

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

7 August 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, 19th August, 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 - 10

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 8 July 2015

Decisions to be taken by the Committee

4. Development Control

Introduction and Glossary

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6. TM/15/01687/OA - Little Reeds, Ford Lane, Trottiscliffe 19 - 30
7. TM/15/01758/OA - Downsview, 8 Green Lane, Trottiscliffe 31 - 42
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 43 - 44

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 S R J Jessel (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr M A C Balfour
Cllr Mrs S M Barker
Cllr R P Betts
Cllr M A Coffin
Cllr Mrs S L Luck
Cllr B J Luker
Cllr P J Montague

Cllr L J O'Toole
Cllr S C Perry
Cllr H S Rogers
Cllr Miss J L Sergison
Cllr T B Shaw
Cllr Miss S O Shrubsole
Cllr M Taylor

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 8th July, 2015

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole and Cllr M Taylor

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor L J O'Toole

PART 1 - PUBLIC

AP2 15/21 DECLARATIONS OF INTEREST

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

AP2 15/22 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 27 May 2015 be approved as a correct record and signed by the Chairman.

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

AP2 15/23 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 15/24 TM/14/03395/FL - THE VIGO INN, GRAVESEND ROAD, WROTHAM

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

RESOLVED: That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr H Bott – Stansted Parish Council; Mr J Collins – Agent to the Applicant]

AP2 15/25 TM/14/01688/FL - WINSOR WORKS, LONDON ROAD, ADDINGTON

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

RESOLVED: That

(1) the application be REFUSED for the following reason:-

1. The specific nature, level, type and intensity of activity associated with the proposed use when having due regard to the constrained nature of the site and its close proximity to neighbouring residential properties would cause significant and undue disturbance to the occupants of those properties by virtue of noise generation, traffic movements and more general disturbance, that could not be mitigated through the imposition of planning conditions, to such an extent to cause unacceptable harm to their residential amenities. As such, the use would be contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

(2) an Enforcement Notice be served in respect of the current unauthorised use of the site.

[Speakers: Mr M Cooper, Ms C Katnoria, Mrs M Bailey, Mr D Lovelock, Mr M Bailey and Mr S Lake – members of the public; Mr K Wise – Agent to the Applicant]

AP2 15/26 TM/11/03020/OA - PHASE 3, PLATT INDUSTRIAL ESTATE, MAIDSTONE ROAD, PLATT

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

RESOLVED: That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr T Bonser – Platt Parish Council; Ms C Hook – member of the public]

AP2 15/27 TM/15/00531/FL - LAND WEST OF STATION ROAD NORTH, WEST MALLING

Use of land to provide station car parking and new access at Land West of Station Road North, West Malling.

APPLICATION FORMALLY WITHDRAWN BY THE APPLICANT

AP2 15/28 TM/15/00876/FL - 2 KEEPERS COTTAGES, SWANTON VALLEY LANE, MAIDSTONE

Use of part of ground floor and whole of first floor of existing detached building as a living room, 2 bedrooms, bathroom and utility room as part of 2 Keepers Cottages, Swanton Valley Lane, Platt.

RESOLVED: That the application be REFUSED for the following reasons:-

1. The building is inappropriate development in the Metropolitan Green Belt. It would include the provision of primary accommodation which is not a purpose which is genuinely incidental and ancillary to the enjoyment of the dwelling house. Therefore there is no adequate case of very special circumstances to outweigh the harmful inappropriateness by definition. The proposal is contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy and paragraphs 17 and 79-89 of the National Planning Policy Framework 2012.
2. The use of the building would harm Green Belt openness as a result of additional vehicular movements in the area and the tendency to increase the amount of domestic paraphernalia. The intensity of use of the site would therefore be harmful to the openness and visual amenities of the Green Belt, contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy

and paragraphs 79/89 of the National Planning Policy Framework 2012.

**AP2 15/29 ALLEGED UNAUTHORISED DEVELOPMENT 13/00344/WORKM -
SITE OF COURT LODGE COTTAGE, OLD LONDON ROAD,
WROTHAM**

The report advised of the unauthorised erection of a large single storey building, the erection of a shed within the curtilage of the former Court Lodge building which was Grade II Listed and currently undergoing conversion, and the construction of a footpath within the site.

RESOLVED: That Enforcement Notices be issued, the detailed wording of which to be agreed with the Director of Central Services, requiring the following:

- Removal of the unauthorised single storey building and landscape the area in accordance with the approved landscaping plan 01-523-101 N dated 13 March 2015.
- Removal of the unauthorised footpath and landscape the area in accordance with the approved landscaping plan 01-523-101 N dated 13 March 2015.
- Removal of the unauthorised shed and landscape the area in accordance with the approved landscaping plan 01-523-101 N dated 13 March 2015.

**AP2 15/30 ALLEGED UNAUTHORISED DEVELOPMENT 15/00142/WORKM -
THE WARRENS, PILGRIMS WAY, TROTTISCLIFFE**

The report advised of the unauthorised construction of a two storey building within the grounds of The Warrens, Pilgrims Way, Trottiscliffe.

ITEM WITHDRAWN FROM AGENDA

MATTERS SUBMITTED FOR INFORMATION

**AP2 15/31 ENFORCEMENT ACTION IN CONNECTION WITH DEVELOPMENT
AT LAND REAR OF 19 - 29 STATION ROAD, BOROUGH GREEN**

The joint report of the Director of Planning, Housing and Environmental Health and the Director of Central Services provided an update on enforcement action taken using emergency powers in connection with the development on land to the rear of 19 – 29 Station Road, Borough Green.

AP2 15/32 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

MATTERS SUBMITTED FOR INFORMATION

AP2 15/33 THE VIGO INN PUBLIC HOUSE - APPLICATION TM/14/03395/FL

(Reason: LGA 1972 Sch 12A Paragraph 5 – Legal Advice)

The report of the Director of Central Services set out the potential risk in the event of a non-determination of the application.

The meeting ended at 9.50 pm

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Mereworth **565575 154370** **13 May 2015** **TM/15/01576/FL**
(Mereworth)
Downs And Mereworth

Proposal: Conversion of equestrian buildings to form 1no. residential dwelling and associated works
Location: Land Opposite Highlands Farmhouse Horns Lane Mereworth Maidstone Kent
Applicant: Mrs Claire Trevill

1. Description:

- 1.1 Planning permission is sought to convert equestrian buildings on this site to a one bedroom live/work unit. The extension to the building has been limited to a 4 sqm link between the two equestrian buildings on the site; this link would be timber boarding to one side and glazed to the other. The link would allow the kitchen/diner and bathroom proposed in one of the buildings to give access to the bedroom and office proposed in the second building.
- 1.2 All existing window and door openings are to be reused with only one new window being proposed in the gable end of the existing hay barn which would allow the owner to monitor the horses out at grass. Existing stable doors would remain visually the same as the exterior; the bottom section would become part of the fixed part of the external wall while the top section would form a window shutter.
- 1.3 The external walls of the existing building would remain as existing, with conversion works limited to internal modifications and new roof lights. The existing felt roof covering would be replaced with an insulated composite panel system. There would be no visible roof to the link extension as it would be formed under the existing roof overhang. Internally, it would be necessary to construct new insulated skin within the confines of the existing building envelope. This would include works to the existing concrete floor slab, external walls and underside of the existing roof structure.
- 1.4 The residential curtilage of the converted building would be limited to 65 sqm, which is proposed to be situated on what was previously part of the concrete stable yard. The remainder of the existing stable yard (approx. 190 sqm) would be returned to paddock and the manure bunker removed. The existing tack room would be retained for storage.
- 1.5 The applicant has indicated that in recent years they have been repeatedly targeted by thieves who have stolen property and caused damage to property. The applicant now feels that she can no longer stable the horses, preferring to leave them permanently turned out. The converted building would allow the applicant to permanently monitor the site and protect the horses. The applicant has a mobile

field shelter for the horses to use during extreme weather conditions and hay is grown by the applicant so only a minimal amount of storage is required.

