

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbs.gov.uk

3 April 2015

To: MEMBERS OF THE AREA 2 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 15th April, 2015 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 6

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 21 January 2015

Decisions to be taken by the Committee

4. Development Control 7 - 10

Introduction and Glossary

5. TM/14/04186/FL - Wrotham Secondary School, Borough Green Road, Wrotham 11 - 24

6. TM/15/00230/RD - Titheward Yard, Three Elm Lane, Golden Green 25 - 30

7. Alleged Unauthorised Development 14/00352/WORKM - Little Nepicar, London Road, Wrotham 31 - 36

8. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

9. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

10. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr Mrs F A Kemp (Chairman)
Cllr Mrs E M Holland (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr M A C Balfour
Cllr C Brown
Cllr F R D Chartres
Cllr M A Coffin
Cllr S R J Jessel
Cllr Mrs S Luck
Cllr B J Luker

Cllr Mrs S Murray
Cllr T J Robins
Cllr H S Rogers
Cllr A G Sayer
Cllr Miss J L Sergison
Cllr Miss S O Shrubsole
Cllr M Taylor

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 21st January, 2015

Present: Cllr Mrs F A Kemp (Chairman), Cllr B J Luker, Cllr Mrs S Murray, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison and Cllr M Taylor

Apologies for absence were received from Councillors Mrs E M Holland, Mrs J A Anderson, M A C Balfour, C Brown, F R D Chartres, M A Coffin, Mrs S Luck and T J Robins

PART 1 - PUBLIC

AP2 15/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP2 15/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 10 December 2014 be approved as a correct record and signed by the Chairman; subject to the following amendment:

- Minute AP2 14/67 – Henry Simmonds PH, 4 Wrotham Road, Borough Green

Members agreed that the paragraph beginning 'careful consideration' be amended to read 'detailed consideration' on the grounds that it better reflected the nature of the discussion.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPHS 3, PART 3 OF THE CONSTITUTION

AP2 15/3 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 15/4 TM/14/03684/FL - THE BUTTS, BEECHINWOOD LANE, PLATT

Erection of storage building for use ancillary to main dwelling including the archery club (retrospective) at The Butts Beechinwood Lane, Platt.

RESOLVED: That the application be APPROVED in accordance with the submitted details, conditions, reasons and information set out in the report of the Director of Planning, Housing and Environmental Health; subject to:

(1) The addition of condition:

5: The building shall be erected fully in accordance with the drawings hereby approved with an eaves height of 2.5 m and a maximum ridge height of 4.5m, both to be measured above existing ground level

Reason: In the interests of the openness and visual amenity of the Green Belt.

AP2 15/5 TM/14/03431/FL - WEST YALDHAM FARM, KEMSING ROAD, KEMSING

Demolition of existing agricultural buildings and silos and replacement with 13 dwellings (8 market housing, 5 intermediate housing), 1844sqm agricultural building, 775sqm B1(a) offices and 1000sqm B1(c) light industrial at West Yaldham Farm, Kemsing Road, Kemsing

RESOLVED: That the application be DEFERRED for a Members' Site Inspection

[Speakers: Ms J Tasker (speaking on behalf of Mr and Mrs Kelly) and Mrs Palmer - members of the public]

AP2 15/6 ALLEGED UNAUTHORISED DEVELOPMENT 13/00497/USEM - THE CARAVAN, EAST STREET, ADDINGTON

The Caravan East Street Addington West Malling

RESOLVED: That an Enforcement Notice BE ISSUED seeking the cessation of the use of the site for open storage, removal of all vehicles or parts of vehicle and all associated paraphernalia, the removal of any portable office units, the detailed wording of which to be agreed with the Director of Central Services.

AP2 15/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.05 pm

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

Wrotham **561223 158223** **19 January 2015** **TM/14/04186/FL**
Wrotham

Proposal: Two no. single storey class room extensions and first floor extension to the reception plus new roof over external courtyard to form a multi-functional space. Re-cladding of exterior of main building with timber boarding.

Location: Wrotham Secondary School Borough Green Road Wrotham Sevenoaks Kent TN15 7RD

Applicant: Wrotham School

1. Description:

- 1.1 Planning permission is sought for two single storey extensions to the school building to add classrooms, along with a first floor extension above the reception area, and a new roof over an existing external courtyard to form a multi-functional space at Wrotham Secondary School, Borough Green Road, Wrotham.
- 1.2 One of the extensions would be sited to the north of the main school building, partially infilling an area between the sports hall and a class room. This extension would provide two classrooms measuring 7.8m x 7.1m, and 7.8m x 7.05m and this section would be flat roofed with a sedum roof covering.
- 1.3 The second extension would be sited to the east of the centre of the school building infilling an area between two existing classroom wings. This extension would provide two classrooms measuring 7.5m x 7.35m, and 7.5m x 8.67m and this section would be flat roofed with a sedum roof covering. A new external courtyard would be provided between the new extension and the existing locker rooms/changing rooms.
- 1.4 A large internal courtyard is proposed to be covered by a partially sedum, partially glass lantern roof to create a multifunctional space below.
- 1.5 At first floor two new offices would be created above the existing main entrance, again with a flat sedum roof.
- 1.6 Fifteen new visitor parking spaces are proposed as part of the application which would lie close to the southern end of the site.
- 1.7 The existing coloured panelling beneath windows on the main building is proposed to be replaced with timber boarding.
- 1.8 The agent has submitted a supporting statement which sets out the following:

The school has had to apply for funding from the Education Funding Agency (EFA) to pay for these essential works to be carried out and a condition of this funding was that work should commence in the summer term (May) with a large proportion

of the works having to be carried out in the summer holidays to avoid disruption to curriculum delivery, added to this a further condition that all works must be completed by the 2015/16 year end (March 2016).

