

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

8 December 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, 16th December, 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

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To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 11 November 2015

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

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

PART 2 - PRIVATE

12. 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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 11th November, 2015

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

Councillor M Taylor was also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 15/51 DECLARATIONS OF INTEREST

Councillor Balfour declared an Other Significant Interest regarding application TM/15/02819/FL (West Yaldham Farm) on the grounds of a family connection to the site and withdrew from the meeting during the discussion of this application.

In addition, he advised that he represented Kent County Council on the Kent Downs Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee and the Ford Lane application site (TM/15/02431/FL) was a designated AONB. This did not represent either a Disclosable Pecuniary or Other Significant Interest.

Councillor Rogers advised that he represented Tonbridge and Malling Borough Council on the Kent Downs Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee and the Ford Lane application site (TM/15/02431/FL) was a designated AONB. This did not represent either a Disclosable Pecuniary or Other Significant Interest.

AP2 15/52 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 30 September 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 15/53 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 15/54 TM/15/02819/FL - WEST YALDHAM FARM, KEMSING ROAD, KEMSING

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 at West Yaldham Farm, Kemsing Road, Kemsing.

RESOLVED: That full and outline planning permission be APPROVED subject to:

- Submission of a satisfactory Unilateral Undertaking to secure affordable housing in perpetuity
- Referral of the application to the National Planning Casework Unit
- The conditions, reasons and informatives set out in the main and supplementary reports of the Director of Planning, Housing and Environmental Health; subject to the following additions, the detailed wording of which to be finalised by the Local Planning Authority and set out in full in the planning permission:

- (1) Conditions 14 and 16 to be amended to secure softer landscaping of the north of Building A

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.

- (2) Condition 19 to be amended to ensure that noisy equipment is sited as far away from neighbouring residents as practicable

Reason: In the interests of achieving an acceptable aural environment for nearby residential properties.

- (3) Conditions 27 and 28 to be amended to reflect the opening times of the appeal decision TM/01/00689/FL

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- (4) Conditions 33 and 50 to be amended to include a requirement for the times of operation of external lighting to minimise to security lighting only when the premises are closed

Reason: To ensure that the development does not harm the rural or visual amenity of the locality.

- (5) Condition 34 to be amended to require details of the maximum size and number of HGV vehicles commensurate with the tea blending business

Reason: In the interests of avoiding highway conflicts within local village centres.

- (6) Addition of condition to prevent parking of cars or the unloading of vehicles north of building A

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway.

- (7) Addition of condition regarding control of open storage

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

- (8) Addition of informative on construction traffic routing

[Speakers: Dr M Dibble, Mrs W Dibble, Mrs W Palmer and Mrs M Harvey-Kelley – members of the public and Mrs E Ecclestone – applicant])

AP2 15/55 TM/15/02431/FL - LAND BETWEEN M20 AND M26, WEST OF FORD LANE, WROTHAM HEATH

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 at land between M20 and M26 west of Ford Lane, Wrotham Heath.

RESOLVED: That planning permission be APPROVED in accordance with the submitted details set out in the supplementary report of the Director of Planning, Housing and Environmental Health subject to:

- Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009
- The conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amended Conditions:

5. Development shall not commence until a Construction Environmental Management Plan detailing how the habitats and hedgerows 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 hedgerows and 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

(2) Additional Conditions:

18. The applicant is required to provide a Glint and Glare Assessment to identify any potential locations on the site that would produce glint or glare that would be visible from the Strategic Road Network. The assessment which shall include any proposed mitigation shall be issued to the Local Planning Authority and approved by Highways England by commencement of works on site.

Reason: To ensure the safe operation of the Strategic Road Network, that drivers are not distracted by glint and glare from the solar panels.

19. The applicant is required to provide a Construction Management Plan detailing appropriate mitigation measures to ensure that the risk of dust and airborne particles are minimised. Any mitigation measures should be agreed with Connect plus Services (CPS), who are the maintenance and operations contractor managing the M25 DBFO on behalf of Highways England, prior to commencement of the works.

Reason: Due to the close proximity of the works to the adjacent M20 and M26 Motorways there is a potential risk that any airborne dust created by either the construction of the compound or access track works during the construction stage may have a safety impact on motorway users.

20. There shall be no vehicular access directly or works undertaken from the Strategic Road Network associated with the development, both during construction and during operations of the site at all times.

Reason: To ensure the safe operation of the Strategic Road Network, that drivers are not distracted by glint and glare from the solar panels.

21. Tree planting to mitigate the glare that may be experienced by passing drivers must be wholly within the site boundary, and maintained by the developer, with no access being granted directly from the motorway or adjacent land under the control of Highways England, demarcated by the motorway fencing. Any existing or future planting within Highways England's boundary shall not be relied upon to screen against glint or glare.

Reason: To ensure the safe operation of the Strategic Road Network, that drivers are not distracted by glint and glare from the solar panels.

(3) Informatives

1. The applicant should liaise with the highways authority to survey the condition of the highway infrastructure before and after the construction of the development to ensure that any damage to the highway is repaired. The applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800.

2. The applicant should provide the necessary wheel washing facilities prior to commencement of work on the site and for the duration of construction of the development.

3. The developer should be made aware that consent will need to be obtained from Highways England to use the access road that links the application site with the adopted highway.

4. The applicant is invited to liaise with Highways England to ensure measures to minimised fly tipping in the vicinity.

[Speakers: Wrotham Parish Council (Mr H Rayner), Campaign for Protection of Rural England (Mr P Gillin) and Mr H House – applicant]

AP2 15/56 TM/15/01191/FL - THE CHEQUERS INN, BASTED LANE, CROUCH

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 at The Chequers Inn, Basted Lane, Crouch.

RESOLVED: That planning permission be APPROVED in accordance with the submitted details set out in the report of the Director of Planning, Housing and Environmental Health subject to:

- The applicant entering into a legal agreement in respect of the provision of affordable housing
- The conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to

(1) Amended Condition:

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. This shall include additional semi-mature plantings along the western boundary directly adjacent to the Plot 1 dwelling and garage and suitable plantings adjacent to the electricity transformer to provide appropriate screening of this unit with all such plantings to comprise of species of local provenance. 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.

[Speakers: Mr J Knowles, Mr S Piller, Mrs P Darby and Mr M Bolt – Members of the Public and Mr J Chapman - agent]

AP2 15/57 ALLEGED UNAUTHORISED DEVELOPMENT 15/00252/WORKM - 60 RYARSH LANE, WEST MALLING

This item was WITHDRAWN as it was anticipated that the enforcement issue would be resolved as a revised planning application was expected following negotiation with the agent.