- 1.6 The application has been accompanied by a Planning Statement and a Design and Access Statement. Additionally the application includes a structural report of the buildings which concludes that the building is capable of conversion without any significant structural alterations or rebuilding, and a biodiversity assessment which recommends that lighting should be sensitive, new planting should encourage biological diversity, watching brief regarding bats and alternative nesting should be provided for birds, especially swallows.

2. Reason for reporting to Committee:

- 2.1 Called in by Ward Councillors due to local concerns and MGB policies.

3. The Site:

- 3.1 This site is located in the Green Belt and in the countryside. It is directly to the east of Horns Lane. The existing building consists of three loose boxes, a tack room and a hay barn, which was granted planning permission in 1993. The timber buildings are single storey with a pitched felted roof in an L-shaped configuration. The stables are accessed via a gravel vehicular track off Horns Lane. Wooden security gates, with a metal barrier in front, are located at the site entrance. The site is obscured from Horns Lane by mature hedgerows.
- 3.2 The existing stables provide stabling for the 12 acres that are used for grazing by the applicant's horses. The applicant has indicated that of the 12 acres they have, 8 acres are used for the growing of hay and the remaining 4 acres are used for rotational grazing. The applicant has 2 horses.
- 3.3 The site has been visited and it is noted that there is a field shelter (on skids) in one of the fields and a block of two stables (on skids) in another field. There is also a large wooden shed in the existing stable courtyard (that is not shown on the plans) which has been erected and is used as a hay store. Tack and other equipment is currently stored in the secure storage area at the end of the main stable block and it is proposed to be maintained for this use if the conversion takes place.
- 3.4 To the west of the site, on the opposite side of Horns Lane, is Old Highlands Farmhouse. To the south of the site is Highlands Farm.

4. Planning History (relevant):

TM/93/00844/FL grant with conditions 16 July 1993

Provision of stable block, tack room and free standing hay store together with parking and turning area

TM/93/00845/RM grant with conditions 7 June 1994

Details of materials, part details of landscaping, and means of disposal of manure submitted pursuant to conditions 2, 5 and 3 of permission TM/93/0430FL

5. Consultees:

5.1 Private Reps (and Art 13 site notice) (2/4R/0S/OX) (including CPRE Tonbridge and Malling district) centred on the following concerns:-

- Main reason for requiring conversion is to monitor security of the site, yet there have been no reported thefts on the police website in the last 12 months; moreover people who live opposite and local policeman at PC meeting are not aware of any problems at the site. Also not aware of any harm to the horses on the site. No evidence put forward as to how they have combatted the security problem at the site. Site is already secure with the high wooden gate promoting CCTV cameras in operation and a heavy duty metal barrier in front;
- There has been little equine activity at the site in recent months, few horses and horses are not ridden;
- The quality of the residence is low and contrary to Policy CP24;
- Consider that the application is a precursor of additional more extensive development at a later stage for financial gain;
- Not considered a live – work unit, more like a residence with a space for a home computer;
- Consider in future will require more buildings to be erected at the site for the horses;
- Proposal will result in residential paraphernalia external to the built development;
- New field of horses recently set up at junction of Horns Lane with Beech Road – very popular area for horse grazing and demonstrates that the owners must feel safe with this green field zone;
- If allowed in future planning application maybe made for a more substantial styled residential property.

5.2 PC: Strongly object to the application – comment that the dwelling appears to be needed to monitor the horses given past (unspecified) history of vandalism. There are no records of break-ins in the recent past and the Police have no knowledge of any issues of vandalism on this site. Have alternative solutions been considered

such as CCTV? This application is in the Green Belt where development should only be allowed in exceptional circumstances.

6. Determining Issues:

- 6.1 Policy CP3 of the TMBCS reflects national Green Belt policy in the NPPF. Paragraphs 87-88 stated that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in “very special circumstances”. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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.
- 6.2 Paragraph 90 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of a permanent and substantial construction.
- 6.3 Policy CP14 of the TMBCS allows for the appropriate conversion of an existing building to residential use.
- 6.4 Policy DC1 of the MDE DPD (adopted April 2010) relates to the re-use of rural buildings. This policy states that proposals for the reuse of existing rural buildings that are of permanent and sound construction and capable of conversion without major or complete reconstruction will be permitted subject to meeting the following criteria:
- The building and any alterations proposed are of a form, bulk and general design and of materials which are in keeping with the character of the area;
 - The proposed use is acceptable in terms of residential and rural amenity, highway impacts and the use of land surrounding the buildings, and can be accommodated without requiring the erection of extensions or ancillary buildings;
 - The proposed use does not result in the fragmentation and/or severance of an agricultural holding;
 - Any landscaping scheme is appropriate to its rural location;
- 6.5 An independent structural survey has been undertaken by the applicant and submitted as part of the application. This report stated that the buildings could be converted without substantial alterations; the work proposed to the buildings is set out in the report.

- 6.6 The proposed package of alterations to the exterior of buildings and the partly glazed link would, in my opinion, harm the intrinsic character of this rural building.
- 6.7 These 2 buildings are extremely typical of lightweight timber buildings often expressly permitted in constrained MGB and countryside locations throughout the Borough as appropriate, i.e. being small scale essential facilities to serve a rural leisure use. Notwithstanding the submitted independent structural survey, Members may agree that the proposed works to the building including adding of internal insulation together with the new roof covering and the addition of a link (this is essential to the creation of the dwelling) is effectively a substantial reconstruction of the building, as opposed to a genuine conversion. I am of the view that the proposal is inappropriate in Green Belt terms.
- 6.8 In addition, whilst the domestic garden area is small, it will still introduce domestic paraphernalia into the locality. The introduction of domestic comings and goings will harm the rural and Green Belt amenities.
- 6.9 Existing trees, hedges and fencing are to be retained on the site, and there will also be additional planting. Moreover a large area of hard surfacing on the site is to be returned to paddock. However in order to facilitate the conversion, the applicant has had to erect a detached building (which does not have the benefit of planning permission) to be used as a hay store and further buildings (on skids) have been erected in the fields (these buildings are often chattels due to being moveable and in such circumstances would not require planning permission). The addition of these further building/chattels has encroached onto the openness of the MGB. They duplicate the functions provided by the buildings subject of this planning application and appear to effectively prejudge the determination of this application.
- 6.10 The applicants have commented that the reason for the conversion is to improve security on the site. However, local residents and the PC have raised concerns regarding this, in so far as there is no evidence to support this claim, and I would tend to agree with their concerns. Whilst I can sympathise with the applicant that the site needs to be more secure, I do not consider that the building should be allowed to be converted for this reason alone and that it is not a “very special circumstance” as it could be repeated at numerous other similar sites. There is no national or local policy support for the principle of on-site dwellings needed in these sorts of locations to deal with security concerns for horses at pasture or in field shelters.
- 6.11 The proposed dwelling would be sufficiently separated from the nearest dwellings – Old Highlands Farmhouse and Highlands Farm, to ensure that there will be no impact on the residential amenities of the occupants of these dwellings.
- 6.12 The PC and local residents have commented that this development may be a precursor for future development on the site. Whilst I do acknowledge that this maybe the case in the future, all such developments will require planning

permission and will be considered on their merits if they are put forward. Having said that, the hay store is a duplicate of a building already on site and needs planning permission in its own right. This can be the subject of an informative.

