

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 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

Leybourne **TM/16/00413/FL**
West Malling And Leybourne

Outside Adult Gym comprising of building of a wet pore surface, surrounding low fence and installation of gym equipment at Land Parcel 2 Lillieburn Leybourne for Leybourne Parish Council

Private reps: An additional objection has been received raising the following matters:

- A total waste of public money;
- Have yet to see adult usage of these types of schemes;
- Another blot on a green area gradually being eroded in Leybourne;
- Leybourne Grange will have all the facilities for adult exercise including a walk to use them;

RECOMMENDATION REMAINS UNCHANGED

Kings Hill **TM/16/00505/FL**
Kings Hill

Erection of a residential development comprising 44 no. dwellings (Use Class C3) with associated access, parking, landscaping and infrastructure at Area 63 Beacon Avenue Kings Hill for Rouse Kent (Residential) Ltd

PC: Maintains its objection:

- Insufficient parking does not comply with IGN3: only 52 independently accessible spaces which is 21.5 short of the requirement to comply with the guidance. 44% of the car barns and parking spaces are shown in tandem and are not independently accessible. SPG4 (Kent Vehicle Parking Standards) states that there should not be garages or parking area one vehicle wide by the number of vehicles long.
- Some of the garages and car barns are restrictively small (2.75 m wide), further exacerbating parking problems prevalent on Kings Hill. IGN3 shows the preferred internal dimensions should be 5.5m x 3.6m.
- There are plans missing for some of the garages and car barns
- Conditions needed to stop the conversion or enclosure of any of the car ports in future.
- Visitor parking is predominately at one end of the development: should be clearly marked as visitor parking.

-
- Amendment has more parking to the rear and/or in courtyards: Many appear to have insufficient room for cars to manoeuvre
 - Will result in more on-street parking and congestion and access for emergency and refuse collection vehicles hindered.
 - Parking continues to be one of the biggest issues that the PC receives from residents, often when the development has been built and occupied and it is then too late to be able to do much about it.
 - Inadequate Landscaping and public open space:
 - No planning gain
 - Would like fibre to the properties included at the planning stage in this and all future developments on Kings Hill.
 - Footways to be raised to ensure pedestrian safety.

KCC (Archaeology): A consultation response has been received from Kent County Council Heritage. The application site is located within an Area of Archaeological Potential (AAP) and that as no statements have been provided on heritage issues it suggests that two conditions are imposed.

DPHEH: Planning application reference TM/05/03038/RD approved a watching brief for phase 2 of which Area 63 was then part. In light of the previous investigations undertaken as part of the wider phase 2 I do not consider it appropriate to further impose conditions at this stage.

No response has been received to date concerning the NHS contributions as a result of the reduction in units but any response would form the basis of a legal agreement to be entered into by the applicant regarding payment of the contribution which would be pro-rata as the number of units has reduced.

In response to the PC, the NPPG states local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable. Members are reminded that this scheme could be submitted as a Reserved Matter subject to the conditions identical to those imposed by the Secretary of State in 2004 which were much more restrictive in terms of a maximum onsite parking provision (1.5 spaces on site per unit).

For the avoidance of doubt, I can advise that this area would be “suburban edge” IGN3 states that 3+ bedroom houses should be served by 2 independently accessible spaces. The standard for 1/2 bedroom houses states a requirement of 1.5 spaces per unit but does not overtly stipulate that they must be independently accessible.

As Members will be aware, IGN3 does not count garages in its calculation of parking provision to serve residential developments and this approach has been endorsed by TMBC. It does however accept the use of open fronted car ports or car barns in all locations, subject to good design. The guidance notes that tandem parking arrangements within new residential developments such as this are **not** precluded in principle although it notes they are often underutilised. The siting of a parking space in front of a car port is a typical arrangement and in my view such spaces should not be discounted as “tandem”- the carport and the driveways are not themselves in double length/tandem form.

	IGN standard	Number on site	Total IGN	Car ports	Driveway	Visitor on road	Total (excluding 3 double garages)
2 bed houses	1.5	7	10.5	7	7		14
3 bed houses	2	15	30	15	15		30
4 bed houses	2	19	38	20	18		38
5 bed houses	2	3	6	0 (each has double garage)	6		6
Visitor	0.2	44	8.8			9	9
Total			93.3-round up to 94	42	46	9	97

The overall design quality of the scheme must also be taken into account when considering levels of parking provision and how it is designed into schemes such as this. Replacing tandem parking with 'side by side' arrangements across the entire site would adversely affect the resultant built environment, in contrast with the proposed design. Additionally, a requirement for 'side by side' parking across the site would significantly reduce effective use of land contrary to core planning principles of the NPPF.

In terms of the sizes of the garages to be provided, these have been provided in addition to the level of parking provision in accordance with the adopted standard and as such their size has little bearing as they have not been counted in any case. In any event, it is true that the 2006 KCC parking standards have a "preferred" dimension but it is not a specific requirement- the parking standards also state the dimensions of Design Bulletin 32 which are 4.8m by 2.4 m as a minimum parking bay size. An internal width of 2.75m therefore compares well with the minimum width.

Condition 10 (page 34 of the main report) seeks to remove permitted development rights ensuring that the car ports across the development remain open. Access for emergency vehicles is considered to be acceptable in highway safety terms.

