

## 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 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<br>(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)<br>Order 1995                |
| GPDO   | Town & Country Planning (General Permitted Development)<br>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<br>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<br>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   |

**Platt** **TM/15/00978/FL**  
**Borough Green & Long Mill**

**Section 73 application to vary condition 1 (direction of shooting) and remove condition 2 (demarcation of 20 yd side safety buffer) of planning permission TM/12/01373/FL (Section 73 application to vary conditions 1 (direction of shooting); 2 (maximum number of archers and club use); of planning permission TM/12/01294/FL (Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west)) at Land Rear Of The Butts Beechinwood Lane Platt for Mr William Terry**

No supplementary matters to report

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**Platt** **TM/15/01669/AT**  
**Borough Green & Long Mill**

**A) Internally illuminated totem sign & B) Non-illuminated `Nepicar House' letter sign at Nepicar House London Road Wrotham Heath for IVC Signs Ltd**

No supplementary matters to report

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**Trottiscliffe** **TM/15/01687/OA**  
**Downs**

**Outline Application for 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 Trottiscliffe for Mr David Spreadbury**

No supplementary matters to report

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**West Malling** **TM/15/02739/RD**  
**West Malling And Leybourne**

**Details submitted pursuant to condition 18 (Construction Management Plan) of planning permission 13/01952/FL for Development comprising of 4 no. two bedroom town houses and one retail unit plus associated parking and external works at Mill Yard 26 Swan Street West Malling for Bedlars Holdings UK LLP**

Applicant: The applicant has submitted an amended construction management plan following a request for the plan to be clarified and more precise. A revised plan has been submitted, where 2 paragraphs have been amended. These relate to the dual use of the 6 car parking bays for construction purposes within a fenced compound overnight between

17.00 -10.00 and the continued use of these bays by the general public outside those times. Signs would also be erected on the 6 car parking bays to warn users that they are only available until 17.00 hrs. This has been amended from the original submission where the 6 car parking bays would be wholly within the fenced compound throughout the construction period.

The applicant has also clarified that the submitted plan is to establish the broad principle of the construction management plan and the any details would need to be clarified with the LPA once a contractor has been appointed. They have been unable to appoint a contractor if access is only from Swan Street.

PC: Supports access for the delivery of ALL building materials & other deliveries via the Short Stay Car Park if tightly controlled timed delivery slot of between 0700 & 0815 Monday to Saturday.

Support the use of 6 Short Stay spaces adjacent to the site for unloading and exclusive use by the applicant, between 1700 & 1000 Monday to Saturday. At all other times these will be returned to normal use so any loss of the car parking provision is kept to an absolute minimum but needs very clear signage displayed: a "No Parking between 1630 & 1000 Monday to Friday" sign. This can be enforced by TMBC Parking Enforcement Team. ALL of the disabled parking bays are kept free and operational at all times.

Need to keep West Malling as a vibrant location for business and residents as well as allowing the applicant to get materials onto site in a safe, controlled way. We do not support the use of Mill Yard for any deliveries at any time to ensure the small businesses in these area are unaffected by the building works.

The applicant will set up a dedicated website for complaints about the building works to go directly to TMBC. WMPC would like to be included and receive copies of all complaints.

All works that generate noise (except for that associated with unloading deliveries) to be carried out between 0800 and 1600 Monday to Saturday.

The offer to fund some additional TMBC Traffic Enforcement Officers is an excellent idea and request a minimum of 6 hours a week (1 hour a day Monday to Saturday). This should not lead to a reduction in TMBC Parking Enforcement Officer presence in the Parish at other times. This additional resource will be used within WMPC boundary only and not deployed elsewhere within the Borough.

The applicant will reimburse TMBC financially for the loss of the 6 car parking spaces. As the car parking spaces are free of charge, these funds should be used for enhancement of the physical environment in West Malling. To be agreed between WMPC and TMBC.

The penalties for failing to meet their commitments need to be set at a level that provides real punitive impact and be ring-fenced to be used for enhancement of the physical environment in West Malling as well as any additional costs WMPC faces as a result. The details to be agreed between WMPC and TMBC.

KCC H&T: I note the morning restriction on delivery times (7am – 8:15am paragraph 3.7), delegation of a site compound(s) providing segregation and communication notifying

contact details on site and elsewhere. The statements regarding regular monitoring meetings are also welcome and considered appropriate for this restricted site and location.

The Construction Management Plan provided adequately discharges condition 18 of planning permission 13/01952/FL. Once a main contractor is appointed, further Health and Safety and Traffic Management Plan details from the contractor are expected.

DPHEH: This Reserved Details application has raised a number of issues in respect of the use of the public car park for the delivery and off-loading of larger vehicles during the construction stages. Further concerns have also been raised in respect of the use of 6 car parking bays.

Both the PC and KCC H&T have raised no objection in principle, but subject to additional information and the agreement of specific requirements. The PC wishes for no access whatsoever from Swan Street. It is not considered that is realistic bearing in mind that there are already commercial deliveries using that access. However, this can be the subject of further clarification from the developer on expected vehicle size once the contractor is appointed.

The construction management report submitted has been amended slightly and it is no longer the intention to use the 6 public car parking spaces throughout the development and retain these within fencing. It is now intended for these 6 spaces to be available for public car parking between the hours of 10.00 and 17.00. At all times outside of these hours these 6 car parking spaces will be retained within the fenced compound of the construction site. This is an improvement from the original submission and allows these spaces to be used by the public when deliveries are not taking place.

It is still the intention to restrict deliveries between 07.00 and 08.15 in the morning Monday to Saturday but it is not clear how this will be controlled, what happens between 08.15 and 10.00 and exactly what types of lorries will be accessing the site through the car park. It is also unclear what is the size or definition of small and large vehicles.

