

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

---

### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

---

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

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

3 November 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, 11th November, 2015 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 30 September 2015

**Decisions to be taken by the Committee**

4. Development Control 9 - 12  
Introduction and Glossary
5. TM/15/02819/FL - West Yaldham Farm, Kemsing Road, Kemsing 13 - 36
6. TM/15/02431/FL - Land between M20 and M26, West of Ford Lane, Wrotham Heath 37 - 56
7. TM/15/01191/FL - The Chequers Inn, Basted Lane, Crouch 57 - 74
8. Alleged Unauthorised Development 15/00252/WORKM – 60 Ryarsh Lane, West Malling 75 - 80
9. Urgent Items

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

**Matters for consideration in Private**

10. Exclusion of Press and Public 81 - 82

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

**PART 2 - PRIVATE**

11. 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

This page is intentionally left blank

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 2 PLANNING COMMITTEE

Wednesday, 30th September, 2015

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole and Cllr M Taylor.

Councillors O C Baldock and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S L Luck and H S Rogers

### PART 1 - PUBLIC

#### **AP2 15/41 DECLARATIONS OF INTEREST**

Councillor Mrs Kemp (Chairman) declared an Other Significant Interest in Planning Application TM/15/01687/OA in that she was a near neighbour to the application site. She withdrew from the meeting and Councillor Jessel (Vice-Chairman) chaired the meeting during consideration of this application.

#### **AP2 15/42 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 19 August 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 15/43 DEVELOPMENT CONTROL**

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

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

**AP2 15/44 TM/15/00978/FL - LAND REAR OF THE BUTTS, BEECHINWOOD LANE, PLATT**

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

**RESOLVED:** That the application for Section 73 consent be REFUSED in accordance with the reasons set out set out in the report of the Director of Planning, Housing and Environmental Health.

[Speaker: Mr W Terry – Applicant]

**AP2 15/45 TM/15/01669/AT - NEPICAR HOUSE, LONDON ROAD, WROTHAM HEATH**

(A) Internally illuminated totem sign and (B) Non-illuminated 'Nepicar House' letter sign at Nepicar House, London Road, Wrotham Heath.

**RESOLVED:** That

Application (A) be APPROVED in accordance with the conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; and

Application (B) be REFUSED in accordance with the reason set out in the report of the Director of Planning, Housing and Environmental Health.

**AP2 15/46 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 the application be APPROVED in accordance with the conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speaker: Mr N Williams – Agent]

**AP2 15/47 TM/15/02739/RD - MILL YARD, 26 SWAN STREET, WEST MALLING**

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

**RESOLVED:** That, in accordance with the conditions, reasons and informations set out in the report of the Director of Planning, Housing and Environmental Health and in the supplementary report tabled at the meeting, Delegated Authority be granted to the Director of Planning, Housing and Environmental Health, in consultation with the Members of West Malling and Leybourne Ward, to APPROVE RESERVED DETAILS, as detailed in:

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

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

The addition of Informative

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

**AP2 15/48 TREE PRESERVATION ORDER NO. 4. 2015**

The report of the Director of Central Services and Monitoring Officer set out details of an objection received from the owner of Thriftwood Camping and Caravan Site, Plaxdale Green Road, Stansted to the making of Tree Preservation Order No 4 2015 on woodland consisting of mixed deciduous trees, including Hornbeam, Oak, Beech and Ash, on land at the caravan site.

**RESOLVED:** That Tree Preservation Order No 4 2015 be CONFIRMED as served.

**AP2 15/49 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

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

**PART 2 - PRIVATE****AP2 15/50 TM/15/01687/OA - LITTLE REEDS, FORD LANE, TROTTISCLIFFE**

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

The report of the Director of Central Services and Monitoring Officer set out details of the implications of alternative decisions to the recommendation contained in the report of the Director of Planning, Housing and Environmental Health (Minute AP2 15/46 refers)

**RESOLVED:** That the report be noted.

The meeting ended at 8.25 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 23 September 2015

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way
SDC	Sevenoaks District Council

SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

**Ightham**                      **558343 158827**     **27 August 2015**                      **TM/15/02819/FL**  
Wrotham, Ightham And  
Stansted

Proposal:                      Hybrid Planning Application: Full Planning Permission for change of use and alterations of existing agricultural building (building A) to light industrial and storage, demolition of existing agricultural buildings and replacement with an office building. Outline Planning Permission (with details of appearance, landscaping and scale reserved) for demolition of agricultural buildings and replacement with 3 terraced cottages and 2 detached houses. Associated development including roadways, parking and access changes.

Location:                      West Yaldham Farm Kemsing Road Kemsing Sevenoaks Kent TN15 6NN

Applicant:                      Mrs Eliza Ecclestone

---

## **1. Description:**

1.1 This application has been submitted in hybrid form for redevelopment of West Yaldham Farm. It is accompanied by an agricultural justification statement by Savills-Smiths Gore. Following the assessment of grain storage needs and provision on the estate, the existing buildings at West Yaldham Farm are said to be either redundant or barely useable. This report demonstrates how the agricultural needs of St Clere Estate have been assessed and fulfilled elsewhere within their land holdings and considers requirements for the redundant buildings at West Yaldham. The estate will continue to utilise third party managed space at Weald Granary, with the temporary tipping store proposed to provide some interim storage for part of the year.

1.2 To summarise, the application proposes:

Full Planning Permission:

- Change of use and alterations of existing agricultural building (Building A) to light industrial B1(c) (343sqm) and Class B8 storage/distribution (780sqm) (1,123sqm in total). The building is stated to be intended for a tea company called 'Blends for Friends.' Alterations to Building A are proposed as follows:
  - Re-clad and re-roof the building.
  - Creation of an emergency fire escape on the north elevation of the building.
  - Ground floor and first floor roller shutter doors to facilitate loading on the west elevation.
  - New double doors on east and west elevation.

- Triple glazed windows along part of the west elevation.
- Triple glazed windows and doors on the south elevation.
- Demolition of agricultural buildings and replacement with a Class B1(a) office building of 967sqm in total, stated to be for 'Blends for Friends' comprising 622sqm of office space, 177sqm for a tea tasting room and 168sqm for staffroom areas.
- Alterations to access, removal of hardstanding and silos, formation of internal roadways and parking areas.

Outline Planning Permission:

- Demolition of agricultural buildings and replacement with 5 dwellings. Garaging, with associated parking and turning. Details of access and layout have been included at this time and details of appearance, landscaping and scale have been reserved. The layout proposed includes a terrace of three cottages fronting on to Kemsing Road and two detached dwellings, one being a 'granary' style building and one being a 'manor house' style in terms of the indicative drawings provided.
- 1.3 The erection of a side extension to Building F (grain store) and the installation of a biomass boiler were initially proposed but have been removed from this application and may form part of a later submission.
  - 1.4 Access is proposed to be via the existing farm access which would be widened with gates set back to allow vehicles to wait off the road. The internal access road is then proposed to split between the B1(c)/B8 building and agricultural building and the B1(a) offices and the residential dwellings. The existing St Clere Estate access road to the north-western corner of the site is also proposed to be maintained, to serve the wider Estate. PROW MR227 would not be affected by the proposals.
  - 1.5 The proposal represents an approximately 61% reduction in volume over the site compared to the existing farm buildings.
  - 1.6 Members will recall that the previous scheme (TM/14/03431/FL) was reported to A2PC on 21 January 2015, being a short report to recommend a Members' Site Inspection (MSI). The recommendation was agreed and a MSI took place on 12 February 2015. Following various points/questions raised at the MSI it was felt that a substantial amount of further information was required. As such the application was not reported back to A2PC and was subsequently formally withdrawn by the applicants in advance of the submission of this current scheme.
  - 1.7 This scheme differs significantly from the previous scheme in that 5 dwellings are proposed compared to 13 previously. In addition, the current scheme for the office

building and residential dwellings proposes replacement buildings and not a partial conversion which was the case in the last application. The layout of the scheme is no longer dictated by the existing position of buildings on the site (other than for buildings A and F which are to remain).

- 1.8 A Unilateral Undertaking is due to be submitted to cover the 40% affordable housing element of the scheme which would be provided on site. The 2 affordable units would be provided on a privately operated basis and would form 'Intermediate' housing.
- 1.9 Intermediate housing is defined in the NPPF as "homes for sale and rent provided at a cost above social rent but below market levels..." The intent is for the applicant to retain ownership of the land to secure long term regeneration of the Estate and to provide homes for employees where possible. The cascade of eligibility for the intermediate housing is as follows:

Category 1

- Workers on the estate
- Retired workers on the estate
- Former workers of the estate

Category 2

- Residents of Wrotham and Ightham

Category 3

- Residents of other parishes covered by the estate (which are outside TMBC)

- 1.10 It is proposed that 3 months is allowed for each level of the cascade before the next level of the cascade is considered. The rent charged shall equate to a maximum of 80% of market rent following market appraisals from 3 estate agents.
- 1.11 Eligibility with regards to incomes is proposed to be established by assessing the individual's ability to meet their needs through the market as per the definition in the NPPF. A household's ability will be assessed by establishing 33% of their joint household income and comparing it to local rental values. If this percentage of the household's income is not sufficient to meet their needs through the market then they can be considered eligible for the affordable units.

**2. Reason for reporting to Committee:**

- 2.1 Called in by Cllr Martin Coffin, as the proposal is a Departure from the development plan.

**3. The Site:**

- 3.1 The site lies on the south side of Kemsing Road close to the edge of the borough boundary with Sevenoaks (some 360m to the west). To the northeast of the site lies the residential dwelling West Yaldham Farmhouse. Opposite are 3 dwellings on the Kemsing Road.
- 3.2 The site extends to the south and includes agricultural buildings which form part of the St Clere estate including hardstanding areas between the buildings and to the north of the site. The existing buildings are substantial and readily visible within the landscape from Kemsing Road, the higher ground of the North Kent Downs to the north and from the M20 motorway to the south.
- 3.3 The site is exposed to the agricultural land to the south of the site which drops away in level to the south thus increasing the visual impact of the site from views from the south.
- 3.4 The site lies within the Metropolitan Green Belt and an Area of Outstanding Natural Beauty.

**4. Planning History (relevant):**

TM/49/10454/OLD      grant with conditions      25 August 1949

Implements Shed and Manure Store.

TM/65/10785/OLD      grant with conditions      18 March 1965

A covered yard and grain store.

TM/68/10872/OLD      grant with conditions      16 April 1968

Grain drying and storage building.

TM/70/10889/OLD      grant with conditions      6 January 1970

The erection of a dairy unit comprising four buildings and two silos.

TM/70/10932/OLD      grant with conditions      27 May 1970



Extension of existing grain store and new lean to implement shed.

TM/74/12232/OLD      grant with conditions      27 August 1974

Erection of lean to grain store and a machinery / general purpose store.

TM/01/00689/FL      Refuse      10 October 2001  
                                 Appeal Allowed      13 May 2002

Change of use from Agricultural to B1 and B8

TM/14/03431/FL      Application Withdrawn      27 August 2015

Conversion of agricultural barns, including partial demolition and re-building new sections, to form 13 dwellings (8 market housing, 5 intermediate housing), 1844 sqm agricultural building (full replacement), 775sqm B1(a) offices and 1000sqm B1(c) light industrial, including removal of silos

TM/15/01260/AGN      Prior Approval Not Required      15 May 2015

Prior Agricultural Notification: Extension to agricultural store (Building F)

TM/15/01277/PDVAF      Prior Approval Approve      27 July 2015

Prior Notification: Conversion of Building A (b) from grain store to a flexible use [initially storage and distribution) (Class R)

TM/15/01852/DEN      Prior Approval Not Required      2 July 2015

Prior Demolition Notification of building A(a) Agricultural Building at West Yaldham Farm

## **5. Consultees:**

5.1 Wrotham PC: WPC is in principle supportive of this improved application. Much of the current infrastructure is to be removed and in particular the two pronounced steel silos leading to a more aesthetically pleasing development within the AONB. The overall volume of the built development will decrease leading to a positive benefit to the openness of the MGB.

5.1.1 In the event that the Officer deems that special circumstances are required then the rerouting of HGVs and in particular the grain lorries away from village centres is a significant bonus for our community and that combined with the overall

improvement to the built development will in our opinion far outweigh any consequential harm.

5.1.2 The mixing of residential, business and agricultural uses on one site leads to our two areas of concern.

1) It is essential that noise from the agricultural and business uses are not allowed to impact on the residential amenity of existing and new residents. We would therefore ask that rigorous noise conditioning is imposed and enforced.

2) The complex three-way access in one location is of concern from a safety viewpoint and WPC will appoint a review of the safety aspects of the junction, including the swept analysis, by a qualified Highways Engineer and the outcome of that review will be passed on to the LPA to assist them with their decision.

5.2 Ightham PC: We support this application. No objection.

5.3 Sevenoaks DC (adjoining LPA): No objection. Main comments set out below:

5.3.1 The agricultural justification statement states that replacement of the existing grain store is required to support the Estate's grain production (which averages 4,500 – 5,000 tonnes). The statement also refers to off-site crop storage facilities at Weald Granary (capacity of 2,500 tonnes) and contractor's storage facilities (presumably off-site). Although the statement concludes that the proposed replacement building (with capacity of 2,500 – 2,750 tonnes) would be suitable for all the farm's needs, including any expansion in its operations for the foreseeable future, it is queried whether additional on-site provision should be made to support all existing and future crop production on the Estate and to reduce movement between sites. It is considered that this should be clarified to prevent further proposals for agricultural buildings, including in Sevenoaks District, in the future.

5.3.2 The development would result in a 61% reduction in built volume on the site. The proposals, including parking provision and residential amenity space, would be mostly contained within the footprints of existing buildings which, combined with a substantial reduction in bulk, would improve the openness of the Green Belt. The development would also provide rural employment opportunities and high quality residential accommodation. It is recommended that the determining Authority give careful consideration to whether or not they consider the VSCs advanced would clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.

5.3.3 The site is located within the Kent Downs Area of Outstanding Natural Beauty. The existing farm buildings, and particularly the silos, are visually intrusive and prominent in short, medium and long distance views. The Landscape and Visual Impact Assessment submitted with the application concludes that the proposals would have either a beneficial moderate or beneficial substantial impact on the landscape in the immediate area and the wider setting.

- 5.3.4 Subject to the recommendations of the Highways Officer, it is not considered that the development would have a material impact on highways in the locality. It is also not considered that the development would have any impact on the residential amenities of surrounding occupiers.
- 5.4 KCC Highways: It is not expected that the proposals will lead to a significant increase in traffic accessing the site when compared to the fall back use of a dairy farm. Further, it is likely that the proposals will see a reduction in HGV movements to the site.
- 5.4.1 The proposals include modifications to the access, through widening and setting back the gate. Tracking diagrams have been provided to show that the largest anticipated vehicles can safely enter and exit the site, and can safely turn within the site.
- 5.4.2 Adequate parking facilities are provided for both the employment and residential uses, and there is sufficient space for vehicles to turn on site and leave in a forward gear.
- 5.4.3 The local highway authority also welcomes the proposals of a transport management plan to ensure HGVs are not routed through either Wrotham or Kemsing village centres. I do not wish to raise objection on behalf of the local highway authority.
- 5.5 KCC PROW: Public Right of Way MR227 footpath runs along the western boundary of the site and should not affect the application.
- 5.6 Environment Agency: (In summary) No objections if planning conditions are included in relation to Contaminated Land, Drainage and Piling.
- 5.7 Kent Downs AONB Unit: Objection raised on the following grounds:
- 5.7.1 The application site is located in the Kent Downs AONB. The application should therefore be tested against the purpose of the designation, to conserve and enhance the natural beauty of the Kent Downs AONB and the way that this purpose is represented in local and national policy.
- 5.7.2 West Yaldham Farm is a group of farm buildings in a relatively isolated position in open countryside outside the boundary of any settlement. It is understood that the farm forms part of the wider St Clere Estate. Farmland predominates here, below the steep escarpment of the North Downs and the North Downs Way.
- 5.7.3 The site is accessed from Kemsing Road, a narrow rural lane which is single track for the majority of its length, with no footpaths or lighting. The free flow of traffic along it relies on a number of informal passing places.
- 5.7.4 The site lies within the Kemsing Vale Landscape Character Area of the Kent Downs AONB. The key characteristics identified for this area include the visual

impact of motorways, magnificent views southwards from scarp, large intensively cultivated scarp foot hills and a strong pattern of trimmed hedges and individual mature trees. Design guidelines for this area include conserving the open, large scale of the landscape and views and integrating transport corridors by additional hedgerow, woodland and shaw planting.

