995
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 - formerly KTNC
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
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
MLP	Minerals Local Plan
MPG	Minerals Planning Guidance Notes
NE	Natural England
NPPF	National Planning Policy Framework
ODPM	Office of the Deputy Prime Minister
PC	Parish Council
PD	Permitted Development

POS	Public Open Space
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement (issued by ODPM/DCLG)
PROW	Public Right Of Way
RH	Russet Homes
RPG	Regional Planning Guidance
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
TCG	Tonbridge Conservation Group
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
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
ORM	Other Related Matter
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

**Stansted
Downs**

TM/14/03395/FL

Change of use of the Vigo Inn Public House to two dwellings with associated residential curtilages and construction of two buildings to create 2 self-catered holiday let units at The Vigo Inn Gravesend Road Wrotham Sevenoaks for Mr Andrew Forrest

No supplementary matters to report

**Addington
Downs & Mereworth**

TM/14/01688/FL

Change of use of land to depot for demolition company with associated demolition of existing industrial buildings and redevelop with new workshop and office buildings. Installation of vehicle wash facility and associated hard surfacing and parking at Winsor Works London Road Addington West Malling for Downwell Demolition

Additional Information: In respect to special procedures to be adopted for the largest vehicles when entering and leaving the site, the applicant has submitted a Risk Assessment Form outlining the procedures proposed. This includes a banksman wearing a high visibility orange vest escorting the low loader along the access road and onto the main road. The low loader will have its orange hazard lights flashing when entering and exiting the highway. In winter, orange torches will also be used by the banksman to ensure traffic is aware of the plant/vehicle entering or exiting the highway. Large vehicle traffic is to be limited to 5mph along the access road.

A construction plan for the resurfacing of the access road and site has also been submitted showing how Downwell is to manage the construction of the new surfacing to the different sections of the site.

DPHEH: KCC (Highways and Transportation) has reviewed the applicant's procedures and practices as submitted, which includes the use of a Banksman to escort large vehicles into the site and out onto the road and is of the view that the aspects of the operations have been duly considered and the practices are considered to be satisfactory in highway safety terms. A condition is therefore proposed in this regard.

No proposal for gates has been submitted by the applicant, however, this detail can reasonably be required as part of a condition. It is suggested that Condition 8 relating to

the improvements to the access road is reworded to include the details of any gates to be submitted for approval.

In the event that Members were to resolve to grant planning permission, these details would need to be presented as part of the more detailed phasing of the scheme.

The issue of noise bounce-back from the acoustic fence (to be imposed by condition) was raised by Members at the Members Site Inspection. The Environmental Protection Team has reviewed this matter and has concluded that due to the locations and orientations of the proposed workshop building in respect to the acoustic fencing (which would run the length of the western boundary), in their opinion, noise bouncing back and forth is unlikely. Any sound coming from the proposed workshop would hit the acoustic fence at such an angle that it would not bounce back to the workshop but would be more likely to bounce from the acoustic fence up the access road towards the A20.

Since publication of the main report, alterations have also been made to the suggested Informative 2 to provide more clear direction to the applicant.

AMENDED RECOMMENDATION

Amend Condition 8 and Additional Condition 22:

8. Notwithstanding the construction plan for resurfacing of the site received on 08.07.2015, within 2 months of the date of this decision, details of works (including a time table and phasing) to enhance the access road from London Road and the surfacing of the site and details of any gates proposed, shall be submitted to the Local Planning Authority for approval. The works shall include the provision of a durable hard surfacing to the site and access road and widening of the access road to a minimum width of 4.8m for its entire length. The works shall be implemented in accordance with the approved details, timetable and phasing of the works, and shall be retained and maintained thereafter.

Reason: To ensure the safe and free flow of traffic and to protect the aural environment of nearby dwellings.

22. The use hereby approved shall be carried out in strict accordance with the procedures and health and safety practices outlined in the Risk Assessment Form received 08.07.2015, unless any variation is approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in the area.

Amend Informative 2:

2. The applicant should be aware that the disposal of waste material by incineration or use of bonfires on the site can lead to justified complaints from local residents and may result in the service of formal notice for Statutory Nuisance. It would also

be contrary to Waste Management Legislation, as enforced by the Environment Agency.

**Platt TM/11/03020/OA
Borough Green & Long Mill**

Proposed new industrial building, associated works plus highway amendments to the T Junction of the access road and A25 Maidstone Road. Landscaping details to be reserved at Phase 3 Platt Industrial Estate Maidstone Road Platt Sevenoaks for Prime Securities Limited

Additional Information: The applicants have confirmed their willingness to enter into a Unilateral Undertaking in relation to the implementation of the proposed highway improvement works. A Solicitor has been appointed and is drafting an undertaking currently. Members are reminded that the UU is not a material consideration for the grant of outline planning permission in this case, because KCC considers that the proposed improvements are not *necessary* for the scheme to be acceptable in highway safety terms compared to the situation in existence.

Private Reps: Two additional letters have been received from properties on the A25. Both reiterate the current problems experienced with HGV traffic and the impact this has on health, their families and the impact on their residential amenities. They state that any increase in HGVs will only exaggerate these problems.