6.13 In light of the above assessment, I consider that the proposal does not meet the requirements of the NPPF and the LDF by reason of being inappropriate development in the countryside which is Green Belt. It introduces a domestic garden and activity which would harm rural and Green Belt amenities. As such the following recommendation is put forward:

7. Recommendation:

7.1 Refuse Planning Permission for the following:

Reasons

1. The site lies within the countryside and Metropolitan Green Belt. These buildings cannot be converted to a single dwelling use without major reconstruction and extension and hence the proposal is inappropriate in the Green Belt and countryside. It is thus contrary to the National Planning Policy Framework 2012 (para 89) and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy DC1 of the Managing Development and the Environment DPD. No very special circumstances or material considerations are considered to outweigh the harm.
2. The site lies within the countryside and Metropolitan Green Belt. The use will necessitate replacement equestrian facilities and also the introduction of a residential garden curtilage which, together with new domestic comings and goings, would harm the amenities of the Green Belt and countryside. It is thus contrary to the NPPF (para 89) and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy DC1 of the Managing Development and the Environment DPD.

Informatives

1. The applicant is advised that the exiting hay store that has been erected in the stable courtyard requires planning permission.

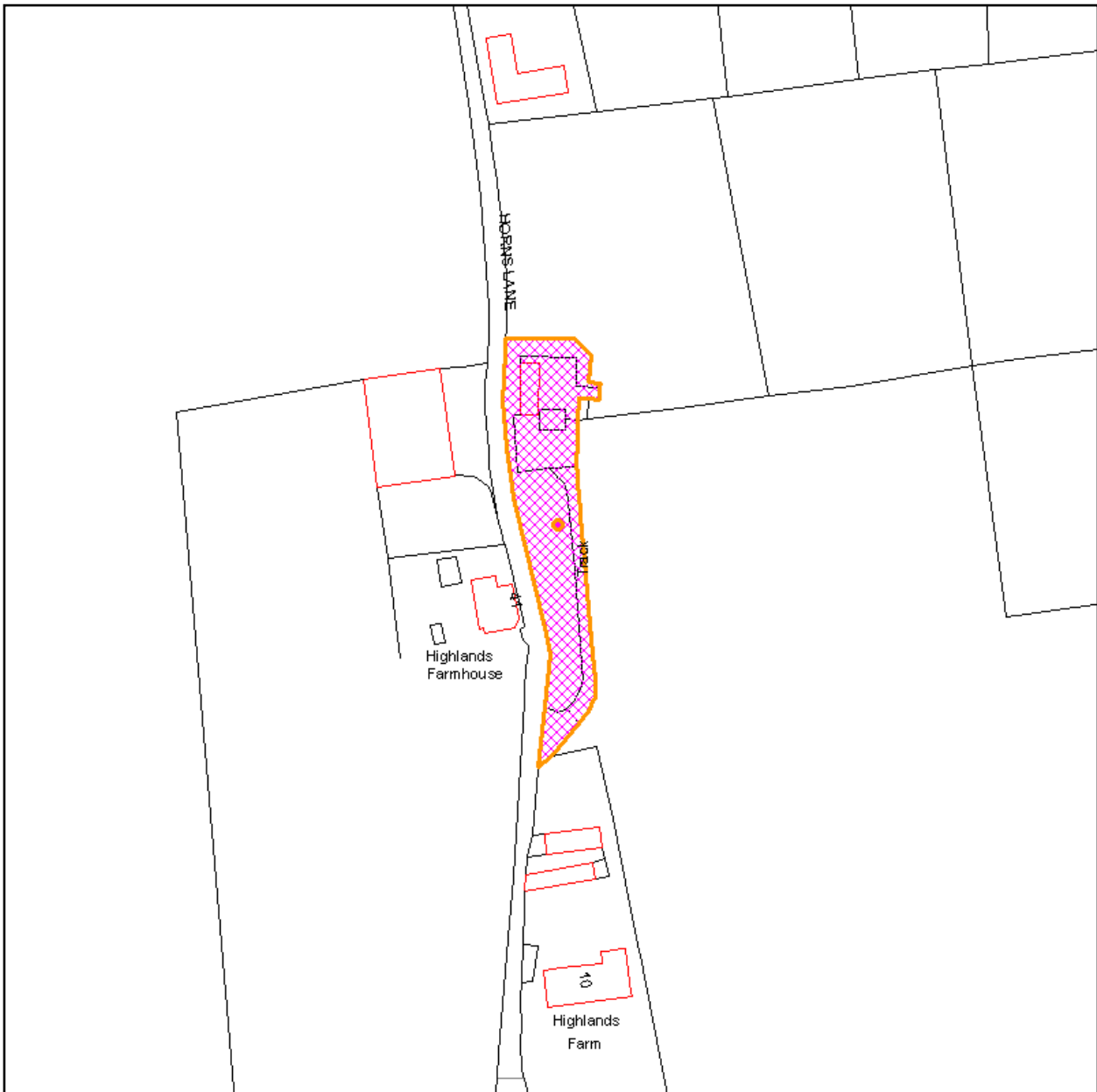
Contact: Rebecca Jarman

TM/15/01576/FL

Land Opposite Highlands Farmhouse Horns Lane Mereworth Maidstone Kent

Conversion of equestrian buildings to form 1no. residential dwelling and associated works

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Trottscliffe **564023 159784** **21 May 2015** **TM/15/01687/OA**
Downs