I would just like to point out and clarify on a couple of points in response to the Parish Council objections:

- This proposed application does not in any way create or add additional pupils to the schools current role, it is only to carry out essential updating and renovation works to the building fabric and create more space for areas such as exams and dining for the students. There are 2 out of date mobile classrooms to be replaced and only 2 additional classrooms which are merely to ease timetable planning.*
- This application has, and will have, no negative impact on the traffic congestion highlighted by the Parish Council. In fact the application allows for and creates additional parking for staff and visitors as well as sixth form students that drive which will if anything have a positive impact on the traffic situation.*
- In short, I would suggest that this application is completely unrelated to the very separate issue of highways management and congestion on the main road and do not feel it appropriate or fair that the Parish Council should effectively use the current application as a means to have this separate issue heard, there are other more appropriate and correct avenues through which this separate highways matter should be debated, discussed and addressed.*
- It should be noted that KCC Highways raised no objections to this application.*
- The School along with ourselves acting as their consultants would happily engage with the Parish Council and KCC Highways to look at ways to address and resolve this separate highways matter and as part of this look to amend and update the schools travel plan, it is my opinion that there is a fairly simple low cost solution to this separate matter but it should not be allowed to 'Highjack' this planning application which is completely unrelated.*

With regard to your queries raised please see below;

- The current EFA official net capacity of the school is 716 with a current role of 776. – although based on the EFA capacity assessment of the school it is 'oversubscribed' it is important to note that it has been for a number of years and so the traffic situation is not a related factor here. Also, it is important to note that all the students do fit in the school currently.*
- Pupil numbers would not increase in anyway as a result of this application or the proposed works. As described above the additional space proposed is merely to better accommodate and delivery curriculum to the students.*

- *There will only be 2 additional classrooms and these will merely allow us to have more flexibility with timetabling. The additional amenity space would provide for extra exam and dining space for the existing students. They would also allow us to demonstrate to the EFA that we have a net capacity assessment of the building which is closer to our actual numbers.*
- *This application would not see or generate any increases in the schools numbers, if the capacity of the school was needed to be increased by KCC or the EFA at any time in the future this would require additional buildings/space which would be subject to a future planning application.*
- *The schools capacity would be unchanged regardless of this application.*

2. Reason for reporting to Committee:

- 2.1 Called in by Councillor Martin Coffin as a result of the significant public interest in the application and the out of school gates traffic issues.

3. The Site:

- 3.1 The site lies on the eastern side of Borough Green Road, to the south of Grange Park School and the M20 Motorway, and to the north of Borough Green Village. To the west lies a line development of houses and bungalows which run north to south.
- 3.2 The school site has its own access off Maidstone Road to the southern end of the western boundary. The main school building lies in the north-western quarter of the site with the Technology Block and New Block lying to the east, the English Block lying in the south-eastern quarter of the site and several smaller building, including a Caretakers house running close to the southern boundary.
- 3.3 The site lies within the Metropolitan Green Belt and an Area of Outstanding Natural Beauty.

4. Planning History (post 2000):

TM/01/01620/CR3 Grant With Conditions 7 August 2001

Demolition of existing school farm buildings and construction of new single storey classroom block (TM/01/TEMP/I)

TM/08/02835/CCEASC screening opinion 8 September 2008
EIA not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Proposed Development: Erection of a new special school, parking, play area, landscaping and ancillary works (KCC reference TM/08/Temp/0056)

TM/10/00586/CCEASC screening opinion 25 January 2010
EIA not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Proposed Development: The provision of a single storey changing room pavilion for school and community use in association with existing outdoor facilities and the proposed outdoor all weather pitch. (The accommodation comprises 4 team changing rooms, officials changing rooms, disabled changing room, public toilets, store and plant room.

TM/10/02597/CR3 Approved 25 November 2010

Demolition of existing 1 bay mobile classroom building and the replacement with a 2 bay temporary timber framed classroom building (KCC ref TM/10/TEMP/0024)

TM/10/02907/CCEASC screening opinion 17 September 2010
EIA not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Proposed Development: Demolition of existing 1 bay mobile classroom building and the replacement with a 2 bay temporary timber framed classroom building (KCC ref TM/10/TEMP/0024)

TM/11/01150/CR3 Approved 1 June 2011

Details of external materials, soft landscaping and paving pursuant to conditions (3), (4) and (6) of planning permission TM/10/00497/CR3: Proposed provision of a fencing and demonstration 'food pod' facility with associated herb vegetable garden. The food pod is a stand alone single storey factory produced unit comprising of teaching and demonstration space, two storage rooms and plant room. (KCC reference TM/10/497/R3, 4 and 6)

TM/11/01885/CR3 Approved 5 September 2011

Revised proposal for replacement of temporary teaching accommodation (Horsa Huts) with the provision of a 2 storey building (originally granted planning permission under application TM/10/181) including a reduction in the floor space and consequential changes to foot print, floor plans, elevations and external works including rearrangement of staff car parking. KCC ref TM/0293/2011

TM/11/01926/CCEASC screening opinion 12 July 2011
EIA not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for Proposed Development: Revised proposal for replacement of temporary teaching accommodation (Horsa Huts) with the provision of a 2 storey building (originally granted planning permission under application TM/10/181) including a reduction in the floor space and consequential changes to foot print, floor plans, elevations and external works including rearrangement of staff car parking. KCC ref TM/0293/2011

TM/11/02554/CR3 Approved 27 October 2011

Revised proposal including location for the provision of a single storey changing room pavilion for school and community use in association with existing outdoor facilities and the proposed outdoor all weather pitch. The accommodation comprises 4No. Team changing rooms, officials changing rooms, disabled changing room, public toilets, store and plant room (Amendment to TM/10/00243/CR3) (KCC Ref: KCC/TM/0355/2011)

