

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
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22 September 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, 30th September, 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

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To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 19 August 2015

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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.

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13. 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, 19th August, 2015

Present: Cllr S R J Jessel (Vice-Chairman in the Chair), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw and Cllr M Taylor

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

Apologies for absence were received from Councillors Mrs F A Kemp (Chairman), R P Betts, M A Coffin and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 15/34 DECLARATIONS OF INTEREST

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

AP2 15/35 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 8 July 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 15/36 DEVELOPMENT CONTROL AND SUPPLEMENTARY REPORTS

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 15/37 TM/15/01576/FL - LAND OPPOSITE HIGHLANDS FARMHOUSE, HORNS LANE, MEREWORTH

Conversion of equestrian buildings to form 1no. residential dwelling and associated works at land opposite Highlands Farmhouse, Horns Lane, Mereworth

RESOLVED: That the application be REFUSED for the following:

(1) 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.

(2) Informatives

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

[Speakers: Mr S Reynolds – Mereworth Parish Council and Mrs C Trevill – applicant]

AP2 15/38 TM/15/01687/OA - LITTLE REEDS, FORD LANE, TROTTISCLIFFE

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

RESOLVED: That, in accordance with Council and Committee Procedure Rule 15.25 of the Constitution, the application be DEFERRED for a report from the Director of Central Services on the possibility of costs or compensation being awarded against the Borough

Council in the event that the application were to be refused on the grounds proposed by Members.

[Speaker: Mr N Williams - agent]

AP2 15/39 TM/15/01758/OA - DOWNSVIEW, 8 GREEN LANE, TROTTISCLIFFE

Outline Application: Construction of a 4 bedroom single dwelling at Downsview, 8 Green Lane, Trottiscliffe.

Members noted that the main report made reference, at paragraph 1.2, to the indicative footprint having been reduced. At this time the applicant also altered the number of bedrooms to four from five. The proposal description was therefore amended to propose a four bedroom dwelling.

RESOLVED: That authority be delegated to the Director of Planning, Housing and Environmental Health to grant outline planning permission in accordance with the submitted details set out in the main report; subject to

- (1) 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
- (2) The conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health, subject to
- (3) Addition of Conditions:
 10. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

11. (a) If during development work, significant deposits of made ground or indicators or potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall

be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

(4) Additional Informative:

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

[Speaker: Mr D Dryden - applicant]

AP2 15/40 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.32 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

Platt	562516 156589	20 March 2015	TM/15/00978/FL
Borough Green And Long Mill			

Proposal:	Section 73 application to vary condition 1 (direction of shooting) and remove condition 2 (demarcation of 20 yd side safety buffer) of planning permission TM/12/01373/FL (Section 73 application to vary conditions 1 (direction of shooting); 2 (maximum number of archers and club use); of planning permission TM/12/01294/FL (Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west))
Location:	Land Rear Of The Butts Beechinwood Lane Platt Sevenoaks Kent TN15 8QN
Applicant:	Mr William Terry

1. Description:

- 1.1 This application relates to an archery arena which was originally formed in early 2000, following an engineering operation in which an area of farmland was re-profiled to a level area with the objective of creating an archery arena without the benefit of planning permission. Essentially, it was cut away in the south and filled on the north. Enforcement action was taken in 2002 and, following an appeal against the enforcement notice, the appeal was dismissed and the enforcement notice was upheld albeit with a longer period for compliance. However, the appellant made further unauthorised changes to the profile of the land with the intention to overcome the Inspector's decision. The Council was not convinced that the changes overcame concerns and successfully prosecuted in the Magistrate's Court for non-compliance. The owner appealed this conviction to the Crown Court and that appeal was allowed, with the view also expressed by the Judge that the original prosecution pursued by TMBC had not been in the public interest.

- 1.2 In 2003, an Article 4 Direction was served and confirmed on the land to prevent, *inter alia*, temporary uses (including use of the land for archery) without an express grant of planning permission by the LPA.

- 1.3 A retrospective application to regularise the amended works to create the level field was submitted under ref. TM/04/03680/FL. This application was appealed on the grounds of non-determination but eventually withdrawn. The Council subsequently resolved not to take enforcement action against the engineering works, as it was considered not expedient to do so in the light of the earlier Crown Court Judge's decision. Therefore, no planning permission was ever expressly granted for the new field profile that had been created.

- 1.4 In 2005, as a result of the Article 4 Direction, a planning application was made to use the field resulting from the engineered re-profiling for the purposes of

recreational private archery for up to 28 days per year. It was granted under ref. TM/05/01396/FL in 2006. It was granted subject to conditions of which 5 were appealed. The Inspector removed 2 of the conditions (relating to hours of use and the keeping of a log book) and varied one condition on the catch netting. He did not change the other 2 conditions in dispute (private recreational use and details of “catch netting”).

- 1.5 The details of the catch netting were never formally submitted for approval at that time despite several requests. In mid-2008, minor changes were made to the field levels and landscape bunding.
- 1.6 In March 2010, significant unauthorised engineering operations involving an enlargement of the archery field beyond anything previously considered were undertaken. A retrospective application was intended to facilitate/accommodate 2 way shooting (as promoted by the British Long Bow Society) with a Longbow in the York Round which involves target distances of 60, 80 and 100yds. These works, together with details of the catch netting, were finally applied for retrospectively in 2010 in application TM/10/00875/FL
- 1.7 That case was complex and raised a lot of public concern. Permission was granted but also for the amendment of condition 9 of planning permission TM/05/01396/FL to permit a slight change in the direction of northerly shooting (to avoid shooting towards the setting sun) and to regularise the engineering works and the associated extension of the archery field. A new condition was imposed to explicitly **preclude** the introduction of 2-way shooting. That is, the introduction of southwards-facing shooting was not approved due to the impact on actual and perceived safety. The planning permission was conditioned accordingly.
- 1.8 However, unauthorised southwards shooting of arrows did take place and consequently a Breach of Condition Notice was served in March 2013 under delegated authority.
- 1.9 An application that re-applied for south and south east shooting (i.e. 2-way); to allow a club use with no restriction on numbers and to allow bows more than 50lb draw weight was approved in December 2013. The submitted plans indicated a car park area of 40 spaces. The applicant’s rationale for this application, which was to vary conditions imposed on a planning application granted early 2012, included the following points in the supporting statements:
 - Two way shooting will be accommodated by the widening of the field at its southern end.
 - To the south the overshoot will be not less than 20 yards for the maximum range of 100 yards and arrows will be contained by high banks in keeping with BLBS and GNAS/ArcheryGB guidelines. The recommended 20 yards side safety margin from the boundary hedge/fence as this applies to Boneashe

Lane would become a mandatory condition should two way shooting be approved.

- A letter from the Regional Judge states that the Longbow shooting entails bows of up to 70lb weight and that provided the BLBS Rules are adhered to, then shooting can be safely carried out at the Butts.
- The Regional Judge has signed a layout which shows the outer extents of safety lines for side and overshoot purposes.

- 1.10 A report was submitted by the applicant, signed by 2 judges of ArcheryGB (Hannah Brown and Mark Davis) who inspected and approved (subject to a number of specified caveats) the archery arena in April 2013.
- 1.11 In support of the planning application, the applicant also submitted a copy of his April 2013 application to ArcheryGB for registration of a club called "West Kent Archery Society". This required a "VENUE SURVEY" document dated April 2013.
- 1.12 WKAS was registered with ArcheryGB in May 2013 and the Club's activities are insured by ArcheryGB subject to the restrictions therein.
- 1.13 Hannah Brown is the Chairman of the Judges for ArcheryGB and she can be invited by an individual or a club to inspect grounds, although that is not compulsory but is discretionary.
- 1.14 Regarding the papers on which Hannah Brown based her Declaration dated 9 April 2013, it is noted that the diagram of the ground submitted by the applicant did not appear to clearly give the features (a) to (e) as requested by the relevant application form. Similarly, it was not clear as to how the "accurate dimensions" were conveyed to the Judge, the aerial photograph on the application being unscaled and 3 years old. The Harrington plan attached to the VENUE SURVEY (WT/2010/06) did not have clear dimensions. Hannah Brown advised that she and Mark Davis satisfied themselves from their own personal inspection and tape and laser measurement of the archery site and so the absence of full and accurate information provided by the applicant on the relevant form is not therefore important, in their opinion.
- 1.15 Hannah Brown advised that if the applicant wished to have up to 32 archers in a competition, that could be with groups of 8 archers shooting at 4 targets set at 2.5m spacings between centres and thus the 2 Judges were both satisfied that safety could be met within the dimensions of the field when shooting southbound.
- 1.16 In their interpretation that means that 4 targets (which are 4ft wide (1.22m)) can be fitted within the tapered southern end of the ground. It is noteworthy that the 2.5m separation between target centres given by ArcheryGB judge differs from the 10 feet separation (3.05m) in the BLBS Rules but that adds 1.65m to the width of the line of targets (ie increasing the edge to edge to a distance from 8.72m to

10.34m), which can still be accommodated safely according to the Judges, subject to the caveats imposed by them.

1.17 It was the endorsement by the Judges of the archery arena with the caveats that persuaded in favour of a grant of planning permission TM/12/01373/FL in December 2013.

1.18 This current application seeks to remove 2 conditions on TM/12/01373/FL as follows:

1. Notwithstanding drawings WT/2010/14A and WT/2010/16C, all archery activities practised pursuant to this consent shall accord with the Rules of ArcheryGB and involve shooting on the approved field only. At all times there shall be a minimum of a 50 yd overshoot to the boundaries with the neighbouring properties of The Barn, Pigeons Green and Pigeons Green Cottage and a minimum 20 yd side safety margin to the boundary of the site with Boneashe Lane.