In this particular context the open space and landscaping to be provided by this scheme is considered acceptable. Kings Hill has no quantitative or qualitative deficiency in open space and leisure taking account of the existing and anticipated provision of these within the phases 2 and 3 outline planning permissions.

Planning gain: the matter of affordable housing provision is addressed within the main report.

It is beyond the scope of the planning system to require developments to include broadband connection as part of any development. To require such a facility by way of a condition would not meet the tests of necessity and therefore should not be imposed.

The plans indicate footways except for the parking courts rather than shared surfaces. For the avoidance of doubt, a condition is needed to ensure that the constructional details are provided to ensure that there is a kerbed up stand to the footways.

AMENDED RECOMMENDATION

Amend paragraph 7.1 to read:

Grant planning permission subject to the applicant entering into a Section 106 agreement covering a contribution towards meeting healthcare needs from the development

Conditions 7 and 10 to be amended to refer to the 2015 version of the GPDO, not the 1995 version.

Amend Condition 9 to read:

9. Prior to the commencement of development, constructional details of the roadways and footways and any associated external lighting shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of safety and amenity.

**Shipbourne TM/15/03865/FL
Borough Green And Long Mill**

Proposed conversion of existing stable and hay barn into dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities at Great Oaks House Puttenden Road Shipbourne for Mrs L Cohen

Agent: Since publication of the agenda, the applicant's agent has formally requested that the application be amended to be considered as follows:

"Demolition of existing stable block and hay store buildings and replacement / redevelopment with a detached dwellinghouse."

DPHEH: This will necessitate the applicant submitting revised accompanying information in support of the amended scheme and a fresh assessment by Officers in light of prevailing planning policy.

APPLICATION WITHDRAWN FROM AGENDA

Stansted **TM/16/00235/FL**
Wrotham, Ightham And Stansted

Construction of flint stone and brick wall along north west side boundary at Fairseat Farm House Vigo Road Fairseat for Mr Matthew Stock

No supplementary matters to report but since publication of the main report, Officers have taken the opportunity to consider the inclusion of Informatives and recommend as follows:

AMENDED RECOMMENDATION

Additional Informatives:

- 1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.**
- 2. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.**
- 3. The applicant should ensure that the Ash tree situated within the rear garden close to the northern boundary that adjoins the Village Hall site is protected by removing all materials from beneath the crown spread of the tree and providing a suitable tree protection fence for the duration of the building works on the site.**

Alleged Unauthorised Development
West Malling **15/00002/COM**
West Malling And Leybourne

65 High Street West Malling Kent ME19 6NA

Supporting information from agent: My client acquired No. 65 High Street in late 2013 and, 17 years after the approval of the previous restaurant, the building was in an exceptionally poor condition. Whilst it was clear that the kitchen extract system internally would need upgrading, it was not clear at that time that the external flue would need to be entirely replaced.

The plant equipment was designed by Radford Chancellor Ltd, and their findings were:

- 1. Having been installed 17 years ago, the previous system was not fit for purpose; it was not able to extract smoke, odour or carbon dioxide from the kitchen;*

- 2. The previous system did not comply with contemporary Health and Safety standards and DEFRA DW172. The continued use of the premises as a restaurant, regardless of the restaurant operation, would have required the replacement of the previous extract system;*
- 3. The new system has been designed to fully comply with DEFRA DW172;*
- 4. The air handling unit is necessary in order to meet current laws and regulations;*
- 5. The new system is as small as it can be to meet DEFRA DW172;*
- 6. The new system has been designed to function with a “standard” restaurant operation; for the purposes of the plant design, the kitchen and restaurant is not open plan - the cook line is boxed in to ensure that the plant system is as small as possible - and there are no unusual cooking activities taking place within the restaurant; for example, there is no chargrilling on site*

Retrospective planning and listed building consent applications are being prepared and will be submitted as soon as possible; the submission will fully evidence the statements made above. My client would be happy to pay the Council to appoint an independent, FCSI accredited foodservice design consultant to review and advise the Council on the plant specification so that you, and subsequently Historic England, can be satisfied that the plant equipment is as small as possible.

The submission will also propose the painting of the equipment to a colour(s) specified by the Council and Historic England to ensure that it is as inconspicuous as possible. It would be regrettable if the Council decided to pursue enforcement action at this stage. If my client is able to demonstrate, to the Council's satisfaction, that the plant equipment in place is as small and inconspicuous as possible, taking enforcement proceedings, consuming a significant amount of time and expenditure on both sides would be unnecessary.

DPHEH: The cooperation of the applicant is welcomed but it is my view that a resolution from this Committee to take action is still necessary although that can be held in abeyance should a negotiated solution be found in the manner suggested by the agent on behalf of the owner of the premises. Historic England would wish to be involved in such discussions.

For clarification, whilst the flue and air-conditioning units are at the rear of the premises, it is the case that all elevations of a listed building have equal level of protection from harmful changes to their special architectural or historic interest. Moreover, the rear of the premises does have a public vantage point due to being visible from pedestrian and vehicular access via Mill Yard to both existing and proposed developments in the vicinity.

RECOMMENDATION REMAINS UNCHANGED