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

Location: Little Reeds Ford Lane Trottscliffe West Malling Kent ME19 5DP

Applicant: Mr David Spreadbury

1. Description:

- 1.1 Outline planning permission is sought for a new four bedroom detached dwelling with associated double garage on land to the rear of Little Reeds. This outline planning application seeks approval for Access and Layout only; with Appearance, Landscaping and Scale of the development forming 'Reserved Matters' for later consideration.
- 1.2 The application documents indicate that the new dwelling would be an L-shaped chalet bungalow providing approximately 300 square metres of habitable accommodation. Indicative elevation plans of the new dwelling have been provided (although Appearance and scale are not matters under consideration at this outline stage). The submitted elevations indicate that the new dwelling would have a maximum ridge height of approximately 8.5m on its east-west axis and an overall ridge height of approximately 7.5m on its north-south axis. It is proposed to set the first floor accommodation within the roof space, incorporating a mix of pitched roof dormers and a double height entrance gable.
- 1.3 In layout terms, the proposed L-shape dwelling would have an overall length of approximately 17.5m (east-west) and width of approximately 16m (north-south). The western elevation of the dwelling would be some 6m from the western site boundary (with Streets End), whilst the east elevation would be some 3m from the eastern site boundary (with the rear garden of Wyngate).
- 1.4 The layout plans show an area of hardstanding to the front (south) and western side of the building, sufficient for the parking and turning of at least two cars. The indicative elevation and layout plans for the new dwelling indicate that the property would incorporate a double bay garage within the ground floor of the main building.
- 1.5 A new hard surfaced access road would be constructed to the west of Little Reeds running up to the new dwelling. The existing garage for Little Reeds would be removed to make way for this new internal access road and an area of hardstanding for Little Reeds laid to the rear (north) of its retained garden. The

new access road would run parallel to the existing vehicle access serving Little Acres and Streets End just west of the application site.

- 1.6 It is proposed to widen the existing driveway entrance from Little Reeds to Ford Lane, which is intended to improve visibility when exiting the site onto Ford Lane. The widened access would then serve both Little Reeds, together with the new dwelling.
- 1.7 Whilst specific landscaping details have not been provided at this stage [as these are intended to form subsequent Reserved Matters] it is understood that the private garden area for the new dwelling would be to the rear (north) of the house. An existing garden area would remain to the north of Little Reeds for its own enjoyment.
- 1.8 The indicative plans show that the proposed new dwelling would be of a chalet bungalow style form and layout, to reflect the adjoining backland development of Little Acres and Streets End which are immediately west of the application site (as permitted in 1997 under application reference: TM/97/00740/FL).

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Balfour in light of local concerns, being in the AONB, backland development and increased pressures on Ford Lane.

3. The Site:

- 3.1 The application site comprises of the plot of Little Reeds which lies to the north of Ford Lane within Trottiscliffe. The site currently comprises of a long (140m) plot which measures some 26m in width. Little Reeds itself is a modest bungalow located relatively near to the south of the site/Ford Lane. There is an existing garage/outbuilding located to the west of the property which is where the hard surfaced driveway terminates.
- 3.2 To the rear (north) of the property there is approximately 110m of rear garden land; this comprises of more intensively used/landscaped garden land nearest to the dwelling and then more overgrown meadow land further to the north. The site is well screened along its northern, eastern and western boundaries by mature trees and hedgerows.
- 3.3 The existing dwelling, together with an area of approximately 50m from the rear elevation of the property (or approximately half the length of the rear garden) is located within the defined rural settlement confines of Trottiscliffe under TMBCS Policy CP13. The remainder of the garden is located outside of the village confines and is within the Metropolitan Green Belt.

- 3.4 The entire application site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Trottiscliffe Conservation Area lies approximately 46m to the east/north-east of the application site.
- 3.5 The application site lies within a Source Protection Zone (Water Gathering Area).
- 3.6 The surrounding area is characterised by detached dwellings, bungalows and chalet-style bungalows flanking the north-western side of Ford Lane. Streets End and Little Acres, located immediately west of the application site, are both chalet-style bungalows permitted in 1997 (TM/97/00740/FL) and represent backland development.

4. Planning History (relevant):

TM/46/10216/OLD Grant with conditions 6 November 1946

Bungalow.

TM/90/10833/FUL Grant with conditions 19 September 1990

Extensions and alterations to bungalow.

TM/92/10553/FUL Grant with conditions 15 January 1992

Demolition of existing garage to rebuild double garage.

TM/93/01489/FL Grant with conditions 14 January 1994

Extensions and alterations

5. Consultees:

- 5.1 Trottiscliffe Parish Council: Members resolved to object to these proposals. Members believe that the proposals affect the openness of the AONB and Green Belt. Members are concerned about the visual impact of the bulk and scale of the development and its appropriateness within a village setting in an AONB. Members were surprised not to have been provided with a topographical and arboricultural survey as they believe a number of trees and mature hedgerow on the western boundary will need to be removed which would mean that the proposed dwelling would have an unacceptable impact on the wider locality. Members are also concerned about the access and likely increase in trip generation on this narrow road.
- 5.2 KCC Highways & Transportation: A development of this scale could not warrant concern in terms of traffic generation. The proposal is off an existing access which

I can confirm has no record of personal injury crashes in at least the last 9 years. The proposed property should have space for at least 2 car parking spaces which the plans seem to demonstrate. Suitable provision is also included for Little Reeds. The property proposed is some 70m from Ford Lane and it is considered necessary therefore for some attention to be given to efficient refuse collection by identifying a convenient refuse collection point for operatives.

5.3 Environment Agency: Notes that the site is located on Gault Clay, beneath the clay lies the Folkestone Formation which is a principal aquifer. The site is designated as source protection zone 1 because the aquifer supports a public drinking water abstraction. No objection is raised with regard to the proposal, subject to a condition being imposed on any permission covering no infiltration of surface water drainage into the ground unless otherwise permitted with the consent of the Local Planning Authority.

5.4 Private Reps: 4 + Site Notice (0X/4R/0S). Four objections focus on the following issues:

- To allow building works to take place in a garden sets an unacceptable precedence and will lead to further development on basically a green field site within the area;
- The new dwelling would have an adverse effect on the residential amenity of neighbours, by reason of noise, overlooking and loss of privacy;
- The new dwelling would appear to be squashed in and its roof would be intrusive for the neighbouring property (Streets End);
- The village envelope [Core Strategy Policy CP13 designation] appears to take an odd route across the Little Reeds plot as it follows the end of the gardens of the adjacent properties to the right, but then deviates down to where the applicant has indicated the rear of the house on the plan and then crosses the plot and rises to the north again near the boundary to Streets End. We request that should approval be given, the dwelling be moved northwards which will improve outlook from Streets End and the new dwelling with only a slight change to the village envelope boundary;
- The proposals will cause additional traffic on a relatively narrow country lane; and
- Concerns with construction impacts (noise, dust, large vehicles/deliveries, etc.)