TM/11/02731/CCEASC screening opinion 15 September 2011
EIA not required

Request for screening opinion under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for Proposed Development: Revised proposal including location for the provision of a single storey changing room pavilion for school and community use in association with existing outdoor facilities and the proposed outdoor all weather pitch. The accommodation comprises 4 No. Team changing rooms, officials changing rooms, disabled changing room, public toilets, store and plant room (Amendment to TM/10/00243/CR3) (KCC Ref: KCC/TM/0355/2011)

TM/12/00047/CCEASC screening opinion 19 December 2011
EIA not required

Revised proposal including location for the provision of a single storey changing room pavilion for school and community use in association with existing outdoor facilities and the proposed outdoor all weather pitch. The accommodation comprises 4No. Team changing rooms, officials changing rooms, disabled changing room, public toilets, store and plant room (Amendment to TM/10/00243/CR3) (KCC Ref: KCC/TM/0355/2011)

TM/12/00192/CR3 Approved 13 March 2012

Repositioning of single storey changing room pavilion for school and community use granted permission under application TM/11/02554/CR3, including revised car parking layout

5. Consultees:

5.1 PC: Wrotham PC generally agrees in principal with investment and improvements in the built infrastructure of Wrotham School. However, WPC strongly objects to this application as presented. There have been two recent Highways reports, one by Les Henry Assoc on behalf of the WPC and Amey on behalf of Kent Highways Services. Both reports list the very dangerous existing highways conditions that prevail outside of the two schools at start and end of day. Children and adults are being put at risk due, in part, to the current arrangements and lack of focus at both schools.

5.1.1 The A227, primary road network, is completely blocked on the south bound carriageway for up to 15 minutes on a daily basis during term time and completely irrational driver behaviour often occurs, borne from frustration. Tipper trucks, tragically in the news at present, travel up and down the road constantly servicing the local quarry. All this at the same time that pedestrian teenagers are exiting Wrotham School in droves and crossing through this maelstrom of traffic.

5.1.2 Wrotham School were repeatedly asked for an up to date copy of their School Travel Plan, as required by KCC and have consistently failed to even reply to the request. The current proposal will extend existing classrooms, thereby increasing the school role capacity. This will further exacerbate a currently dangerous situation further. No Travel Plan has been submitted with this application.

5.1.3 WPC attaches both reports and photographs with these comments and draw the attention of the Officer to the conclusions particularly in Les Henry Associates report that lists a series of measures that could be adopted in a joint Travel Plan agreed between Wrotham and Grange Park School. Sensible measures like staggering the opening and closing times of the two schools are eminently achievable.

5.1.4 The final paragraph of Les Henry's report states the following regarding solving the current dangerous highways problems. "However, only with a whole hearted approach and desire by all parties involved to overcome the current dangerous situation that occurs daily on Borough Green Road, would it be successful."

5.1.5 WPC hopes that this planning application, which affects highways problems outside of the school, could act as a catalyst for all parties to address the problem seriously before an accident occurs.

5.1.6 The PC attached photographs to support their views along with three documents being:

- A report prepared by AMEY for KCC entitled "Borough Green Traffic Management Options" dated November 2014.

- D- Print Crash Report for the A227 Borough Green Road and accompanying map detailing personal injury crashes for 3 years prior to 30.06.2014.
- Les Henry Associates Ltd Technical Report entitled “Wrotham School and Grange Park School A227 Borough Green Road, Wrotham, Kent: Road Safety Issues” dated December 2014.

5.2 Private Reps (12/0S/0R/0X + Site and Press Notice): No response.

5.3 KCC Highways: Original comments: No objections.

Additional comments:

5.3.1 As there is no proposal to increase the school roll or the number of staff at the school then the highway authority would not raise objection. This is because the proposals are not likely to result in a significant increase in traffic accessing the site. However, we would welcome the proposal to amend and update the schools travel plan. For this, the applicant should liaise with Annette Bonner.

6. Determining Issues:

6.1 The site lies within the Green Belt where prevailing policies state that the extension of an existing building may not be considered inappropriate development provided it does not result in disproportionate additions over and above the size of the original building, as set out within paragraph 89 of the National Planning Policy Framework 2012 (NPPF). Wrotham Secondary School has been extended significantly over time and any further extension, when taken cumulatively would amount to more than a proportionate addition to the original building. The proposal is, therefore, considered to be inappropriate development, which is harmful by definition. Accordingly, there must be a sufficient case of “very special circumstances” to override the harm.

6.2 Paragraph 72 of the NPPF states that *“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

6.3 The Planning for Schools Development Policy Statement (DCLG - August 2011) is also an important material national policy consideration, stating that:

“...We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This

collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes”.

“The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools.”

6.4 It goes on to state:

“A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.”

6.5 With these policies in mind, there is clearly a strong Government impetus in favour of new state school development as a matter of principle.

6.6 Wrotham Secondary School is an established site within the Green Belt with substantial built form across the site. The proposed extensions would infill between existing wings on the main building and their bulk would therefore have a negligible impact on the openness of the Green Belt. Moreover, the roof over the courtyard to provide a multifunctional space would enclose a section of the site which is surrounded by existing built form and, accordingly, its development would have no impact on the openness of the Green Belt in my view. The additional office space to be provided above reception would build over an existing flat roof and would enclose an area which has built form on three sides; again, this aspect of the proposals would have a negligible impact on the openness of the Green Belt.

6.7 In light of the requirement to attach great weight to the need to create, expand or alter schools as set out within paragraph 72 of the NPPF, and when considering the content of the Planning for Schools Development Policy Statement, added to the limited material impact to openness identified in above, I am of the view that in combination a sufficient case of very special circumstances has been advanced to override the definitional harm identified. In this respect the proposal accords with Paragraph 88 of the NPPF which seeks to ensure that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.8 The design of the extensions is in keeping with the scale, form and materials of the main building and would therefore respect the site and its surroundings in my view. The new timber panelling to the remainder of the building would tie in with the existing cladding on The Curve building on site. As such, I consider the proposal would accord with Policy CP24 of the TMBCS 2007 and paragraphs 57 and 58 of the NPPF with regard to visual amenity.