DPHEH:

In this case, it is worth setting out some more detail regarding the sequence of events since the application was originally reported to the Planning Committee. The application was deferred by the Planning Committee in order to require further clarification from the applicant on HGV swept paths and any impact on existing residents' car parking, which was subsequently submitted. KCC (H+T) then identified a concern in respect of pedestrian visibility as a result of the junction improvements proposed at that time. (The applicant's Highway Consultant had assumed that KCC (H+T) would be able to cut a hedge that was, in fact, privately owned). In addition, further clarification on vehicle movement numbers was requested.

The ongoing discussions and concerns raised at that time were subsequently highlighted by KCC to the Traffic Commissioner in response to an application for an extension of a HGV operator's licence submitted at the same time to increase the number by 29 of HGVs using that junction with associated trailers. The Traffic Commissioner later issued the licence extension despite KCC outlining their concerns

During September/October 2014, negotiations were undertaken with the applicant in an attempt to overcome the concerns in respect of pedestrian visibility. KCC (H+T) also clarified that the proposed junction works were not *required* in respect of the traffic generated from the proposed development given that (albeit desirable); they were judged

to be commensurate with the relatively minor increase in traffic movements arising from the development in question.

In early 2015 TMBC was advised that No. 1 Whatcote Cottages had been purchased by the Applicant and they were thus able to legitimately remove the front section of the hedge. This overcame the KCC (H+T) concerns in respect of pedestrian visibility.

Since publication of my main report, further concerns have been expressed by local residents in relation to noise and pollution from traffic. A noise assessment has been previously submitted in respect of noise from the additional traffic generated by the proposal. The conclusions were that there would be an increase of 1.8db(A) on the current noise levels. An increase of 3db(A) is the lowest change commonly held to be noticeable and with this in mind, I am confident that the change in noise arising from this increase would not be readily discernible and therefore would cause no unacceptable harm to residential amenity.

Pollution levels are regularly monitored in this area but I would stress that the application would not cause any harm to air quality that would necessitate mitigation measures to be sought in this instance.

It is clear that the issues surrounding this case are complex and have taken some time to resolve. Having negotiated with the applicant, I am now confident that the proposed development would not give rise to a highway safety impact that would justify the refusal of planning permission. It is clear that there is an historic problem with this junction and the applicant is recognising that in putting forward the suggested improvements to the junction but it is my view that the development in question would not exacerbate that to such an extent to withhold planning permission.

RECOMMENDATION REMAINS UNCHANGED

West Malling **TM/15/00531/FL**
West Malling & Leybourne

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

APPLICATION FORMALLY WITHDRAWN BY APPLICANT

Platt **TM/15/00876/FL**
Borough Green & Long Mill

Use of part of ground floor and whole of first floor of existing detached building as a living room, 2 bedrooms, bathroom and utility room as part of 2 Keepers Cottages Swanton Valley Lane Maidstone for Mr Ian Williams

Additional Information: Members will be aware that the applicant has submitted a letter directly to the Area 2 Committee which reads as follows:

"I was very disappointed to read the Officers' report on my application. I had hoped that they would show more sympathy for my, and my family's circumstances. I ask the Committee be more understanding in making their decision.

Whatever the outcome of the Committee meeting, I and my family will continue to live at 2 Keepers Cottages because it is our family home and it is where my late wife and two grand children's ashes are buried.

If the Committee vote to support the Officers' recommendation I will consider appealing. If an appeal is dismissed then I would of course comply with the Enforcement Notice and remove the beds and kitchen. But the Committee should be aware that the building in which my son and his family currently sleep will remain and the family will remain. Also, the vehicles giving rise to traffic and the paraphernalia of the family will remain. Little of the matters that your Officers are concerned about will change.

Instead of living in the outbuilding we will all have to share the cottage and some of us sleep in a caravan, which will be less comfortable and will be far more noticeable in the Green Belt, but will meet the requirements of the Enforcement Notice.

Refusal of the application follows no reasonable human logic and will achieve little for the Council other than a victory for meaningless legal point scoring.

I have no wish to create a second dwelling, I only want to live peacefully with my family for the rest of my days. I am prepared to give the Council a legal agreement to ensure 2 Keepers Cottage remains as one dwelling so I cannot see what harm I am causing. I ask the Committee not to be hidebound by policy but to show some discretion and humanity and allow us continue using the annexe."

DPHEH: The points made by the applicant are understood and I do have much sympathy with the personal circumstances of the applicant. However, these circumstances are no sufficient to outweigh the identified harm in this case when having regard to the clear stance previously taken by the Planning Inspector which forms an important material planning consideration.

RECOMMENDATION REMAINS UNCHANGED

**Wrotham 13/00344/WORKM
Wrotham, Ightham & Stansted**

Site Of Court Lodge Cottage Old London Road Wrotham Sevenoaks

No supplementary matters to report

**Trottiscliffe 15/00142/WORKM
Downs And Mereworth**

The Warrens Pilgrims Way Trottiscliffe West Malling

DPHEH: The applicant, via their planning agent, has made contact to advise they wish to make revisions to the building to improve its appearance and scale through the submission of a formal planning application. In light of this, the item is withdrawn from the Agenda to allow for further discussion and negotiation to take place.

WITHDRAWN FROM AGENDA

ENFORCEMENT ACTION IN CONNECTION WITH DEVELOPMENT AT LAND REAR OF 19 – 29 STATION ROAD, BOROUGH GREEN – UPDATE REPORT

DPHEH: Following a further inspection of the site this week, Members are advised that work to remove the unauthorised slab has commenced in accordance with the terms of the Enforcement Notice.

FOR INFORMATION