6. Determining Issues:

- 6.1 In considering applications for planning permission it is necessary to determine them in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the more growth orientated character of the NPPF, published in 2012 as Government policy, has to be taken into account. Where appropriate the effect of the NPPF is reflected in the analysis below.
- 6.2 TMBCS Policy CP1 sets out the Council's overarching policy for creating sustainable communities. This policy requires, *inter alia*, that proposals must result in a high quality sustainable environment; that the need for development must be balanced against the need to protect and enhance the natural and built environment, and preserve, or where possible, enhance the natural and built environment, residential amenity and land, air and water quality; and development will be concentrated at the highest density compatible with the local built and natural environment, mainly on previously developed land (PDL).
- 6.3 TMBCS Policy CP13 allows for new development within the confines of rural settlements, such as Trottiscliffe, if there is some significant improvement to the appearance, character and functioning of the settlement; or justified by an exceptional local need for affordable housing.
- 6.4 TMBCS Policy CP24 relates to achieving a high quality environment. This policy states that development must be well designed, of a suitable scale, density, layout, siting, character and appearance to reflect the site and its surroundings. Policy SQ1 of the MDE DPD reinforces this requirement that all new development should protect, conserve and, where possible, enhance (a) the character and local distinctiveness of the area including its historical and architectural interest and prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area.
- 6.5 In this particular case, it should be noted that the NPPF seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. However, the NPPF makes it clear that the definition of previously developed land specifically excludes private residential gardens and therefore there is no automatic presumption in favour of developing the entire residential curtilage in this case.
- 6.6 This outline application proposes the construction of a new detached dwelling on garden land to the rear (north) of Little Reeds. The new dwelling itself would be situated within the built village confines of Trottiscliffe, whilst its associated rear garden would be within the designated Green Belt. It should be noted that a significant proportion (approximately half) of the rear garden of Little Reeds is already within the Green Belt; therefore any wider impact on openness of the Green Belt from residential garden land associated with either Little Reeds or the new dwelling would be markedly similar in my view. I recognise that the purpose of

the Green Belt is, amongst other matters, to check unrestricted sprawl of built-up areas and to safeguard the countryside from encroachment, however it should be noted that the new building is located outside of the Green Belt designation. I am therefore of the opinion that these proposals do not conflict with the purposes of the Green Belt as set out in para. 80 of the NPPF. On this basis, I have no objections to the development as a whole in Green Belt terms.

- 6.7 The new dwelling would be located some considerable distance north from the highway (circa. 65m) and owing to this distance, together with the intervening vegetation and screening afforded from Little Reeds, I consider that the proposed dwelling would not be discernibly noticeable in the street-scene. Whilst this development represents backland development, owing to the existing arrangement and layout of two existing backland dwellings to the west (Streets End and Little Acres), I do not consider that a new dwelling in this location would be significantly out of character with the general form or pattern of development in this part of Trottiscliffe. More importantly, I do not consider that the proposed new dwelling would give rise to a harmful impact on character to the wider settlement, sufficient to justify a refusal on these grounds.
- 6.8 The entire application site (and surrounding area) lies within the Kent Downs AONB. The NPPF makes it clear (in para. 115) that great weight should be given to conserving landscape and scenic beauty which have the highest status of protection in these respects. The site is well screened owing to the presence of boundary trees/vegetation, resulting in views to and from the site being visually contained to the immediately surrounding area only. On the basis of the indicative building envelope (which is shown to be a chalet style dwelling) I do not consider there would be any significant adverse effect on landscape character of the wider AONB, which could justifiably lead to a refusal of outline planning consent in this case. Furthermore, any new dwelling in this location would be read from the wider AONB landscape within the context of the rural settlement confines and the pattern of development which flanks the northern boundary of this part of Ford Lane.
- 6.9 MDE DPD Policy SQ8 states that, *inter alia*, development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. In this context the NPPF has a significant bearing; it is now clear that the nationally applied test in terms of highways impacts, is that an impact must be “severe” in order for Highways and Planning Authorities to justifiably resist development on such grounds. Development proposals should also comply with the Council’s adopted parking standards set out in IGN3, which, in this location relate to two independently accessible spaces per unit for the retained property (Little Reeds) and the new 4 bedroom dwelling.
- 6.10 The proposals relate to a new four bedroom dwelling located to the rear of Little Reeds. The proposals also include the widening of the existing driveway to

improve visibility when exiting the site onto Ford Lane; this is viewed as a positive impact in highway terms and will improve visibility for the existing property and any new dwelling. The new internal access road is shown to have an average width of 5.5m with ample turning space for Little Reeds and the new dwelling, in order to provide sufficient space within the site for delivery vehicles/fire tender vehicles, etc. In my view the proposals, which amount to a single new dwelling, would not give rise to a “severe” highway impact which could justifiably form grounds to refuse this development. Furthermore, the proposals accord with the Council’s adopted parking standards which require the provision of two parking spaces per property. I therefore have no objections to the proposals on highways or parking grounds.

- 6.11 Again, it is important to note that only Access and Layout matters are being considered at this stage; with Appearance, Landscaping and Scale forming reserved matters for subsequent consideration. In terms of the physical layout and orientation of the new dwelling and on the basis of the indicative house designs provided at this stage (albeit Appearance and Scale are matters for later consideration), I do not consider there would be any significant loss of privacy or overshadowing on surrounding properties to the east, south or west. The primary outlook of the new dwelling in this location is shown to be to be on a north-south axis and not towards neighbouring dwellings to the east (Wyngate) or west (Streets End or Little Acres); again this is something that can be closely considered at a detailed reserved matters design stage.
- 6.12 I note that a suggestion has been made from several surrounding neighbours to move the proposed dwelling further north (into the Green Belt land) to improve the relationship to surrounding dwellings, notably Streets End to the west. In this case, I do not consider the flank-to-flank relationship between the new dwelling and Streets End would justify the new dwelling being moved further north into the Green Belt, where a general presumption against new development exists unless there is an overriding case of very special circumstances. I note that matters such as the Appearance and Scale of the new dwelling would be subject to later consideration as part of any reserved matters application. Therefore the Planning Authority can ensure that the new dwelling would not result in unacceptable overlooking or bulk on surrounding dwellings.
- 6.13 I am aware that concerns have been expressed regarding the establishment of the principle of further backland development along this part of Ford Lane should these proposals be accepted. I would however remind Members that each case must be considered on its own merits, in the context of the specific site.
- 6.14 Concerns have been expressed regarding adverse noise and disturbance which would arise during construction works associated with the new dwelling. Whilst I accept that there would be some, relatively short-term construction impacts on surrounding properties, such impacts are not matters which could justify the refusal of planning permission. Instead, the applicant will be advised to adopt the

Council's standard working hours, which limit construction activities to day-time periods during weekdays and no construction taking place after 1pm Saturday afternoons, or at any time during Public and Bank Holidays.

6.15 For the reasons outlined above, I am of the view that the outline proposals put forward are acceptable in planning terms, would not give rise to unacceptable harm to the wider AONB or Green Belt designations or surrounding residential amenity, and that there are no overriding highway safety or parking grounds to justify a refusal in this particular case. It is therefore my recommendation that outline planning permission be granted subject to the conditions set out below.

7. Recommendation:

7.1 **Grant Outline Planning Permission** in accordance with the following submitted details: Letter Covering letter fm agent dated 20.05.2015, Location Plan dated 20.05.2015, Proposed Elevations NJW/02/A North dated 20.05.2015, Proposed Elevations NJW/03/A East dated 20.05.2015, Proposed Elevations NJW/01/A West dated 20.05.2015, Proposed Elevations NJW/04/A South dated 20.05.2015, Proposed Floor Plans NJW/05/A Ground dated 20.05.2015, Proposed Floor Plans NJW/06/A First dated 20.05.2015, subject to the following conditions and informatives:

Conditions

1. Approval of details of the appearance of the development, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4. The details submitted in pursuance to condition 1 shall be accompanied by details and samples of materials to be used externally 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.