5.7.5 It is recognised that a Prior Notification has been granted for the conversion of building A to a flexible use thus establishing the use of this building for commercial purposes. However, the AONB Unit is concerned that the proposed new office building and erection of five new dwellings would significantly and harmfully increase the impact of the site on the environment and landscape of the AONB. It would result in the site being more actively used, with a consequent impact on tranquility, an increase in traffic levels along Kemsing Road and increased levels of light pollution.

5.7.6 It is contended by the applicant that the existing barns and silos have a serious harmful effect on the visual quality and character of the AONB. While the farm buildings existing on the site are currently in a state of some disuse, given that they are farm buildings, in a farmed landscape, we do not agree that the existing buildings negatively impact on the area. Furthermore, the existing buildings could be removed without the proposed development proceeding.

5.7.7 Notwithstanding the proposed farmstead vernacular design, it is considered that the impact of the massing, layout, density and land uses of the proposed development would weaken the fundamental components of natural beauty and landscape character and result in a detrimental impact on the visual identity of the Kemsing Vale Landscape Character Area.

5.7.8 As such the application is considered to be contrary to policies SD1, SD3 and LLC1 of the Kent Downs AONB Management Plan. The Management Plan has been formally adopted by all local authorities in Kent in which the AONB occurs, including Tonbridge and Malling Borough Council. Management Plans are a material consideration in determining planning applications/appeals as set out in para 15 of the decision in respect of Appeal Ref: APP/P1615/A/13/2204158 Land off Reddings Lane, Staunton, (Coleford), Gloucestershire where the Inspector noted that "The Management Plan is a material consideration to which I attach considerable weight."

5.7.9 The application is also felt to be contrary to Policy CP7 of TMBC's Core Strategy, which advises that development will not be permitted where it would be detrimental to the natural beauty of the AONB except in specified exceptional circumstances, which are not met by the application proposals.

5.7.10 Furthermore the site lies well outside of the boundaries of the nearest settlements of Wrotham and Kemsing and with lack of local facilities nearby, the nature of the local roads not make walking an attractive option and lack of options other than private car to access site result in the site being clearly unsustainably

located. As the Kent Downs AONB Management Plan makes clear, the principles of sustainable development are at the heart of the management of the protected landscape of the Kent Downs.

5.8 KCC Heritage: The site of the application is part of a post medieval farm complex. There are indications of a courtyard on the 1st Ed OS map with small, linear barn fronting the road. Other buildings are identifiable including a roundel building which may have served as an oast house or some other horticultural function. Most of the historic farm buildings have been demolished, except for the current farmhouse itself. However, remains of the post medieval farm buildings may survive below the current large barns or ground surface. This farm may be of medieval origins and clarifying the establishment of this farm is of heritage interest. This farm is identified with the Historic England Farmstead Survey (2009 and 2012).

5.8.1 The site of the application also lies within an area of Anglo-Saxon activity, with several burials recorded along the Pilgrims Way to the north and within Wrotham village. Wrotham is known to have been a focus of Anglo-Saxon activity and similar remains may survive on the application site. An ancient trackway is considered to run through the farm, although this may refer to routeways either side. Conditions recommended to safeguard below ground archaeology.

5.9 KCC SUDS (Sustainable Drainage Systems): The principles of the use of infiltration drainage are acceptable subject to confirmation of the permeability of the ground in the location of the proposed devices as recommended by BRE digest 365. Any works affecting the ditch (as an ordinary watercourse) may require land drainage consent from KCC as the Lead Local Flood Authority. Conditions suggested.

5.10 Private Reps 16/2S/0R/1X + departure Press and Site Notices. Three letters have been received from the closest residential neighbours to the site. Two letters are broadly supportive but raise queries/concerns and one letter neither supports nor objects but, again, raises concerns/queries. The comments received are summarised below:

- The housing development looks to be in keeping with the locality in style and is of a sensible density.
- Safety concerns raised over the indicative pedestrian gate forward of the cottages, directly on to Kemsing Road.
- Concerns raised over the biomass boiler [DPHEH: this no longer forms part of the application] in terms of noise and the siting of fuel (chippings/logs).
- Location of the delivery doors on the west elevation of Building A requires delivery vehicles to travel along the north of the building and thereby closer

to cottages to the north. Can the layout be changed to have delivery to the east and negate the need for movement along the north of the building.

- The noise report submitted refers to storage and distribution and not manufacturing.
- Swept path: The banks of the lane are already broken where, this year, even larger grain lorries accessed the site. Although there is mention of changing the entrance in the application the swept path analysis included in the application shows how the edges of the lane will be broken by the size of transport. This analysis shows a verge, by the flint wall, that does not exist. This wall is to remain according to the application therefore the lane is even narrower than depicted.
- Office building: The size of this building appears to increase with each application for this site. The last application stated 35 employees for the whole site. This building is far larger. This means an increase in traffic on the lane and parking issues on the site.
- Query concerning the ambient noise readings. On the day these readings were made a person walked around the area with a leaf blower. This was such an unusual noise for the area and was for such a prolonged period that it drew my attention. This was briefly noted at the end of the noise report. These are therefore not true ambient noise readings.
- On the site plan to the west of buildings A and F there is a large apron that has been concreted over the existing field. This area seems to expand with each amendment and a specific size of this area needs to be agreed. This is in addition to the area to the north of Building A being concreted.
- The site lies within an AONB and the future proofing of this location needs to be taken into account. The applicant should be restricted on expanding the site further i.e. the office space.
- The application seems much more appropriate for the location and in general we are supportive.
- The extent of concrete on the working side of the site extending beyond the existing area to the west of the buildings and north to the area immediately south of Kemsing Road. [DPHEH: This extent of hard standing has been reduced through a recent amendment.]
- The concreting of the area immediately south of the hedge was refused in the Historical Appeal document submitted by the Applicant for reasons that it was detrimental to the open area of the site and that the grassed area separates the buildings from the road. We feel very strongly that these reasons still apply and would suggest that the concrete road access should

remain as exists between building A and building F, also that any extension of concrete to the west is minimised.

- Deliveries are proposed to be to the West aspect of building A; this is contrary to the proposed delivery point to the south of building A described by Mrs Ecclestone when she contacted us prior to submitting the application. Deliveries to the doors on the western aspect of the building will impact on our home both visually and in terms of noise. We are appreciative of the efforts to screen building A, but there is no screening of the deliveries, perhaps a further tree could be added to those proposed?
- A previously submitted noise report (15/1277, noise air ref 6449) suggested measures that should be taken to minimise noise at the loading bay but this has not been submitted with this application and no mention is made of these measures. We feel that the noise impact report previously submitted requires reviewing and reducing the impact should be a condition of the build.
- Comments in the noise report regarding the loud noise in the “fuso room” and from the use of the airgun. These have the potential to seriously impact on this quiet rural area as this is not an industrial estate. Clear suggestions are made regarding reducing this noise and we trust that these will be a condition of this development.
- It is completely unacceptable to us (and is supported by the ruling in the historic appeal document) to have traffic routed immediately south of the hedge. In particular the proposed tracking shows reversing for deliveries with the attendant “beeping” noise occurring on this northern boundary of the site directly in front of our home in such an open rural area. Keeping all traffic to the south of the buildings would make the development less intrusive than it already will be on our lives and on the area.
- Mention is made in the planning statement of the hopes of Blends for Friends to expand but no commitment is given to ensure that any increasing parking requirements are also kept away from the north and west side of the site. Parking to the south was suggested in the Historical Appeal document and we feel that this is vital to this application. As we stated with the previous application this development is not just for one company but rather as a generic light industrial development in the Kent Downs area of outstanding natural beauty and a long term view is required to maintain this area. Conditions regarding this would make this plan much more acceptable.
- The permitted development application (15/01277/PDVAF) allowed hours of work from 07.00-18.30 Monday to Friday and 07.00-13.00 on Saturdays. This application whilst slightly reducing the finish time Monday to Friday requests working times of 09.00-17.00 on Saturday. We feel that keeping

the hours to a finish time of 13.00 and ideally a start time of no earlier than 08.00 on Saturdays is much more reasonable.

- We note the proposed access routes to the site are from the east for deliveries but employees may well arrive from the west and we have already reported to the Council our problems with the erosion of our verge and its impact on our fence. The fence was originally sited 1m in from the edge of the road but this has been eroded significantly and even our attempt to plant a hedge to protect the fence has not worked so we would like some consideration given to the problems of the increased traffic on this issue, possibly by changes to signs or some form of verge protection.
- Bin stores are mentioned on the application form but not shown on any plans. As the largest producer of waste is likely to be building A and the offices we are concerned about their positioning. Ideally these would not have further impact on the open environment in front of our home and could be kept more centrally on the site.
- The site is south facing and use could surely be made of solar panels to increase its self-sufficiency.
- The future of this site is a concern as we hope to continue to live here peacefully for many more years. We have already mentioned the future parking concerns and the applicant says that future needs of the farm have been considered but in the Historical Appeal document a condition is made that no direct selling should take place on the site and we feel that this is still important to apply to this application.
- The above application has changed substantially from the earlier plans and seems much less intense and appropriate for this rural location. We are in general supportive of the application.
- It is hoped that the proposals for noise reduction will be required. Noise tests were carried out, however this does not take into consideration the fact that the current farming activities are noisy for a few weeks during the harvest but it is very quiet for the rest of the year. The new proposal will produce noise 52 weeks per year.
- Despite reports stating that traffic is not a problem, for those of us who live on the Kemsing Road the reality is very different. Large vehicles are not able to pass each other in many stretches and we regularly have cars reversing into our drive to allow for passing large vehicles. White posts have recently been put up along our fence to stop the undermining of our fence as cars squeeze by each other. The road is also hazardous in the winter as it is not gritted and is in poor condition generally. It is the only route into Sevenoaks when travelling from the east on the M20 which generates considerable volume of traffic at key times.



- The Arboricultural Report highlights several trees on our property which may be affected by the building works. See paragraph 5.2 relating to T17 and T18 which are mature Beech trees on our land. Trees T10-T16 were planted by us 20 years ago to provide a screen from the farm. We hope that all necessary measures will be taken to protect these trees.

## **6. Determining Issues:**

- 6.1 Before considering the merits of the proposal in terms of policy, I consider it relevant to set out the recent prior notifications/approvals for West Yaldham Farm. These inform the current planning position for assessing the proposed development compared to the scheme which was before Members earlier this year.
- TM/15/01852/DEN certified the partial demolition of part of Building A.
  - TM/15/01277/PDVAF granted Prior Approval for the partial conversion of Building A(b) (380sqm) to a flexible use within Class R (i.e. can be used flexibly for A1, A2, A3, B1, B8, C1 or D2 of the Use Class Order). However the intention was to initially use the converted space as storage and distribution. Conditions were attached to this approval.
  - TM/15/01260/AGN agreed that Prior Approval was not required for an extension to existing agricultural building (Building F) to provide a grain store to serve the St Clere Estate.
- 6.2 As such, there is an established set of permissions granted by the Town and Country Planning (General Permitted Development) Order 2015 for some of the works proposed within this Hybrid application.
- 6.3 The site lies within the Metropolitan Green Belt where the principle of development must be assessed against the NPPF and policy CP3 of the TMBCS which defers to national MGB policy. Paragraph 89 of the NPPF sets out what the exceptions to inappropriate development are, relevant ones being buildings for agriculture and forestry, limited extensions to existing buildings, replacement buildings within the same use (not-materially larger) or the complete redevelopment of a previously developed site (brownfield land).
- 6.4 Paragraph 90 of the NPPF allows for, inter alia, the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 6.5 The current proposal seeks to re-use Building A to mixed use light industrial and storage and distribution uses which therefore conforms to the principles of paragraph 90 of the NPPF. The building would be partially demolished (previously consented) thereby reducing the bulk and mass of the building. As such, I consider the works to Building A would not constitute inappropriate development by definition.

- 6.6 The remainder of the development, being the office building and the outline application for five residential units, does not fall within the exceptions set out in paragraphs 89 or 90 of the NPPF and therefore is inappropriate development. Whilst the proposals in place of buildings to be demolished would represent the redevelopment of a site which would not have a greater impact on the openness of the Green Belt compared to the existing development, the site is agricultural so it is excluded as 'previously developed land' as defined within the NPPF. As such, the proposal constitutes inappropriate development. Accordingly, to comply with the NPPF and Policy CP3, a sufficient case of very special circumstances must exist to ensure that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations as set out at paragraph 88 of the NPPF.
- 6.7 The site is also in the countryside and policy CP14 of the TMBCS states that in the countryside, development will be restricted to certain categories, none of which relate to the proposal except development that secures the viability of a farm, provided it forms part of a comprehensive farm diversification scheme supported by a business case.
- 6.8 It is my view that the significant reduction in bulk and volume over the site is a material consideration which should be afforded significant weight, not just in terms of impact on the openness of the Green Belt and the rural amenities, but also in light of the impact of the site on the AONB. The loss of significant built form on the site, the reduction in bulk and mass and the loss of the two large silos would demonstrably improve the appearance of the site from both immediate and long distance views from within the AONB.
- 6.9 In addition to the improvements to openness and landscape character, the removal of a large pole barn building from such close proximity to the neighbour at West Yaldham Farmhouse would result in a significant improvement to the overall amenities of that dwelling in terms of outlook, light and overbearing impact. The movement of commercial activity away from West Yaldham Farmhouse and the introduction of domestic buildings on the eastern side of the site would also improve amenity for this neighbour in terms of agriculturally related noise, smells and general disturbance. Similarly, the existing cottages opposite the site, on the north side of Kemsing Road, would benefit from the cessation of large scale farming on the site in terms of smells. Issues such as noise and disturbance from the proposed commercial uses could be controlled by condition thus giving scope for improving their amenities.
- 6.10 The applicant has accepted the principle of the removal of agricultural permitted development rights for new buildings or works to existing buildings within the Borough boundary of the St Clere Estate to ensure that no further agricultural buildings are erected without the need for a planning application. This is due to the existing buildings having been argued to no longer be suitable or necessary for the type of agriculture the Estate carries out. As such, buildings B, C, D and E are

being 'offered up' to form part of the case of VSC for the proposed development. I consider it reasonable to restrict the permitted development of the Estate in this way in order to safeguard the rural Green Belt and AONB within the Borough from further agricultural development. I afford weight to the ability to restrict future development in this manner in terms of overcoming the issues of principle previously identified.