Reason: In the interests of the actual and perceived public safety of the area to comply with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

2. No southwards shooting of archery shall take place until the 20 yard side safety buffer to Boneashe Lane has been clearly demarcated on site and all land within the side buffer has been landscaped. These shall be in accordance with details and timetable to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the actual and perceived public safety of the area to comply with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

1.19 Essentially the applicant does not wish to adhere to the 20 yard (18m) side safety buffer to Boneashe Lane nor does he wish to demarcate it nor landscape behind it. The applicant's argument for the non-compliance request is given as follows:

- a) The buffer zone to Boneashe Lane is not mandatory but a recommendation that can be varied at discretion - ArcheryGB have declared the ground safe for recurve and longbow archery and is therefore insured under its policy. The site was looked at and endorsed in the Judge's completed GNAS Form J16 and in a definitive copy of a letter dated 30th May 2013 written by the Insurance Officer of Archery GB
- b) The BLBS has also approved the ground for its members for both one way and 2 way shooting. This approval was verbal as expressed by Mr John Bedford, in the presence of Mr Neil Dimmock, when attending Beechin Wood in his consultative capacity. Mr Bedford stressed that the BLBS insures its members for shooting, unlike Archery GB who actually insure the shooting ground once it is approved.

- c) There is additional back stop netting on the southern edge on poles 14 ft high (4.27m) so the side buffer has lost its significance. The nets will direct the direction of shooting away from Boneashe Lane. When shooting two-way, the targets will be contained within the drawn stop/safety nets and it is towards these that arrows will be directed and not towards the unprotected boundary.
- d) The latest engineering has made the arena more rectangular, so the shooting line at the northern end is no longer oblique.
- e) The configuration of the shooting field has proved to be too restrictive. This limitation was solely due to the unnecessary creation of the 20 yard buffer zone.
- f) Should the 20 yard demarcation be enforced with the desired shrubs and trees, this would encroach onto the entrance to the field and make it difficult for machinery to negotiate its slope. A new wide cutting machine needs a broad entrance and turning area. The zoned buffer area would inevitably impede the mowing of the field.
- g) The requirement for the 350 sq meter buffer zone which was to be landscaped with foliage was a stipulation of the planning permission for two-way shooting. If this barrier were to be implemented, archers shooting in a northerly direction would need to shoot over the shrubbery and will be called upon to walk around this intrusive incursion to the field.
- h) I do respect your concern for safety particularly should there be walkers in Bone Ashe Lane. However, the issue of safety now rests solely with the determination made by Archery GB. The TMBC has no liability for public safety following its planning permission for two-way shooting irrespective of the non-implementation of a buffer zone. I trust my response will allay any misgivings you may have had concerning two-way longbow shooting at Beechin Wood, especially with the new installation of stop netting at the southern aspect of the field.

2. Reason for reporting to Committee:

- 2.1 The complex planning history and the locally controversial nature of the application.

3. The Site:

- 3.1 The site lies outside any settlement and is thus in the countryside. It is in the MGB and adjacent to a Conservation Area.
- 3.2 The site was originally part of Beechin Wood Farm but has been renamed The Butts. It is a detached dwelling with former agricultural land to the north and north west which naturally sloped down from south to north (total drop of approx 4.5m)

but which has been re-profiled into a level area dropping only approx 1.1m by the combination of cut at the south and fill at the north. It is laid to closely mown grass and is used as an archery field. Scaling from the submitted drawings, it now measures 27m wide at the southern end and 55m wide at the northern end. It has a length of 95m along the eastern side increasing to 105m along its western side.

- 3.3 The southern part of the archery field, nearest the applicant's dwelling, is set down in a cutting and is shown to be 12.5m from the rear garden of the host dwelling. The northern extent is on top of the newly formed bank and shown to be set approx 47m from the rear garden boundaries of The Barn and Pigeons Green.
- 3.4 The eastern flank of the archery field tapers along the eastern boundary with Boneashe Lane, shown as being 5m away from the boundary fence/hedge at its closest. The western flank of the enlarged archery field is now within 9m of the boundary to the commercial units which remain at Beechin Wood Farm but outside the ownership/control of the applicant.
- 3.5 A visitor car park and a WC building and an under construction storage barn are on the raised garden land, south of the archery field.

4. Planning History (relevant):

TM/03/01821/FL	Application Withdrawn	7 November 2003
Re-contouring of agricultural land to provide an area of level terrace		
TM/04/03680/FL	Non-determination appeal withdrawn	2 February 2005
Retention of engineering works relating to land regrading		
TM/05/01396/FL	Grant With Conditions Appeal on conditions 4,6,10 allowed in part.	5 July 2006
Use of land for the practice of Archery for not more than 28 days in total in any calendar year		
TM/10/00875/FL	Approved	3 February 2012
Engineering operation to extend the size of the archery field to the North East, resiting of existing catch netting, associated landscaping together with Variation of condition 9 of TM/05/01396/FL to amend the direction of shooting (retrospective)		
TM/12/01294/FL	Approved	3 May 2013
Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west		

TM/12/01373/FL Approved 23 December 2013

Section 73 application to vary conditions 1 (direction of shooting); 2 (maximum number of archers and club use); of planning permission TM/12/01294/FL (Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west)

TM/12/01951/FL Approved 3 May 2013

Retention of detached w.c. block for use by staff and persons using the archery field (retrospective)

TM/14/03684/FL Approved 23 January 2015

Erection of storage building for use ancillary to main dwelling including the archery club (retrospective)

TM/15/00811/RD Approved 1 May 2015

Details of materials pursuant to condition 1 of TM/14/03684/FL (Erection of storage building for use ancillary to main dwelling including the archery club (retrospective))

5. Consultees:

- 5.1 PC: We strongly object to this application. We have objected in the past, to the slow eradication of every obstacle put in this applicant's way in an effort to secure a fully unencumbered archery club on this site. T&M have allowed this "planning creep" to occur, most of it with retrospective applications. These conditions for the overshoot limits and number of participants were imposed solely on the grounds of safety, as per policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.
- 5.2 We do not see what has changed around the area to alter this opinion. The buffer zone is a **recommendation**. It must be recommended for a reason. We raised concerns at the original Area 2 Planning Meeting that the two archery organisations differed in their recommendations. It was obvious that the safety distance was tight, as it was too close to Boneashe Lane. Both Boneashe Lane and Beechinwood Lane are of one car's width (with no pedestrian footpaths) used by walkers, cars and horses. They are also designated as "Quiet Lanes" to allow the public open and undisturbed access. At the Planning Meeting, a Borough Councillor from another area spoke agreeing with our concerns and further stated that if this application came before his planning area, he would attempt to refuse it on safety grounds. We had the impression that the last application and its previous applications had ground the previous Planning Committee members down into submission, so it was approved. We would further query why, as the original

planning approval was in May 2013, has it taken this long for this attempt to do away with its conditions? Originally, and on numerous occasions, including an appeal decision, the applicant wanted an archery field for "his personal use". They have tried in the past, and again now, to allow no restriction on numbers attending this field. This has been rejected before and we see no reasons for you to allow it now. Nothing has altered since its inception.

- 5.3 All the applications since 2002 are, and have, led as originally intended, a fully blown unrestricted and unprotected archery club. We would urge you to stick by your previous conditions and have thoughts for our parishioners' concerns, rather than this applicant's aspiration.
- 5.4 Private Reps (27/3R/0X/0S) and site notice. 3 Objections have been received as follows:
- The conditions imposed for the overshoot restrictions and numbers of participants were for a reason and they were clearly explained at the time and were discussed at the Area 2 Planning Meeting in 2013. We cannot understand why TMBC would now change their minds about something which they felt was important at that time. As far as we can see nothing has changed and it is important that local residents have some safety protection. Boneashe Lane is still used by local residents both for walking and driving. The applicant has previously stated that the archery was for his own personal use. He has not given any reason why this condition should be deleted unless his intention is for the site to be used for club purposes. The entrance to The Butts is from Beechin Wood Lane which is a Quiet Lane which was intended to be part of a network of lanes that could link up the parishes and allow walkers the opportunity to walk in relative safety. Increased traffic would change this and not only affect walkers but also horse riders. There are stables not far from The Butts and the horse riders should be able to have the opportunity to enjoy their recreational pursuit. It has taken the applicant some time to submit this application but we believe nothing has changed. We understand that part of the permission in December 2013 was related to car parking facilities for the site. However, despite the car parking being installed, there has been no sign of the required retrospective planning application.
 - It is perfectly sensible and reasonable for the Council to request the 20 yd exclusion area to be marked. I have already had an arrow in my field from the direction of Beechin Wood Farm as witnessed by the police. This site is beside a public highway. Too many things have been gotten away with by retrospective planning permission. It makes a joke of the whole process for people who abide by the rules.
 - The numerous planning applications, appeals and the Inquiry over the years have all imposed various conditions on the site in order to protect neighbouring properties or on safety grounds and there is no reason to agree to alter these.