5. The details submitted in pursuance to condition 1 shall be accompanied by a contoured site plan and full details of the slab levels at which the building is to be constructed and the development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to adequately assess the impact of the development on visual and/or residential amenities.

6. The details submitted in pursuance to condition 1 shall be accompanied by a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

7. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking and turning 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) (England) Order 2015 (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 and to deal with surface water drainage.

8. The details submitted in pursuance to condition 1 shall be accompanied by a scheme for the storage and screening of refuse. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

9. The details submitted in pursuance to condition 1 shall be accompanied by a scheme for the disposal of foul and surface water drainage. Thereafter, the approved scheme shall be implemented before the development is occupied and shall be retained thereafter.

Reason: In the interests of pollution prevention.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development shall be carried out within Class A and Class E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to regulate and control further development on this site.

Informatives

1. The applicant is advised that the Local Planning Authority expects that any subsequent Reserved Matters application (covering Appearance, Landscaping and Scale) should accord with the indicative layout and elevation plans, chalet-style dwelling and 300 square metres threshold of habitable area all detailed within this outline consent application.
2. During the demolition and construction phases, the hours of working (including deliveries) shall be restricted to the following times; Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 hours - 13:00 hours; and no work on Sundays, Bank or Public Holidays. The applicant is advised to seek an early discussion with the Environmental Protection Team - environmental.protection@tmbc.gov.uk
3. Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. In addition, the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

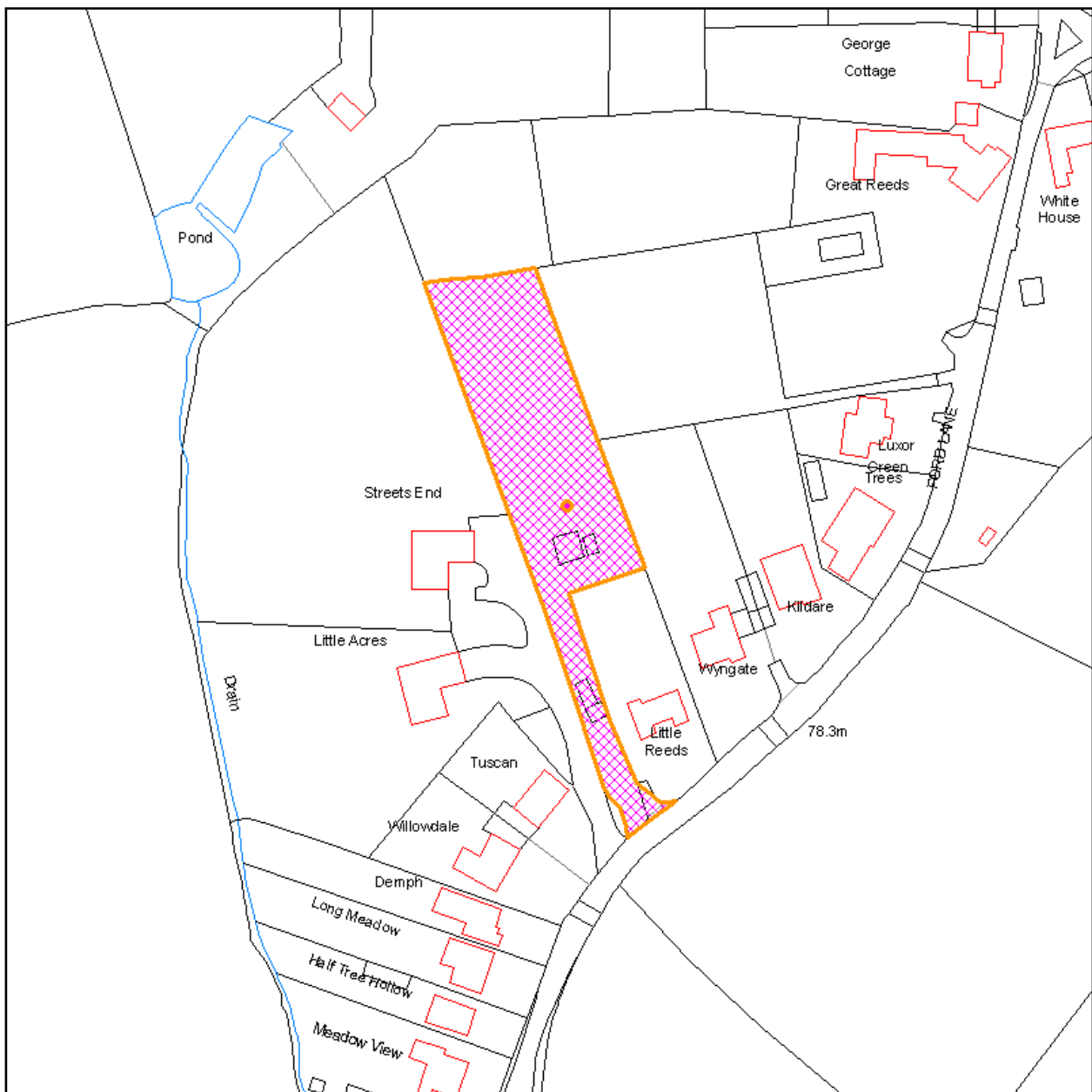
Contact: Julian Moat

TM/15/01687/OA

Little Reeds Ford Lane Trottiscliffe West Malling Kent ME19 5DP

Outline Application: Erection of a four bedroom detached dwelling of approximately 300m sq habitable area with double garage, to the rear of Little Reeds with access from Ford Lane with all other matters reserved

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Trottscliffe **564116 160453** **28 May 2015** **TM/15/01758/OA**
Downs And Mereworth

Proposal: Outline Application: Construction of a 5 bedroom single dwelling
Location: Downsvie 8 Green Lane Trottscliffe West Malling Kent ME19 5DX
Applicant: Dan Dryden

1. Description:

- 1.1 Outline Planning Permission is sought for the erection of a five bedroom detached dwelling in the garden of Downsvie, 8 Green Lane, Trottscliffe. All matters are reserved (access, scale, appearance, layout and landscaping). Accordingly, the proposal seeks to determine purely whether the principle of development of a dwellinghouse in this location is acceptable. However, an illustrative site layout has been provided for information.
- 1.2 The application has been amended during the course of the application to include a tree survey and report. The tree survey and advice from Officers has resulted in the indicative footprint of the dwelling being reduced and moved back from the front boundary of the site to accommodate those trees shown to be retained.

2. Reason for reporting to Committee:

- 2.1 The application was called to Committee by Councillor Mrs Ann Kemp due to the controversial nature of the proposal and due to its location on the edge of built confines and potential impact on openness of Green Belt.

3. The Site:

- 3.1 The site lies at the end of Green Lane within the settlement confines of Trottscliffe and is formed by a relatively large side garden of Downsvie, 8 Green Lane. The site is well screened from the road by hedging and trees which give some privacy to the plot. To the east and south lies open countryside which is designated as Green Belt and the Area of Outstanding Natural Beauty (AONB) includes the village confine and the adjoining countryside. Directly in front of the site lies Green Lane, which is a private street and directly north lies the host dwelling of 8 Green Lane.
- 3.2 The site has some specimen trees which add to the visual amenity of the locality, including a Scotts Pine and Weeping Willow. The sites measures approximately 18m x 27m.
- 3.3 Although details of access have been reserved there is a clear access into the site from Green Lane which could be adapted to serve the new plot and 8 Green Lane.