- 6.11 I am therefore of the view that the improvement to openness and landscape character afforded by the significant reduction in volume over the site, combined with the improvements in amenity to three nearby neighbours and the ability to have control to safeguard the openness of the rural Green Belt and AONB within the Borough from further permitted agricultural development cumulatively amount to a sufficient case of VSC sufficient to override the principle harm to the Green Belt and other harm. The proposal would therefore meet paragraph 88 of the NPPF and, by implication, Policy CP3 of the TMBCS
- 6.12 The existing agricultural buildings and silos (other than Building F) on the site would be either removed or re-used including, for the purposes of Building A, new external cladding and roof covering. As such, the proposal would result in the removal of four very large grey asbestos metal clad farm buildings and two dark blue silos. It is my view that the appearance of the site would improve significantly especially from views from Kemsing Road and from longer distance views from within the AONB. The site would have a more appropriate scale and massing for its rural location and through the introduction of improved layout, siting, massing and materials significantly improve the site and its surroundings. In this respect, I consider that the proposal would accord with Policy CP24 of the TMBCS and paragraphs 57 and 58 of the NPPF.
- 6.13 Furthermore, Policy CP1 of the TMBCS requires that the "quality of the natural...environment, the countryside, residential amenity... will be preserved and, wherever possible enhanced". As the proposal would remove such a substantial amount of volume from the site which also includes the removal of unattractive farm buildings so close to residential dwellings, I consider the proposal would comply with Policy CP1 in terms of enhancing rural amenity, the environment and residential amenity.
- 6.14 The detailed works to Building A would result in a large blank expanse of wall on the north elevation; however this situation would occur as a result of the permitted partial demolition of the northern wing of the building. The works to the east, west and south elevations to add roller shutter doors, conventional doors and windows are the minimum necessary to meet the needs of the end user and would not be prominent within the streetscene. The new office building has been designed to appear as a large complex of Kent Barns with cat-slide roofs. The office building would be sited between the proposed converted commercial B1(c)/B8 building and the area indicated for residential dwellings (in outline). As such, the office building would act as a visual screen and a functional division between the more sensitive

residential buildings and the commercial and agricultural activities which would be carried out within buildings A and F. Plain clay tiles, featheredge weatherboarding and cast iron rain water goods are proposed for the external materials. Compared to the existing buildings in this location, the new materials would greatly improve rural visual amenity and would respect this AONB's landscape value. Although the residential dwellings have been applied for in outline, the means of access has been provided, as have details of layout. Whilst details of scale and appearance are not currently submitted for approval, the applicant has provided indicative images for these dwellings, being a terrace of three cottages on the road frontage, a detached 'Granary' building and a 'Manor House.' The indicative details show a design concept and materials which are entirely in keeping with this rural setting and would represent a significant improvement to the existing buildings on the eastern side of the site.

- 6.15 I note the objections raised by the Kent Downs AONB Unit in relation to landscape character. However I do not fully agree with their conclusions. As stated previously, the proposal would represent a significant reduction in bulk/volume and would improve the appearance of the site from Kemsing Road and from wider views from within the AONB. At present, views from the higher land above show large buildings (including two silos), close together with dark agricultural materials and large expanses of hardstanding. The proposal would reduce volume, improve separation between buildings (ie openness), reduce hardstanding and improve the materials and landscape within the site. In addition, the site lies in close proximity to existing dwellings and, accordingly, once developed would not appear incongruous in the landscape in my opinion. I therefore consider the proposal would enhance the natural landscape character of the AONB and meet the requirements of Paragraphs 115 and 116 of the NPPF as this is not simply a major development within the AONB: it is a sensitive redevelopment of an existing farm site which has an element of fall-back position as stated previously.
- 6.16 In light of the above considerations, I am satisfied that the detail of the scheme is of a high quality and would represent an improvement to the character and appearance of the locality in terms of visual and rural amenity and landscape character. I therefore consider the proposal accords with Policies CP1, CP7 and CP24 of the TMBCS, and Paragraphs 57, 58, 115 and 116 of the NPPF.
- 6.17 Vehicular access is proposed to be via the existing access which would be modified and improved to allow for 6.0m radii and a wider entrance (to allow for the swept path analysis). The existing visibility splays at the access are considered to be reasonable for the nature of Kemsing Road. The existing gates at the access will be relocated to allow for safe entrance to the site with no stopping on the public highway.
- 6.18 A Traffic Management Plan is proposed to be provided which would undertake to prevent HGVs routing through the centre of Wrotham or Kemsing. It is stated that all HGVs will be routed via Exedown Road and Old Terry's Road to the A20 or via

Fen Pond Road to the A25. The Exedown Road route would involve some vehicles travelling via the 'hair-pin' bend to the west. However the land surrounding this is owned by St Clere Estate and it is understood that inter-visibility across the bend will be improved as required.

- 6.19 The proposal must be assessed on the basis of the lawful use of the site as a fully operational dairy farm (with regard also paid to the recent prior approval application for change of use for Building A). It has been calculated in the Transport Review that the existing farm, if brought back in to commercial use, would generate 64 vehicle trips per day. However this number could increase in peak times and reduce in the winter months.
- 6.20 The proposal has been assessed using industry standards and trip rates have been predicted to be 97 per day which does not include a reduction for the likelihood of some workers living on site who may not need to travel for work. As such, compared to the potential commercial use of the site as a dairy farm, the proposal could add 33 trips per day, which can be broken down to 17 trips to the site and 17 away from the site, being around 1 additional vehicle movement per hour in any direction.
- 6.21 Parking is proposed for the houses (indicatively) at two spaces plus garaging for the Granary and Cottages 1-3, and three spaces plus garaging for the Manor. Parking for the remainder of the site, i.e. B1(c)/B8 (Building A) and the B1(a) Office building) have been proposed at 18 spaces for Building A and 25 spaces for the office building.
- 6.22 KCC Highways has assessed the proposed modifications to the means of access, the swept path analysis and the location and number of parking spaces for the site as a whole. Subject to conditions, KCC Highways has raised no objection to the proposal. It is noted that the submitted Transport Review offers a Traffic Management Plan to route HGV traffic away from Kemsing and Wrotham villages as set out above. Whilst that is welcomed, its enforcement from a planning point of view is not practicable. Therefore, it is considered that a condition to require the submission and implementation of a travel plan which can include this Traffic Management Plan commitment is necessary in this instance.
- 6.23 As stated previously, the removal of agricultural farm buildings away from West Yaldham Farmhouse, which lies directly adjacent to the existing Building C, would be a significant improvement to the amenity of the occupants. The layout of the scheme is such that all the commercial and farm activity would be on the western side of the site, well away from West Yaldham Farmhouse. In this respect, I consider the amenities of this dwelling, in terms of outlook, daylight, noise and smells would be significantly improved thereby complying with Policies CP1 and CP24 of the TMBCS. In addition, a Noise Report has been provided to support this and, subject to mitigation measures required by conditions, will ensure a suitable aural climate is acknowledged for all dwellings, existing and proposed.

- 6.24 Nos. 1 and 2 Yaldham Cottages which lie to the north of Kemsing Road, directly north of the application site, currently overlook a disused farm complex which could be used, without planning permission, for an intensive dairy farm or other agricultural activity. Such a use would be unfettered in terms of operational activity, hours of use, noise and smells. This application, if approved, would bring a mixed B1(c)/B8 use to Building A and a new office building which would restrict commercial activity to half of the site. Moreover, any permission would have to be acceptable in terms of hours of use, noise/smell impacts, deliveries etc. which could be controlled and enforced by condition. As such, a comprehensive scheme for redevelopment would result in an improvement in amenity terms compared to the fall-back position of the potentially reinstated farm activity. Notwithstanding that the farm is currently predominantly disused and the proposal would result in an increase in general activity on the site, it is the genuine prospect of a fall-back position for the existing site which needs to be the bench mark for assessing the impact on amenity in this instance.
- 6.25 The scheme has been submitted with three noise reports. In relation to the proposed cottages, the noise report suggests a range of mitigation, together with minimum Rw specifications to ensure an adequate internal noise climate. It is recommended that suitable internal noise levels will be achieved to comply with BS823:2014.
- 6.26 Based on the submitted noise report, I would comment on the specification for any acoustically screened mechanical ventilators, specifically that these should ensure that the levels specified in BS8233:2014 are not exceeded within any room as a consequence of the operation of the unit itself. The report also details that the respective noise levels need to be achieved with windows at least partially open. If this cannot be achieved, then acoustically screened mechanical ventilation may need to be considered.
- 6.27 Turning to the noise in relation to the proposed offices, calculations within the noise report indicate that the recommended levels within BS8233:2014 would be exceeded in the proposed offices whilst the blower was in use. A range of mitigation measures have been suggested, together with minimum Rw specifications, to ensure an adequate internal noise climate.
- 6.28 With regards to ambient noise levels, the report has assessed the current noise climate at the site and that predicted to come from the 'Blends for Friends' operation. This latter element has been assessed from the current 'Blends for Friends' operation at a different location. The report has concluded that there is a possibility that the 'Blends for Friends' operation could adversely impact upon existing residents close to the site. A range of mitigation measures have been suggested, together with minimum Rw specifications, to ensure an adequate internal noise climate.

- 6.29 In light of the above noise considerations, the scheme has demonstrated that, subject to detailed conditions, the proposed commercial activities on the site, being B1(c)/B8 and B1(a) would not give rise to a detrimental noise climate for the existing or proposed nearest noise sensitive dwellings. A condition can also reasonably be imposed to require the submission of details for any mechanical extraction systems to ensure no undue odour would arise from the proposed manufacturing process, nor give rise to noise concerns from the extraction system itself. I am therefore satisfied that, on the basis of the fall-back position for the full use of the site as agricultural, and the fact that some of the uses have been permitted under a recent Prior Approval application, the proposed uses on the site, subject to conditions would not give rise to an undue impact to residential amenity.
- 6.30 A Contaminated Land Assessment has been submitted as part of the application which has been found to be fit for purpose and, subject to conditions, will ensure that the site is suitable for its intended end use. The EA has supported this approach.
- 6.31 The site lies within Flood Zone 1 and is not therefore at risk from flooding. However, as the site is a major development a Sustainable Drainage System has been submitted as part of the application to set out how surface water will be managed on the site. Again, subject to conditions, this scheme is acceptable for the site and would provide a betterment in terms of infiltration compared to the existing mass of buildings and extent of hard standing, much of which would be removed to facilitate the proposal. The EA has supported this approach and welcomes conditions on drainage.
- 6.32 The site does not lie within an Area of Archaeological Potential but as a result of the site being identified within the Historic England Farmstead Survey (2009 and 2012) along with the proximity of the site to Wrotham village and the Pilgrims Way, a condition to recommend field works resulting from a written specification and timetable is proposed to be attached to any permission.
- 6.33 The site meets the threshold for Affordable Housing set by Policy CP17 of the TMBCS. As set out in section 1 of this report, the applicant has offered 40% of the dwellings (2 units) to be given over to a locally/privately managed scheme. As a Registered Provider would not be required to taken on the units (ownership would remain with the St Clere Estate), and no commuted sum would need to be received and spent by the Council, a Unilateral Undertaking (UU) to provide the two affordable rent units is being put forward by the applicant rather than a Section 106 Obligation to which the Council must also be a signatory. Whilst this private arrangement for providing the affordable housing is unorthodox it has happened elsewhere in the Borough, again in a similar agricultural environment/context.
- 6.34 It is my view that the provision of 40% on this site, which will have significant costs to remove the existing buildings, silos and hardstanding, along with decontamination works, is a good outcome and will provide good quality rural

housing for workers on the Estate, retired workers on the Estate or local people in a cascading scale (see Section 1 above). The provision of a UU to secure this provision will result in the scheme fully complying with Policy CP17 of the TMBCS.

- 6.35 As a revised Noise Report, surface water drainage scheme, and method of foul drainage have been submitted the final conditions relating to these matters will be reported fully within the Supplementary report.
- 6.36 In summary, the case for the redevelopment of the farm as part of a wider strategy for the St Clere Estate is accepted and, in this regard, I consider that Policy CP14 is complied with and that, in the present climate, there is an overall strong case for the principle of the redevelopment in the MGB.
- 6.37 I am satisfied that this scheme has been refined from the earlier TM/14/03431/FL application such that the concerns expressed at the Members' Site Inspection for that application have been overcome as far as is practicable. The site's redevelopment is no longer limited in terms of the siting of the existing buildings being "converted" and the flexibility which a more comprehensive replacement of the redundant/underused farm buildings can provide allows many of the concerns (and the neighbour concerns in particular) to be addressed satisfactorily in my view.
- 6.38 Members may agree that the very special circumstances detailed in my report are in their own right sufficient to outweigh the inappropriateness of the development. Moreover, I consider, that viewed in the light of the relaxation of planning control in new permitted development regimes and the thrust of the Government policy towards rural development on agricultural farmsteads in particular, the scheme should be supported.
- 6.39 However, should Members resolve to grant full and outline permission as recommended, the application would require referral to the National Planning Casework Unit prior to determination. This is in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 because the application represents development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, and includes both the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more and is development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.



**7. Recommendation:**

**7.1 Grant Full and Outline Planning Permission** subject to:

- **Submission of a satisfactory Unilateral Undertaking to secure two affordable intermediate housing units;**
- **Referral of the application to the National Planning Casework Unit;**
- **The following conditions:**

- 1 The development hereby permitted in respect of Area 1 shaded purple on plan number 024 as attached to this Decision Notice shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Sections 91 and 92(2) of the Town and Country Planning Act 1990.

- 2 Application for approval of the reserved matters for Area 2 as shaded green on plan number 024 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 in outline 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 Approval of details of the appearance of the development, the landscaping of the site, and the scale of the development shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

**Suggested Conditions on the following matters to follow, the detailed wording to be agreed with the Director of Central Services:**

- Provision and retention of access and parking matters
- Details of materials to be used externally
- Hard and soft landscaping and boundary treatment and protection of trees

- Details of finished floor levels
- Requirement that there be no sub-division or amalgamation of any units, or insertion of additional floors,
- Control of plant, machinery and equipment (including ventilation, refrigeration and air conditioning systems)
- Control of waste materials and refuse
- Contaminated land
- Control of opening Hours - B1(a)
- Control of opening Hours – B1(c)/B8
- Use restricted to that applied for
- Flooding/Drainage (package treatment)
- Details of SUDS
- Noise protection measures
- Removal of Permitted Development rights
- No sale of goods to the public
- Archaeology
- Control of external lighting
- Requirement for a travel plan
- Underground ducts

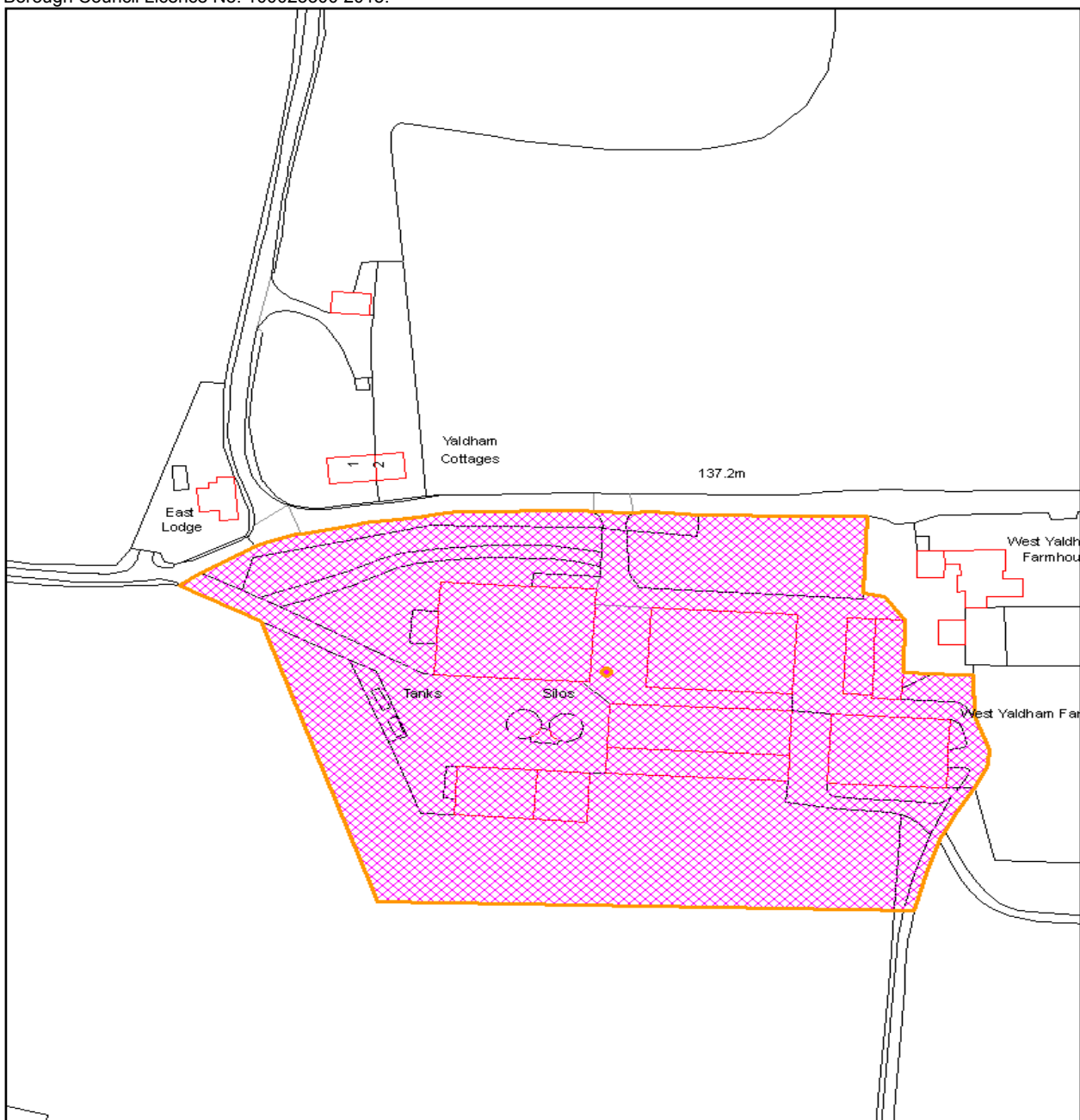
Contact: Lucy Harvey

**TM/15/02819/FL**

West Yaldham Farm Kemsing Road Kemsing Sevenoaks Kent TN15 6NN

Hybrid Planning Application: Full Planning Permission for change of use and alterations of existing agricultural building (building A) to light industrial and storage, erection of side extension to grain store for biomass boiler (building F) and demolition of existing agricultural buildings and replacement with office building. Outline Planning Permission (with details of appearance, landscaping and scale reserved) for demolition of agricultural buildings and replacement with 3 terraced cottages and 2 detached houses.