AP2 15/58 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.46 pm

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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

Stansted **559902 160887** **17 September 2015** **TM/15/03045/FL**
Wrotham, Ightham And
Stansted

Proposal: Section 73 application for the variation of condition 1 of planning permission TM/13/00081/FL (to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans) to provide for year round use in line with other parks in the area and 1 (c) to be deleted

Location: Thriftwood Caravan And Camping Park Plaxdale Green Road Stansted Sevenoaks Kent TN15 7PB

Applicant: Mr S Sellers

1. Description:

1.1 Planning permission is sought to vary condition 1 of planning permission TM/13/00081/FL which was itself the last in a series of s73 applications that sought to vary the terms of condition 4 of TM/01/02373/FL.

1.2 Condition 1 currently states:

(a) The number of pitches on the site shall be restricted to a maximum of 150 for touring units (including touring caravans, campervans, motorhomes and tents) and 30 static caravan units;

(b) the 30 static caravan units shall be located only on that part of the site shown cross hatched on the drawing attached to this permission;

(c) the use of the site for occupation of the static units shall be restricted to the months of January and from March to December inclusive in any one calendar year;

(d) the pitches for touring units shall be located only on that part of the site shown single hatched or cross hatched on the drawing attached to this permission;

(e) any touring caravans being stored on the site shall be located either within that part of the site shown single hatched or cross hatched on the drawing or in the area annotated at "Storage Area";

(f) at no time shall the total number of caravans on the site (including those that are occupied, available for occupation and stored) exceed 180.

1.3 Condition 2 aims to to ensure the site is not used for unauthorised permanent residential occupation which would be inappropriate in the Green Belt or outside settlement confines, stating that;

(i) the caravans shall be occupied for holiday purposes only with the exception of a maximum of 18 pitches that may be occupied at any one time as temporary accommodation by locally employed workers on fixed term contracts of employment;

(ii) the caravans shall not be occupied as a person's sole, or main place of residence;

(iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

1.4 The applicant wishes to retain condition 2 but have 1(c) deleted to allow all the 30 statics to potentially be occupied during February, ie year round. In support the agent states (in summary) that:

- *the objective is to alter to the same season as the rest of the caravans on the park and to fall in line with other caravan parks in the general area, to reflect the more recent decisions which have allowed year round use of sites directly competing with Thriftwood.*
- *February is a surprisingly popular time of the year with visitors from abroad and given the school half term.*
- *The static caravan area is not obtrusive and will not appear any different when viewed from the public right of way or road but for a small number of additional vehicles near the statics during February, when the rest of the site is open for use in any event.*
- *will enable the site to operate in a similar year round way as other businesses in the area whilst the remainder of the conditions on the consent, as well as the requirements of the site licence, will enable the Council to ensure that the site is used appropriately and not as anyone's full time residence which is in line with general policy including the NPPF.*
- *Proposal should enhance the overall appeal of the park to the benefit of the business and wider local economy. The Planning Inspector acknowledged the benefits from increased use by visitors in saying 'Any increase in the use of the site, including extending the number of days when units are occupied, is likely*

to have some benefits for nearby businesses and for employment within the site itself.'

2. Reason for reporting to Committee:

2.1 The site has a complex planning history.

3. The Site:

- 3.1 It is an established camping park from the 1980s, featuring both static caravans and pitches for touring caravans and tents. It has ancillary facilities such as a club house and shower/toilet blocks etc. Following the 2013 planning permission, the camping and touring caravans can be occupied for holiday purposes year round but the 30 static caravans are conditioned to be not occupied residentially in the month of February.
- 3.2 The land slopes down from SE to NW. It is set in an elevated position above Plaxdale Green Road and surrounded by open farmland but with tourism accommodation at Hilltop and residential properties at Labour in Vain Road. The main caravan site includes some trees and there is a wooded area to the western side and also features tree screening along its boundaries subject to a long established Area TPO. The slope of the land means that new evergreen landscaping at the lowest NW corner does not hide the caravans sited on higher parts of the site.
- 3.3 The eastern side of the site is designated as ancient woodland and this is subject to a recently re-served and now confirmed Woodland TPO
- 3.4 The site is in the countryside and the MGB. It abuts the AONB but is not within it.
- 3.5 A Public Footpath runs N-S through the site, including through an approved caravan storage area. The site lies on a Water Gathering Area.

4. Planning History (relevant):

TM/81/00886/FL grant with conditions 7 December 1981

Use of land for camping site including trailer tents, dormobiles, touring caravans, and winter storage incorporating site with existing permission for tented camping.

TM/89/00007/FL Grant 20 March 1989

TM/90/00073/FL grant with conditions 13 June 1990

Application to vary condition (v) of permission TM/81/886 (use of land as camping site) to extend season from 1st March to 31 January of the ensuing year.

TM/94/01581/FL grant with conditions 8 February 1995

Formation of hardstanding, variation of condition (ii) of TM/90/0073 to allow for siting of 150 touring units and 10 static holiday caravans, and variation of condition (iv) TM/81/886 to allow for the winter storage of 50 touring units and 10 static holiday caravans

TM/95/51654/FL Application Withdrawn 4 February 1997

variation of condition 02 of planning permission TM/94/1581FL to allow caravan park to operate throughout the year

TM/98/01268/FL Grant With Conditions 15 October 1998

variation of cond. (ii) of TM/90/0073 to allow for siting of 150 touring units and 20 static holiday caravans and variation of cond. (iv) of TM/81/886 to allow winter storage of 50 touring and 20 static caravans

TM/01/02373/FL Grant With Conditions 14 December 2001

Variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans

TM/10/01069/FL Refuse 18 June 2010

Variation of Condition 4 of planning consent TM/01/02373/FL (variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans)

TM/11/03055/FL Approved 13 August 2012

Section 73 application to vary the conditions of TM/01/02373/FL to allow the use of touring units on a year round basis with the original condition 4 of TM/01/02373/FL remaining in force in respect of the 30 approved static caravans (TM/01/02373/FL being Variation to condition (v) of planning permission

TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans)

TM/12/02706/RD Approved 16 October 2012

Details of landscaping submitted pursuant to condition 3 of planning permission TM/11/3055/FL (Section 73 application to vary the conditions of TM/01/02373/FL to allow the use of touring units on a year round basis with the original condition 4 of TM/01/02373/FL remaining in force in respect of the 30 approved static caravans (TM/01/02373/FL being Variation to condition (v) of planning permission TM/81/886 to allow siting of 150 touring and 30 static caravans, and winter storage of 50 touring and 30 static caravans))

TM/13/00081/FL Approved 2 April 2013

Section 73 variation of condition 1 of TM/11/03055/FL to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans (Section 73 application to vary the conditions of TM/10/01069/FL)

TM/13/03923/FL Refuse 7 November 2014
 Appeal Dismissed 19 March 2015

Section 73 application to vary condition 1 of TM/13/00081/FL to increase number of static holiday caravans to maximum of 66 (Section 73 variation of condition 1 of TM/11/03055/FL to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans)

5. Consultees:

5.1 Stansted PC: Objection: We do not believe that anything has changed in the planning permission that was granted with condition in 1990 to lengthen the period of occupation. If the site was given year round occupancy, this would be significantly increase the potential for full time occupation on the site and put pressure onto a small parish the size of Stansted. Please be advised that we are sympathetic to the applicant stating that they would like to be open during the February half term. We would not object if the one month of closure was varied so that instead of covering the month of February, it covered half of January and February instead. We refer to the decision notice dated 10 January 1990 for application TM/90/0073.