- 6.9 For the reasons set out above, I am of the view that the proposal would preserve the natural beauty of the AONB in accordance with paragraph CP7 of the TMBCS and Paragraph 115 of the NPPF.
- 6.10 The application proposes 15 additional parking spaces for visitors on site. KCC Highways have considered the proposals and raise no objection on highway grounds. It is noted that the PC has raised a strong objection on the basis of the existing queuing situation on the highway at school opening and closing times. These concerns have also been evidenced within the supporting documents which accompanied their objection.
- 6.11 It is acknowledged that there is a conflict at the present time on the highway which is exacerbated by the Grange Park School entrance which lies in close proximity to the Wrotham School entrance. A queue forms which forces passing traffic in to the centre of the road conflicting with oncoming traffic. Whilst this is an issue and a cause for concern, it is important to recognise that this application cannot be used as a mechanism to resolve the existing problems that have been described. It is instead necessary to address the potential, *specific* impacts that might arise from the proposed development itself. In this respect, it should be noted that the NPPF (paragraph 32) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.12 Crucially, the current application does not intend to introduce additional staff or additional pupils to the site. The scheme also includes the provision of 15 additional on-site parking spaces. KCC Highways have been re-consulted on the scheme and continue to raise no objection, a view which I agree with particularly in light of the above considerations.
- 6.13 Notwithstanding the above, there is a need to acknowledge the wider issue regarding queueing traffic on the highway by virtue of both schools being located in close proximity of each other and there is a need for a collaborative approach to finding solutions to the problem. I, therefore, recommend an Informative is attached to any planning permission to remind the applicant of local concerns and encourage the school to work towards finding an appropriate solution. I would stress again that such measures could not reasonably be required through this planning permission for the reasons explained above.
- 6.14 I also consider it necessary and reasonable, in light of the email received from the agent on 26 March 2015, and the comments received from KCC Highways, that a condition is incorporated to limit the number of students on the school roll to 800 to seek to ensure the existing problems described are not exacerbated by pupil numbers significantly exceeding the revised capacity for the school. Given that part of the justification put forward by the school in their submission relates to the fact that the proposed development is not intended as a means to increase pupil or staff numbers, I am of the view that such a condition would be reasonable and

relevant to the development in question. Any future applications for development on the site would be assessed on their merits and the condition would be superseded by any future decisions which might allow for an increase in capacity. With that in mind, I do not consider that the imposition of such a condition at this time would be unreasonable, therefore meeting the tests set out not only in the NPPF but also in the Planning for Schools Development Policy Statement.

6.15 In light of the above assessment, I recommend that planning permission be granted subject to the imposition of planning conditions.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan P51-PL01 dated 15.12.2014, Proposed Floor Plans P51-PL02 dated 15.12.2014, Proposed Floor Plans P51-PL03 dated 15.12.2014, Proposed Elevations P51-PL04 dated 15.12.2014, Existing Floor Plans P51-PL10 dated 15.12.2014, Existing Floor Plans P51-PL11 dated 15.12.2014, Existing Elevations P51-PL12 dated 15.12.2014, Email dated 26.03.2014, subject to the following:

Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 4 The total number of students enrolled at the school shall at no time exceed 800 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Informatives

- 1 The applicant is encouraged to consider securing provision for an operational in/out drop off facility at the entrance to the site to improve the existing highway conditions at arrival/collection times. Further applications to increase student capacity at the site may not be viewed favourably should measures not have been taken to secure delivery of such improvements.
- 2 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained.
- 3 The applicant is reminded that the proposal should ensure that it complies with the requirements of Building Bulletin 93 'Acoustic Design of Schools' (BB93:2014), taking into account the recently issued Baseline Design for Schools from the Education Funding Agency.
- 4 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
- 5 The applicant is reminded that the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommended that bonfires not be had at the site.