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

**Wrotham**                      **563284 158867**    **23 July 2015**                      **TM/15/02431/FL**  
Wrotham, Ightham And  
Stansted

Proposal:                      Proposed temporary (30 years) change of use from agriculture to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels together with cabins to contain inverter cabinets and transformers, storage cabin and a cabin to house a substation, with perimeter fencing, CCTV network, trackways, landscaping and ecological enhancements

Location:                      Land Between M20 And M26 West Of Ford Lane Wrotham Heath Sevenoaks Kent

Applicant:                      Good Energy Development (No.2) Limited

---

## **1. Description:**

1.1 The application proposes a change of use of land from agricultural use to agricultural/solar photovoltaic farm use for a period of 30 years. The solar farm will generate up to 5MW of electricity (sufficient to power 1200 homes), with the facility taking up about half of the 18.11 hectare site. It will be set within the northern section of the site and enclosed by security fencing.

1.2 The solar farm facility is to comprise of the following:

- Solar photovoltaic panel arrays
- Substation cabins
- Inverter cabins
- Storage container
- Security cameras
- Security fencing
- Internal access tracks
- Additional landscaping provisions

1.3 The solar photovoltaic units will consist of about 20,000 solar panels supported on metal frames about 2.7m high. They are to be arranged in rows that run east/west, about 4m apart, facing south and angled 20-35°.

1.4 A number of ancillary buildings are proposed, including 2 substation cabins to house electrical equipment (10.2m x 2.1m x 3m high/6.25m x 3.4m x 3.5m high), 3 inverter/transformer cabins (6.5 x 2.5m x 3m high) and a storage container (3m x 2.7m x 2.6m high). The buildings are to be metal clad and finished in grey or green.

- 1.5 The facility is to be enclosed with 2m high dark green mesh security fencing and situated a minimum of 5m back from the boundary hedges. A total of 13 CCTV security cameras on poles about 3m high and coloured grey are also proposed in various locations within the enclosed area of the facility. A 4m high pole with a meteorological sensor and transmission dish is also proposed.
- 1.6 Access tracks about 4m wide are to be constructed linking the main site access to the proposed substations and other buildings. The tracks are to be made of permeable stone material over a membrane.
- 1.7 Additional landscaping is proposed including wild flower planting and hedges and trees to be planted around the perimeter of the site to further screen the development.
- 1.8 A Design and Access Statement, Appraisal of Landscape and Visual effects, Ecological Survey & Great Crested Newt Survey, Agricultural Land Classification and Soil Resources Report, Flood Risk Assessment (FRA) and Surface Water Report, Heritage Desk-Based Assessment, Tree Survey, Planning Statement, Traffic and Construction Plan and a Statement of Community Involvement have been submitted in support of the application.

## **2. Reason for reporting to Committee:**

- 2.1 The proposal represents a departure from the Development Plan and has been called-in to Committee by Councillor Coffin due to the proposal being a major development in the local area.

## **3. The Site:**

- 3.1 The application site, which is approximately 18.11 hectares in area, is situated between Ford Lane, the M20 and M26 Motorways and land to the rear of properties to the east of London Road (A20), in the countryside to the north of Wrotham Heath. The site is made up of 4 parcels of land, 3 of which have been used for arable cultivation and 1 as pasture. These are generally defined by 2m high hedgerows. Small water courses run along the western boundary and through part of the site. The land is set at a level much lower than the raised level of the M26 and is at a similar level to that of the M20. The site slopes down from the northwest to the southeast with an overall drop of 15m. The land is also characterised by gentle undulations. A bitumen sealed access road that was a former C road before the motorways were constructed extends from Ford Lane into the site but does not form part of the application site. A series of electricity power lines transverse the site from a substation situated beyond the southwest corner of the site.
- 3.2 The site is within the designated Countryside, Metropolitan Green Belt, Kent Downs AONB and a Water Catchment Area. A PROW footpath extends east to west inside the southern boundary of the site.

3.3 A band of trees and hedgerow delineates the stepped line of the western boundary of the site. Meadows are situated beyond this boundary, with a number of properties that front London Road situated further to the west. A landscaped embankment also runs along the western side of Ford Lane. Fields lie to the east on the opposite side of Ford Lane. The southern and northern boundaries are defined by a fence at the foot of the embankments to the M26 and M20, respectively. The embankments are planted out with trees and shrubs of various heights.

**4. Planning History (relevant):**

TM/14/04242/EASC screening opinion EIA 8 January 2015  
not required  
Request for Screening Opinion under the Town and Country Planning  
(Environmental Impact Assessment) Regulations 2011: proposed solar farm

**5. Consultees:**

5.1 Wrotham PC: The site benefits from an electrical sub-station being positioned a short distance away. The site is largely enclosed by mature hedgerows with no adjacent residential properties that have site of the area.

5.1.1 The Parish Council is aware that local farmers have experienced economic difficulty in farming the land and this is substantiated by the applicant's soil tests that predominately grade the area as 3b, which is poor for agriculture.

5.1.2 MR249 is a PROW that runs to the south of the site but has been cut off from the rest of the network by the motorways and as a result is a poor quality walk and little used by parishioners.

5.1.3 The Parish Council conducted its own assessment of views of the site from the Pilgrims Way and the Golden Nob and concluded that there were only very limited views of the site from the latter viewing point and none from the Pilgrims Way when trees are in leaf. In addition the solar panels will be sited sloping in a southerly direction, which sites them edge on from these locations minimising their visual impact. WPC notes that the landscape assessment report indicates that as existing hedgerows and new planting is allowed to grow higher the visual impact from this location will be minimal. A public exhibition and consultation was conducted in St George's Hall, Wrotham and to date the Parish Council has received no negative comments from parishioners, which was not the case when a site between Kemsing and Wrotham was proposed last year. WPC has been asked to administrate a community benefit fund to support local parish projects.

5.1.4 Site constraints are MGB and AONB, however it would be difficult to find a site that is better suited for solar power generation. The existing site is substandard for agriculture, isolated and consequently suffers from fly tipping. The benefits of the proposal can be summarised as follows.

- The proposal will bring the land back to a productive use by generating much needed green energy with no carbon emissions.
- The existence of a local substation minimises connection infrastructure.
- The site will be restored, rubbish removed, made secure and the road infrastructure within the site will be improved.
- Hedgerows will be augmented and improved to provide landscape mitigation.
- The Parish Council will administer a community benefit fund that will be audited by the developer.
- The Parish Council is of the opinion that the above listed benefits far exceed any limited harm caused.

5.2 Addington PC: Members resolved to have no objections to the above proposals. Members would like a condition set that the applicant will support local community projects of villages affected by the proposals.

5.3 Platt PC: No objections in principle to this application and feel it is a good use of this land. We assume that there will be no loss of agricultural land status and after the 30 year lease it will resort to agricultural usage, not classed as "previous developed land" for planning purposes. There will be no loss of the natural habitat and it should improve the present scene. It will also prevent unauthorised usage such as polytunnels or traveller sites. The application does not make any reference to the feedback payment that was such a feature in their public presentation. We trust that still applies and would be used for local community projects, such as the 3G Area and the skatepark, which will benefit all our local parishes, including our proposed Village Hall.

5.4 Trottiscliffe PC: At the Parish Council meeting for Trottiscliffe last night Members resolved to agree in principle with the proposed temporary (30 years) change of use from agriculture to agriculture and solar photovoltaic farm subject to sight of a more comprehensive appraisal of the landscape and visual effects. Members are concerned that the current appraisal fails to consider the view from the adjoining M26 and cars travelling on it. Members feel that more landscaping and hedgerows are required to screen the photovoltaic panels from this road.

5.5 EA: We have assessed this application and it is covered by our Flood risk standing advice.

5.6 Kent Downs AONB Unit: The site lies within the Kemsing Vale character area of the AONB. The key characteristics identified for this area include the visual impact of motorways, magnificent views southwards from scarp, large intensively cultivated scarp foot hills and a strong pattern of trimmed hedges and individual mature trees. Design guidelines for this area include conserving the open, large scale of the landscape and views and integrating transport corridors by additional hedgerow, woodland and shaw planting.

5.6.1 While it is acknowledged that the applicant has sought to minimise the impact of the proposal on the surrounding landscape, the AONB Unit nevertheless considers



that the use of this land as a solar farm would challenge the purposes of the AONB designation and as such would not be in accordance with either national or local policy relating to AONBs. Furthermore, we do not consider the proposal to be in accordance with the Kent Downs AONB position statement on Renewable Energy and that it conflicts with the Kent Downs AONB Management Plan.

5.6.2 It is considered that the proposed solarvoltaic farm would have a detrimental impact on the Kemsing Vale Landscape Character Area of the Kent Downs AONB. The application proposals would weaken the characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty.

5.7 Highways England: Comments awaited.

5.8 KCC (Highways): It is anticipated that there will be a maximum of 6 articulated vehicles accessing the site per day in addition to the movements of staff and contractors. It is not expected that this level of movements will lead to a significant impact on the highway. Parking is provided on site, as well as loading/unloading and turning facilities, which will ensure all vehicles can enter and exit the site in a forward gear. The internal access road is not within the red line on the plans, which indicates that it is not within the ownership of the applicant. Before any changes are made the applicant should ensure that any permissions required have been given. The applicant has provided tracking diagrams of the site entrance to show that the largest anticipated vehicle can safely access and exit the site. I do not wish to raise objection on behalf of the local highway authority subject to suggested conditions.

5.9 KCC (Heritage): The site lies within an area of broad archaeological potential associated with prehistoric and early medieval activity. There is a Bronze Age barrow Scheduled Monument to the north and further Bronze Age burials have been located to the north east. Neolithic and Bronze Age flints were located during motorway infrastructure works in this area. Iron Age activity sites are known to the north west and north east. Anglo Saxon remains are known to the north and Ford Place, to the south may be of medieval origins. Although this site may have been disturbed by the construction of the M20 and M26, there is potential for as yet unidentified archaeology to survive on the site. As such a condition on any forthcoming consent is recommended.

5.10 KCC (SUDS): We have no objection to the principle of the construction of a solar array at this location; however, we do not consider the FRA fully addresses the impact of additional runoff which is likely to arise. There are three issues to be considered from development of solar farms on Greenfield sites; these are:

- Increased surface area of impermeable surfaces resulting in increased rates of runoff
- Displacement of flood flows

- Soil erosion leading to reduced capacity of watercourse channels downstream.

5.10.1 In light of the above, we would request that the suggested conditions be attached if your Authority is minded to grant permission.

5.11 KCC(PROW): Public Rights of Way MR249 footpath runs inside the southern boundary of the site and should not affect the application.

5.12 Natural England: In respect to protected landscapes, Natural England does not wish to comment on this development proposal. The application and associated documents have not been assessed for impacts on protected species.

5.13 Kent Wildlife Trust: No objection, in principle, to the proposed development. Indeed, the Trust recognises that climate change poses a grave threat to wildlife and that renewable energy schemes, such as solar farms, will play an important role in combating this threat. I do, however, urge the Council to attach conditions, to any planning permission it is mindful to grant, to secure the following matters.

- The submission for approval of a Construction Environmental Management Plan (CEMP) which should include confirmation of the arrangements for measures to minimise the risk of ground compaction.
- The submission for approval of a De-commissioning Working Practices Procedure which should include measures to minimise the risk of ground compaction and indicate the intended ground treatment for the proposed after-use.
- The submission for approval of a Landscape and Ecological Management Plan which should include measures (if any) necessary to achieve a reduction in the fertility of the ground (in preparation for sowing the wildflower seed mix); confirmation as to the use of native planting species of local provenance for the seed mix and tree/hedgerow planning; and confirmation that field margins will be retained, as envisaged in the studies supporting this application.
- Implementation of the agreed Construction, Decommissioning and Landscape documents.

5.14 CPRE Kent: CPRE Committee Members have attended the public consultation and visited the site with this in mind and formed the following conclusions:

- The site is enclosed by roads and largely the confluence of two motorways.
- It is surrounded by significant hedgerows that the applicant seeks to enhance.
- The ground is of poor quality and largely conforms to CPRE policy that grade 3B is acceptable for alternative green energy uses.
- There is a locally located electrical installation that is capable of providing connection to the grid with the minimum of disruption.

- The site is currently unused, subject to fly tipping and crossed by electricity pylons.

5.14.1 CPRE considers this is a finely balanced argument because our organisation values the protection given to the openness of the MGB and the intrinsic value of beauty of the AONB. However we also accept the need for green energy that does not add to global warming. We consider that this is a small isolated site that is hemmed in by motorways which does not impact on the amenity of local residents. The land is of poor agricultural quality and due to the orientation of the solar arrays and the maturing hedgerow mitigation it will have a minimal effect on long distance views, particularly over a five year time span. We therefore are of the opinion that the clean energy that this proposal will generate is an exceptional circumstance that overcomes the relatively minimal harm to the AONB.

5.14.2 This particular site is exceptional in its physical and geographical characteristics that suit it for power generation over agricultural uses and does not constitute a precedent for similar proposals within the AONB. If the LPA is minded to consent the application we would ask that it be conditioned that the land be returned to agricultural use after the temporary use has expired and not to be considered a brownfield site.

5.15 Sevenoaks District Council: The solar farm would constitute inappropriate development in the Green Belt harmful to its openness. It is therefore recommended that the determining Authority give careful consideration to whether or not there are any Very Special Circumstances which have been advanced which they consider would clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.

5.15.1 The site is located within the Kent Downs AONB where landscape sensitivity is acknowledged as very high. The NPPF indicates that major development in these areas should be refused except in exceptional circumstances and where it can be demonstrated that it is in the public interest. It is therefore recommended that the determining Authority give careful consideration to this by assessing the need for the development, the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated as indicated at paragraph 116 of the NPPF.

5.16 Gravesham Borough Council: No comment to make.

5.17 Private Reps (3/3S/0R/0X + Departure, Site and Press Notices): The 3 representations received, from the Tonbridge and Malling and Sevenoaks Friends of the Earth groups are in support of the proposed development.