4. Planning History (relevant):

TM/83/10056/OLD Application Withdrawn 12 November 1983

Regulation 4 application by Tonbridge and Malling District Council for erection of 8 replacement dwelling units with ancillary car parking.

TM/84/10956/OLD grant with conditions 23 May 1984

Eight replacement dwellings with access and parking.

TM/99/01282/FL Grant With Conditions 20 August 1999

conservatory

TM/05/00058/FL Grant With Conditions 28 February 2005

Two storey side extension

5. Consultees:

- 5.1 PC: Objection. Members believe that the proposals represent inappropriate development within an AONB. The visual impact of the bulk, scale and proposed materials for the new dwelling is of concern. Members feel the proposed dwelling is not in keeping with the nearby properties and are therefore concerned about the impact upon the street-scene and the general setting. The proposed dwelling is located next to the bridleway MR185 and public footpath MR189 and Members believe that the scale and bulk of the proposed dwelling will affect the views for users of the local amenities. Members would have liked to have seen a planning statement as they believe the proposals would mean the removal of several mature trees which would also have a significant impact upon the visual amenity.
- 5.2 KCC PROW Unit: Public Right of Way MR185 Bridle Way runs along the southern boundary of the site and should not affect the application.
- 5.3 KCC Heritage: the site of the application lies a few metres to the south of a possible Roman building. Roman building remains have been identified from the ploughed surface of the field and several metal artefacts have been located by metal detectorists. The medieval church and manorial complex of Trosley Court lies to the East and this may be the focus of an Anglo-Saxon community. Remains associated with early medieval activity, pre-historic or roman activity may also survive on this site. It would be especially important to clarify if there were any structural roman remains on this site and, as such, I would recommend a condition requiring a field investigation.

5.4 Private Reps (7/0S/3X/2R + Site and Press Notices): Five neighbours have written in concerning the application, 2 raising objection and 3 raising concerns.

Comments received in summary:

- Highway Safety
 - Green Lane is a private road with MR185 running along it. It is therefore popular with ramblers and horse riders.
 - Increase in number of vehicles along Green Lane which is narrow with no passing places.
 - Additional traffic would pass close to Listed Buildings with no foundations.
 - Construction traffic and parking. No on site turning for construction traffic.

- Principle
 - When the “Airey Houses” were demolished and replaced with 1-8 Green Lane a scheme for 12 houses had previously been refused.
 - T&M Housing Association have tried to build on the amenity land to the rear of 1 & 2 Green Lane but this was refused, we believe due to access problems and the (then) inadequacy of Green Lane.
 - Building here would set a precedent for building on the “amenity area” to the rear of 1&2 Green Lane or the fields to the south.
 - In June 2010 the government implemented the decision to decentralise the planning system to give Local Authorities the freedom to prevent overdevelopment of neighbourhoods and garden grabbing. Gardens were to be removed from the definition of “previously used land” (brownfield land).
 - The land adjoining No.8 is Green Belt and AONB and the garden area should be classified as such. *[DPHEH – for clarification the site does not fall within the Green Belt]*

- Amenity
 - The redevelopment of 1-8 Green Lane for 5 houses and 3 bungalows won a design award. One bungalow has since been converted into a house and No.8 itself has had a two storey side extension. Additional infilling would be detrimental to the amenity of other residents in the area.

- Loss of trees and harm to AONB.
- A 5 bedroom house is too big for the plot. A three bedroom house would be more appropriate.
- All trees should be removed from the site.
- Other matters
 - Condition of Green Lane which has been damaged by the development of Sunny View. Recent repairs to the surface of the road have been substandard. Any permission should require the developer to repair the carriageway to a sufficient standard.
 - Possible impact of electricity supply.

6. Determining Issues:

- 6.1 The site lies within the built confines of Trottiscliffe where Policy CP13 of the TMBCS 2007 states that development “will be restricted to minor development appropriate to the scale and character of the settlement.” The application seeks permission for a single detached dwelling which would be appropriate to the scale and character of the settlement in my view. The development of the southern half of the garden serving No.8 Green Lane would still provide a large garden to serve the extended dwelling at No.8. In my opinion the plot is of a sufficient size to accommodate an infill dwelling which would make best use of land within the confines of the village. The density equates to 21dph.
- 6.2 I note one objector’s reference to the definition of brownfield land and the removal of garden land from it. It is correct that gardens have been omitted from the definition of “previously developed land”. However that does not preclude development on any garden land. The National Planning Policy Framework 2012 (NPPF) states at paragraph 53 that “*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*” Therefore, gardens can be developed provided there is no harm to the local area and is supported by local planning policies. As stated above, the amended indicative layout results in a proposal which would, in my view, sit comfortably within the plot whilst still allowing for No.8 to retain a large garden. The proposal would not be back-land as it would front the highway and complete this somewhat dis-used corner of Green Lane. I therefore consider that by complying with Policy CP13 of the TMBCS in turn the proposal complies with Paragraph 53 of the NPPF. I do not therefore consider the proposal would cause harm to the local area through the loss of garden land.
- 6.3 Whilst details of layout and scale have been reserved, the application includes an indicative layout and tree survey with accompanying report. A more

comprehensive set of elevations and 3D images have been omitted from the proposal following the reduction in the illustrative width and depth of the proposed dwelling. The Reserved Matters stage of any two stage approval is an appropriate time to negotiate on the design of the proposal. I consider our local policies and the NPPF provide sufficient criteria to ensure the design of any new dwelling is of a high quality and responds to local vernacular and the streetscene.

- 6.4 I note the concerns of residents in relation to highway impact from increased vehicles serving the dwelling once constructed. Whilst Green Lane is a narrow road with limited visibility in places, the creation of one additional dwelling would only marginally increase the overall number of trips to and from the lane on a daily basis. Typically there would be 8 movements on an average day. The proposal would not result in a severe impact on highway safety and, accordingly the proposal accords with the Framework.
- 6.5 The road is private and, accordingly, any need to make good to the surface is outside of the control of the LPA as this is a civil matter between the owners of the road and those who have right of access/duty to repair.
- 6.6 A tree survey has been submitted and it is proposed that the Weeping Willow on the frontage and the Sycamore and Scots Pine to the rear are retained. Root protection zones during construction of the illustrated dwelling have been set out and could be conditioned on any approval. It is my view that retention of important trees on the site is an essential feature for this rural location and will assist in the development sitting comfortably within its setting and wider streetscene. In this respect the proposal would accord with Policy CP24 of the TMBCS.
- 6.7 The PC have raised objection to the principle of a new dwelling within the AONB. There is no policy basis for objection to a new dwelling purely on the grounds that it lies within the AONB. Policy CP7 of the TMBCS seeks to preserve the natural beauty of the landscape within AONB's and paragraphs 109, 113 and 115 of the NPPF set out similar safeguards. Provided the proposal is well designed and appropriate for its site and the surroundings, which would be for consideration at Reserved Matters stage in this instance, the proposal would, in turn not harm the natural beauty of the wider AONB thereby complying with these relevant policies.
- 6.8 Any permission on this site would not set a precedent on other land within Green Lane as any application would be assessed on its own merits. It should be noted that the "amenity land" to the rear of 1 and 2 Green Lane does fall within the village confines, however, the land to the south and east of the application site lies within Green Belt.
- 6.9 In relation to the objection received on the basis of proximity of traffic to Listed Buildings with poor foundations, if the applicant purchases the site and has right of access over Green Lane then they may access the site for construction. This is a civil matter and not a material planning consideration, however I do note the concern.