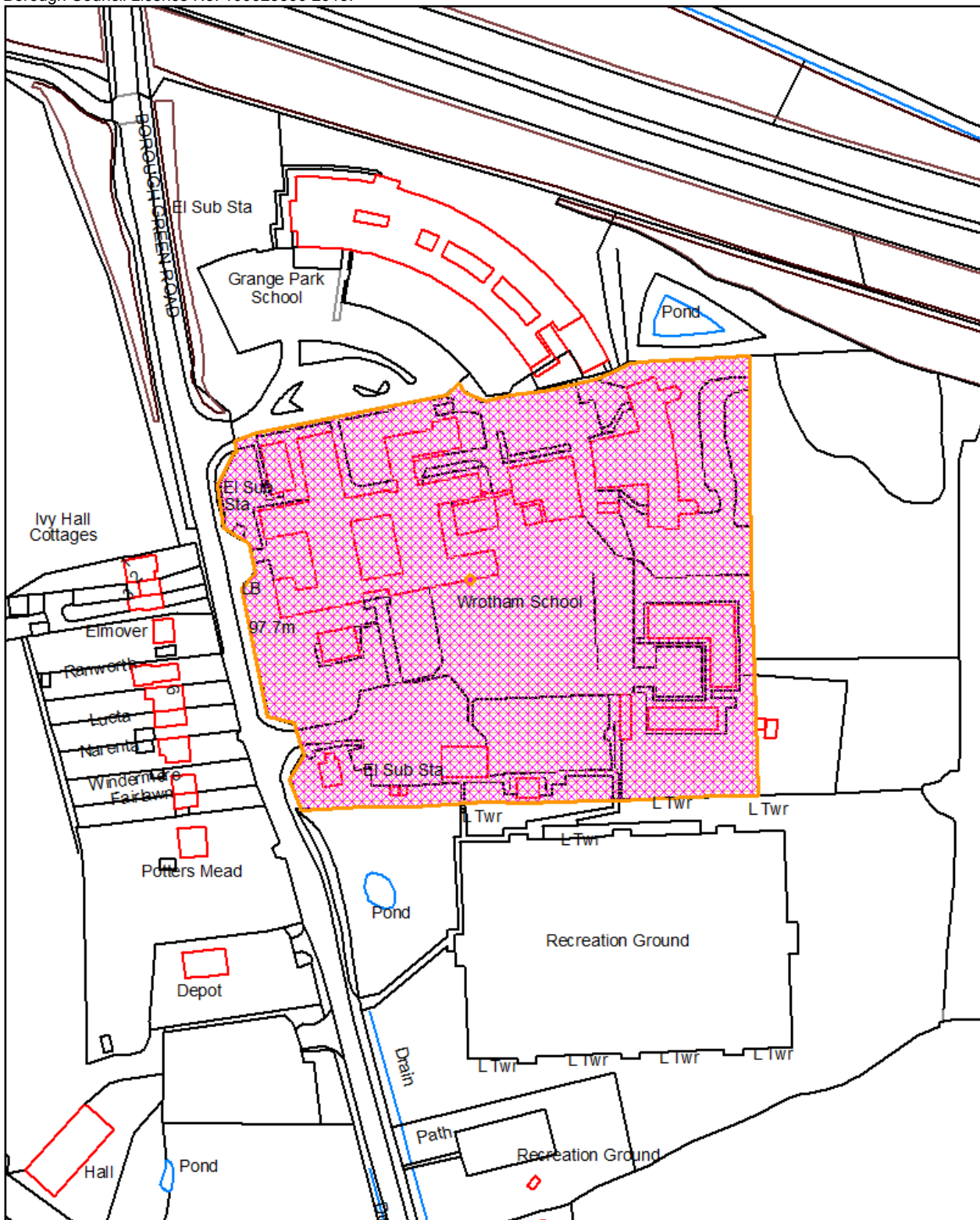
Contact: Lucy Harvey

TM/14/04186/FL

Wrotham Secondary School Borough Green Road Wrotham Sevenoaks Kent TN15 7RD

Two no. single storey class room extensions and first floor extension to the reception plus new roof over external courtyard to form a multi-functional space

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Hadlow (Golden Green) **563329 148339** **26 January 2015** **TM/15/00230/RD**
East Peckham And
Golden Green

Proposal: Details of landscaping and boundary treatment submitted pursuant to condition 5 of planning permission TM/14/01713/FL (Proposed reconstruction of building following storm damage and retaining residential dwelling on site)

Location: Titheward Yard Three Elm Lane Golden Green Tonbridge Kent TN11 0BN

Applicant: Mr And Mrs D Parsons

1. Description:

- 1.1 This application seeks to formally discharge condition 5 of planning permission TM/14/01713/FL through the submission of a scheme of soft landscaping and boundary treatment. The submitted landscaping plan indicates the boundary treatments and proposed planting. However, the front boundary wall, pillars and entrance gates have already been constructed and this application is therefore to be dealt with on a retrospective basis.
- 1.2 To provide some background context, I can advise that planning permission was granted in 2011 for the change of use of two former agricultural buildings on this site, one to a three bedroom dwelling (Building A) and the other to a garage, office and workshop (Building B). There was no material change proposed to the external appearance of the buildings with no extensions or additions proposed.
- 1.3 During the course of the building works to convert Building A to residential, during the gales that occurred in October 2013 the frame of the building was disrupted and the building then collapsed. Planning permission was subsequently granted under application reference TM/14/01713/FL to rebuild Building A rather than convert it. Permission is now sought to discharge condition 5 (landscaping/boundary details), of that planning permission.

2. Reason for reporting to Committee:

- 2.1 Retrospective nature of the works and the potential for Enforcement action.

3. The Site:

- 3.1 The site is on the outskirts of Golden Green within the Metropolitan Green Belt.
- 3.2 The site is surrounded by existing residential properties with dwellings to the east, west and north and open farmland to the south.

4. Planning History (relevant):

TM/11/02025/FL Approved 26 October 2012

Change of use of buildings and land at Titheward Yard into one residential dwelling and associated garaging, office and workshop building

TM/13/01751/RD Approved 1 October 2013

Details pursuant to condition 3 (environmental contamination/risk assessment); condition 4 (landscaping/boundary details); condition 5 (materials); and condition 8 (flue details) of planning permission TM/11/02025/FL (Change of use of buildings and land to one residential dwelling and associated garage, office and workshop)

TM/14/01713/FL Approved 25 July 2014

Proposed reconstruction of building following storm damage and retaining residential dwelling on site

5. Consultees:

5.1 PC: Object – inappropriate development within Green Belt and the boundary wall is out of character within the rural area.

6. Determining Issues:

6.1 The site lies within the Metropolitan Green Belt. Current policies governing development within the Green Belt and countryside generally, being policies CP3 and CP14 of the TMBCS 2007, all establish a general presumption against inappropriate development within the Green Belt and give long term protection to rural areas and accord with the requirements of the NPPF.