5.2 Wrotham PC: Under previous planning guidance Wrotham Parish Council would be minded to object, but under present legislation the Council can see no grounds for an objection.

5.3 Private Reps: 40/0R/0S/0X and site and press notices (Major development and Public Right of Way) No response.

6. Determining Issues:

6.1 In the period 2006 to 2012, applications such as these were determined in the light of the “The Good Practice Guide on Planning and Tourism”. However, that was revoked following the publication of the NPPF in 2012. There is nothing in terms of tourism in that Guidance that relates to this type of case so the national policy context is now just the NPPF.

6.2 The main national policies relevant to this application are as follows:

- Paragraph 17 (Core Principles) requires LPAs to protect the Green Belt, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- Paragraph 28 requires LPA support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres
- Paragraph 32 on transport states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraphs 80 and 81 on Green Belts state that one purpose of Green Belts is to assist in safeguarding the countryside from encroachment. Local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide for outdoor sport and recreation; to retain and enhance landscapes and visual amenity
- Paragraphs 89 and 90 on Green Belts states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These do not include change of use (which is the form of the original decision to which this application seeks a variation).
- Paragraph 125 requires LPAs to make decisions that limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 6.3 The main determining issues associated with the application are whether the variation of the condition would potentially encourage owners to permanently occupy the static caravans for 12 months, which would place a greater burden on local services, and whether such a proposal would create what would be tantamount to a conventional residential estate in the Green Belt and outside established settlement boundaries. In either of these scenarios, the development would be contrary to national Green Belt and countryside policy and the related TMBCS policies of CP3 and CP14 respectively.
- 6.4 The sustainability of the location is a consideration under policies CP1 and CP2 of the TMBCS. However, provided the use remains as a site with a holiday/tourism use, that is not contrary to policies that require new residential uses to be in environmentally sustainable locations.
- 6.5 The other consideration is whether such a proposal would reduce the number of pitches available for holiday purposes, which in turn would affect the holiday industry and increase pressure on health and education facilities. Policy DC5 of the MDE DPD is a criteria-based policy for tourism and leisure uses. Key criteria are that development should not detract from the character of the area, that it will support the local economy, there is adequate highway access, no hazard to road safety, and no adverse impact from lighting, traffic, activity at unsocial hours or noise.
- 6.6 The original proposals for the use of the site as a caravan site and for additional pitches/caravans had been justified on the basis that it would be used for tourism for 11 months of the year. Any proposal for year round *residential* use of a caravan within the MGB would be contrary to policy and should normally be refused (save for some exceptions such as agricultural/horticultural worker's accommodation). Members will be aware that in refusing the application in 2010, it was considered that the use of the site as a holiday park for 11 months of the year meant that a clear distinction could be retained between a permanent residential use and a tourist use.
- 6.7 The proposal would mean that the site would be used by all caravans (both touring and static) and camping during the month of February and thus enable the whole of the park to be open for business all year round. However, in this current application, the applicant has accepted the need for conditional controls as per those that exist on the touring caravans: namely condition 2 remains to cover the whole site and all tent/caravan types.
- 6.8 Year round holiday occupation as a matter of principle has already been accepted by the Council in regard of the touring units, which followed the applicant submitting a number of appeal decisions which indicated that Inspectors were imposing conditions in the manner applied for. Research on this matter confirmed

that the appeal examples given by the applicant in support of this principle of year round use did appear to represent the current norm in dealing with such matters.

- 6.9 It should be made clear that without conditional control on the nature of the occupation, the proposal would be contrary to the requirement of the NPPF and Policy CP3 of the TMBCS. In the light of the evidence that the Planning Inspectorate is, unsurprisingly, supporting the approach set out in national guidance to impose the log book style of restriction, that is a material consideration with significant weight in the Council's decision making. Therefore condition 2 needs to remain and the applicant accepts that position in this proposal.
- 6.10 The Council has granted year round occupation on other caravan sites in the Borough subject to the standard tourism/holiday use conditions. It has already allowed it for the touring units at Thriftwood and so to continue to resist year round use for the static units could be argued to be inconsistent and unreasonable in such circumstances.
- 6.11 Therefore, for the reasons given above, I am of the view that a refusal of the application cannot be justified in terms of the occupancy condition. The retention of the 11 month occupation restriction for the 30 static units should be waived provided that the conditional control as per condition 2 (as now habitually applied by Planning Inspectors) remains in force.
- 6.12 I recognise the concerns expressed by Stansted PC. However, the condition originally imposed to the 1990 permission (over 25 years ago) was in a different policy context. An applicant is within statutory rights to have conditions reassessed under s.73 of the Town and County Planning Act in the light of the planning policy prevailing. A condition needs to be reasonable and necessary and, as discussed above, it would be difficult to defend a policy that went against the spirit of both current Government policy and comparable Inspectors' appeal decisions.
- 6.13 CP24 is a general policy on development that requires amenity to be protected. The character of the locality is to be protected under policy SQ1 of the MDE DPD. Policy SQ8 of the MDE DPD requires that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. In terms of amenity, lighting, noise and traffic impacts, the existing situation represents the benchmark position and this application to vary the time of occupation for 30 static vans must be viewed in that context and in the context of the overall size of the site. The extra month as sought does not, in itself, worsen any of the considerations mentioned in a way that would warrant refusal or deviation from the approach now adopted by Planning Inspectors in light of current Government Guidance.

6.14 In light of the above considerations I consider the proposal should be granted planning permission, i.e. with an amended condition 1 but retention of condition 2 and condition 3 (landscaping).

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan dated 17.09.2015, Design and Access Statement dated 17.09.2015, subject to the following conditions;

Conditions

- 1 (a) The number of pitches on the site shall be restricted to a maximum of 150 for touring units (including touring caravans, campervans, motorhomes and tents) and 30 static caravan units;
(b) the 30 static caravan units shall be located only on that part of the site shown cross hatched on the drawing attached to this permission;
(c) the pitches for touring units shall be located only in the storage area or on that part of the site shown single hatched or cross hatched on the drawing attached to this permission
(d) any touring caravans being stored on the site shall be located either within that part of the site shown single hatched or cross hatched on the drawing or in the area annotated at "Storage Area";
(e) at no time shall the total number of caravans on the site (including those that are occupied, available for occupation and stored) exceed 180.