6. Determining Issues

- 6.1 The imposition of a condition on a planning permission is not set in stone - the applicant has the prerogative under s73 of the Town and Country Planning Act 1990 to seek a variation and the LPA must consider such requests on their planning merits in the context of the Development Plan and other material land use planning considerations.
- 6.2 The main consideration is to assess both conditions in terms of them complying with the NPPF paragraphs 203 and 206: *Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*
- 6.3 The applicant has sought to remove condition 1 in its entirety, so that would involve the loss of the requirement to:
- accord with the Rules of ArcheryGB
 - shoot on the approved field only
 - adhere to a minimum of a 50 yd overshoot to the boundaries with the neighbouring properties of The Barn, Pigeons Green and Pigeons Green Cottage
 - adhere to a minimum 20 yd side safety margin to the boundary of the site with Boneashe Lane.
- 6.4 However, the applicant has only focused on the final element of the condition and so in reality, the application effectively seeks a variation of condition 1 and a removal of condition 2.
- 6.5 Conditions 1 and 2 both require a 20yd (18m) side safety buffer to the property's eastern boundary as the land beyond (i.e. Boneashe Lane) is outside the control of the applicant (in terms of keeping it clear) when archery is underway. The edge of the arena on this boundary is marked by young saplings planted in meadow length grass for a varying width but it reduces to approx 5m from the boundary fence at the SE corner. This is 13m nearer to Boneashe Lane than the approved safety buffer line. Whilst there is a low fence on this boundary line, it is not complete. The arena as scaled from the approved plans has closely mown grass for a width of approx. 27m.
- 6.6 Policy DC5 of the MDE DPD relates to tourism and leisure. Policy CP24 of the TMBCS 2007 includes safety as a material planning consideration in a general sense.

- 6.7 Paragraph 17 of the NPPF requires protection of the Green Belt and recognition of the intrinsic character and beauty of the countryside. As is detailed in paragraph 81 of the NPPF, the MGB can provide opportunities for outdoor sport and recreation. The application relates to an open recreation use suited to a rural environment – a recognised function for the Green Belt and thus in compliance in principle with paragraph 89 of the NPPF.
- 6.8 Southwards shooting was only approved for application TM/12/01373/FL following a detailed assessment of the concerns over a *perception* of the lack of safety, which is a material planning consideration. It was therefore necessary to consider in detail the 2 sets of safety rules pertaining to Archery at the site.
- 6.9 The documents provided by the applicant of ArcheryGB and the BLBS are exactly as were considered and assessed in the determination of TM/12/01373/FL. The ArcheryGB documents are clearly caveated with a need to comply with the appropriate rules and regulations separate to their very specific relaxation of the buffers to the west and south.
- 6.10 The BLBS safety criteria are called “Rules”. I am of the view that in assessing the “perception of safety” as experienced by local residents or neighbours, they should, as far as possible, need to feel confident that the BLBS Rules for safety are not merely guidance/recommendations. The Rules specify that in terms of Field Safety, Annex A shows recommended over-shoot and lateral safety distances. There is nothing in the Rules of the BLBS that specifies any scope for discretion such that the distances can be reduced or any other form of divergence can be introduced below the dimensions clearly shown within its Annex A.
- 6.11 The argument that the applicant uses in support of this s73 application is that a BLBS comment that was only “verbal” and therefore is not useful. It does not add to the document which formed part of TM/12/01373/FL, in which the BLBS Judge signed a drawing WT/2010/16C which had a 20m line drawn parallel to the site perimeter with text which refers to safe shooting having to take place within the denoted safety perimeter. Whilst technically it needs to be an 18m buffer, the declaration is clearly intended to provide such a buffer, contrary to points (a) and (b) of the applicant’s submissions detailed above.
- 6.12 A further point which justifies the retention of the side safety buffer is that made by the applicant himself in TM/12/01373/FL by letter dated 14 March 2012 when he said “*The recommended 20 yards side safety margin from the boundary hedge/fence as this applies to Boneashe Lane would become a mandatory condition should two way shooting be approved.*”. For that application, he also submitted a letter from the Membership Secretary of the BLBS which said “*Providing the recommendations of the BLBS Rules of Shooting are adhered to, then shooting can be safely carried out at the Butts*”.
- 6.13 Both organisations have caveats in their assessments that do not back up the applicant’s claim that the Guidelines/Rules are not mandatory but discretionary.

Neither documents submitted say that they have specifically applied discretion to the width of the eastern safety buffer to Boneashe Lane.

- 6.14 The applicant's point (c) is not accepted. Manufacturers do not refer to their product as "safety netting". Manufacturers' information states that what they call "backstop" netting is a secondary line of defence when considering range safety and should not be relied upon as the only safety precaution. The function of the netting is to catch arrows shot from lighter weight bows and save time on arrow collection when they overshoot the targets.
- 6.15 Points (d) and (e) are not considered to be relevant. This archery arena has been created in stages since 2002 and its shape and position relative to Boneashe Lane were entirely the creation of the applicant. Up until this application, the applicant has repeatedly expressed a commitment to comply with the Rules of the appropriate governing bodies. It is the case that his land ownership tapers to a width of approx 42m in its SE corner but it is the applicant's decision to place the arena where he has. The width does still allow for a shortened buffer to the west of 9m (due to the fence specifically allowed for by ArcheryGB). An 18m buffer to the east would still leave a 15m wide dimension to the arena for the 4 targets to be placed, well within the minimum spacings detailed in 1.15 and 1.16 above.
- 6.16 It is not considered that the conditions detrimentally affects the use or provision of the leisure facility nor hinders its maintenance as per the points (f) and (g) of the applicant's supporting submissions. Condition 2 requires a demarcation such that it is clear to the participating archers on any given occasion when the club is in use; there may be some non-regular users present who might not be aware of the restrictions if the buffer was not present. It does require landscaping behind but that is for the applicant to detail in the submission to discharge the condition. The purpose of asking for landscaping was for the width of the closely mown field to reflect the safe useable area of the arena. There is nothing to stop the applicant submitting a specific landscaping scheme design that allows for the wide mower to enter and turn in the arena. Similarly, within that area there can be a path or walkway for the archers if necessary. Submitting a demarcation and landscape scheme designed to meet the objective of the condition but to take account of practicalities is entirely the responsibility of the applicant. The Council has not had the opportunity to assess any such scheme as none has been submitted.
- 6.17 Point (h) made is irrelevant. TMBC is not making this planning decision on the basis that it has any role in liability. It is purely with regard to land use considerations which include safety and the perception of safety.
- 6.18 In conclusion, conditions 1 and 2 in regard of the minimum 20 yd (18m) side safety margin to the boundary of the site with Boneashe Lane, are relevant, necessary and reasonable and meet the tests of the NPPF and the development plan.
- 6.19 The remainder of condition 1 relates to adhering to the Rules of ArcheryGB; shooting on the approved field only and a minimum of a 50 yd overshoot to the

boundaries with the neighbouring properties of The Barn, Pigeons Green and Pigeons Green Cottage. The applicant has made no argument against these aspects of condition 1. The condition is also considered to be relevant, necessary and reasonable and meet the tests of the NPPF and the development plan. That also needs to form a second reason for refusal.

6.20 The Director of Central Services will assess the need to issue Breaches of Conditions Notices on these 2 conditions and for any other breaches of conditions of TM/12/01373/FL in accordance with his delegated authority.

7. Recommendation:

7.1 Refuse s73 consent for the following reasons:

Reasons

- 1 The proposed omission of adhering to and the demarcation and landscaping of the 18m side safety buffer between the eastern edge of the archery arena to the boundary of the site with Boneashe Lane will be detrimental to actual and perceived public safety of the area, contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007. There are considered to be no material considerations that justify removal of conditions 1 and 2 of planning permission TM/12/01373/FL, conditions which comply with paragraph 206 of the National Planning Policy Framework 2012 in being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 2 The proposed omission of a requirement to accord with the Rules of ArcheryGB; to shoot on the approved archery field only, or to provide a minimum of a 50 yd overshoot to the boundaries with the neighbouring properties of The Barn, Pigeons Green and Pigeons Green Cottage will be detrimental to actual and perceived public safety of the area, contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007. There are considered to be no material considerations that justify removal of condition 1 of planning permission TM/12/01373/FL, a condition which complies with paragraph 206 of the National Planning Policy Framework 2012 in being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