6.2 Policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
- the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

- 6.3 As I have explained at the beginning of this report, the planning permission granted was subject to certain conditions to enable the Local Planning Authority to regulate and control associated subsequent works to the property, including the provision of boundary walls and means of enclosure. Additionally, I was particularly mindful that any such means of enclosure, including the inclusion of entrance gates for example, had the potential to be visually obtrusive if they were of an inappropriate design or type out of keeping with the rural setting. As the development has commenced on site, the condition removing these permitted development rights has come into effect meaning that the boundary wall and gates are in breach of planning control and therefore potentially liable to formal enforcement action.
- 6.4 Whilst I do not consider the works to have resulted in a material impact on the openness of the MGB specifically, I do have significant concerns about the nature of the development in terms of its impact on the rural setting of the site and the rural amenities of the wider locality. The new boundary wall is far starker and much more suburban in character than would be expected in a location such as this. The entrance gates and associated brick piers are suburban in character by virtue of their design and the materials utilised. They are not features that would readily be associated with a small rural dwelling such as this. For these reasons, I consider the development to the frontage of the site has seriously diminished the rural character of both the site and its surroundings. As such, the proposal is contrary to policy CP24 of the TMBCS and policy SQ1 of the MDE DPD and the guidance contained within the NPPF.
- 6.5 It is noted that the applicant has indicated that a Yew hedge could be planted in front of the wall in order to soften its appearance and the gates are set back some distance from the edge of the highway. However, given the overall height, length and general scale of the wall in question, I do not consider that a requirement to plant hedging along the outer edge of the wall would mitigate the degree of harm arising to such an extent that would render it acceptable in visual terms. Similarly, the imposing nature of the gates and brick pillars either side means that the set back of the entrances gates from the highway does not sufficiently reduce their obtrusiveness within the rural locality.
- 6.6 I appreciate that the works must have been undertaken at some expense to the applicant but their acceptability ultimately rests on their appropriateness for the specific location. For the reasons cited above, I do not consider this to be the case.
- 6.7 Equally, I understand that the applicant might wish to afford his property a greater level of security. Given the degree of harm caused to the character of the rural locality, I do not consider that this provides sufficient justification for allowing retention of the development in its current form.

6.8 I shall, therefore, recommend that planning permission be refused. If Members accept that recommendation, it will be necessary to consider whether it is expedient to take enforcement action against the unauthorised works and, if so, what form that action should take. In light of the preceding assessment and the harm identified, I cannot see any way in which the impacts of the entrance gates, brick piers and boundary wall could be reduced by compensatory measures and as such I recommend that an Enforcement Notice should require the removal of the works. I consider that the degree and specific nature of the harm that has been caused by the unauthorised development (i.e. the harm to the rural character, as described above) does justify the service of an Enforcement Notice in this instance and the following recommendations are put forward:

7. Recommendation:

7.1 **Refuse Planning Permission** for the following:

Reason:

1 The boundary wall, entrance gates and brick piers by virtue of their overall scale and height combined with their unsympathetic design and materials used, and also because of their inherently suburban character, are detrimental to the appearance, character and amenities of the rural locality. As such, the development is contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy and policy SQ1 of the Managing Development and the Environment DPD 2010.

7.2 **An Enforcement Notice BE ISSUED** to require the removal of the boundary wall, entrance gates and brick piers.