Reason: In the interests of safeguarding the visual amenities of the site, which falls within the open countryside, the Metropolitan Green Belt and because an over intensive use of the site could give rise to additional undue highway hazards, in accordance with paragraphs 17 and 28 of the National Planning Policy Framework 2012 and Policies CP1, CP3, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 2 (i) the caravans shall be occupied for holiday purposes only with the exception of a maximum of 18 pitches that may be occupied at any one time as temporary accommodation by locally employed workers on fixed term contracts of employment;
(ii) the caravans shall not be occupied as a person's sole, or main place of residence;
(iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure the site is not used for unauthorised permanent residential occupation which would be inappropriate in the Green Belt or outside settlement confines and so thereby contrary to paragraphs 17 and 28 of the National

Planning Policy Framework 2012 and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007.

- 3 The scheme of evergreen landscaping as approved by the Authority under ref TM/12/02706/RD shall be fully implemented and should be retained as approved and any trees or plants removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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

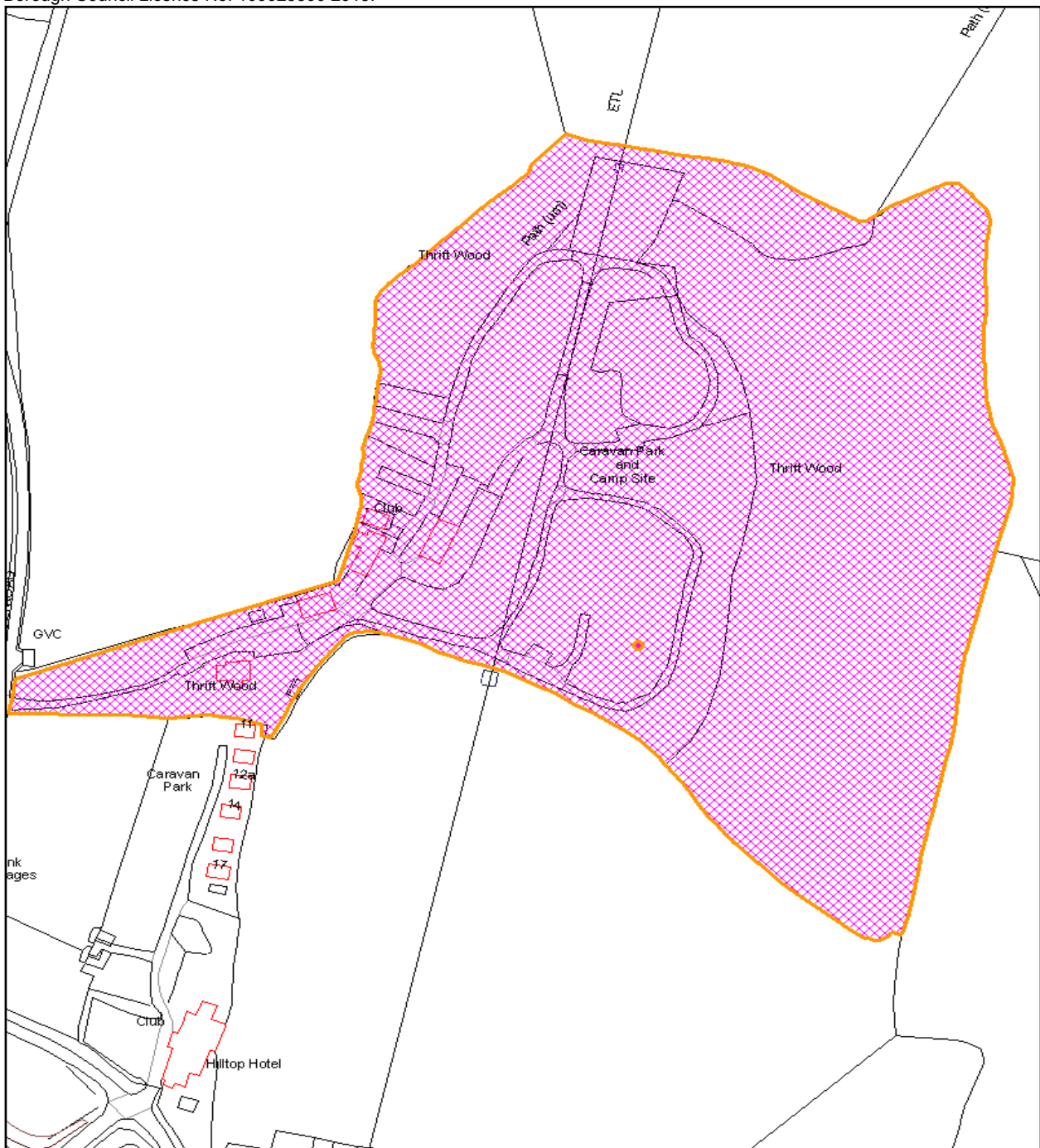
Contact: Marion Geary

TM/15/03045/FL

Thriftwood Caravan And Camping Park Plaxdale Green Road Stansted Sevenoaks Kent TN15 7PB

Section 73 application for the variation of condition 1 of planning permission TM/13/00081/FL (to allow land marked C41-C46 to be associated with static caravans and to allow storage area to accommodate touring caravans) to provide for year round use in line with other parks in the area and 1 (c) to be deleted

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Plaxtol **561195 153803** **14 September 2015** **TM/15/02628/FL**
Borough Green And
Long Mill

Proposal: Erection of two detached dwellings and associated works
Location: Land Rear Of Shrubshall Meadow Long Mill Lane Plaxtol
 Sevenoaks Kent
Applicant: Mr Simon Ruck

1. Description:

- 1.1 This application is for the erection of 2 no. 4 bedroomed dwellings with frontage car parking/turning and a vehicular access to Long Mill Lane via the new affordable housing development of Shrubshall Meadow. The 2 new dwellings themselves are shown to face east and be sited beyond the rear garden eastern boundaries of Westview, Farley and Carlwood which front Long Mill Lane.
- 1.2 Each dwelling has a footprint of 10.8m by 7.3m and has 2 floors of accommodation. They have an overall width of 14.6m in a plot of width 19m (sides spaces of 0m, 1m and 3.4m). Their designs are similar although plot 2 has a gable to the front. Both have brick faced ground floors and white painted feather edged boarding to the first floor. The roofs are conventional ridged pitched roof with terracotta roof tiles.
- 1.3 There is no garaging shown but there are 3 parking spaces for each to the front of each of the dwellings.
- 1.4 The access via Shrubshall Meadow housing area is 2 way but that narrows as it passes between 11 and 12 Shrubshall Meadow to a width scaling at 4m which continues around the back garden eastern boundaries of the 4 new dwellings of 12-15 Shrubshall Meadow (incl) for a distance of approx. 60m. The access uses an existing track along the rear garden eastern boundaries to Meadowvale, Shorehill and Spring Cottage. The access narrows to 3.4m wide (scaled from the drawing) as it passes close to an oak tree subject to a Tree Preservation Order and a cherry in the rear garden of an adjoining dwelling.
- 1.5 The houses have proposed rear gardens of 10.3m depth.
- 1.6 The application is accompanied by a planning statement, an ecological statement, a tree survey report, a fire engine tracking plan, and a letter responding to highway concerns.