- 6.10 The KCC PROW unit has been consulted on the application and does not consider the proposal would give rise to conflict between users of the bridle way and the development of the site.
- 6.11 KCC Heritage have highlighted that the site lies in an area where finds have been unearthed in close proximity and, accordingly, they recommend a condition to safeguard below ground archaeology.
- 6.12 In light of the above considerations I am satisfied the principle of development of this site can be considered acceptable at Outline stage. Details of layout, access, scale and appearance are reserved and would be considered at a later stage. However I am confident that the site can accommodate a five bedroom dwelling as indicated on the submitted (amended) layout plans. I therefore recommend approval subject to conditions.
- 6.13 The applicant has recently amended the application to include the private access road within the red line area as required. In turn, the applicant has completed Certificate C to notify known and unknown owners of the access road which includes the need to publicise the application in the local paper. As a result, the LPA must consult additional neighbours and also post a further Article 15 Site Notice. This report therefore seeks to obtain the Committee's resolution to Grant Outline Planning Permission, subject to no objections raising new matters being received, thereby delegating the issuing of the decision to Officers.

7. Recommendation:

- 7.1 **Delegate authority to the DPHEH to grant Outline Planning Permission** as detailed Tree Report received 29.07.2015, Tree Protection Plan DV/TPP/003 received 29.07.2015, Tree Removal Plan DV/TRP/002 received 29.07.2015, Tree Plan DV/TSP/001 received 29.07.2015, Letter received 31.07.2015, Floor Plan received 31.07.2015 **Subject to:**

- no objections being received raising new material land use considerations in response to the Statutory Notices regarding the change in the red line application site
- the following conditions:

Conditions

- 1 Approval of details of the layout and appearance of the development, access to and within the site, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

- 3 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.

- 4 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 5 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 6 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12

months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 7 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 8 The details submitted in pursuance of Condition 1 shall show land, reserved for parking or garaging in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to reserved vehicle parking area.

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

- 9 The details submitted in pursuance of Condition 1 shall show details of foul and surface water drainage. The scheme as approved by the Authority shall be implemented prior to occupation.

Reason: In the interests of amenity and ground water.

Informatives

- 1 The applicant is advised that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Please contact West Kent PROW, 8 Abbey Wood Road, Kings Hill, West Malling, ME19 4YT, telephone 03000 414145 or email michele.snodingl@kent.gov.uk
- 2 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.
- 3 Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 4 During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
- 5 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, 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. I would thus recommend that bonfires not be had at the site.
- 6 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Lucy Harvey

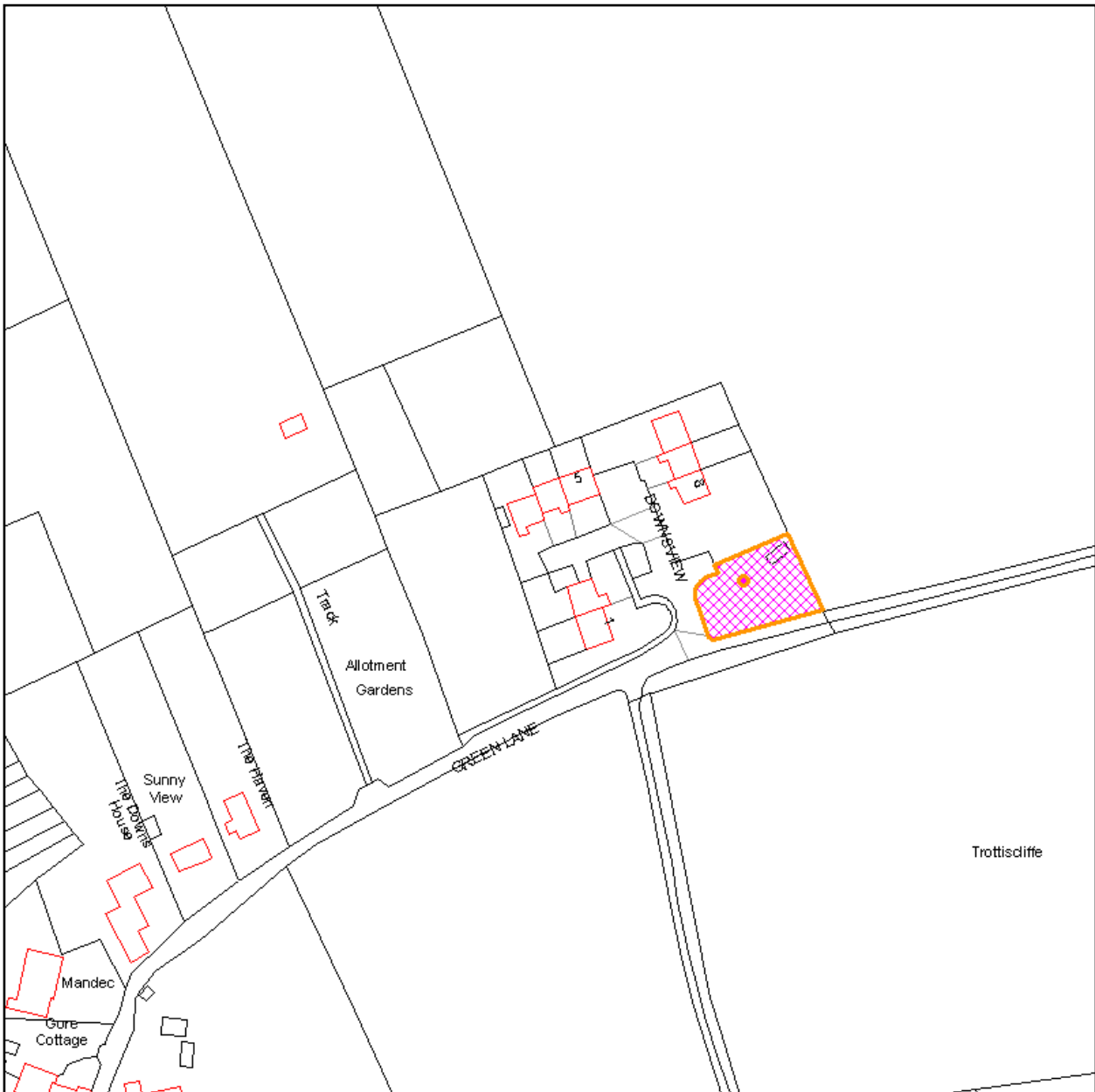
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TM/15/01758/OA

Downsview 8 Green Lane Trottiscliffe West Malling Kent ME19 5DX

Outline Application: Construction of a 5 bedroom single dwelling

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Agenda Item 9

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.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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