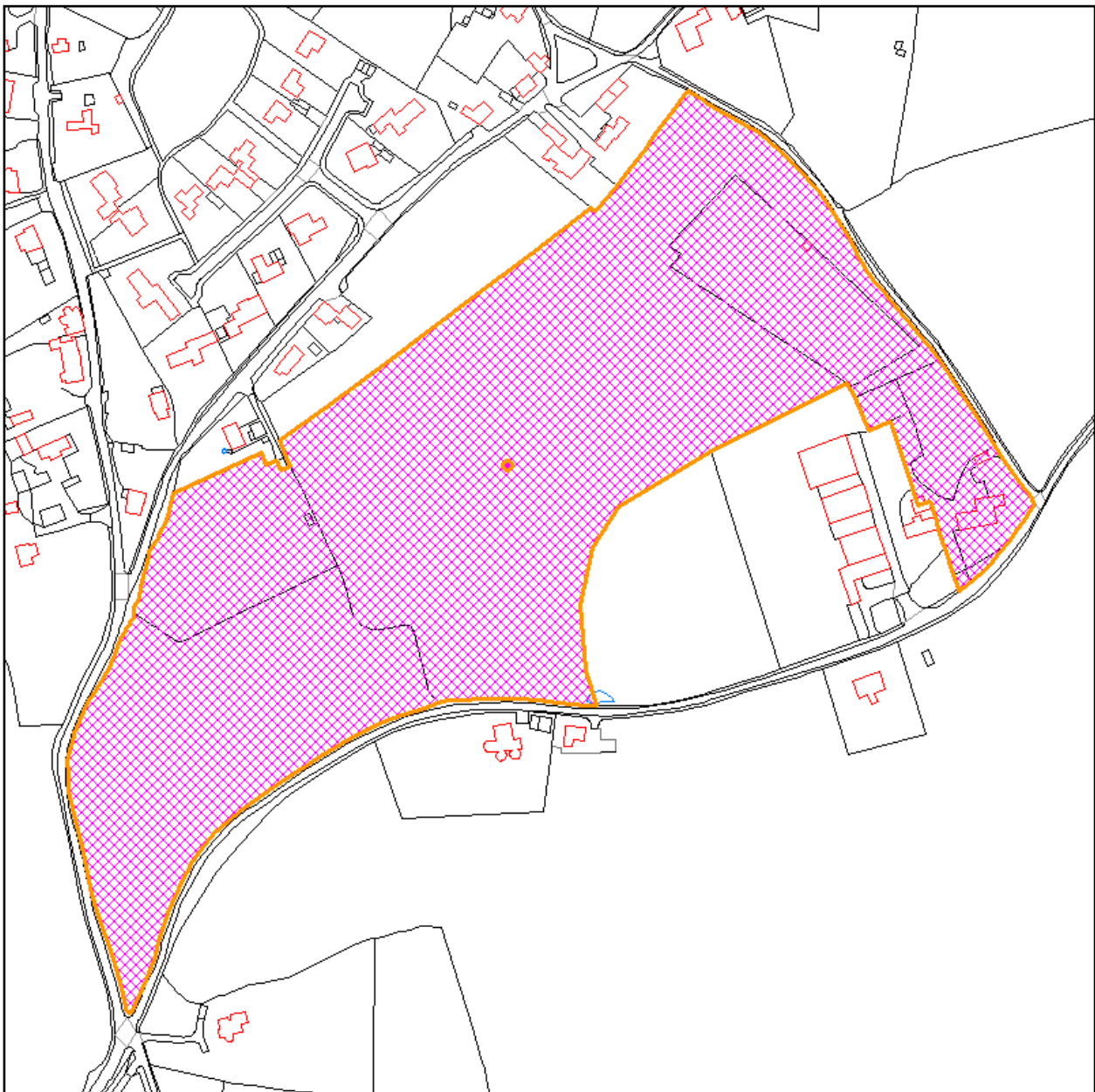
Contact: Marion Geary

TM/15/00978/FL

Land Rear Of The Butts Beechinwood Lane Platt Sevenoaks Kent TN15 8QN

Section 73 application to vary condition 1 (direction of shooting) and remove condition 2 (demarcation of 20 yd side safety buffer) of planning permission TM/12/01373/FL (Section 73 application to vary conditions 1 (direction of shooting); 2 (maximum number of archers and club use); of planning permission TM/12/01294/FL (Retrospective application for engineering operation to alter archery field by cutting bank to south west and deposit arisings to north west))

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Platt Borough Green And Long Mill	562905 158348	24 June 2015	TM/15/01669/AT
Proposal:	A) Internally illuminated totem sign B) Non-illuminated 'Nepicar House' letter sign		
Location:	Nepicar House London Road Wrotham Heath Sevenoaks Kent TN15 7RS		
Applicant:	IVC Signs Ltd		

1. Description:

- 1.1 The application seeks advertisement consent for two freestanding signs adjacent to the entrance to the grounds of Nepicar House, comprising a totem sign and a low premises name sign.
- 1.2 The totem sign (2m high x 0.8m wide x 0.2m deep) is to be positioned within a grassed area just to the south of the access road about 23m back from the edge of the A20 carriageway. It is to be of stainless steel construction with aluminium exterior panels providing a silver background with red and black texts and 4 opal acrylic tenant panels. The sign will be internally illuminated during dark times of the day with white LEDs.
- 1.3 The low premises name sign "Nepicar House" is to comprise individual letters 0.22m high x 50mm deep and providing a total sign width of 2.6m. The sign will be fixed to a black frame (0.38m high x 2.7m wide x 100mm deep) and positioned in a grassed area about 17m back from the edge of the A20 carriageway to the north of the access road. The individual letters are to be finished in brushed stainless steel to the front and black to the back and will be fixed to a black finished steel frame. This sign is to be non- illuminated.

2. Reason for reporting to Committee:

- 2.1 The application has been called-in to Committee by Councillor Taylor due to the impact of the proposed signs on the visual amenity of the locality.

3. The Site:

- 3.1 The application site is located on the western side of London Road (A20) and on the southern side of the slip road to the M26, in Wrotham Heath. The site accommodates the grade II listed building of Nepicar House that is currently in office use. A large car parking area lies to the south of the building. The entrance to the site is via an access from London Road about 50m to the east of the building. The access road extends across the front of the building and down its west side to the rear car park.

- 3.2 The site is surrounded by fields to the southeast and southwest, with Mill Wood further to the southeast. The Holiday Inn is situated further to the east on the eastern side of London Road. The M26 overpass lies to the north.
- 3.3 The site is within the designated Countryside and Metropolitan Green Belt. The A20 is a Classified Road. Mill Wood to the southeast is covered by an Area Tree Preservation Order.

4. Planning History (relevant):

TM/83/10012/ADV grant with conditions 25 August 1983

External illumination of two existing signs on A20 frontage.

TM/85/10039/ADV grant with conditions 13 May 1985

Two estate agents advertisement boards (1) on road frontage (2) on roof of Nepicar House, both non-illuminated.

TM/87/10277/ADV Refuse 10 September 1987

Internally illuminated aluminium sign cases.

TM/88/10729/ADV Refuse 29 January 1988

Non-illuminated aluminium sign cases.

TM/93/01705/AT grant with conditions 24 August 1993

One non illuminated banner For Sale sign mounted on East side of building and one non illuminated banner For Sale sign mounted on roof facing South West

TM/03/02799/AT Split Decision 2 October 2003

One illuminated totem sign and four wall mounted signs

TM/03/03551/AT Grant With Conditions 18 March 2004

Two illuminated signs

TM/15/00185/AT Refuse 11 March 2015

Two low freestanding internally illuminated signs in V-formation and internally illuminated totem sign

5. Consultees:

- 5.1 PC: We still have reservations about these repeated applications for signage outside Nepicar House. Our comments on the last application, were that "Nepicar House is a listed building, in an Area of Outstanding Natural Beauty within the

green belt. To erect garish illuminated signage will do nothing to enhance our area and would increase light pollution in that vicinity. Two previous applications for signage, TM/03/02799/AT for Nepicar House and TM/12/00319/AT for Holiday Inn, were refused as they "would result in a material harm to the visual amenity of the locality and fails to respect the site and its surroundings". They were deemed to be contrary to CP24 of the T&M Core Strategy and against the principles of paragraph 67 of the NPPF. We cannot see what has changed to reverse your decisions so they must still apply to this application. The last application was refused as being contrary to Policies CP1 and CP2 of your core strategy 2007, Policy SQ1 of T&M Development Plan Document 2010 and paragraphs 67, 132, and 133 of the NPPF. We fail to see what has altered apart from one sign now not illuminated, albeit very obtrusive by being so large. This appears to be a slow method of grinding everybody down to accept signage in this position and we would urge you to refuse this application

5.2 KCC (Highways): No objection.

5.3 Neighbours (7/0R/0S/0X), Site Notice: No comments received.

6. Determining Issues:

6.1 Section 3(1) of the *Town and Country Planning (Control of Advertisements) Regulations 2007* states that "a local planning authority shall exercise its powers under the Regulations in the interest of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors." Amenity in this instance will include any impact of the proposal on the visual amenity of the area, which is designated Countryside and Green Belt, and on the setting of the grade II listed building of Nepicar House.

6.2 Policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDEDPD require a high quality of design which reflects the local distinctiveness of the area and respects the site and its surroundings in terms of materials, siting, character and appearance.

6.3 This proposed scheme for signage is a resubmission of application TM/15/00185/AT which was refused on 11 March 2015 for the following reason:

The proposed freestanding totem sign and two v-shaped premises name signs, by reason of their siting, size, design and method of illumination would be harmful to the visual amenities of the rural area and to the setting of the grade II listed building of Nepicar House. As a result, it would be contrary to Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 67, 132 and 133 of the National Planning Policy Framework 2012

- 6.4 The refused scheme comprised a 4.5m high totem sign and two long low premises name signs set in a V-formation, all of which were to be illuminated internally by LED modules. The proposed scheme provides a totem sign in the same position but of a substantially reduced size (2m high x 0.8m wide). It also provides a single premises name sign that will sit parallel to the highway.
- 6.5 Two existing red and white coloured freestanding signs are situated within the grassed areas along the road frontage either side of the access road. These were granted advertisement consent in 2004 under reference TM/03/03551/AT and sit about 1.5m high. The signs were approved with internal halo type illumination of the letters. A condition also restricted the level of illumination to 1600cd/m². There is currently no restriction on when the signs can be illuminated.
- 6.6 The proposed totem sign is to be positioned on the southern side of the access road close to the backdrop of trees that form Mill Wood. This new sign will be about 0.5m higher than the two existing signs. However, I consider this height to be acceptable given the benefits that arise from the rationalisation of the number of illuminated signs on the site and the positioning of the sign further away from the highway. I also consider the design, colour finish and appearance of the sign to be more appropriate to the setting than the existing signs. The sign is to be internally illuminated by LED modules to provide a glowing/halo illumination of the main texts and subtle illumination of the opal coloured tenant boards. To ensure the illumination is suitably subtle a condition will be added to restrict the level of illumination of the sign to no more than 100cd/m²; a level which has been specified by the applicant on the application form. A condition will also be added to restrict the time of illumination each day to between 7am and 11pm only. These controls are considered to represent a substantial improvement to those that relate to the existing signs.
- 6.7 In having regard to the above, I am of the opinion that the replacement of the two existing signs with the proposed totem sign, along with the greater controls imposed via the proposed restriction on the level and time of illumination would result in a net visual improvement to the site. As a result, the proposed signage would not have a detrimental effect on amenity, by way of any demonstrable harm on the street-scene or visual amenity of the area, including the countryside and Green Belt, or to the setting of the listed building. This sign proposal therefore satisfies policies CP24 of the TMBCS, SQ1 of the MDEDPD and paragraphs 67, 132 and 133 of the NPPF.
- 6.8 The proposed non-illuminated low level sign, comprising individual letters of a height of 0.22m high set on a black frame 0.38m high, is relatively wide (2.6m). I consider that the size of the sign, particularly its total width, and its form which presents large letters and a thick visible frame to support the letters, would result in a dominant and unsympathetic feature with the grassed verge area between the carriageway and the access road. The sign would be visually prominent to passing motorist and its materials, size and unsympathetic design would, as a

result, be harmful to the street-scene and character and visual amenity of the rural area. Unlike the totem sign, there is no existing sign of similar form in this locality. Accordingly, due to this demonstrable impact on amenity this sign warrants refusal of consent.