2. Reason for reporting to Committee:

- 2.1 The application is locally controversial. Cllr Taylor wished the following issues to be addressed:

- Contrary to both the TMBC Core Strategy and Plaxtol PC adopted Parish Plan
- High Flood Risk
- No Affordable Housing provision
- Non-linear, back land development
- Not part of the Rural Exception site and that justification
- Local waste water system struggling already
- TPO Oak Tree in development area that could suffer serious harm
- Restricted access to site, causing traffic hazard to residents of Shrubshall Meadow affordable housing.
- No LGV access for emergency and service vehicles.

3. The Site:

- 3.1 The site has 3 main parts. There is a rectangular area approx. 36m by 19m to the east of Westview, Farley and Carlwood and to the west of a horse grazing paddock through which runs the River Bourne. This is where the 2 dwellings are proposed. This area is semi-natural habitat (brambles, hazel, young oaks and hawthorn) with a large oak tree subject to a TPO just beyond its SE corner. To the south of this plot is the long rear garden of Brookfields which fronts Long Mill Lane. Beyond the garden of Brookfields are the dwellings of 5, 7 and 9 Brook Lane.
- 3.2 The second part is the access which is generally a maximum of 4m wide. This is a rough unsurfaced track behind Shorehill, Meadowvale and Spring Cottage. It then becomes a surfaced track (with aggregate stones) behind and around the side of 12-15 Shrubshall Meadow (incl) and then a tarmacked access through the new housing up to Long Mill Lane.
- 3.3 The third part is to the north east being semi natural habitat on land off the track which is not shown to have any development proposed on it in this application. This is the part of the application site which abuts the PROW. It is behind the new houses of 9-11 (incl) of Shrubshall Meadow.
- 3.4 The plot for the new houses and the track are both generally flat but the application site overall is set lower than Long Mill Lane and the houses which front it.
- 3.5 The site for the new houses and most of its access just lies inside the rural settlement confines of Plaxtol but at the outer edge of the Green Belt boundary. The part in the NE corner and the access as it goes to the rear and side of 12-15

Shrubshall Meadow (incl) is in the countryside - that is, it is not in the Green Belt but is outside the settlement confines.

- 3.6 All of the site is in the AONB (as is the whole village of Plaxtol).
- 3.7 Part of the site is in Flood Zones 2/3 but that is only along the easternmost boundary encroaching a maximum of 2-3m into the access road and parking/turning: the area where the new houses are to be sited is Flood Zone 1 (ie not in the area at high risk of flooding).
- 3.8 There are 2 oak trees subject to Tree Preservation Orders - one abutting the access track and one just beyond the SE corner of the parking/turning area.
- 3.9 A PROW MR327 runs along the north of the NE parcel but is not directly affected by the development. Another PROW MR326 runs on the far side of the River Bourne, some 60/70m parallel from the siting of the proposed new houses.

4. Planning History (relevant):

TM/89/11437/OUT Refuse 13 March 1989
(88/1945)
Outline application for residential development with access.

TM/95/50810/FL Refuse 16 February 1996
construction of 12 low cost local needs cottages, car parking spaces, access road and associated works

TM/13/03006/FL Approved 1 May 2014
Development of vacant site to provide 7no. affordable homes for rent and shared ownership including 2x three bed houses, 3x two bed houses and 2x one bed apartments including 12no. parking spaces and landscaping

TM/14/01968/RD Approved 29 July 2014
Details of materials pursuant to condition 2 of planning permission
TM/13/03006/FL (Development of vacant site to provide 7no. affordable homes for rent and shared ownership including 2x three bed houses, 3x two bed houses and 2x one bed apartments including 12no. parking spaces and landscaping)

TM/14/02208/RD Approved 19 August 2014
Details of planting, fences, levels and finished floor levels, external lighting, refuse storage and collection measures pursuant to conditions 3, 8, 9, 12 and 10 of planning permission TM/13/03006/FL (Development of vacant site to provide 7no. affordable homes for rent and shared ownership including 2x three bed houses, 3x two bed houses and 2x one bed apartments including 12no. parking

spaces and landscaping)

TM/14/02550/RD

Approved

16 October 2014

Details of foul and surface water drainage pursuant to condition 11 of planning permission TM/13/03006/FL (Development of vacant site to provide 7no. affordable homes for rent and shared ownership including 2x three bed houses, 3x two bed houses and 2x one bed apartments including 12no. parking spaces and landscaping)

5. Consultees:

5.1 PC: Objection: there is considerable local objection to this proposal as evidenced by letters of objection to the Parish Council and the Borough Council and by public attendance at the Parish Council meeting of 2 November:

- TMBC Core Policy CP13 which permits new development within the confines of Plaxtol a) if there is some significant improvement to the appearance, character and functioning of the settlement, or b) if there is exceptional local need for affordable housing in terms of policy CP19. Since this proposal is not for affordable housing, b) does not apply. In terms of a), neither local residents nor the Parish Council consider this to be the case in an area of the village which has already suffered high density development over the past few years.
- TMBC Core Policy CP14. As the proposed site is in the countryside, all the restrictions recorded in CP14 apply.
- TMBC Core Policy CP19 which permits development in the countryside where it is for affordable housing justifying a rural exception site. The proposal is not for affordable housing and, given the difficulty Moat Housing is experiencing in filling the vacant properties at the nearby rural exception site at Shrubshall Meadow, the need for affordable housing in this location is in any case questionable.
- The proposal does not respect the special linear street character of the village and is therefore contrary to TMBC Local Plan Saved Policy P6/5. It is also contrary to Plaxtol's Design Statement and Planning Review Document update to that statement as back-land development. The applicant's contention that the site is in 'relative close proximity to other back-land development' and is consistent with 'previously permitted [back-land] development in the area' (sections 2.8 and 2.32 of the agent report) fails to acknowledge that the back-land development in question was an exception approved solely for the provision of affordable housing and cannot therefore be used as a precedent.
- The access to the proposed dwellings is inadequate. The width of the access road narrows from 4 to 2.5 metres and is therefore unsuitable for normal use

by refuse lorries, oil tankers or other delivery vehicles, or for access by the emergency services. The access is adjacent at its narrowest point to an oak tree subject to a TPO. The access cannot be improved without damage to the root system of the oak, contrary to the applicant's assertion at 2.33 that access can be provided with minimal impact to existing trees. Vehicular traffic in general and construction vehicles in particular are also likely to damage the canopy. Additionally, any raising of the current track, which has acted as a drainage ditch for this area will exacerbate flooding.