**6. Determining Issues:**

- 6.1 An EIA screening opinion was sought by the applicant (TM/14/04242/EASC) for the proposed development. It was determined that EIA was not required in January 2015.
- 6.2 This is a change of use application involving large scale plant which is not defined as appropriate in the Green Belt in the NPPF. However, paragraph 98 of the NPPF acknowledges that even small-scale renewable/low carbon energy projects provide a valuable contribution to cutting greenhouse gas emissions and applications for such development should be approved if its impacts are, or can be made, acceptable, unless material considerations indicate otherwise.
- 6.3 The application site is in the Green Belt and therefore Section 9 of the NPPF applies. Paragraph 89 within this Section advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. The proposed development contains a number of ancillary buildings that would not comply with any of the exceptions outlined in paragraph 89. In terms of these associated buildings, the development would therefore be inappropriate development also.
- 6.4 Paragraph 87 of the NPPF advises that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”
- 6.5 Paragraph 91 of the NPPF also acknowledges that “when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”
- 6.6 Paragraph 88 of the NPPF states that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.7 The development comprises built form including substantial plant in the form of extensive arrays of solar panels mounted on metal frames, a number of modest sized buildings for the storage of equipment, CCTV poles and fencing which would result in harm to the openness of the Green Belt.
- 6.8 The solar panel arrays are to be 2.7m high above ground level, set at an angle facing south and contain photovoltaic cells designed to absorb light and minimise glare. The 6 ancillary buildings are relatively modest in their size being mostly flat roofed of a height between 2.6m and 3.5m. The fencing is to be 2m high and of a mesh design. The built elements would be of a generally low profile but would

cover a large area of the site; approximately the north-western half. The site is contained within the roadside/motorway embankments that align the south, north and east boundaries of the site. These embankments are generally well landscaped. The development, although quite well screened, would be visible from a number of vantage points surrounding the site to various degrees, in particular, from the two Motorways, Ford Lane and from long distance from the North Downs. This would cause some harm to the landscape and visual amenity of the area.

- 6.9 The most visible positions are likely to be from the M20 and M26 travelling east and from Ford Lane travelling south over the bridge across the M20. The M26 is raised much higher than the level of the site and therefore vehicles travelling in this direction would have ready views through the roadside vegetation, and the solar panels face towards this Motorway. The M20 slopes down from a higher point in the landscape from the west and the roadside bank that runs adjacent to the northern boundary of the site at this point, is less densely landscaped. This would provide ready views from vehicles travelling in this direction. However, the views would be mainly of the rear and side of the solar panel arrays which would be less noticeable. The views from both Motorways travelling west are considered to be less prominent. The Ford Lane bridge over the M20 and the roadside bank which is well landscaped along its eastern section would prevent ready views of the development. The southwest direction of the M26 focuses views away from the development which limits the range of visibility from this direction. Longer range views of the development would be possible from the higher vantage points to the north. However, these views would be to the rear elevations of the solar panel arrays, the substantial built infrastructure of the Motorways and landscaping along the motorway corridor would intervene. Therefore, I do not consider that this would cause an unacceptable level of visual harm from this point. The development would be thoroughly screened from view from development to the west from mature shaws that define the western boundary of the site.
- 6.10 PROW footpath MR249 extends through the site more or less following the southern boundary adjacent to the M26. Due to its proximity to the M26 and its disconnection from other areas of interest, this PROW is seldom used. Another PROW MR238 has been mentioned which extends higher up the escarpment towards Gravesend Road. However, I do not consider that the development would be overly visible from such PROWs or other public viewing points to the north given the intervening vegetation along the Motorway corridor and other intervening landforms.
- 6.11 The submitted Landscape Visual Impact Assessment (LVIA) concludes that the proposed development will be entirely contained within the existing landscape pattern and will be visually well contained. I am in general agreement with this conclusion. The development will not alter the gentle undulating topography of the land and would have a minimal effect on the landscape of the site, with only localised works necessary by way of the provision of access tracks, underground

cabling and the ancillary buildings. The existing hedgerow, trees and landscaping on the site are to be retained other than several small poor quality trees within the centre hedgerow, which are to be removed. The small water course on the site will be unaffected. To reinforce the character of the landscape the planting of additional hedgerows and native wildflowers and ground cover is proposed. An appropriate landscaping scheme can be secured by a condition attached to any permission granted.

6.12 Overall, although the development would cause some level of harm to the visual amenity of the area and landscape character, given the existing significant physical intervention of the M20 and M26 Motorways, the orientation the rows of solar panel arrays, low profile of the development, the high level of screening of the site that exists from the roadside embankments and established landscaping and additional plantings to reinforce the landscape character that have been proposed, I do not consider this harm would be significant. The development would therefore satisfactorily accord with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy (TMBCS) and SQ1 of the Managing Development and the Environment Development Plan Document (MDEDPD).

6.13 The site is located within the Kent Downs AONB, within its far southern extent which ends at the M26. Paragraphs 115 and 116 of the NPPF advise that great weight should be given to conserving landscape and scenic beauty in AONBs and that planning permission should be refused for major developments in such a designated area except in exceptional circumstances and where it can be demonstrated they are in the public interest. CP7 of the TMBCS also reflects this policy. The proposed development is a major development but I consider that exceptional circumstances exist in this specific case. The site, although within the AONB, is situated between two motorways that provide both a major physical presence that significantly affects the landscape and scenic beauty of this area of the AONB. The level of tranquillity of this part of the AONB is also significantly diminished as a result of the aural impact of the motorways. The position of the site between the merging Motorways and the resultant segregation of the land from surrounding land, as well as the site's proximity to an existing electricity substation, is considered to provide appropriate justification for the proposed use of land in this designated area instead of land in a more open countryside setting that would arguably have a more harmful visual impact in the public domain. I also consider that the resultant benefits of the proposed renewable energy scheme in respect to reducing greenhouse gas emissions and the spin-off benefits to the local economy from its implementation could be significant. I also consider that it has been shown within the details of the application that the impacts on the environment and landscape from the development can be appropriately mitigated. The recreational opportunities within the site in respect to the PROW would not be adversely affected as the motorways have rendered this footpath relatively undesirable to use. Views from other PROWs further up the North Downs would be sufficiently screened by intervening vegetation along the motorway corridors. I acknowledge the comments from the Kent Downs AONB Unit objecting to the

development. However, as outlined above, the proposed development is considered to present site characteristics and appropriate mitigation that form exceptional circumstances in this specific case.

- 6.14 Paragraph 112 of the NPPF directs that if development of agricultural land is demonstrated to be necessary then areas of poorer quality land should be sought and not higher quality land. A report analysing the quality of the agricultural land has been submitted. It suggests that 78% of the land is Grade 3b (moderate quality) with the remaining 22% being Grade 3a (good quality). Solar farms will generally need to be located on agricultural land and in this case I am satisfied that the land is of relatively poor quality and therefore the development would not conflict with this policy.
- 6.15 The submitted ecological and great crested newt survey concludes that the development would result in adverse impacts upon a number of ecological receptors but a comprehensive range of avoidance and mitigation measures have been proposed to limit impacts. The important habitats on the site include woodlands, trees, hedgerows and drainage ditches all of which are to be retained. Additional hedgerow creation has been recommended to ensure that appropriate protection is provided for badgers, bats, dormice, great crested newts and reptiles. I consider that with the implementation of the suggested recommendations for both mitigation and ecological enhancements outlined in Section 7 of the survey that the impacts on biodiversity of the site and the local area from the development can be minimised. Conditions on any permission granted would include a construction environmental management plan to detail protection during the construction phase and also a landscape and ecological management plan to manage the retained and enhanced habitats to maximise biodiversity. The proposal would therefore satisfy Policy NE2 of the MDEDPD and paragraph 117 of the NPPF.
- 6.16 The development would generate up to 5100MWh of electricity per year which is sufficient to power about 1200 homes. The applicant has stated that this renewable energy source would save about 2175 tonnes of carbon dioxide per year that would be generated by traditional fossil fuels. Notwithstanding the embodied energy and resources in manufacturing the parts, paragraph 98 of the NPPF concludes that this would contribute to reducing greenhouse gases and therefore help mitigate the effects of climate change. The development would provide opportunities for rural businesses that would support the regional economy.
- 6.17 A Heritage Desk-Based Assessment has been submitted. It concludes that the potential effects of the development would not harm the heritage significance of the Scheduled Bowl Barrow at Trottiscliffe, the Grade II\* Listed buildings of Ford Place or Nepicar House or the Grade II Listed Hognore Farmhouse and would result in only a small degree of harm to the significance of the Wrotham Water Conservation Area to the north due to a change to its wider setting. I am in

agreement with these conclusions. The report also advises that the site would have a low potential for archaeological remains. However, the County Archaeologist has reviewed the scheme and has advised that the site lies within an area of broad archaeological potential associated with prehistoric and early medieval activity. As there is potential for unidentified archaeology to survive on the site, a condition requiring an archaeological field evaluation and measures to safeguard any archaeological remains is suggested. I consider this to be appropriate given the nature and scale of the development. Therefore, subject to the mentioned condition, I am satisfied that the development would result in less than significant harm to the significance of designated heritage assets in the area and that the public benefits of the scheme would outweigh this harm. The proposal would therefore accord with paragraph 134 of the NPPF.

- 6.18 The Local Highway Authority has reviewed the scheme and the submitted traffic and construction plan and has raised no objection on highway grounds. It is proposed that a maximum of 6 articulated vehicles would access the site per day during the construction period (56-84 days) in addition to movements of staff and contractors. It was concluded that this level of movement would not result in any significant impact on the highway network. A construction compound area for parking, loading and unloading and turning facilities has been allocated to the east of the main access road for this construction period which would ensure that all vehicles can enter and exit the site in a forward gear. There will only be 2-3 visits per quarter to the site in a small vehicle (van or car) once the facility is operational for maintenance and checks. The main access to the site from Ford Lane was once a Class C road connecting Wrotham Water Road prior to the construction of the M20. The applicant has provided swept path tracking diagrams for the largest articulated vehicles that will be entering and exiting this access road from Ford Lane. These are considered to show that these vehicles can be accommodated. Accordingly, I am satisfied that the development would not result in any significant harm to highway safety in the area. The proposal therefore accords with policy SQ8 of the MDEDPD and paragraph 32 of the NPPF. The Traffic and Construction Plan does not provide details of the construction compound and its restoration once the facility is operational. A suitable condition can be imposed requiring approval of such details prior to commencement of the development.
- 6.19 The application site adjoins land that is part of the M20 and M26 Motorways which are under the remit of Highways England who have been consulted and comments are awaited. The main effect of the scheme on the Motorways relates to impact from glare and potential visual distraction. The main access road into the site also appears to be under the ownership of Highways England. I do not consider these issues to be critical to the merits of the scheme as they can be reasonably mitigated. So not to unnecessarily delay determination of the application, any recommendation for approval of the application can be made subject to no adverse comments being received from Highways England.



- 6.20 A Flood Risk Assessment (FRA) has been submitted. The FRA concludes that as the site is within Flood Zone 1, the development would not increase flood risk on the site or adjacent areas. The Lead Local Flood Authority has reviewed the scheme. No concern has been raised in respect to displacement of flood flows or loss of flood storage arising from the development. However, it advises that the FRA does not fully address the impact of runoff and that more formal drainage arrangements should be provided to accommodate the potential increase in runoff from the solar panels. Measures should also be put in place to minimise the risk of soil erosion beneath each row of solar panels and to direct the concentrated surface water runoff to storage areas. No objection has therefore been raised subject to conditions being imposed on any subsequent permission relating to measures to manage surface water runoff, management of a sustainable drainage scheme and no infiltration of surface water into the ground being permitted. The proposal therefore accords with paragraph 103 of the NPPF.
- 6.21 The development is inappropriate development which, by definition, is harmful to the Green Belt. The harm to openness from the overall area and degree of continuous coverage of the land as a result of the solar farm installation would be significant, as would the small amount of material harm to the visual amenity and landscape character of the area and to the local ecology and historic environment.
- 6.22 However, a number of important material considerations, discussed in the above sections of the report, when taken together, are considered to provide substantial weight that would be sufficient to overcome the harm that the development would have on the Green Belt and thus amount to very special circumstances. The solar farm will provide a substantial amount of low carbon renewable power that will contribute to reducing greenhouse gas emission, which carries significant weight. The installation is to be sited very close to an existing electricity substation and therefore the green power generated can be connected directly to this existing facility and the national grid, minimising cabling needs and additional disruption to the landscape. This locational benefit is considered to be substantial. The site's location between two major motorways brings with it a significant level of existing harm to openness, visual amenity and landscape character, as well as to the setting of nearby historic assets. A series of above ground electricity power lines and poles currently transverse the application site from the main substation, providing a further level of existing visual harm to the site. The installation would also provide support to the local and regional economy and enhancement to biodiversity in the area. On balance, I consider these material considerations and unique site circumstances to be sufficient to clearly outweigh the harm that the development would have on the Green Belt by reason of inappropriateness, taking into account all other harm mentioned, and therefore amounts to a case of very special circumstances.
- 6.23 Members may wish to note that the representations received show that there is wide spread support in the community for the development. This has included support or no objection from Wrotham, Addington, Trottiscliffe and Platt Parish

Councils, CPRE, KWT and both Tonbridge and Malling and Sevenoaks Friends of the Earth Groups.

6.24 In light of the above, I consider that the proposed development satisfactorily accords with the relevant provisions of the Development Plan and NPPF and therefore approval is recommended. However, it is a significant departure from the Development Plan and therefore warrants referral to the National Planning Casework Unit.

## **7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Planning Statement received 07.09.2015, Statement of community involvement received 09.09.2015, Location Plan received 23.07.2015, Site Plan GE-SL-175-PL R03 received 23.07.2015, Plan G.0248\_02-A Landscape Designations received 23.07.2015, Plan SCREENED ZONE Theoretical Visibility received 23.07.2015, Design and Access Statement received 23.07.2015, Ecological Survey received 23.07.2015, Soil Report AGRICULTURAL LAND CLASSIFICATION received 23.07.2015, Flood Risk Assessment received 23.07.2015, Desk Study Assessment HERITAGE received 23.07.2015, Survey G.0248\_05-A Tree Survey received 23.07.2015, Schedule TREE received 23.07.2015, Topographical Survey A124/8321/1B received 23.07.2015, Topographical Survey A124/8321/1A received 23.07.2015, Cross Section GE-AT-175-PL R01 Access Track received 23.07.2015, Proposed Plans and Elevations GE-SUB-175-PL R01 Client Substation received 23.07.2015, Proposed Plans and Elevations GE-DNO-160-PL R01 DNO Substation received 23.07.2015, Details GE-SF-175-PL R02 Site Fence received 23.07.2015, Plan GE-ST-175-PL R01 Storage Container received 23.07.2015, Plan GE-SC-175-PL R01 Communications Link received 23.07.2015, Plan GE-EL-175-PL R01 Site Elevations received 23.07.2015, Plan GE-CL-175-PL R01 Site Clearances received 23.07.2015, Plan GE-SC-175-PL R02 CCTV received 23.07.2015, Proposed Plans and Elevations GE-EL-175-PL R02 Inverter/Transformer received 23.07.2015, Visual Impact Assessment LANDSCAPE received 19.08.2015, Email SUPPORTING INFORMATION received 16.10.2015, Report TRANSPORT/CONSTRUCTION received 24.08.2015, Email + PHOTOS received 23.10.2015, Email SWEPT PATHS received 23.10.2015, Email + LETTER received 26.10.2015, Email received 26.10.2015, subject to the following:

- Consultation with Highways England and no adverse comments being received;
- Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009;
- The following conditions, and any others required by Highways England.

## **Conditions / Reasons**

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

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

- 2 Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details about site preparation, ground anchoring, any ground re-profiling, trenching and service runs, vehicle manoeuvring areas and the temporary construction/storage compound, including its layout and restoration once the solar farm is operational. It shall also include details about the measures to protect existing trees and hedgerows to be retained during construction and operation of the solar farm. The development shall be carried out in accordance with the approved Statement and details.

Reason: To protect the local environment

- 3 Development shall not commence until a Decommissioning Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include a timetable and measures for decommissioning and removal of all panels, plant, buildings, fencing and ancillary equipment from the land when the solar farm ceases to be operational and restoration of the land to agriculture. The decommissioning and land restoration works shall be carried out in accordance with the approved Statement and details.

Reason: The works are expected to have a limited life, permission has been sought for a limited period, and any adverse effect on agricultural production would be for a limited period.

- 4 The planning permission hereby granted is for a period from the date of this decision until the date occurring 30 years after the date the development commences, when the use shall cease and the solar panels and all ancillary buildings and equipment shall be removed from the site in accordance with the Decommissioning Method Statement approved pursuant to Condition 3.