- 6.9 The local highway authority, KCC (Highways and Transportation), has reviewed the proposal in considering its effect on the highway network and has raised no objection. The signs are set well back from the highway and any illumination would not be so great as to cause adverse distraction to drivers. I am therefore satisfied that the proposals would not result in any harm to public safety.
- 6.10 The Parish Council has expressed concerns that previous signage schemes for the site have been refused due to their harm on the visual amenity of the area. I note this concern but remind Members that each application needs to be assessed on its individual merit. The Parish has also made reference to signage at the Holiday Inn, to the east of the application. It is noted that the proposed totem sign would be similar in height and overall size to the sign approved near to the entrance to the Holiday Inn.
- 6.11 In light of the above, it is recommended that the proposed totem sign be granted express consent and the premises name sign be refused consent.

7. Recommendation:

- 7.1 **(A) Totem Sign: Grant Express Consent** in accordance with the following submitted details: Location Plan dated 10.06.2015, Specifications LIGHTING dated 24.06.2015, Proposed Plans ITEM 2 dated 24.06.2015, subject to the following conditions:

Conditions / Reasons

- 1 This consent shall expire at the end of a period of five years from the date of consent.
- Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 2 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4 No advertisement shall be sited or displayed so as to -
- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water, or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6 Where any advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In pursuance of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (or any order amending, revoking and re-enacting those Regulations) no advertisement other than as hereby permitted shall be displayed on the site without the prior written consent of the Local Planning Authority.

Reason: The display of any additional signs could give rise to clutter which would be harmful to visual amenity and highway safety. In these circumstances, the Local Planning Authority wishes to bring all signs under its control.

- 8 Prior to the erection of the totem sign hereby permitted, the two existing red and white totem signs on the site shall be removed in their entirety.

Reason: In the interests of visual amenity.

- 9 The illumination shall not exceed 100 cd/m².

Reason: In the interests of visual amenity and road safety.

- 10 The totem sign hereby permitted shall be illuminated only between the hours of 07:00 and 23:00.

Reason: In the interests of visual amenity and road safety.

7.2 (B) Premises Name Sign: Refuse Consent

Reason

- 1 The premises name sign by virtue of its materials, size, design and visual prominence within the street-scene would have a harmful impact on the appearance, character and visual amenity of the area and setting of the listed building. The sign is therefore contrary to the requirements of policy CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment Development Plan Document 2010 and paragraphs 67, 132 and 133 of the National Planning Policy Framework 2012.

Contact: Mark Fewster

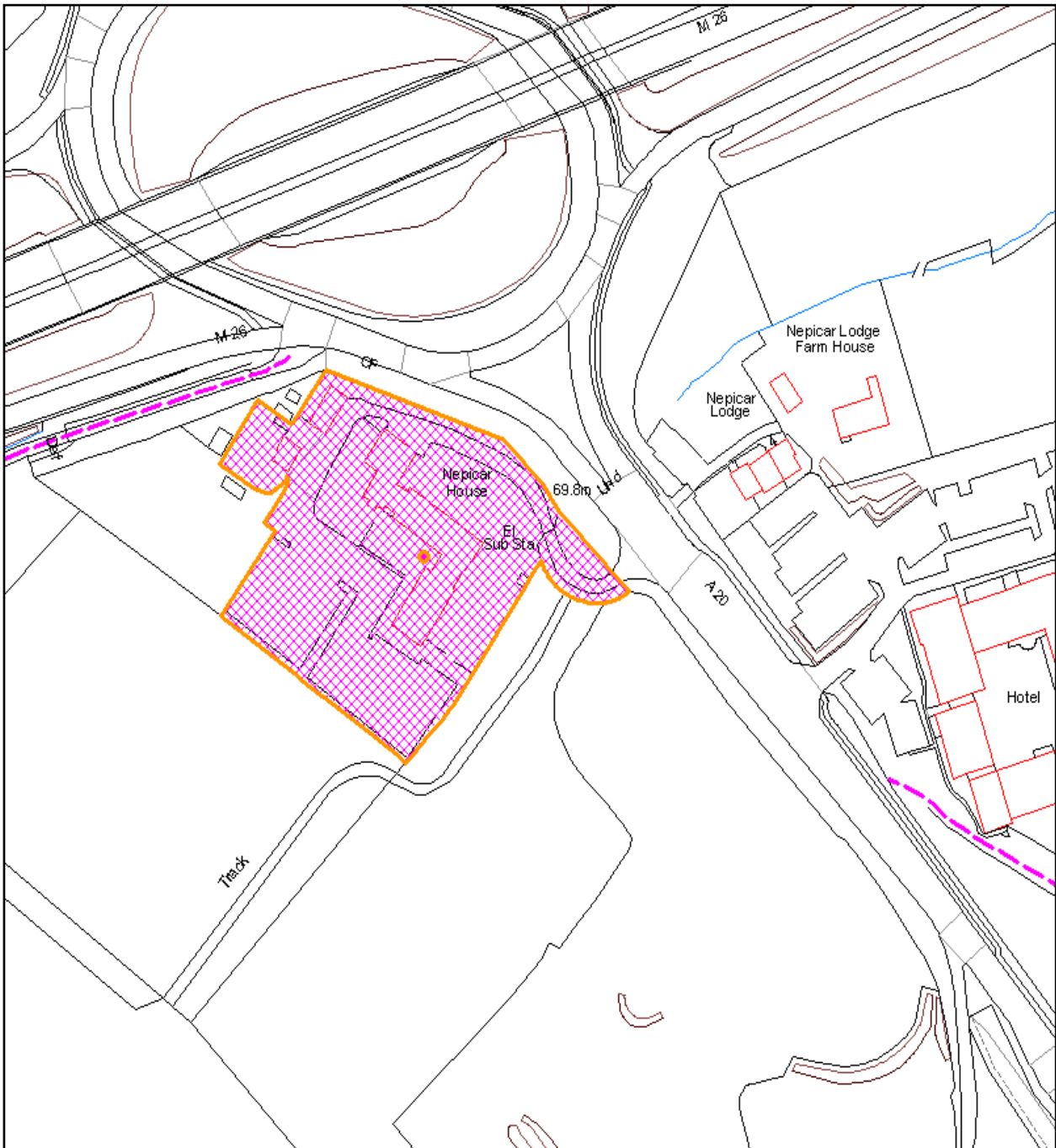
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TM/15/01669/AT

Nepicar House London Road Wrotham Heath Sevenoaks Kent TN15 7RS

Totem sign and 'Nepicar House' letter sign

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Trottscliffe **564023 159784** **5 August 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 Members will recall that this item was deferred from the 19 August 2015 meeting of the Area 2 Planning Committee, for the Director of Central Services to submit a report under Part 2 of this Agenda to inform Members of the potential implications of refusing planning permission for this outline application.
- 1.2 A copy of my previous main and supplementary reports is attached as an Annex to this report for ease of reference.

2. Determining Issues:

- 2.1 The implications of the potential refusal of this outline application are discussed in Part 2 of this Agenda.
- 2.2 There have been no changes to this outline application or the site since the publication of my previous report. My recommendation therefore remains unaltered.

3. Recommendation:

- 3.1 **Grant Outline Planning Permission** in accordance with the following submitted details: Letter 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 / Reasons:

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.

11. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, together with the provision for the retention and protection of existing trees and shrubs. Thereafter, the development shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained, by observing the following:
 - a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5m above the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - b) No fires shall be lit within the spread of the branches of the trees.
 - c) No material or equipment shall be stored within the spread of the branches of the trees.
 - d) Any damage to trees shall be made good with a coating of fungicidal sealant.

e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

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

Report from 19 August 2015

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

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 Trottiscliffe 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.

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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

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 19 August 2015

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

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

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

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

AMENDED RECOMMENDATION**Additional Condition:**

11. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, together with the provision for the retention and protection of existing trees and shrubs. Thereafter, the development shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained, by observing the following:
- a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5m above the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - b) No fires shall be lit within the spread of the branches of the trees.
 - c) No material or equipment shall be stored within the spread of the branches of the trees.
 - d) Any damage to trees shall be made good with a coating of fungicidal sealant.