- The area is liable to flooding, the field adjoining the development site flooding on a regular basis. Two new properties and associated hard parking will result in increased run off of surface water. It has been noted that the additional drainage provided at the Shrubshall Meadow development is already failing in that water has been constantly flowing into the River Bourne from the soakaway even during prolonged periods of dry weather. Drainage and sewerage disposal for the proposed development has yet to be submitted, but the provision of additional services for this end will also be impeded by tree protection issues.
- Parking. For four bedroom properties the provision of two parking spaces is inadequate in these days of multiple car ownership within families. As it will be impossible to park additional or guest vehicles on the access road because of width restrictions, such vehicles will either become obstructions on the existing Shrubshall Meadow development or on the highway, already overburdened with parked vehicles because of inadequate parking in the area generally. The contention of the developer that highway safety would not be compromised (section 2.6) is not supported by local residents.
- The proposed development will have a detrimental impact on the local environment in terms of noise pollution and loss of privacy for local residents. High fencing installed with recent developments is also urbanising the appearance of this rural location within an AONB.
- The Parish Council contends that this proposal constitutes overdevelopment in an area which has become increasingly overcrowded in recent years and where current newly built properties have remained unsold for considerable periods of time. The proposal does not meet local needs, does not accord with local views and is in contravention of planning as outlined above.
- Should this application be approved, it is requested that the current driveway to the properties not be further developed to service additional dwellings.

5.2 KCC (H&T) The width of the access road is approximately 4m, narrowing to 3.4m past one tree and to only 2.5m past a second tree. For two cars to pass a minimum road width of 4.1m is required. Although tracking diagrams have been provided showing that a fire tender can access and turn within the site, I am

concerned that this is not to standard. Guidance in Manual for Streets states that a 3.7m carriageway (kerb to kerb) is required for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 2.75m over short distances, provided the pump appliance can get to within 45m of dwelling entrances. If an authority or developer wishes to reduce the running carriageway width to below 3.7m they should consult the local Fire Safety Office. I therefore recommend that the local fire and rescue service be consulted.

- 5.2.1 Forward visibility is severely restricted at the entrance to the site by a 1.8m fence, and this may lead to a highway safety issue. It is considered that the applicant should examine these proposals and propose improvements to forward visibility at this location where possible.
- 5.2.2 The proposed bin store is not located in an adequate location for public refuse collection. Guidance in Manual for Streets states that residents should not be required to carry waste more than 30 m (excluding any vertical distance) to the storage point; waste collection vehicles should be able to get to within 25 m of the storage point; the collection point should be reasonably accessible for vehicles typically used by the waste collection authority. I therefore recommend that the local waste authority be consulted.
- 5.3 KFB: From the submitted plan(s) it appears that access to the site for the Fire and Rescue Service, as required by Section 53 of the above legislation, is satisfactory. Consideration has also been given to on site access as required by Building Regulations Approved Document B Section 5.
- 5.4 Waste Services: TMBC operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day. Having looked at the plans, I have no objection to the bin store being placed at the rear parking area but the collection point will be next to Long Mill Lane along with the 8 existing properties
- 5.5 Natural England: Refer to Standing Advice re protected species.
- 5.6 EA: No response.
- 5.7 Lead Local Flood Authority: Noted that there is no surface water strategy.
- 5.8 Private Reps (43/12R/0S/0X plus Art 15 Site Notice). One neighbouring resident was not initially individually notified due to an address database error and this has potentially extended the expiry of consultation period to after the date of the Area Committee.

12 Objections have been received making summarised points as follows:

- Does not follow the linear nature that developments should follow in accordance with the Plaxtol design statement.
- This development represents backfilling and garden grabbing. Government planning policy (May 2015) states an intention to “give councils new powers to stop unwanted development on gardens”.
- The proposed houses should be better spaced out and moved further away from the existing gardens.
- In the last four years ten dwellings have been built within only a few hundred metres of this proposed development.
- Overdevelopment of this part of the village not in keeping with the local area.
- A Ministerial statement by Nick Boles included reference to ‘allowing past over supply of housing to be taken in to account when assessing housing’.
- Shrubshall Meadows are affordable housing and therefore under the rural exception plan.
- There has yet to be a full uptake of the Shrubshall Meadows houses, suggesting there isn't a need for additional housing in this part of the village.
- Will start a wave of similar applications being made which would have a detrimental impact, risk damaging the beauty and tranquillity of our village.
- When viewed from the footpath opposite, impact on the rural nature of the location which is a beautiful area.
- The square footage of each 4 bedroom detached house is similar to neighbouring 3 bedroom semi-detached houses with approximately one quarter of the garden size.
- This is classed as an Area of Outstanding Natural Beauty and the landscape is already blighted from the development of Shrubshall Meadows, making the area feel very built up from the footpaths and neighbouring properties. The natural lie of the land has been affected and there is lots of concrete and high wooden fences.
- Construction will cause significant traffic and noise disturbance.
- Where will the building contractors vehicles park.
- Construction vehicles (cranes, cement lorries, scaffold deliveries etc) are also likely to experience severe difficulties accessing the site.

- The access is restricted in more than one place and minimum required widths cannot be achieved - problems for access of Fire/Emergency vehicles.
- serious flaws in the plans regarding access- an incorrect boundary was used when measuring for vehicular access This would reduce the width of vehicular access by 1 metre.
- A fire engine needs a minimum road width between kerbs of 3.7m and the access to the site narrows to 2.6m they also need a turning circle of 16.8 and there just isn't the room to make this possible.
- Extra traffic and trade and visitor parking issues in the adjacent area of Long Mill Lane.
- The noise and loss of privacy from vehicle movements to and from the new properties is likely to severely impact on the residential amenity, particularly when using rear gardens.
- The refuse collection arrangements do not appear to be appropriate as the distance between the dwellings and the bins exceeds the maximum distance permitted. The rubbish bins will have to be taken to the collection point on the road.
- In last 15 years the number of new properties approved for the Spout area is in excess of 30 and this is without the corresponding improvement of the infrastructure in the area.
- The land as being in Flood Zone 3 area which poses serious sewage and surface water issues.
- The River Bourne is a small stream and previous winters there has been significant flooding on the adjacent field and the lower aspects of the gardens adjacent to this field and proposed development also become very wet during periods of significant precipitation. The development will result in a significant increase in run off making this situation much worse.
- No indication is made on the plans of how water run-off, sewage or services will be supplied to the site. The Shrubshall Meadow development has a large tank soakaway, which has an overflow that drains straight into the river Bourne. Despite the dry weather, the overflow for exceptionally wet conditions is constantly running .The soakaway is failing to perform and has not even had a winters use.
- In order to move sewage to the mains it would need to be pumped all the way back along the track and uphill back to Shrubshall Meadows. How would this be achieved without damaging the roots of tree 18? We would not allow access across our land for these services.

