

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

**Mereworth (Mereworth) TM/15/01576/FL
Downs And Mereworth**

Conversion of equestrian buildings to form 1no. residential dwelling and associated works at Land Opposite Highlands Farmhouse Horns Lane Mereworth for Mrs Claire Trevill

Private reps: Four letters of support have been submitted (one from neighbour in Horns Lane, one from a resident in Mereworth and two from residents on Butchers Lane), all comment that they know that the site has been subject to break ins and cases of vandalism and can understand why the applicant wants to live on her premises to safeguard her property and her horses. Comments are also made that the development will not create extra traffic or noise, the accommodation sits within the current footprint of the buildings and as the accommodation is on one level so it will not create any privacy issue for neighbours.

Applicant: The applicant considers that there are serious inaccuracies in the report with regard to previous incidents of theft and vandalism at the site. There have been a number of incidents of criminal damage and she finds it unprofessional that the Police have not provided details of these. Also the alleged "decline" in the use of the facilities for horse riding, which is cited as a reason for objection by those who have limited equestrian knowledge, and has no bearing on the application. Finally there seems to be a lot of crystal – ball gazing with respect to future building plans for the site – all of which is considered ill-informed speculation and has no basis in fact.

DPHEH: No evidence has been presented to indicate the level of crime referred to by the applicant and her neighbours. In any event, this is not an issue which is normally given significant weight in a case of an application proposing protection of a hobby use and not a livelihood.

RECOMMENDATION REMAINS UNCHANGED

**Trottscliffe TM/15/01687/OA
Downs**

Outline Application: Erection of a four bedroom detached dwelling of approximately 300 square metres habitable area with double garage to the rear of Little Reeds with access from Ford Lane with matters of appearance, landscaping and scale to be reserved at Little Reeds Ford Lane Trottscliffe West Malling for Mr David Spreadbury

Applicant: The applicant has submitted an email the existing hedge and bushes will remain on the Western boundary. It is possible that the plan that was submitted could be interpreted that the hedge and bushes would be removed. This is NOT the case. The new driveway will be a metre or more away (east) from the Western boundary hedge and bushes, inside the property.

DPHEH: Since the publication of the main report, Officers have further considered the need for tree protection measures to be required as part of the development in light of their function of screening the development in the AONB.

AMENDED RECOMMENDATION

Additional Condition:

11. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, together with the provision for the retention and protection of existing trees and shrubs. Thereafter, the development 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, 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 0.5m above 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 material 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 and enhance the appearance and character of the site and locality.

Outline Application: Construction of a 4 bedroom single dwelling at Downsview 8 Green Lane Trottiscliffe West Malling for Dan Dryden

Objection from CPRE Tonbridge and Malling District: The five bedroom dwelling by reason of its bulk, height and massing is out of character with the local built vernacular within Downsview, which is typified by small housing terraces. It is located on the edge of village confines and within the AONB and as a result would fail to conserve the natural beauty of the Kent Downs Area of Outstanding Natural Beauty. The proposal is therefore contrary to core policies CP24.1, CP6.1 and CP13. The application appears to be lacking significant planning detail including a Design and Access Statement, a Planning Statement and a Site Location Plan at 1:1250 scale with a red line encompassing the proposal. Whether this is an omission on the website or an omission in the application, in which case it should not have been validated, we cannot tell. The original application for five houses and three bungalows 84/10956/OLD granted with conditions. It is our understanding that one of the conditions restricted the amount of built development on the site. Since the detail is not available on the web we cannot determine the Officer's reasons for that restriction or whether they remain relevant.

DPHEH: The main report makes reference at paragraph 1.2 to the indicative footprint having been reduced. At this time the applicant also altered the number of bedrooms to four from five. The proposal description has therefore been amended to propose a four bedroom dwelling.

The consultee response dates referred to in paragraph 6.13 of the main report are as follows: Press Notice (carried out by the applicant) 07.09.2015, Notice to Serve on owners (carried out by applicant) 28.08.2015, Site Notice (carried out by LPA) 11.09.2015, Neighbour letters 06.09.2015. Therefore, should Members be minded to resolve to grant permission in line with the recommendation, the decision could not be issued until after the 11 September 2015.

The additional objection received from CPRE raises concerns in relation to the content of the application. As the proposal is at Outline stage there is only a requirement for limited detail. Full details of scale, layout, appearance would be submitted for full consideration at Reserved Matters stage. The 1984 approval for the small cul de sac of dwellings is not relevant to this application as Members must consider the application based on current local and national policy which is relevant.

Two additional conditions are proposed in relation to commencement and contamination. An informative is proposed to advise the applicant of the expectation the Reserved matters will adhere to the indicative height and floorspace. Please note conditions will be renumbered on final Decision Notice as necessary.

AMENDED RECOMMENDATION**Additional Conditions:**

10. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years

from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

11. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be 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 relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

Additional Informative:

7. The applicant is advised that the details submitted at Reserved Matters stage are expected to show a scheme with total habitable floorspace no greater than 250sqm as shown on the indicative layout received on 31 July 2015 and an overall height no greater than that of 8 Downsview, Green Lane.