- e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
- f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

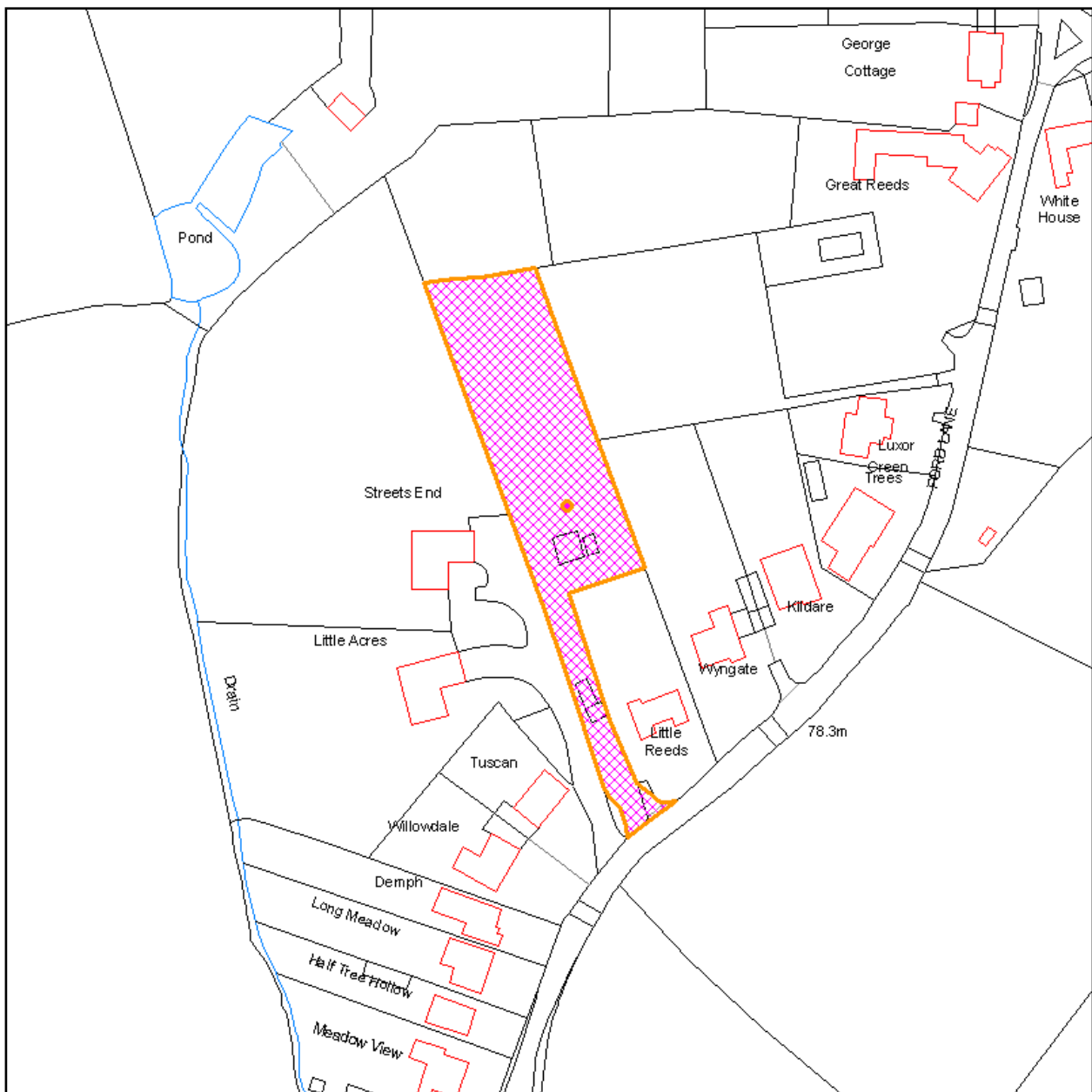
Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

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 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

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West Malling **568093 157783** **20 August 2015** **TM/15/02739/RD**
West Malling And
Leybourne

Proposal: Details submitted pursuant to condition 18 (Construction Management Plan) of planning permission 13/01952/FL for Development comprising of 4 no. two bedroom town houses and one retail unit plus associated parking and external works
Location: Mill Yard 26 Swan Street West Malling Kent ME19 6LP
Applicant: Bedlars Holdings UK LLP

1. Description:

- 1.1 The application is a reserved details application for condition 18 of TM/13/01952/FL in respect of a Construction Management Plan for the development of 4 no. two bedroom town houses and one retail unit plus associated parking and external works.
- 1.2 Application TM/13/01952/FL was originally reported to A2PC on 5 March 2014 and was deferred to allow Officers to investigate the strategy for management of construction traffic. A draft construction method statement was submitted identifying the use of Swan Street for all construction related traffic. This additional information was reported back to A2PC on 16 April 2014 and permission approved by Members.
- 1.3 This reserved details application has been submitted following detailed discussions with Officers. It has been identified through further investigations that it is not practicable or desirable to solely use Swan Street for construction related traffic and it is now intended to use the public car park for construction access with all deliveries taking place between 7.00 am and 8.15am with 6 car parking spaces being dedicated for off-loading during construction.
- 1.4 A detailed Construction Management Plan has been submitted with the application but some aspects of the condition were not fully clarified in the original submission, being the specific access route into the site for construction traffic and contractors' vehicles, areas shown to be set aside for materials storage and specific pedestrian safety measures across and adjoining the site. This additional information was requested and has now been submitted.
- 1.5 The additional information clarifies the route through the public car park, manoeuvring of larger vehicles on to the site from the car park and clarification of storage areas and lack of pedestrian access through the site during the construction period.

2. Reason for reporting to Committee:

- 2.1 To report back to Members following the previous committee decision and access concerns.

3. The Site:

- 3.1 The application site is situated at the southern end of Mill Yard, off Swan Street in West Malling. The site is within the central area of West Malling which is a district centre as defined by Policy CP22 of the TMBCS 2007. The site also lies within a retail policy area as defined by Policy R1 of the DLADPD 2008. The site lies within the West Malling Conservation Area. The site is also situated within the historic core of West Malling and in an Area of Archaeological Potential.
- 3.2 Mill Yard is currently a small collection of commercial units with a variety of different occupiers. The buildings comprise traditional single and two storey weatherboarded buildings that are stained black. Adjoining Mill Yard and the northern boundary of the application site is the West Malling Post Office.
- 3.3 The site currently comprises unused land around the existing Mill Yard buildings that has been largely unkempt and overgrown for a significant period of time. This land is partly hardsurfaced and used as informal private car parking or forms the footpath route through the site between the public car park and Swan Street. A band of trees and shrubs that extended along the southern boundary have been removed under approval.
- 3.4 Directly to the west of the site are the rear yards of properties in the High Street. These buildings are between two and three storeys in height and most of them are Grade II listed or of local interest. Most of these buildings have also been significantly extended with small rear yards serving the commercial uses that occupy the ground floor. There is some residential accommodation on the upper floors.
- 3.5 To the south of the site and forming the southern boundary of the proposed development is a public car park (managed and partly owned by TMBC); this car park is heavily used and also forms the main car parking serving the nearby Tesco store on the High Street. There is also a local recycling centre adjacent to the south eastern corner of the proposed development. A pedestrian route used by the public also runs across the site and links the car park to Mill Yard and Swan Street; this is closed by a gate overnight.
- 3.6 To the east of the site are the gardens of residential properties on Swan Street. These also adjoin the northern boundary of the application site. There are five residential properties adjoining the site (3 dwellings and 2 flats). Further east and within close proximity are the grounds of St Mary's Abbey, which is a Scheduled Ancient Monument, and also a Grade I listed wall that adjoins the south eastern corner of the application site.
- 3.7 The levels on the site vary, resulting in a steep drop behind the existing car park wall on the southern boundary of the site. The drop in level can be appreciated by the relatively steep ramped section of pathway.

4. Planning History (relevant):

TM/03/03673/FL Refuse 20 October 2004

Demolition of existing glasshouse and erection of 4 residential units and a commercial unit (Class A1) with parking, revised access and associated works

TM/05/03034/FL Refuse 27 July 2006

2 no. 2 bedroom houses and 1 no. commercial unit (Class A1) with parking, revised access and associated works

TM/06/02830/FL Approved 22 December 2006

Retail unit to replace recently demolished greenhouse

TM/06/02832/FL Approved 22 December 2006

Retail unit to replace recently demolished greenhouse

TM/10/00991/FL Approved 14 June 2011

Erection of a mixed use development comprising 7 no. ground floor retail units, 5 no. 2 bed apartments with associated car parking and public space

TM/13/01952/FL Approved 25 April 2014

Development comprising 4 no. two bedroom town houses and one retail unit plus associated parking and external works

5. Consultees:

5.1 Any representations received shall be reported fully in the Supplementary Report.

6. Determining Issues:

6.1 The reserved details application is submitted in respect of a formal construction management plan, as required under condition 18 of TM/13/01952/FL. It varies from the details which were discussed during the determination of the original application.

6.2 *Condition 18 requires:*

No development (including demolition of the existing building) shall take place until details of a management plan to address the physical practicalities of carrying out the demolition and construction work on this tightly constrained site have been

submitted to and approved in writing by the Local Planning Authority. The plan shall specify access routes into the site for construction traffic and contractors' vehicles, areas to be set aside for materials storage and maximise vehicle parking within the site and measures to protect adjoining properties whilst the development is under way. In addition, the plan shall specify pedestrian safety measures across and adjoining the site. The development shall be carried out in strict accordance with the details approved.

6.3 The details that have been submitted accord with the requirements of the above condition and address the physical practicalities of carrying out construction work on this constrained site. It is noted that there is very limited demolition, but levelling of the site and clearance will be required. Some of the key points of the Construction Management Plan are:

- Large vehicular deliveries to the site will be via the public car park between the hours of 7.00am – 8.15am and strictly controlled.
- Smaller deliveries will still use the Swan Street access.
- The allocation of 6 dedicated parking bays by vehicles for the delivery and collection of materials.
- Access routes for construction vehicles to be fully signposted.
- An independent construction traffic co-ordinator is to be appointed to control and monitor larger vehicles collecting from and delivering to the site.
- Contractors to use the public car park for parking their smaller vehicles.
- Communication will be ongoing with local residents, including a complaints process and relevant telephone numbers available on site; these details will be provided to the Local Planning Authority.
- Regular meetings to be set up with all relevant parties to discuss and respond accordingly to any issues.
- Possibility of a web-site set up to provide better communications.
- Site fully secured and pedestrian access closed during the entire construction process.
- A dedicated storage and welfare area to be sited to the rear of 75-77 High Street.
- Emissions, Lighting and Noise and Vibration addressed and the potential for impact on neighbouring properties fully considered.