- When the River Bourne is full the back flow of sewage is a huge problem and the Southern Water pumping station (situated in Brook Lane) cannot cope especially since the building of further properties in the area over the last few years. They frequently bring in tankers to deal with sewage.
- The houses on Shrubshall Meadow required the installation of a pump system to move the sewerage up to the main drainage system. The pipe work to move the sewerage from these new properties will have to be extensive.
- Harm to numerous trees protected by tree preservation orders in the vicinity of the proposed development. The plans do not mention these or how they would safeguard the roots.
- The tree survey suggests removing branches to give 6ft height clearance, not enough to allow large vehicles to access the site without damaging this important tree. The track narrows here so the tree would be at real risk of damage.
- One tree scheduled for removal is in the garden of Brookfields.

6. Determining Issues

- 6.1 The main issue is whether the proposal complies with Policy CP13 of the TMBCS and policy SQ1 of the MDE DPD which requires regard to be had to any village design statements adopted by the Borough Council. The Plaxtol Parish Design Statement dated August 2005 is one such adopted design statement relevant to Policy SQ1. However the Plaxtol Planning Review Document update has not been adopted by TMBC as a material consideration. The more recent Plaxtol PC adopted Parish Plan is also not a material consideration for development control. It has been formulated to inform the Local Plan Review which is at a very early stage.
- 6.2 Saved policy P6/5 of the TMBLP refers to the need to respect the special linear street character of Plaxtol. This policy is superseded by Policy SQ1 but remains a material consideration for development control purposes where there is no adopted Character Area Appraisal SPD. As there is no CAA for Plaxtol, Policy 6/5 is still relevant as a material consideration when looking at a scheme in the village which is clearly non-linear.
- 6.3 Policy CP13 requires new development within the confines of the listed rural settlements to be restricted to minor development appropriate to the scale and character of the settlement. This policy applies to the majority of the access road and the site of the new detached dwellings. Policy SQ1 by a reference to the Plaxtol Parish Design Statement states that Plaxtol has a linear character in the main to which regard should be had. It is considered that the backland nature of the dwellings with a contrived access route along the backs of 7 rear garden boundaries is not in keeping with the character of Plaxtol which is defined by linear

development pattern and there are few instances of development in depth (ie away from the traditional linear street pattern). It is accepted that this policy was relaxed somewhat to allow the Shrubshall development but that did provide affordable dwellings and so is allowed in the caveat to CP13.

- 6.4 Paragraph 59 of the NPPF states that local planning authorities should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
- 6.5 CP13 is a policy that is neutral on PDL (Previously Developed Land). The application is not PDL and so there is no presumption in favour that overrides the considerations of the local policy position.
- 6.6 I am of the view that the location of the new dwellings would be contrived, principally as a result of the convoluted new vehicle access road which would be some 150m in length leading through Shrubshall Meadow (Phases 1 and 2) from Long Mill Lane.
- 6.7 Within the rural settlement confines, Core Strategy Policy CP13 permits new development if there is some significant improvement to the appearance, character and functioning of the settlement, or if new development is justified by an exceptional need for affordable housing. None of these tests are met by this proposal.
- 6.8 In addition, the site is located on the edge of the settlement confines and therefore consideration needs to be given to the requirements of Core Strategy Policy CP6 which presumes against permitting development on the edge of a settlement where it might harm the setting or character of the settlement when viewed from the countryside. It is the case that the 2 new dwellings will to some degree be seen in the context of 9 Brook Lane. However, that in itself would not overcome the intrinsic concerns with introducing 2 dwellings, extensive hardstanding for parking and turning and a 4m wide access drive in what is a very rural area which currently forms an attractive backdrop to the River Bourne as viewed from the public domain of Brook Lane and PROWs in the vicinity. Paragraph 109 of the NPPF stated that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 6.9 Whilst the site is in the AONB, the scale of the development does not impact on this strategic landscape designation bearing in mind the village as a whole is in the AONB. I therefore do not consider that policy CP7 of the TMBCS or paragraph 115 of the NPPF is breached.
- 6.10 The proposals comply with the Council's adopted car parking standards, as set out in the Kent Design Guide: Interim Guidance Note 3 Residential Parking (November 2008). This requires (assuming either 3 or 4 bedroom dwellings are proposed) that 2 independently accessible spaces are provided per unit, excluding

garages, plus additional visitor parking at 0.2 spaces per unit. I do not consider that there is a significant risk of offsite visitor parking. If there is, that is more likely to be within Shrubshall Meadow than Long Mill Lane but parking standards would indicate that there is enough parking at the site frontage to meet average visitor needs.

- 6.11 The route and turning of emergency vehicles has been assessed by Kent Fire Brigade and they are satisfied it is acceptable. On that basis, there is no reason to question that delivery and trade vehicle access is impossible. Policy SQ8 is complied with in my view.
- 6.12 The 2 new detached dwellings are claimed to be constructed using traditional design and using locally found materials. Whilst such an approach would be supported in general design terms in this locality, the actual design and materials indicated do not respect the setting in my view. The units look too cramped on the site and the materials shown to be used are not sufficiently subdued or appropriate in design and appearance to fit into the edge of settlement locality. They are thus contrary to policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD.
- 6.13 The site is covered by a number of trees and general undergrowth, primarily brambles, hawthorn, hazel and young oaks. These add to the rural character of the area which forms the boundary of the settlement with the wider countryside and Green Belt adjacent. These contribute to the rural setting to the edge of Plaxtol and, notwithstanding the intended retention of some trees and planting of a landscape scheme, there will be an inevitable conflict with the principles of Core Strategy Policy CP6 in that the development would harm the setting and character of the settlement when viewed from the countryside. It should also be acknowledged that Paragraph 118 of the NPPF states that planning permission should be refused for development resulting in the the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 6.14 In terms of affordable housing provision, the site measures 1,648 sqm which is very marginally above the 0.16 ha limit of policy CP17 for rural areas. Much of that area is access road and I am of the view that it would not be reasonable to seek an affordable housing contribution based on the site area in these particular circumstances.
- 6.15 Policy CP10 of the TMBCS deals with Flood Risk. However, it is not relevant in the light of the edge of the flood zone marginally affecting only a small part of the proposed access road and parking/turning area. It is not a case where current flood mapping indicates that the dwellings themselves will flood or that the access becomes totally impassable due to a flood event.
- 6.16 Foul drainage disposal is said to be unknown based on the application form and planning statement. It is evident from the approved drainage strategy to the new

houses at Shrubshall Meadows that is it necessary to pump the foul waste water to allow it to reach the mains drainage in Long Mill Lane at a higher level. The application site is not over a Water Gathering Area and as such it is a matter best resolved by complying with Building Regulations although there are TPO root constraints as mentioned below.