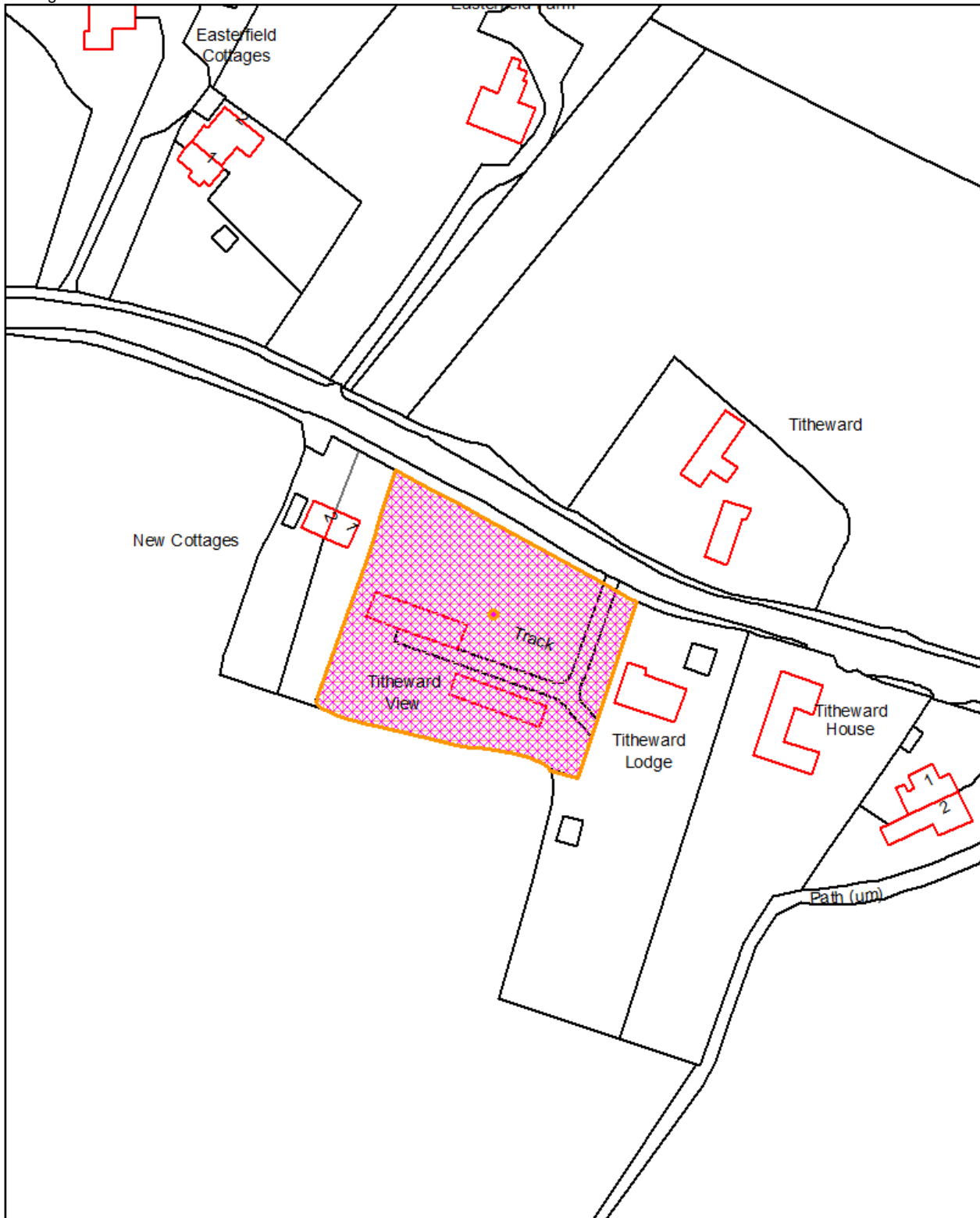
Contact: Rebecca Jarman

TM/15/00230/RD

Titheward Yard Three Elm Lane Golden Green Tonbridge Kent TN11 0BN

Details of landscaping and boundary treatment submitted pursuant to condition 5 of planning permission TM/14/01713/FL (Proposed reconstruction of building following storm damage and retaining residential dwelling on site)

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Alleged Unauthorised Development

Wrotham

14/00352/WORKM

562533 158917

Wrotham

Location:

Little Nepicar London Road Wrotham Sevenoaks Kent TN15
7RR

1. Purpose of Report:

- 1.1 To report the unauthorised erection of timber sectional building used as a one bedroom annex following the refusal of planning permission under reference TM/14/04076/FL, which was considered on a retrospective basis.

2. The Site:

- 2.1 Little Nepicar is located on the northern side of the London Road (A20). The application site as identified by planning application TM/14/04076/FL comprises the main residential dwelling (Little Nepicar), a substantial six bedroom detached dwelling and an ancillary building (The Old Coach House) which is currently used as office space by the applicant in connection with her business. The site lies within the Metropolitan Green Belt.

3. Planning History:

TM/03/00205/FL Grant With Conditions 14 May 2003

Demolition of existing building and construction of two storey side extension (amended scheme to that submitted under planning ref. TM/02/01356/FL)

TM/03/03540/FL Grant With Conditions 6 January 2004

Proposed change of use of existing coach house to form new 3 bedroom accommodation

TM/05/00392/FL Application Withdrawn 15 April 2005

Relocation of existing Coach House

TM/05/02062/FL Refuse 21 September 2005

Relocation of Coach House and conversion to 3 bedroom dwelling

TM/05/03291/FL Refuse 9 January 2006

Extension to rear of existing house

TM/06/00871/FL Grant With Conditions 16 June 2006

Change of use of coach house adjacent to Little Nepicar to B1 office use

TM/08/01093/FL Refuse 22 May 2008

Two storey rear and single storey side extension

TM/08/02672/FL Approved 12 November 2008

Two storey rear and single storey side extension (resubmission of planning application TM/08/01093/FL)

TM/11/03006/FLX Approved 15 December 2011

Renewal of planning permission TM/08/02672/FL (Two storey rear and single storey side extension (resubmission of planning application TM/08/01093/FL))

TM/14/04076/FL Refused 13 March 2015

Retrospective planning application for retention of a detached timber cabin to be used as a 1 bedroom granny annexe

4. Alleged Unauthorised Development:

- 4.1 The unauthorised erection of a timber sectional building used as a one bedroom annex.

5. Determining Issues:

- 5.1 The site lies within the MGB, where restrictive policies apply. The NPPF states (in paragraph 89) that the construction of new buildings is inappropriate development. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, or the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. The relevant exceptions set out in the NPPF do not apply, in this instance, since the timber cabin now in situ is a new self-contained annex building and does not extend an existing building nor

replace a previous building. It is, therefore, considered to be inappropriate development which is by definition harmful to the Green Belt. The NPPF states that inappropriate development should not be approved except in very special circumstances (paragraph 87). It goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraph 88).

- 5.2 The building is a substantial detached self-contained one bedroom annex, situated some considerable distance (circa. 40m) from the main dwelling house (Little Nepicar). It is large in its scale, with an internal floor area of just over 70 sq. metres and a roof ridge height of 3.79m. This annex building which is now fully constructed undoubtedly has a material impact on levels of openness within the Green Belt. Furthermore, on the basis of the annex building being located some considerable distance from the main dwelling house, the building results in an incremental spread in footprint/built form across the site which is harmful to the open character and functioning of the Green Belt. In reaching this view, regard was had to the existing built development which already exists within the domestic curtilage; in this instance this comprises of the main substantial dwelling house, a detached office building, a multiple bay detached garage and a hard surfaced tennis court. Whilst the overall site does not feel cramped by any means, owing to its substantial plot, the property has benefited from a considerable amount of built development within its Green Belt/AONB location in the past.
- 5.3 The view was therefore taken that the annex building is, by definition, inappropriate development and by virtue of its overall scale, bulk and location within the site would be demonstrably harmful to the openness of the Green Belt. No very special circumstances were identified that outweighed this identified harm.
- 5.4 TMBCS Policy CP14 restricts development within the countryside to a number of circumstances. The self-contained annex, which represents a functionally separate new dwelling within the countryside, does not meet one of the certain types of development restricted to the countryside location and is therefore contrary to this policy.
- 5.5 TMBCS Policy CP7 and paragraph 115 of the NPPF relate to development proposals within the AONB. The NPPF states that great weight should be given to conserving landscape and scenic beauty in the AONB, which have the highest status of protection in these respects. The view was taken that the timber cabin is harmful to the wider landscape character by virtue of its overall scale, bulk, proposed use and location and therefore contrary to these policies.
- 5.6 With these policies and detailed assessment in mind, planning permission was refused for the building in question under delegated powers for the following reasons:
- 1 *The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in the National Planning Policy Framework 2012 and Policy CP3 of the Tonbridge and Malling Borough Core*

Strategy 2007. The retrospective self-contained annex building constitutes inappropriate development and there are no very special circumstances that outweigh the harm to the Green Belt caused by this inappropriateness and loss of openness. The development is, therefore, contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and also current Government guidance contained within paragraphs 87-89 of the National Planning Policy Framework 2012.