Reason: To ensure that the approved development does not remain in situ beyond the projected life of the equipment installed in the interests of the visual amenity and character of the surrounding landscape.

- 5 Development shall not commence until a Construction Environmental Management Plan detailing how the habitats within and surrounding the site will be protected during the construction phase. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 6 Development shall not commence until a Landscape and Ecological Management Plan that details how the retained habitats and newly planted areas are to be managed to maximise their biodiversity value and achieve the objectives of ecological mitigation and compensation, which shall set out any measures necessary to ensure protected species are appropriately accommodated within the operational site. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 7 The development shall be carried out in strict accordance with Section 7: Assessment and Recommendations for Mitigation and Enhancement outlined in the Ecological Survey & Great Crested Newt Survey (Clarkson & Woods Ecological Consultants, July 2015), unless any variation has been approved in writing by the Local Planning Authority.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 8 Unless otherwise approved in writing in advance by the Local Planning Authority, no construction or decommissioning works shall take place except between the following hours: 0800 to 1800 Monday to Friday, and 0800 to 1300 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday without prior written approval from the Local Planning Authority.

Reason: To minimise impact on neighbouring amenity.

- 9 The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of visual amenity.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure shall be erected other than that which has been expressly authorised by this permission.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of visual amenity.

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

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

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 12 No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any lighting / floodlighting shall be installed in accordance with the approved details.

Reason: In the interests of the amenity of the locality

- 13 The Public Rights of Way MR249 through the site shall be kept clear and unobstructed at all times throughout the construction and operational phases of the development hereby permitted, and a useable width of 2 metres shall be available at all times for lawful footpath users.

Reason: To retain the right of access for users of the Public Right of Way.

- 14 No development shall take place until a scheme of sustainable drainage demonstrating that measures will be in place to manage surface water runoff from the solar panels and associated buildings and infrastructure, using appropriate sustainable drainage techniques, has been submitted to and approved by the Local Planning Authority. The scheme shall also include details of the implementation, maintenance and management of the sustainable drainage measures, including:

- a) a timetable for its implementation; and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal to ensure ongoing efficacy of the drainage provisions and to prevent an increased risk of flooding.

- 15 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 16 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. 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 the life of the planning permission 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.

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.

- 17 The existing trees, woodland and hedgerows shown on the Tree Survey & Constraints Plan (Drg.No.G.0248\_05-A), other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for the life of the planning permission.

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

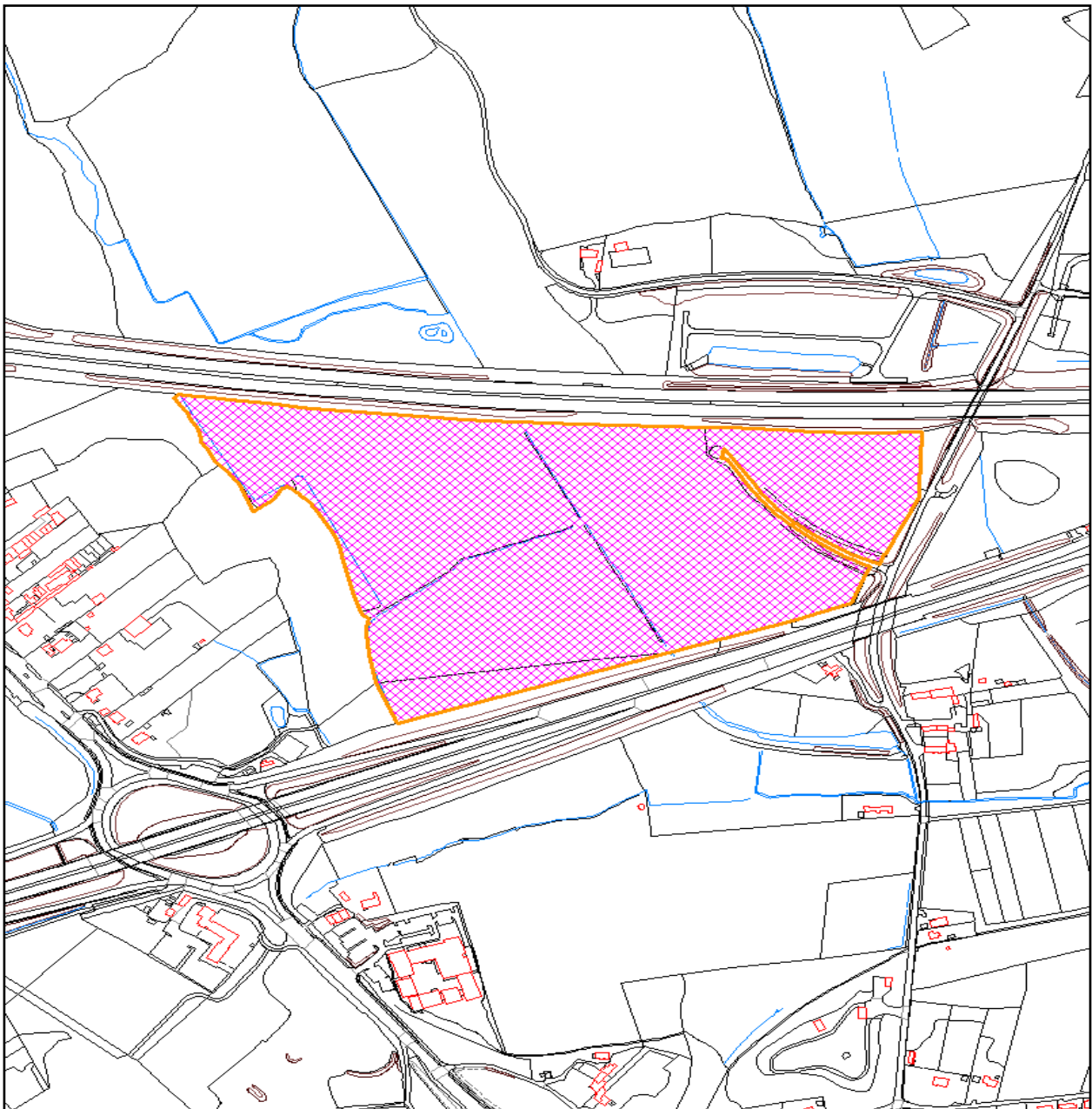
Contact: Mark Fewster

**TM/15/02431/FL**

**Land Between M20 And M26 West Of Ford Lane Wrotham Heath Sevenoaks Kent**

Proposed temporary (30 years) change of use from agriculture to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels together with cabins to contain inverter cabinets and transformers, storage cabin and a cabin to house a substation, with perimeter fencing, CCTV network, trackways, landscaping and ecological enhancements

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank



<b>Platt</b>	<b>561833 155551</b>	<b>17 April 2015</b>	<b>TM/15/01191/FL</b>
Borough Green And Long Mill			

Proposal:	Change of use of the former Chequers Inn to residential including partial demolition and rebuild to create a pair of semi-detached houses, plus the erection of two new detached houses and associated access, garaging and car parking
Location:	The Chequers Inn Basted Lane Crouch Sevenoaks Kent TN15 8PZ
Applicant:	JAC Planning

---

**1. Description:**

- 1.1 The proposed development consists of the change of use of The Chequers Inn Public House site to 4 dwellings; converting the vacant main building to a pair of semi-detached 3-bedroom houses and erecting two additional 4-bedroom detached dwellings. A detached double garage is proposed for each unit.
- 1.2 The single storey elements to the Public House to the rear and west side are to be demolished, along with the eastern chimney stack being replaced with two-storey extensions. The western extension to the main building is also to be demolished and replaced with a smaller single storey extension. The window fenestration within the front elevation is to be altered and two new entrance porches proposed. Rear gardens 6.5-8m deep are provided for the semi-detached dwellings.
- 1.3 The two proposed detached new build 2-storey dwellings are of a gable and hipped gable roof design with front and rear dormers. The dwellings provide an approximate footprint of 14.5m wide x 16m deep, with eaves heights of 4-5.2m and main ridge height of about 7.7m. They propose living spaces at ground floor level (kitchen/family room, living room, dining room and study) and 4-bedrooms, ensuite and bathroom at first floor. A 5.9m separation is provided between the two dwellings. The Plot 1 dwelling is to be set back 15m from the Basted Lane frontage and inset 4.5m from the western boundary. The Plot 4 dwelling is to be set back 16m from the Long Mill Lane frontage and inset 5.5m from the southern boundary. Rear gardens about 14-22m deep are proposed for each dwelling.
- 1.4 External materials for the new build dwellings are to comprise red stock brick and plain clay vertical hanging tiles to walls, plain clay tiles to roof, white painted timber eaves and barge boards, white UPVC window and door casements and black UPVC rainwater goods. The wall cladding for the extensions to the public house building is to comprise painted reclaimed brickwork. The windows to the extension of the public house conversion will be of black UPVC. The replacement windows, porch and bow windows are to be black UPVC using a system that provides a timber appearance.

- 1.5 A double timber garage and two open car parking spaces in front the garages have been proposed for each of the four dwellings. The garage type for Plots 1 and 4 is to measure 6m x 6m, with 2.6m high eaves and 4.25m ridge height. The garage type for Plots 2 and 3 is to measure 5.6m x 5.6m, with 2.75m high eaves and 4.4m ridge height. The external materials are to consist of white painted timber boarding and plain clay tiles.
- 1.6 A Planning Statement, Report on the Viability of the Public House, Tree Survey and a Design and Access Statement have been submitted with the application.
- 1.7 Amended plans revising the design of the detached dwellings and garages and reducing the size of the side extension to the public house building were received on 10 and 14 August 2015.
- 1.8 The site has been the subject of 5 previous planning applications for redevelopment of the site to incorporate residential development over the past 15 years; all of which were refused. The most recent refused applications have included references TM/08/03757/FL, TM/11/01060/FL and TM/11/03550/FL which all involved the erection of 4 new dwellings on the site and conversion of the public house. The application relating to ref.TM/11/01060/FL was also dismissed at Appeal by the Planning Inspectorate in May 2012.

## **2. Reason for reporting to Committee:**

- 2.1 The application has been called in to Committee by Councillor Taylor due to local concern, overdevelopment of the site and impact on the street-scene.

## **3. The Site:**

- 3.1 The application site is situated in the centre of the village of Crouch, on the southwest corner of the junction between Long Mill Lane and Basted Lane. The site is occupied by The Chequers Inn Public House building which fronts Basted Lane close to the edge of the highway and takes up a prominent position within the middle of the frontage. A large car park lies within the eastern part of the site adjacent to Long Mill Lane, with a large garden area to the west and south of the building. There is also a mix of attractive established trees within the garden area. The western and southern boundaries are defined by established trees and shrubs. A ragstone wall aligns the Basted Lane road frontage between the Public House and the dwelling of High Crouch to the south. The land slopes down moderately from east to west.
- 3.2 The Public House has previously been extended, with a large single storey extension to the rear. The original building is two storeys in height and traditional in design with white painted brickwork, clay hanging tiles and clay roof tiles. It has a number of bow windows to the front and side elevations and an informal parking space lies adjacent to the northeast front corner of the main building.

3.3 Crouch is a small rural village which is characterised predominantly by detached dwellings. The pattern of development varies with the residential properties on the northern side of Basted Lane being generally smaller and more mixed, with those on the southern side being larger and more spacious. Three grade II Listed buildings are sited in close proximity to the application site, those being High Crouch immediately to the west, and Nos.1 and 2 Old Forge Cottages directly across Basted Lane to the north. The site is within the settlement confines of Crouch and a Water Catchment Area.

**4. Planning History (relevant):**

TM/97/00333/OA Refuse 23 March 1998

Outline application for one detached dwelling with garage

TM/03/00857/OA Refuse 19 June 2003

Outline Application for a detached house and garage

TM/08/03757/FL Refuse 24 March 2009

Change of use and redevelopment of the site for 4no. new dwellings with associated parking, comprising conversion and extension of vacant public house and ancillary dwelling and the erection of a new dwelling adjacent

TM/10/00182/FL Refuse 22 December 2010

Change of use from public house and living accommodation to one residential dwelling

TM/11/01060/FL Refuse 1 September 2011  
Appeal Dismissed 21 May 2012

Part demolition and associated alterations to existing public house, erection of 4 new dwellings and associated garaging and car parking

TM/11/03550/FL Refuse 28 March 2012

Part demolition and associated alterations to existing public house, erection of 4 new dwellings and associated garaging and car parking

**5. Consultees:**

5.1 PC: This site has not been used commercially for the last 7-8 years and despite our previous objections, we can see no alternative but to change it into residential, so we would agree with this scheme in principle. However, we do have some concerns. Whilst reference is made to Beechinwood House and High Crouch, it is our opinion that the heights of the new dwellings are too high. The site look (and feel) relies on the appearance of the existing Chequers Pub and these high additions to the plot will present a different and harmful effect on the street scene.

They will also disturb the outlook from the dwellings opposite. We also have concerns about the building lines. Both new units are too near their adjoining roads. This does not reflect neighboring properties, as they are all set back some distance from a road. Again this will alter the appearance of the street scene. The access and egress to the properties do not seem safe. Plot 1 accesses on to a narrow part of Basted Lane with a bend in one direction and a junction the other. The remaining plots access directly on to the junction, which, with planting as shown, will form a blind spot for traffic coming from Plaxtol and turning into Basted Lane. We would comment here, that as with a previous application for High Crouch, their front wall was Listed. The wall shown as being demolished is part of the same wall. Is this Listed? We would query the means of access for the electrical transformer on the site. This scheme also depends on a number of trees being removed which will result in this unit being exposed. Finally, we would expect that, should this proposal be accepted, Permitted Development Rights be removed, especially on the existing building.

- 5.1.1 The Parish reinforces its concern about the traffic implications and the reference that is made to the low speed at which drivers travel. The number and size of vehicles that travel through Crouch has increased considerably over recent years and this, together with their excessive speed, has made it very unsafe for pedestrians. We are aware of a pedestrian being injured in Crouch in the past 12 months. Our concerns also apply to Basted Lane which is very narrow and in places has no room for a pedestrians and a vehicle.
- 5.1.2 Recently work was undertaken on the transformer which is in the grounds of The Chequers. Concern has been expressed about the maintenance of this equipment if houses are built on this land
- 5.1.3 PC (re-consultation): These revised details do not go far enough to ease our concerns and as such we would expect, as we have now accepted that the change to residential is the logical alternative, that the developer needs to go further. Our original concerns about height and sight lines are still valid, which will be detrimental to the village scene. Layout is still a concern and whilst we accept the need for garages, the cars still need to get in and out of them. We still have concerns as to the transformer area, with the proposed loss of trees and access problems not being addressed.
- 5.2 KCC (Highways): The proposals will make use of one existing access and create a secondary access onto Basted Lane. Sufficient parking and turning space is provided which will ensure vehicles can enter and exit the site in a forward gear. Although Basted Lane has a derestricted speed limit, it is anticipated that vehicles will not be travelling at high speeds due to the proximity of the junction with Long Mill Lane, and the narrow nature of the road. Furthermore, there have been no recorded personal injury crashes along this section of Basted Lane in the latest three year period, and it is not expected that there will be a significant increase in

traffic from the new use. For the reasons outlined above, no objection to this proposal is raised subject to suggested conditions.

5.3 EA: We do not consider this proposal to be high risk. Therefore we will not be providing detailed site-specific comments with regards to land contamination issues for this site. We would appreciate being informed if contamination is subsequently identified that poses a significant risk to controlled waters. The developer should address risks to controlled waters from contamination at the site, following the requirements of the NPPF and the Environment Agency Guiding Principles for Land Contamination.