Overall, I consider that the construction management report could be more precise in terms of the procedures and measures being proposed. I am of the view that it will be necessary for a number of clauses to be incorporated into the report to identify that after the contractor has been appointed and before development commences, further details of the proposed vehicles and methodology of deliveries will be submitted to the LPA for approval. It is therefore recommended that if Members are happy with the principle of the report, in respect of using the public car park for larger deliveries during the morning period, then Delegated Authority should be issued to allow the further discussions with the applicant on these points.

There has also been reference to monies being offered within the submitted report and within the Parish Council's comments. Clearly these are not planning requirements, have not been accepted in relation to this discharge of details application and will not form part of the planning process. There are of course other interests/agreements that the developer will need to secure and I have added an informative to make this clear.

**AMENDED RECOMMENDATION**

**Delegate authority to the DPHEH to Approve Reserved Details**, as detailed in:

Report received 28.09.2015, Email received 16.09.2015, Email received 15.09.2015, Aerial Photo ROUTE received 16.09.2015, Proposed Layout 12397F/003 B received 16.09.2015, Management Plan 12397F/REF 2 received 16.09.2015 **Subject to:**

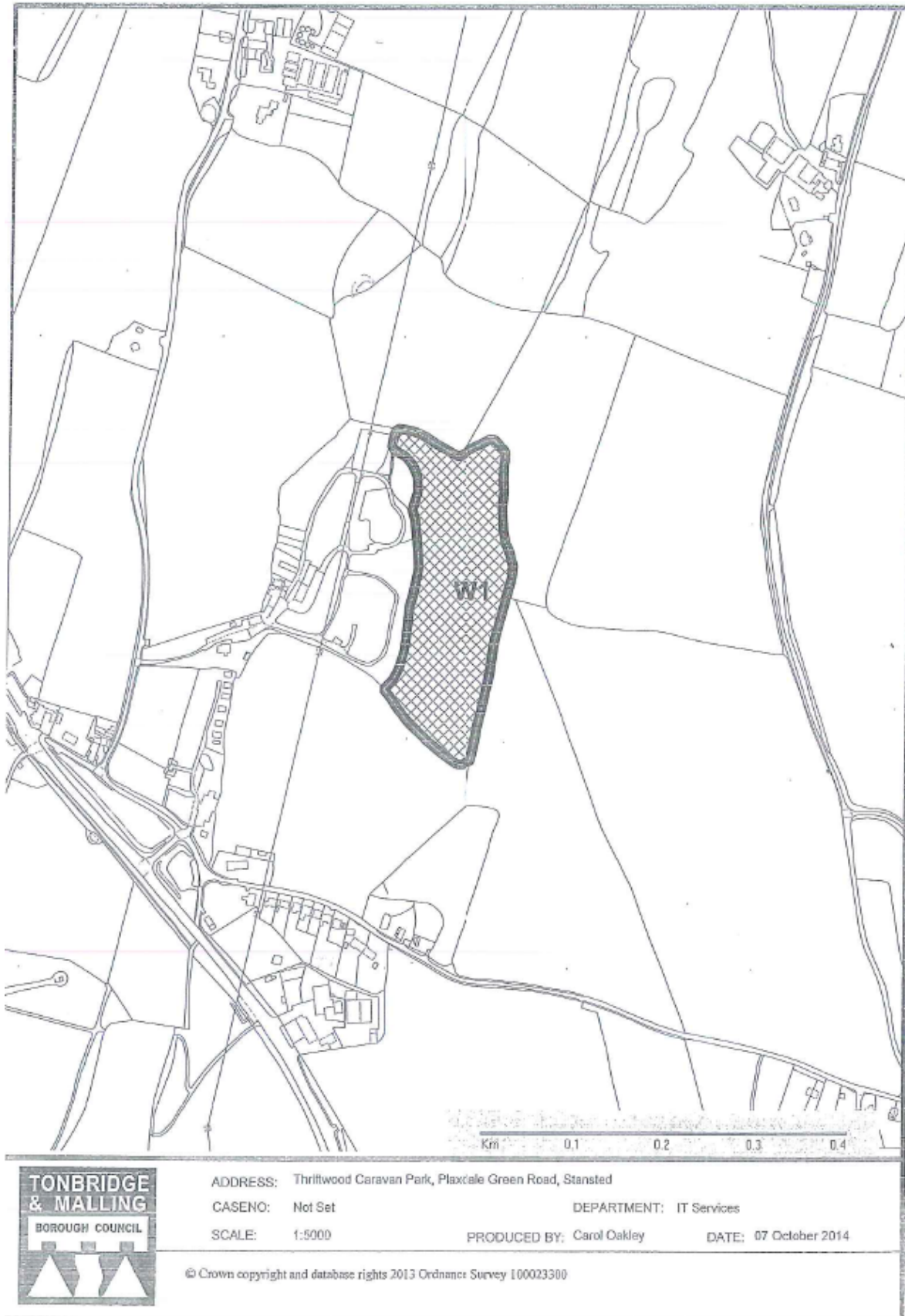
- expiry of the consultation period on 09.10.15
- no objections being received raising new material land use considerations
- negotiation on amendments to the wording of the construction management plan as necessary to ensure they are precise as practicable and contain appropriate timings where further detailed information will need to be provided subsequently.

**Informative:**

1. The applicant is advised that this approval relates to the discharge of condition 8 of TM/13/01952/FL only and does not relate to any other consents that may be necessary to undertake these works. This includes formal agreements with third party land owners and the manager of the public car park in respect of access and designated use of bays for unloading.



**Confirmation of Tree Preservation Order No.4.2015**



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