- 6.4 The main alteration from the access details previously discussed is the use of the public car parking for access by larger construction vehicles. This has been discussed in some detail with the relevant departments within the Council and considered in principle to be feasible, subject to Committee and agreement with landowners.
- 6.5 The revised construction management plan has been developed as it became clear that the only way to use the Swan Street access for all vehicles would have resulted in stop and go signs to control larger vehicles gaining access into Mill Yard. This clearly would have resulted in a significant impact on the traffic in West Malling and caused considerable congestion for businesses and residents in West Malling. Consequently, alternative options were considered. Smaller vehicles will still use Swan Street to access the construction site but these should have less impact on local traffic and the town.
- 6.6 The use of the car park during the hours specified (7.00am – 8.15am) will minimise the impact on the car park during its busiest hours and reduces the impact on users of the car park. At this time of the day the car park is fairly empty and allows more scope for the movement of construction vehicles across the car park without affecting users of the car park. The route plan submitted is therefore an indicative plan to show the intended route. This overall approach is considered to work better on a practical level, resulting in less disruption and congestion within West Malling and offers a sensible solution to the construction needs on this constricted site in the centre of West Malling.
- 6.7 The application is therefore reported to A2PC with a recommendation for approval, but subject to the expiry of the relevant consultation periods and the receipt of supportive comments.

7. Recommendation:

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

Report received 20.08.2015, Email received 16.09.2015, Email received 15.09.2015, Aerial Photo ROUTE received 16.09.2015, Proposed Layout 12397F/003 B received 16.09.2015, Management Plan 12397F/REF 2 received 16.09.2015 **Subject to:**

- expiry of the consultation period, and
- no objections being received raising new material land use considerations

Contact: Lucinda Green

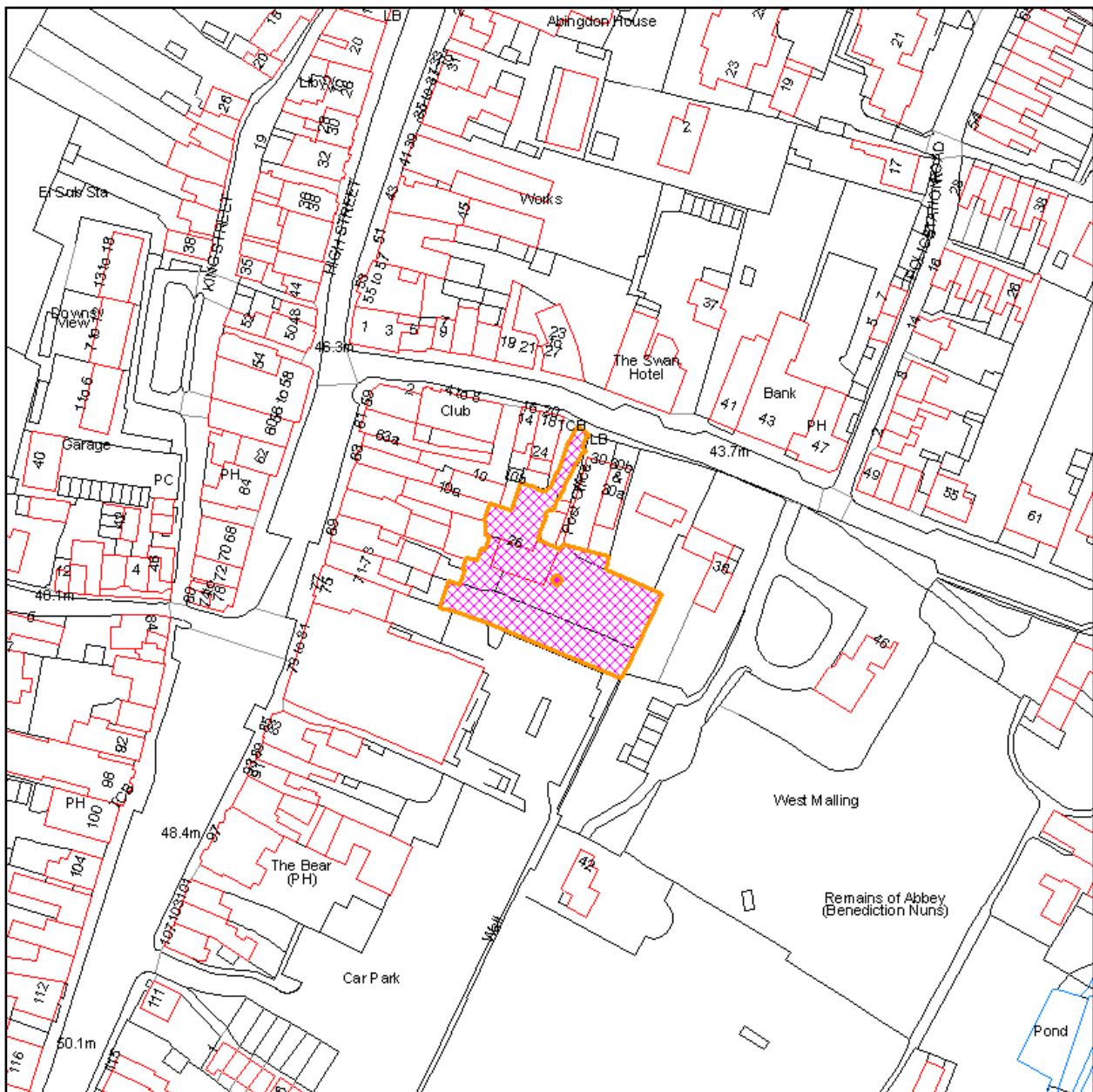
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TM/15/02739/RD

Mill Yard 26 Swan Street West Malling Kent ME19 6LP

Details submitted pursuant to conditions 18 (Construction Management Plan) of planning permission 13/01952/FL for Development comprising of 4 no. two bedroom town houses and one retail unit plus associated parking and external works

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

30 September 2015

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 TREE PRESERVATION ORDER NO. 4 2015

1.1 Background

1.1.1 On instructions received from the Director of Planning, Housing and Environmental Health, a Tree Preservation Order (No. 4 2015) was made on a woodland consisting of mixed deciduous trees, including Hornbeam, Oak, Beech and Ash on land at Thriftwood Camping and Caravan site, Plaxdale Green Road, Stansted, Kent.

1.1.2 The grounds for making the Order are to protect the trees in the interest of visual amenity as this is ancient woodland which can be seen from public footpaths surrounding the area.

1.1.3 The Order is the subject of an objection from the owner, S Sellers, submitted by his agent, Mr M Southerton.

1.2 Objection received from Mr Southerton:

1.2.1 The original objection is set out in full at Annex 1 to this report, however I summarise it below:

1.2.2 There is no threat to the trees within proposed area W1 – the planning application was adjusted to ensure the woodland will not be affected and has been refused and dismissed on appeal. The Inspector did not consider the scheme to impact adversely on the adjoining area of trees the subject of this Tree Preservation Order (TPO) or have any unacceptable on the character of the footpath running through the site.

1.2.3 The Order can only be justified if the removal of the woodland would have a significant negative impact on the local environment and its enjoyment by the public – in this case the impact on the public enjoyment arising from the visual amenity value of the woodland to users of the public footpaths in the area.

1.2.4 The TPO adds no significant additional visual amenity benefit compared to simply leaving the extant TPO. The trees, or at least a significant part of them, have to be visible from the public footpaths in the surrounding area: the users of the footpaths

have to suffer a significantly diminution of their perception of the contribution the trees make to the visual amenity benefits associated with the trees. The apparent size and form of the woodland will appear no different than at present and therefore have no impact on the appreciation of the visual amenity value of the trees.

- 1.2.5 Only a small part of the trees will be seen over and above these parts already benefitting from the protection conferred by the existing TPO. The public using the paths will only see the trees already protected which is a belt of trees of a minimum depth of 6 metres and considerably more at the approaches from the south east and north. The trees further in the site now proposed for protection make no or virtually no beneficial contribution as they will not be seen.
- 1.2.6 The overwhelming perception of the visual amenity of the area seen from the path is one of a developed caravan park with a backcloth of trees. The backcloth to the developed area of the caravan park will remain as the extant TPO protects trees on the north, east and south sides of the area of trees. There will be no unacceptable diminution of the visual amenities of the users of the public footpath running through the site – their view will effectively be dominated by caravans and associated development.
- 1.2.7 Rarity, cultural or historic value is not relevant here as the grounds for making the Order. The ancient woodland status is acquired as a consequence of the presence of woodland here over time and not any appraisal whatsoever of the visual amenity value it may or may not have. The woodland appears to have been assessed as having importance as a single entity with no individual tree(s) of particular note.
- 1.2.8 The wider area is interspersed with many pockets of woodland and whilst this reduces any impact from the loss of one of them, it is acknowledged that there is a benefit in terms of visual amenity in respect of the combined importance of the appearance of the woodland areas to the overall landscape of the area.

1.3 The Director of Planning, Housing and Environmental Health's response to the objection:

- 1.3.1 National Planning Practice Guidance states that Tree Preservation Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.
- 1.3.2 There is a TPO served on the site in 1981 which covers Areas including one that is a horseshoe shape on the southern, eastern and northern edges of the relevant woodland. This provisional woodland Order covers the whole woodland not just 3 of its edges as is the case of the 1981 TPO.