- 2 *The self-contained annex building results in a functionally separate new dwelling in the countryside, which does not fall into any categories of appropriate development in the countryside. As such the proposal is contrary to Policy CP14 of the Tonbridge and Malling Core Strategy 2007.*
- 3 *The self-contained annex building is harmful to the landscape character of the Kent Downs Area of Outstanding Natural Beauty by virtue of its overall scale, bulk and location, and is therefore contrary to the requirements of Policy CP7 of the Tonbridge & Malling Borough Core Strategy 2007 and the current Government guidance contained in paragraph 115 of the National Planning Policy Framework 2012.*
- 5.7 I appreciate that the works must have been undertaken at some expense to the applicant but their acceptability ultimately rests on their appropriateness for the specific location. For the reasons cited above, I do not consider this to be the case.
- 5.8 In light of these considerations and the recent refusal of planning permission, it is necessary to consider whether it is expedient to take enforcement action against the unauthorised works and, if so, what form that action should take. Given the preceding assessment and the harm identified, I cannot see any way in which the impacts of the building could be reduced by compensatory measures and as such I recommend that an Enforcement Notice should require the removal of the building. I consider that the degree and specific nature of the harm that has been caused by the unauthorised development sufficiently justifies the service of an Enforcement Notice to this effect.
- 5.9 It should be recognised that the applicants do still have a right to appeal against the refusal of planning permission (three months from the date of the decision on 13 March 2015). However, it is considered expedient in these circumstances to continue progressing with the enforcement action as described. In the event that the applicants lodge an appeal, they would have the right to also appeal the Notice itself and any further enforcement action would be held in abeyance pending the outcome of the appeal. In light of the consideration set out above it is considered expedient to pursue Enforcement action at this time.

6. Recommendation:

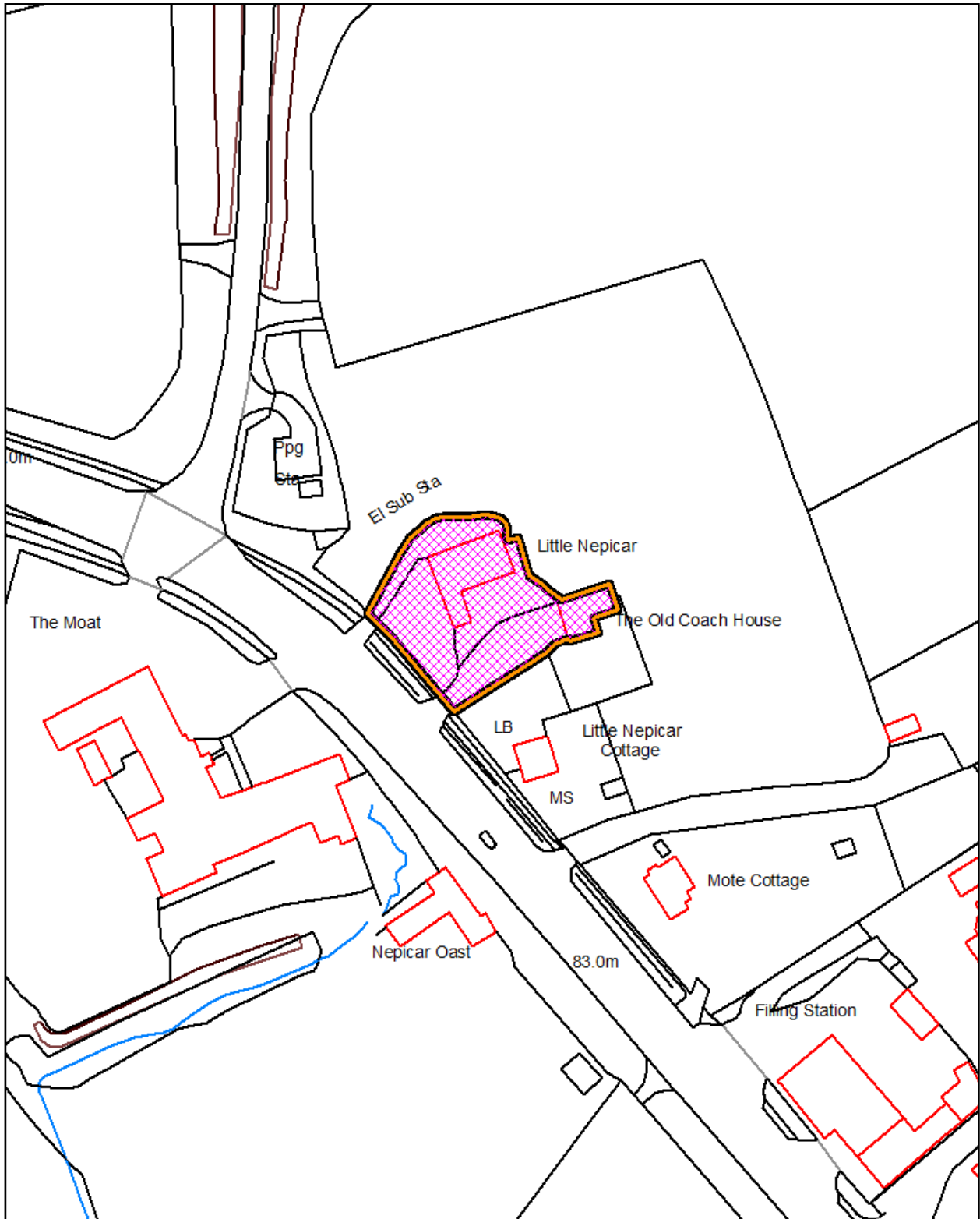
- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised building, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Richard Edmonds

14/00352/WORKM

Little Nepicar London Road Wrotham Sevenoaks Kent TN15 7RR

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