5.4 Private Reps ( 19/3S/13R/3X + Site and Press Notices and re-consultation):

- Four dwellings would overdevelop the plot and would be out of keeping with the character of the area, which displays large dwellings on large plots
- The dwellings are large and higher than the public house and surrounding houses
- The size, scale and siting of the Plot 4 house near Long Mill Lane would impact on the street-scene and rural visual amenity of the area
- The designs of the two new dwellings are unsympathetic to surrounding buildings
- The development will cumulatively, with The Paddock, result in more traffic in the area causing safety concerns
- The new access points would be hazardous to highway safety
- Demolition of the ragstone wall will affect the setting of the Listed building of High Crouch and is believed to be Listed
- The height of the Plot 1 dwelling in conjunction with the slope of the land would make this dwelling visually intrusive from High Crouch
- Additional parking in the surround lanes would result
- Loss of a community facility
- The extension to the public house is out of keeping with adjacent properties
- The revised Plot 4 dwelling would overlook properties to the east
- The electricity transformer would become more visible and not accessible for maintenance
- The construction works would cause disruption to residents

## **6. Determining Issues:**

6.1 The planning appeal on the 2011 scheme (TM/11//01060/FL) was dismissed due to a lack of affordable housing provision and the development being harmful to the living conditions of the occupiers of Beechwood House, to the character of the

area, to the setting of the listed buildings and to highway safety in the area by virtue of insufficient on-site parking for the public house use. It is important to note that this previous scheme comprised the retention of the public house and the erection of 4 new dwellings, which is substantially different to the current scheme which proposes only two new dwellings and converts the public house building (with extensions) to 2 dwellings.

- 6.2 The main issues in this current scheme are whether the loss of the public house would be acceptable in policy terms, whether an appropriate element of affordable housing provision has been proposed and whether the development would affect the character and visual amenity of the village, the setting of the nearby listed buildings, neighbouring residential amenity or highway safety.
- 6.3 Paragraph 28 of the NPPF advises that in order to promote a strong rural economy, local plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 6.4 Policy CP26 of the of the TMBCS advises that the Council wishes to protect viable community facilities that play an important role in the social infrastructure of the area and that an assessment of the viability of retaining the existing use in the case of any proposal that might result in its loss would be required. The policy is intended to include public houses, particularly where these might be the only such facilities in a village.
- 6.5 Policy CP26(3) of the TMBCS then states that the loss of a community facility will only be permitted if (a) an alternative facility of equivalent or better quality and scale to meet identified need is either available or (c) the applicant has proved to the satisfaction of the Council that there is likely to be an absence of need or adequate support for the facility for the foreseeable future.
- 6.6 A Report on the Viability of The Chequers Inn by Porters Chartered Surveyors (8 December 2014) has been submitted. The report presents a detailed summary of the letting history of the property from 1998 to January 2008, when the last tenant vacated the premises. The history shows that 11 tenants have taken on the property as a pub over the past 10 years with the longest tenancy being no longer than 2 years. This clearly shows a poor trading history for the premises. The property has been marketed since 2007 for a new leasehold tenant without success, albeit it is not clear as to whether this marketing has been continuous. It is also noted that the property has not been marketed to the owner/occupier market which may have a greater potential for profitability than a leasehold arrangement. The report though highlights the costs of repairs and re-fitting that would be required if an owner/occupier were to take on the premises. Anticipated turnover and profitability have also been predicted. These do not suggest that the resumption of the pub use would be appropriate in viability terms. In addition to this, Crouch is a remote village where there is little in the way of passing trade. It

is a well-established fact that a wet sales only pub is unlikely to be viable unless it has a high turnover and is in a mainstream location. The salvation of many pubs has been the food offer which in this case, given the small size of the property would need substantial investment. I am therefore satisfied that lack of established demand to tenant the premises as a pub, the poor trading history and failed businesses operating from the property over the past 10 years adequately proves that for the foreseeable future there is likely to be an absence of need or adequate support for the facility. Accordingly, policy CP26(3)(a) of the TMBCS has been satisfactorily addressed and the loss of the Public House deemed to be acceptable in this specific case.

- 6.7 The village of Crouch is defined as a rural settlement where new development will be restricted to minor development appropriate to the scale and character of the settlement, as stated in policy CP13 of the TMBCS.
- 6.8 Policies CP24 of the TMBCS and SQ1 of the MDEDPD also require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.9 The established pattern of development on the north side of Basted Lane is characterised by consistent linear and generously sized plots. Those on the south side of Basted Lane are sparser, larger and more open. However, The Chequers Inn is at a central point in the village, situated close to the edge of the public highway. The residential properties of Hilltop, Willow Ridge and Dormer, as well as the listed buildings of No.1 and 2 Old Forge Cottages, immediately to the north of the application site, occupy much smaller plots than those surrounding. The listed building of High Crouch, on the other hand, is set within extensive open grounds providing a more unique setting. The proposed development creates two dwellings from the conversion of the public house building, each with small gardens, and two detached dwellings, one facing Basted Lane and the other facing Long Mill Lane, set well back from these road frontages and set within spacious grounds. I consider that the development strikes an appropriate balance in respecting the surrounding pattern and form of development in the immediate area and represents a substantial improvement on the previous scheme dismissed at appeal which proposed much more substantial built form on the site and much less spacious plots and setting.
- 6.10 The main part of the existing public house building is to be retained with the later rear extensions being demolished. The single storey element to the west side is also to be demolished. Two storey extensions are to be added at the rear, displaying a gable and hipped roof form. A single storey extension is to be added to the west side of the building with a half hipped gable end to match the western elevation of the building. I consider these extensions to be of a sympathetic size

and scale, and of a design that would adequately respect the appearance of the public house building. The original submission proposed substantial alterations to the window fenestration within the front elevation. This has been revised to limit changes to this elevation, helping retain the main features and character of the public house. The building is to be converted into two dwellings, each providing living spaces at ground floor and 3 bedrooms at first floor level. Suitable rear garden areas are also proposed. I consider the two new dwellings created from the public house building to be sympathetic in their form, design and layout.

- 6.11 The two detached dwellings (Plots 1 and 4) have been redesigned from those originally submitted with this application. The result is a substantial reduction in overall size and bulk and the provision of a more traditional form and design that would now better complement the public house and other established buildings in the surrounding area. The dwellings are to be 0.5-1m higher than the public house building but are to be well set back in the site which would reduce the potential visual impact of the new dwellings within this setting. The dwellings have been designed to appear well articulated using varied roof forms, provide external wall and roof materials that are traditional to the surrounding rural area and the dwellings are well separated from the extended converted public house building. I consider that the use of white UPVC windows to these new build dwellings to be acceptable in this case given the dwellings are well separated from the nearby listed buildings and the site is not in a Conservation Area. Generous separations are also provided to the west and south boundaries. It is noted that the Plot 4 dwelling will be readily visible from Long Mill Lane, but I am satisfied that the setback from the frontage, the quality of the design and the use of external materials that would complement the dwellings in the local area would not make this dwelling appear intrusive or dominant within the street-scene. The proposed dwellings are considered to represent a significant improvement on the previous scheme dismissed at appeal, which proposed large and unsympathetically designed dwellings that were sited prominently on the site resulting in harm to the street-scene and character of the area.
- 6.12 The proposed garaging is provided in the form of 4 detached 2-bay timber clad garages with plain clay tiled roofs. These structures are of an appropriately domestic size and scale and have been well positioned on the site. The garages to the Plots 1 and 4 are sited between the front of the dwelling and the road frontage. This provides a modest intervening built form that would help further articulate views from the public highway and neighbouring properties. The garages to Plots 2 and 3 (converted public house) are to be set well back behind the associated dwellings, adjacent to their rear gardens. I consider the proposed garages to be appropriate for the development.
- 6.13 The existing ragstone wall extending along the Basted Lane frontage adjacent to the northwest corner of the site is to be partially demolished and re-built at an altered angle to improve visibility for the new access. Several neighbours have queried whether this wall is Listed as it adjoins the wall that relates to High Crouch



which is Grade II Listed. As the site relating to The Chequers Inn was under separate ownership and not within the curtilage of High Crouch at the time that High Crouch was Listed, it is my view that the section of the wall that relates to The Chequers Inn is not Listed. A 17m section of the wall is to be demolished. The wall will be rebuilt, set back 1.5m from the existing alignment at the eastern most point with a loss of a length of 2m at the eastern end. The wall will then taper to meet the existing wall to the west. I consider that some harm to the character of the lane would result, but given the wall is to be rebuilt to match the appearance of the existing wall, the variation to its alignment is not substantial and a 10m length of the wall that adjoins the wall to High Crouch would not be affected, I do not consider this harm to be significant such that refusal of the application is warranted. A condition is suggested to ensure it is rebuilt in an appropriate manner.

- 6.14 The development will affect the setting of the Grade II Listed building of High Crouch, which lies to the west. The proposed Plot 1 dwelling is a two storey building that will be visible above the front ragstone wall (to be rebuilt) that aligns Basted Lane and will be situated between the public house and the dwelling at High Crouch. However, due to the combination of the sympathetic design and appearance of the dwelling, its setback from the highway (15m), its separation from High Crouch (30m) and the screening provided by the established vegetation along the western common boundary which is mostly to be retained, I do not consider that the impact on the setting of this adjacent Listed building would be harmful. In relation to the setting of the Grade II Listed buildings of Nos.1 and 2 Old Forge Cottages, the Plot 4 dwelling is situated on the opposite side of Basted Lane, well behind the public house building and set about 35m away from these Listed buildings with a timber garage intervening. The previous scheme dismissed at appeal, proposed a large dwelling close to the northeast corner of the site, which the Inspector stated would dominate the corner, adversely affecting the Listed buildings across the road. I consider that the current proposal addresses this concern. The extensions to the public house would be contained behind the main building. As a result, I am satisfied that the setting of these two Listed cottages would also not be harmed. The development there accords with paragraphs 129 and 131 of the NPPF.
- 6.15 The western and southern boundaries of the site are heavily landscaped with trees, and some additional mostly young trees and shrubs are situated within the site. There are no tree preservation orders over the site. A tree survey has been submitted, which includes a plan outlining the proposals for tree retention, tree removal and protection during construction. Importantly, the mature established vegetation along the western boundary, which includes Leyland, Golden Leyland and Grey Lawson Cypress and Holly, is to be retained, along with two Birch trees within the site. Areas of vegetation along the western section of the southern boundary and along a section of the Long Mill Lane frontage adjacent to the electricity transformer are also to be retained. These retained areas of vegetation are shown to be protected by tree protection fencing. I consider the removal of the

Cypress trees adjacent to Beechwood House and a number of other trees that are situated within the scope of the development to be acceptable to enable reasonable development of the site. Additional planting has been indicated which would enhance the overall visual appearance of the site. I therefore do not consider that the removal of the trees specified would have a detrimental impact on the visual amenity of area and the retention of the existing landscaping specified and the provision of appropriate new plantings can be secured by the imposition of a suitable condition.

- 6.16 Accordingly, subject to conditions requiring a scheme of soft and hard landscaping, I am satisfied that the proposed development would not harm the character or appearance of the area or the street-scene. The proposal would therefore satisfy policies CP13 and CP24 of the TMBCS and SQ1 of the MDEDPD. I am also satisfied that the development would accord with Part 7 (relating to good design) and paragraphs 129 and 131 of the NPPF.
- 6.17 The development provides a two-bay garage and two open spaces in front of the garage for each of the four dwelling. This provision more than satisfies the Kent Design Guide IGN3 residential parking standards.
- 6.18 The new vehicle access to Plot 1 to be formed immediately to the west of the public house is to Basted Lane, which is not a Classified Road. The existing access close to the junction between Basted Lane and Long Mill Lane is to be enlarged. The highway authority (KCC Highways and Transportation) has reviewed the proposals and has advised that vehicles will not be travelling at high speeds along Basted Lane due to the proximity of the junction with Long Mill Lane and the narrow nature of the road; it is not expected that there will be a significant increase in traffic from the new use and vehicles are able to exit the site in a forward gear. As a result, no objection has been raised on highway grounds. Accordingly, I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be severe. The proposal therefore accords with policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.
- 6.19 The storage of refuse bins for the dwellings has been indicated on the Site Plan. The bins will be well screened from public view and appropriate access to the public highway can be obtained for collection.
- 6.20 The application site provides a site area of 0.29ha. This is above the 0.16ha trigger for affordable housing under policy CP17 of the TMBCS. This policy requires schemes to provide 40% affordable housing. When the application was submitted, the Government's PPG advised that:

*“contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area). In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less.”*

- 6.21 No affordable housing provision was therefore submitted with the application. However, following the High Court judgment in the case of West Berkshire District Council / Reading Borough Council v Department of Communities and Local Government, handed down on 31 July 2015, this PPG provision and others relating to planning obligations have been removed and therefore an affordable housing provision that satisfies policy CP17 of the TMBCS is required once more. The applicant has proposed payment of a commuted sum towards off-side provision. As Crouch is isolated in respect to local services and public transport is limited, I am of the opinion that a commuted sum for affordable housing is acceptable in this case. I am satisfied that this represents exceptional circumstances required by paragraph 4 of policy CP17 of the TMBCS. Any approval granted will be subject to the applicant entering into a Section 106 obligation for the proposed contribution.
- 6.22 In respect to land contamination, old pub sites can have old fuel storage tanks and basement structures. It is therefore appropriate in this case to impose a land contamination condition on any permission granted that will ensure the site is suitable for residential use.
- 6.23 The site is also within a Water Catchment Area. The EA has reviewed the scheme and advised that the proposal is not considered to be high risk and that the developer should address risks to controlled waters from contamination of the site by following the EA Guiding Principles for Land Contamination. It has been advised that only clean uncontaminated roof water should drain directly to soakaways and no soakaways should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated. Any activities providing potentially polluting run off should also be sited on impermeable hardstanding areas that drain to the foul sewer or sealed container. To ensure that surface water is disposed of without impacting on controlled waters I consider it necessary in this case for a scheme of surface water drainage to be approved by the local planning authority. A condition can be added to this effect. The development would therefore accord with paragraphs 120-121 of the NPPF.
- 6.24 The site adjoins other residential properties with traditional garden curtilages, which is not considered to trigger ecological interest and therefore I do not consider that the development is likely to harm protected species or biodiversity in the area. The proposal would thus conflict with policy NE2 of the MDEDPD.
- 6.25 The new dwellings are situated a generous distance from neighbouring properties and are orientated to the north and east of these properties. The development would therefore not result in any unacceptable loss of daylight or sunlight to neighbouring properties.
- 6.26 The new dwellings are well separated from adjoining properties, providing side flank elevations set back 4-5m from the common boundaries. The Plot 1 dwelling is positioned some 30m from the dwelling at High Crouch and existing mature

landscaping along the western boundary is to be retained. I am mindful that the land slopes gradually down from east to west, however, I consider that a finished floor level that takes account of this slope can be required by condition to ensure the height of this dwelling relates to the slope of the land to minimise visual impact beyond the boundary tree-line. The side flank wall of Plot 4 dwelling is sited adjacent to the side flank elevation of Beechwood House which provides a mutual and traditional setting. Also, new planting has been indicated between this dwelling and the common boundary with Beechwood House. I am therefore satisfied that the development would not harm the visual amenity of neighbouring residents. The 2011 scheme dismissed at appeal proposed a dwelling in the southwest part of the site which resulted in direct overlooking of the garden of Beechwood House. The proposed scheme has removed this element providing a more traditional dwelling relationship.

- 6.27 There are no side-flank first floor windows in the new detached dwellings and therefore the privacy of the occupiers of High Crouch and Beechwood House would not be harmed as a result of the development, in my view.
- 6.28 I am therefore satisfied that the proposed scheme has been designed to ensure that the amenities of the occupiers of neighbouring residential properties would not be demonstrably harmed, satisfying policy CP24 of the TMBCS.
- 6.29 I note the comments made by the Parish Council and local residents. The key issues raised relate to visual impact from the size and scale of the dwellings, overdevelopment of the site, impact of the dwellings on the street-scene and character of the area, and the effect of the development and new access on traffic and highway safety. As mentioned above, I am of the opinion that the layout of the development and the revised size and design of the dwellings are now sufficiently in keeping with the character of the area. The Highway Authority considers the new and extended accesses to be acceptable and that the development would not harm highway safety in the area. Several objectors have mentioned the likely cumulative effect of traffic from this development and the development of 4 dwellings recently granted at appeal at The Paddock, further to the northwest. However, I do not consider the movements from these 8 additional new dwellings would be substantial or be so great as to result in a 'severe' impact on the highway network. It is important to note that the Inspector in the 2011 appeal was of the view that the previous development would harm highway safety, but this previous scheme involved the retention of the public house which would have generated significantly more vehicle movements and parking requirements. The impact of the demolition and rebuild of the ragstone wall on the Listed building of High Crouch has also been mentioned. This has been discussed in some detail in the report above. It is important for Members to note that the most recent applications for redevelopment of the site presented a clear overdevelopment of the site and were therefore refused. In comparison, the current proposal provides a reduction in the number of additional dwellings from 4 to 2, situated on more spacious plots and incorporates a sympathetic conversion of the public house to 2

dwellings. I am satisfied that the proposal would not result in overdevelopment of the site and would indeed represent a substantial improvement on previous schemes and therefore warrants support.