- 1.3.3 It is good practice and required in the 2012 Regulations for Area Orders to be reviewed. The woodland Order will therefore accord with up to date Regulations and will allow the long term regeneration of the tree cover as, unlike an Area Order, it protects saplings within the seed bank that emerge through natural regeneration whereas an Area order only protects trees in existence at the time the Order was confirmed, ie that existed in 1981.
- 1.3.4 It is considered that the woodland has a visual amenity greater than a belt of trees around the three edges as it is the mass of trees over large area that provides the visual character of a typical wooded treescape. Long strips of trees at some points only 6m across do not provide the depth of natural growth that consolidates into the appearance of a wooded backdrop. This is evident from there being an Area TPO of similar width on the western boundary of the caravan site which is too thin to present the appearance of the edge of a “wood”.
- 1.3.5 The agent’s argument on the Inspector’s decision on the refused planning application 13/03923/FL is illogical. The Inspector did not need to assess the impact of the proposed enlargement of the caravan site on the woodland trees because the application was amended to exclude them at the request of officers and contemporaneous with the serving of this provisional TPO. That is not the same as alluding to the Inspector thinking they were not important. Similarly, that the caravan site application was refused and dismissed on appeal has no bearing on whether the trees are at risk. The agent has on a number of occasions proposed works within the woodlands of a type that they claim as a permitted development right. Therefore the trees remain at risk in my opinion.
- 1.3.6 Notwithstanding that the TPO will protect an extra 2.6ha of woods visible from the Public Rights Of Way (PROW), I am of the view that the restriction of public amenity value to only the users of the PROW is too limited a definition of amenity. The users and visitors to the large caravan park benefit from the visual amenity provided by being adjacent a woodland, notwithstanding that the site is privately owned. The density of treescape provided by the woods benefits rural views from the wider locality from local roads and neighbouring land etc.
- 1.3.7 Other privately owned woodlands in the area are also protected by TPOs, so this is not an abnormal decision.
- 1.3.8 In these circumstances, I am of the view that the TPO accords with the legislation and National Guidance and should be confirmed unamended. There is no need to partially revoke the 1981 Area Order notwithstanding the overlap and there is are no legal repercussions from the partial duplication.

1.4 Legal Implications

- 1.4.1 None.

1.5 Financial and Value for Money Considerations

1.5.1 Not applicable.

1.6 Risk Assessment

None.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

1.8.1 Members are asked to either:

- 1) **CONFIRM** the Tree Preservation Order as served; or
- 2) **UPHOLD** the objection to the Order

Background papers:

contact: Trevor Bowen

File TPO 889 and 895

Adrian Stanfield

Director of Central Services and Monitoring Officer

Your reference: LEGAL/TMB/TPO895

Dear Trevor,

Please regard this email comprising a formal objection to TPO Number 4 2015 (your letter of 7 April 2015 refers).

I have been instructed to challenge the TPO on the basis that the grounds for making the Order are badly found and do not stand up to proper scrutiny. The grounds for making the Order are reliant solely on visual amenity impacts centred on concern that the woodland can be seen from public footpaths surrounding the area – it is considered that the TPO adds no significant additional visual amenity benefit compared to simply leaving the extant TPO in force. It should also be pointed out that there is no threat to the trees within proposed area W1 – the planning application in respect of the adjacent land to the west was adjusted to ensure the woodland will not be affected and has, in any event, been refused and dismissed on appeal. The Inspector did not consider the scheme to impact adversely on the adjoining area of trees the subject of this TPO or have any unacceptable on the character of the footpath running through the site.

The starting point in evaluating the grounds given for making the Order is that the Order can only be justified if the removal of the woodland would have a significant negative impact on the local environment and its enjoyment by the public – in this case the impact on the public enjoyment arising from the visual amenity value of the woodland to users of the public footpaths in the area. Before the Council make or confirm this Order they have to be able to show that protection would bring a reasonable degree of public benefit in the present and/or future, in this case by providing better protection in respect of those parts of the area of woodland to the eastern side of the caravan park which are not already protected by the extant TPO. The existing TPO is an important material consideration in terms of weighing up any additional public benefit from effectively extending the TPO.

It is not known if the council has an adopted methodology for assessing the amenity value of trees in a structured and consistent way but the following criteria would ordinarily be regarded as key matters in evaluating if TPO can be justified:

Visibility

The extent to which the trees or woodlands can be seen by the public and the context of any such visibility are key to the assessment of whether the impact on visual amenity is significant. The trees, or at least a significant part of them, have to be visible from a public place – in this case the public footpaths in the surrounding area. Simply being visible to people on the public rights of way is not enough to warrant a TPO – the users of the footpaths have to suffer a significantly diminution of their perception of the contribution the trees make to the visual amenity benefits associated with the trees. In this case, the visual amenity impacts are different depending on the part of the footpath network the TPO area is seen from with two main contexts – firstly, when seen from outside of the site and then from the footpath within the park.

It should be stressed that in respect of both the ‘inside’ and ‘external’ views, only a small part of the trees will be seen over and above these parts already benefitting from the protection conferred by the existing TPO. From all three approaches to the park via the

public footpaths (ie: from the paths entering the site from the north and south and that passing the park to the east) the additional area proposed to become part of the extended TPO will not be readily visible and not seen at all from virtually any point along the paths. This is because the public using the paths will only see the trees already protected which is a belt of trees of a minimum depth of 6 metres and considerably more at the approaches from the south east and north so the trees further in the site now proposed for protection make no or virtually no beneficial contribution as they will not be seen. This effective screen from outside of the park means that the proposed TPO has no additional benefit in respect of visual amenity from the perspective of views from outside of the site.

This leaves only the issue of the perception of the trees from the footpath that runs through the park itself. This path runs through a formal caravan park with many seasonal (year round) and static caravans along with caravan storage, permanent buildings, roads, lighting etc. Irrespective of the presence of trees within the caravan park the overwhelming perception of the visual amenity of the area seen from the path is one of a developed caravan park with a backcloth of trees. The backcloth to the developed area of the caravan park will remain come what may as the area of the proposed TPO includes areas of trees protected by the existing TPO on all boundaries seen from the footpath when looking across at the area of the proposed TPO – the extant TPO protects trees on the north, east and south sides of the area of trees so whatever happens the views across from the footpath within the site will fundamentally remain as is with the presence of trees and their function as a visual backcloth to the developed caravan park remaining unaltered. As such, there will be no unacceptable diminution of the visual amenities of the users of the public footpath running through the site – their view will effectively be dominated by caravans and associated development.

Individual, collective and wider impact

Public visibility alone is not sufficient to warrant an Order. The council should also have assessed the particular importance of any individual trees, of groups of trees or of the woodland area by reference to its or their characteristics. In this case the woodland appears to have been assessed as having importance as a single entity with no individual tree(s) of particular note. Wider impact is confined to impact on the users of the public rights of way which is dealt with above. Any additional 'collective' impact also needs to appraise:

- size and form – this needs to be looked at in the context of the existing TPO which already protects the trees about the periphery of the site such that the apparent size of the overall extent of the woodland will not be adversely impacted upon even if some of the other trees were to be removed because the external extent of the woodland will appear no different (other than for the short time any users of the footpath through the caravan site are actually walking through the park itself). Once outside of the site boundaries the apparent size and form of the woodland will appear no different than at present and therefore have no impact on the appreciation of the visual amenity value of the trees.
- future potential as an amenity – none so not applicable.
- rarity, cultural or historic value – this is not relevant here for although the woodland is categorised as being ancient woodland (and is therefore a relative rarity) and the

grounds for the Order make passing reference to this, the reference is irrelevant as the grounds for making the Order are clear – it is only the visual amenity value of the trees that is of consequence and the status of the trees as ancient woodland or not is entirely silent/neutral in terms of impacting on visual amenity - the ancient woodland status is acquired as a consequence of the presence of woodland here over time and not any appraisal whatsoever of the visual amenity value it may or may not have.

- contribution to, and relationship with, the landscape – the wider area is interspersed with many pockets of woodland and whilst this reduces any impact from the loss of one of them, it is acknowledged that there is a benefit in terms of visual amenity in respect of the combined importance of the appearance of the woodland areas to the overall landscape of the area. However, the existing TPO ensures that the status quo will be maintained in respect of the contribution to and relationship with the wider landscape – in essence, the trees benefitting from the existing TPO are what define the relationship of this parcel of land with the wider landscape: as set out above, from views towards the site from the public rights of way nothing will change in respect of the appearance of the woodland.
- contribution to the character or appearance of a conservation area – not applicable.

Other factors

Factors such as any importance to nature conservation or the value of trees in terms of climate change do not warrant making a TPO but in any event these factors have not been identified by the Council and are considered of little relevance here especially given that judging impact on visual amenity the only matter at issue.

Conclusion

The woodland within the proposed TPO area W1 is fundamentally the same as when the original, extant TPO was made. There is no greater amenity value to the trees than then and no additional threat to the trees here so it is difficult to see why it is now considered appropriate to try to extend the area protected by the existing TPO, especially when the recent planning application clarified that the area will not be impacted on by way of the proposed static caravans on the adjacent land to the west.

It is difficult to understand why the Council seem to feel that the appraisal of this area of trees first undertaken in making the extant TPO is now considered to be inadequate – there is no evidence of any proper re-appraisal of the merits of the additional area and it seems almost as if making reference to ancient woodland may (wrongly) be reason enough. The grounds for making the order confirm that the only issue is that of the visual amenity merits of the additional area when seen from the public rights of way network - circumstances here are such that that it is clear that the additional area of trees confer no significant visual amenity benefits over and above those conferred by way of the extant TPO. The proposed TPO is badly found and does nothing of sufficient consequence to warrant the TPO in terms of any enhancement/visual amenity benefit over and above that resulting from the existing TPO. The required reasonable degree of public benefit in the present and/or future simply does not accrue from this proposal and so it is asked that the proposed TPO be withdrawn forthwith.

Kind regards,

Mark.

Agenda Item 11

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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of the Local Government Act 1972.

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