6.30 In light of the above, I consider that the proposed development accords with the relevant provisions of the Development Plan and NPPF and therefore approval is recommended.

**7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Existing Plans and Elevations 6 received 10.08.2015, Proposed Floor Plans 7 A received 10.08.2015, Proposed Floor Plans 8 A received 10.08.2015, Proposed Elevations 9 A received 10.08.2015, Proposed Elevations 10 A received 10.08.2015, Proposed Floor Plans 11 received 17.08.2015, Proposed Elevations 12 A received 10.08.2015, Proposed Elevations 13 A received 10.08.2015, Proposed Floor Plans 14 A received 10.08.2015, Proposed Elevations 15 A received 10.08.2015, Proposed Elevations 16 A received 10.08.2015, Site Plan 4 A received 14.08.2015, Proposed Plans 17 A received 14.08.2015, Proposed Plans and Elevations 18 received 14.08.2015, Proposed Elevations 19 received 14.08.2015, Proposed Elevations 20 received 14.08.2015, Design and Access Statement received 14.08.2015, Transport Statement received 13.04.2015, Viability Assessment PUBLIC HOUSE received 13.04.2015, Email RAGSTONE WALL received 04.06.2015, Other VIABILITY REPORT received 26.10.2015, Street Scenes 5 A received 17.08.2015, Tree Report received 13.04.2015, Location Plan 1 received 13.04.2015, Block Plan 2 received 13.04.2015, Site Survey 3 received 13.04.2015, Planning Statement received 13.04.2015, Materials Schedule received 27.10.2015, Email DETAILS OF MATERIALS received 27.10.2015, subject to:

- The applicant entering into a legal agreement in respect of the provision of affordable housing
- The following conditions:

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

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

2 All materials used externally shall accord with the plans and application details hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

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

- 3 No development shall take place until details of eaves and any joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

- 4 No development shall take place until a plan showing the existing levels of the site and adjoining land, and the proposed finished ground floor levels of the detached dwellings and the garages has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area, visual amenity of the locality, setting of nearby listed buildings or neighbouring residential amenities.

- 5 The ragstone wall to be rebuilt shall match the existing ragstone wall in every respect, including mortar, bonding and pointing.

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

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

Reason: To ensure that any future enlargement of the dwellings does not have a harmful impact on the character or visual amenity of the area.

- 7 No building shall be occupied until the area shown on the submitted layout as vehicle parking space for the dwellings has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and 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 or garaging of vehicles is likely to lead to hazardous on-street parking.

- 8 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard 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.

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.

- 9 The existing trees and shrubs shown on the Tree Survey prepared by Tom La Dell (February 2015), other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of 10 years. Tree protection measures shall be provided in accordance with this Tree Survey.

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.

- 10 Tree protection measures shall be provided in accordance with the submitted Tree Survey prepared by Tom La Dell (February 2015), unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the existing retained trees on the site and character of the site and locality.

- 11 No development shall take place until a scheme of surface water disposal for the development has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reasons: To protect groundwater.

- 12 Foul water shall be disposed of directly to the main sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

- 13 The visibility splays shall be provided as shown on the approved Site Plan and there shall be no obstruction over 0.9 metres above the level of the carriageway within the splays. The visibility splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 14 Any gates shall open away from the highway and be set back a minimum 5.5 metres from the edge of the carriageway and the hard surfacing for the first 6 metres of the driveways from the highway shall be constructed of a bound material.

Reason: In the interest of highway safety.

- 15 No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

Contact: Mark Fewster

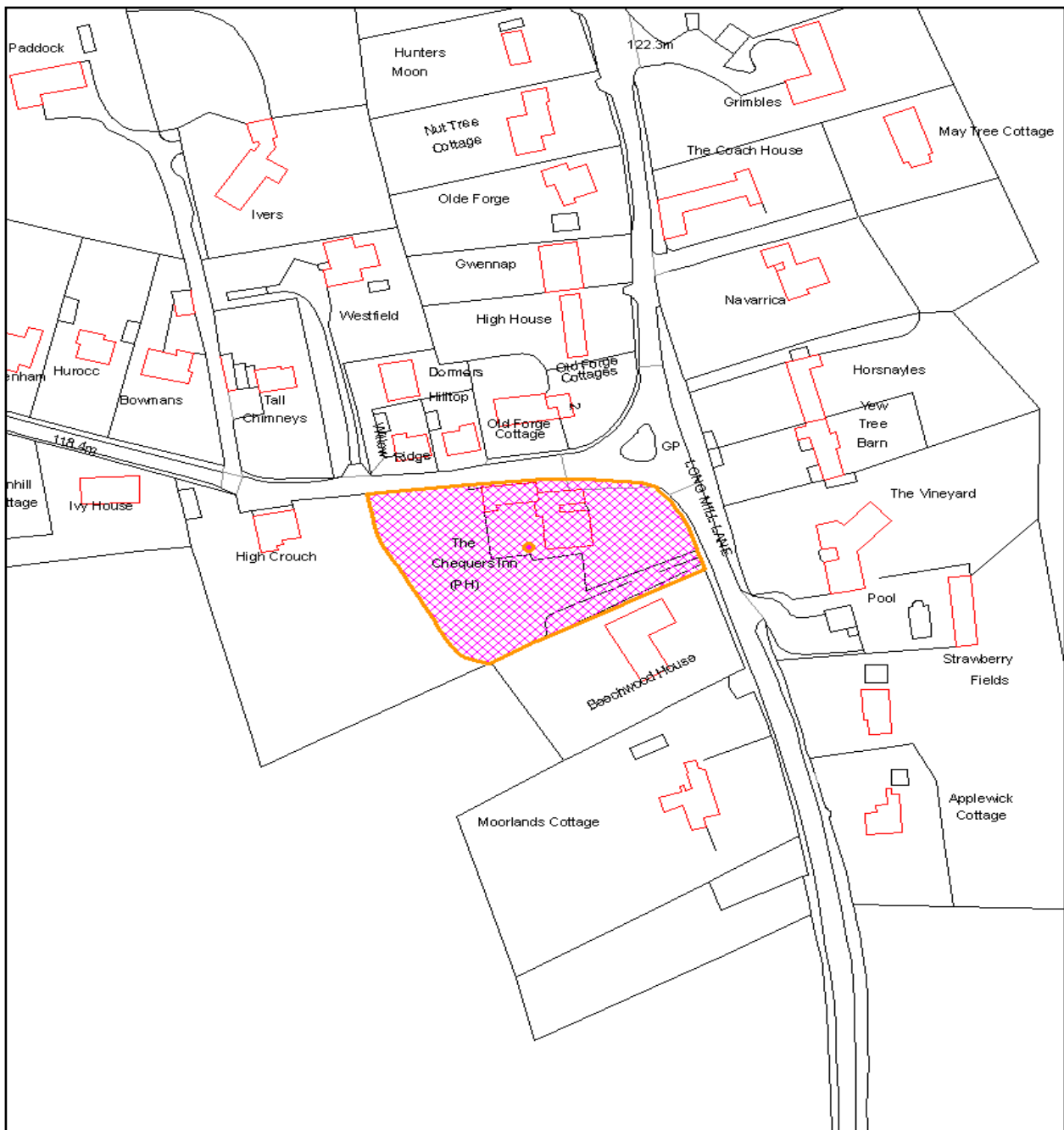


**TM/15/01191/FL**

The Chequers Inn Basted Lane Crouch Sevenoaks Kent TN15 8PZ

Change of use of the former Chequers Inn to residential including partial demolition and rebuild to create a pair of semi-detached houses, plus the erection of two new detached houses and associated access, garaging and car parking

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

**Alleged Unauthorised Development**

**West Malling**

**15/00252/WORKM**

**567914 158051**

West Malling And  
Leybourne

Location: 60 Ryarsh Lane West Malling Kent ME19 6QP

---

**1. Purpose of Report:**

- 1.1 To report the unauthorised construction of a dormer window within the front facing roof slope of 60 Ryarsh Lane without the benefit of planning permission.

**2. The Site:**

- 2.1 The application site is located on the northeast side of Ryarsh Lane, about 175m to the west of King Street close to the centre of West Malling. It comprises a semi-detached conventional bungalow on a linear plot. A large paved hardstanding area for the parking of cars is provided to the front of the property.
- 2.2 The immediate locality consists of a small number of residential properties along the north-eastern side of Ryarsh Lane, with allotments on the southern side and the West Malling Cricket Pitch further to the south. The application site backs onto the railway line to the north. The other semi-detached dwelling of No.58 Ryarsh Lane adjoins to the east, with the detached dwelling of No.64 Ryarsh Lane to the west on the other side of a garage.

**3. Planning History (relevant):**

- 3.1 TM/14/00597/FL Refused 14 April

Hip to gable roof enlargement and insert dormers to front and rear elevation to provide first floor accommodation: Juliet balcony to front.

- 3.2 TM/14/01901/FL Approved 11 July 2014

Hip to gable roof enlargement and insert dormers to front and rear elevations to provide first floor accommodation (Resubmission of TM/14/00597/FL)

**4. Alleged Unauthorised Development:**

- 4.1 Without planning permission the construction of a dormer window to the front facing roof slope without the benefit of planning permission from this Authority.

**5. Determining Issues:**

- 5.1 It has come to the attention of the Authority that a roof extension (dormer) has been constructed within the front facing roof of this dwelling, which does not accord with the approved planning permission (TM/14/01901/FL) for the following reasons:
- It is larger in size and scale than the approved extension, occupying a greater proportion of the roof slope;
  - It has been clad in white UPVC cladding whereas the approved scheme indicated that the dormer would be clad in tile hanging to match the main roof (a condition was imposed to the planning permission to control this);
  - It includes a full size door opening rather than a centrally positioned window as approved.
- 5.2 Policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD (2010) which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
  - the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 5.3 Saved policy P4/12 of the Tonbridge and Malling Borough Local Plan relates specifically to extensions to residential properties such as this. This policy states that extensions should only be permitted where they would have no adverse impact on:
- The character of the building or the street scene in terms of form, scale, design and materials;
  - Residential amenity of neighbouring properties in terms of light and privacy and overlooking of private garden areas.
- 5.4 The annexe guidance accompanying saved policy P4/12 provides specific guidance on the design of dormer windows. This guidance states that dormers should be in keeping and in scale with the roof area in which they are installed. Separate dormers which reflect the window proportions of the main dwelling are visually more appropriate than a single large dormer. Large box-like structures which appear to add an additional floor to the dwelling by completely altering the original roofline will not be permitted.

- 5.5 When taking the above policy requirements into consideration, I consider that the dormer as constructed, by virtue of its substantial size, occupying a significant proportion of the roof slope, its detailed design, including the provision of a full size door opening and the materials used in its cladding, when taken cumulatively has resulted in it appearing as an intrusive and discordant feature which harms the appearance of the dwelling and the visual amenities of the street scene.
- 5.6 It should also be noted that planning permission was previously refused for the insertion of a front facing dormer window (TM/14/00597/FL refers). That scheme was refused for the following reason:

*“The proposed development, by reason of the size and unsympathetic design of the front dormer, would have a demonstrably harmful effect on the appearance the dwelling, the street-scene and the character of the area. The proposal is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.”*

- 5.7 I consider that the dormer as constructed, actually more closely resembles the previously refused scheme than that subsequently approved.
- 5.8 For the above reasons I consider that it is expedient to take enforcement action to seek the removal of the unauthorised development. The owner is still able to implement the scheme approved under planning reference TM/14/01901/FL and the serving of an Enforcement Notice in this regard would not preclude him from doing so.

## **6. Recommendation:**

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

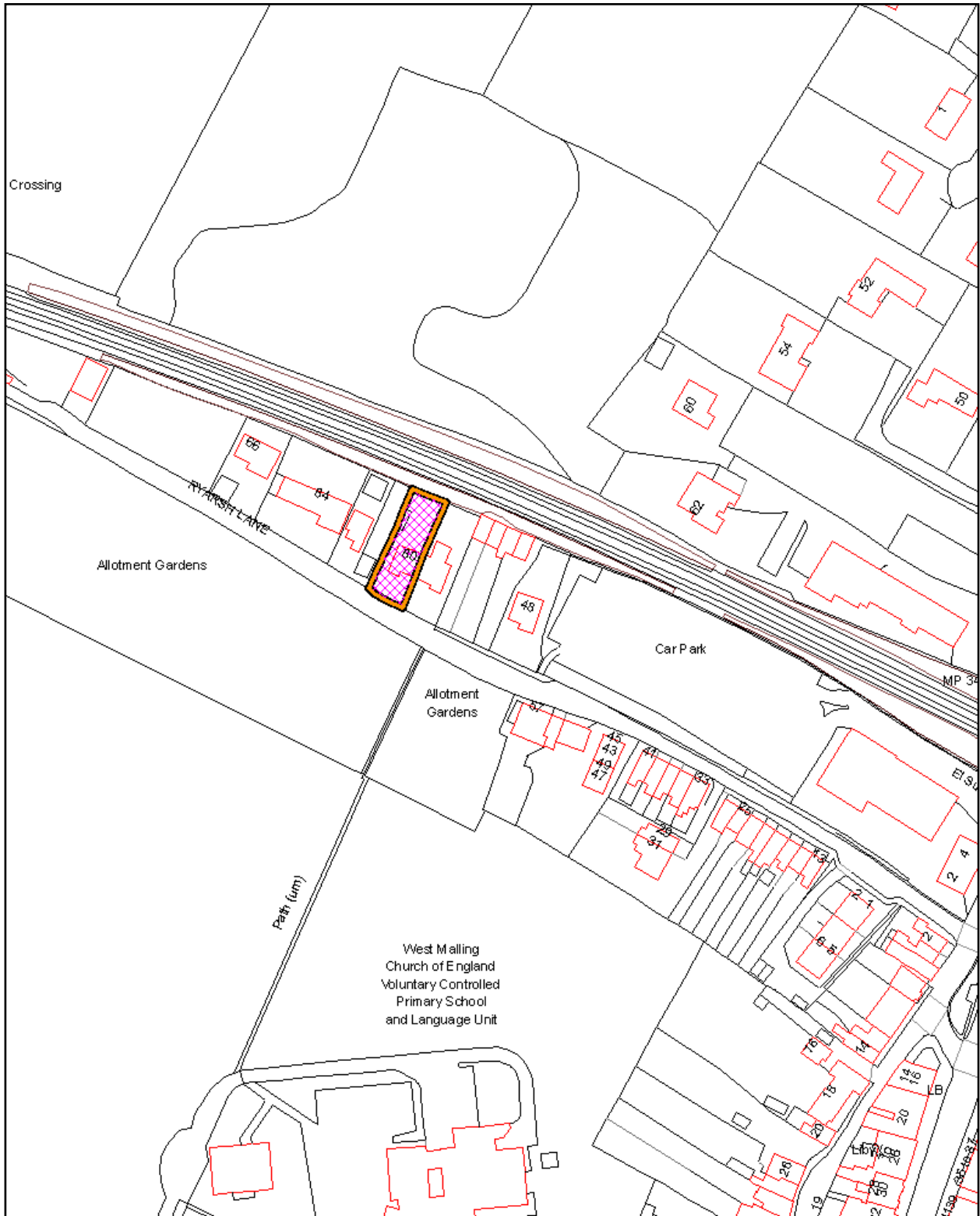
Contact: Richard Edmonds

This page is intentionally left blank

**15/00252/WORKM**

**60 Ryarsh Lane West Malling Kent ME19 6QP**

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank



# Agenda Item 10

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**

This page is intentionally left blank