- 6.17 Surface Water drainage is said in the application form to be via a sustainable drainage system. Again, no details are provided. The site overlays clay. The approved scheme for Shrubshall Meadows is that surface water is collected in a storage holding tank before being discharged into the existing water course (the River Bourne) and permeable paving is used throughout the site. The EA supported that strategy and there is no reason to question why it would not be similarly suitable for this development site subject to necessary EA licences/consent. It is noted that objectors refer to “overflowing soakaways” at Shrubshall adding surface water and sewage to the River Bourne. It is not clear why sewage would overflow as that is contained in a separate system. There is supposed to be an overflow of surface water from a holding tank but, in any event, this allegation is being separately investigated from a building control point of view.
- 6.18 However, it is the case that the application does not in itself detail the surface and foul water strategies and therefore does not demonstrate no harm or pollution to the water environment of the ground or the River Bourne to comply with relevant elements of policies CP1 and CP24 of the TMBCS 2007 and policies SQ5 and CC3 of the Tonbridge and Malling MDE DPD 2012. Paragraphs 109 and 143 of the NPPF emphasise the importance of protecting these resources.
- 6.19 Policy NE4 of the MDE DPD refers to tree retention. A number of trees are to be removed to facilitate the development: although these are not specifically protected, their loss will harm the overall visual amenity of the area.
- 6.20 There are 2 TPO trees that will be affected by the proposal. The oak tree (T18 on the applicant’s survey) abuts the access road and has a maximum canopy spread of 18m but a root protection area (RPA) of 26m diameter. The oak tree (T7 on the applicant’s survey) beyond the SE corner has a maximum canopy spread of 20m but a RPA of 28m radius. Thus both the canopies and roots of these 2 important and aesthetically attractive mature trees could be harmed in the short term by the weight and size of construction traffic/plant and the roots could be affected in the long term by the creation of the access track and parking/turning areas and potentially by services runs. There is concern that the tree longevity may be detrimentally harmed, notwithstanding the submitted tree survey report considered that a “no dig” private drive will safeguard the tree in the light of BS5837:2012. My concern is that does not factor in the possible need to accommodate the line of the service runs, drains nor the actual proximity of the access to the tree trunk of T18 which leans over the access route slightly.

- 6.21 The rear elevations of the new houses will be at least 45m from the rear of Shorehill, Westview and Farley and it is not considered that privacy of the rear elevations or their patio areas is harmed to a degree to justify refusal on amenity grounds in the light of policies CP24 of the TMBCS.
- 6.22 Similarly, the use of the access road by 2 dwellings is too low key to be refusable in terms of harming tranquillity to the gardens of the houses in Long Mill Lane or to the rear gardens of the new houses in Shrubshall Meadows. These aspects of policies CP24 and SQ1 are not breached in my view.
- 6.23 I form a different conclusion in terms of the principle of the access to serve 2 new dwellings off Shrubshall Meadows. In the 2 way section, there is a juxtaposition with the vehicular manoeuvrings for the Shrubshall dwellings. Also there are concerns once the access narrows to 4m and has a sharp right turn. There are several pinch points to avoid trees and I am concerned that there will be undesirable reversing manoeuvres as the access serves 2 independent households. The applicant indicates that mirrors will be installed to deal with visibility issues around the corners. Mirrors are **not** supported as a method of dealing with substandard highway configuration. Policy SQ8 is not complied with in my view. Paragraph 35 of the NPPF is contravened as that requires that developments should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate.
- 6.24 Refuse collection arrangements are also less than ideal due to the distance of the new dwellings from the area accessible by the refuse freighter. However, there is scope for a bin store area near to Shrubshall Meadows but, on day of collection, bins would need to be moved up to Long Mill Lane. Whilst not convenient for the new residents, this is something they would have to accept and could not be a reason to resist the scheme in my view.
- 6.25 The applicants commissioned an ecological study by Kent Wildlife Trust with regard to slow-worms but it is stated that vegetation clearance to carry out surveys for the planning application removed suitable habitat. In the light of Natural England referring to standing advice and no reports of protected species from neighbouring residents, I have no reason to question non-compliance with the relevant Policy NE3 of the MDE DPD.
- 6.26 There are a number of other matters raised by the PC and objectors on which I comment as follows: The PC is incorrect to say that the site is in the countryside - most of it is within the rural settlement confines. All the rented units at Shrubshall Meadows are now occupied. There has been an unfortunate delay in selling 2 the shared ownership units but it is more a reflection on a different financial environment relating to such units rather than a lack of need. This land is not garden and so the references to "garden grabbing" are incorrect. Even if it were a garden, the application would be looked at on its merits in the light of CP13 and

other relevant policies.

In conclusion, the following recommendation is put forward.

7. Recommendation:

Subject to no further representations from neighbouring properties raising matters not considered above, delegate authority to the DPHEH to **refuse planning permission** for the following reasons:

- 1 The proposed two dwellings by reason of their size, non-linear backland siting, materials and design are not appropriate to the scale and character of the settlement and harm the rural setting and character of the edge of the settlement. The proposal is therefore contrary to Policies CP1, CP6, CP13 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012 and paragraph 59 of the National Planning Policy Framework 2012.
- 2 The proposed access would not be suitable for use by two separate households due to its overall length, constricted dimensions and geometry with absence of forward visibility and passing places. It is thus contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 which requires safe environments. This is also contrary to paragraph 35 of the National Planning Policy Framework 2012.
- 3 The access and parking/turning areas are close to two trees subject to a Tree Preservation Order and there is inadequate information to demonstrate that there will not be root/canopy damage during construction, the laying of services/infrastructure or long term use of the access drive. The proposal is therefore contrary to policy NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012 and Paragraph 118 of the National Planning Policy Framework 2012.
- 4 The application does not detail foul and surface water drainage and therefore does not demonstrate that the quality of water resources will be safeguarded as required by policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policies SQ5 and CC3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012 and paragraphs 109 and 143 of the National Planning Policy Framework 2012.

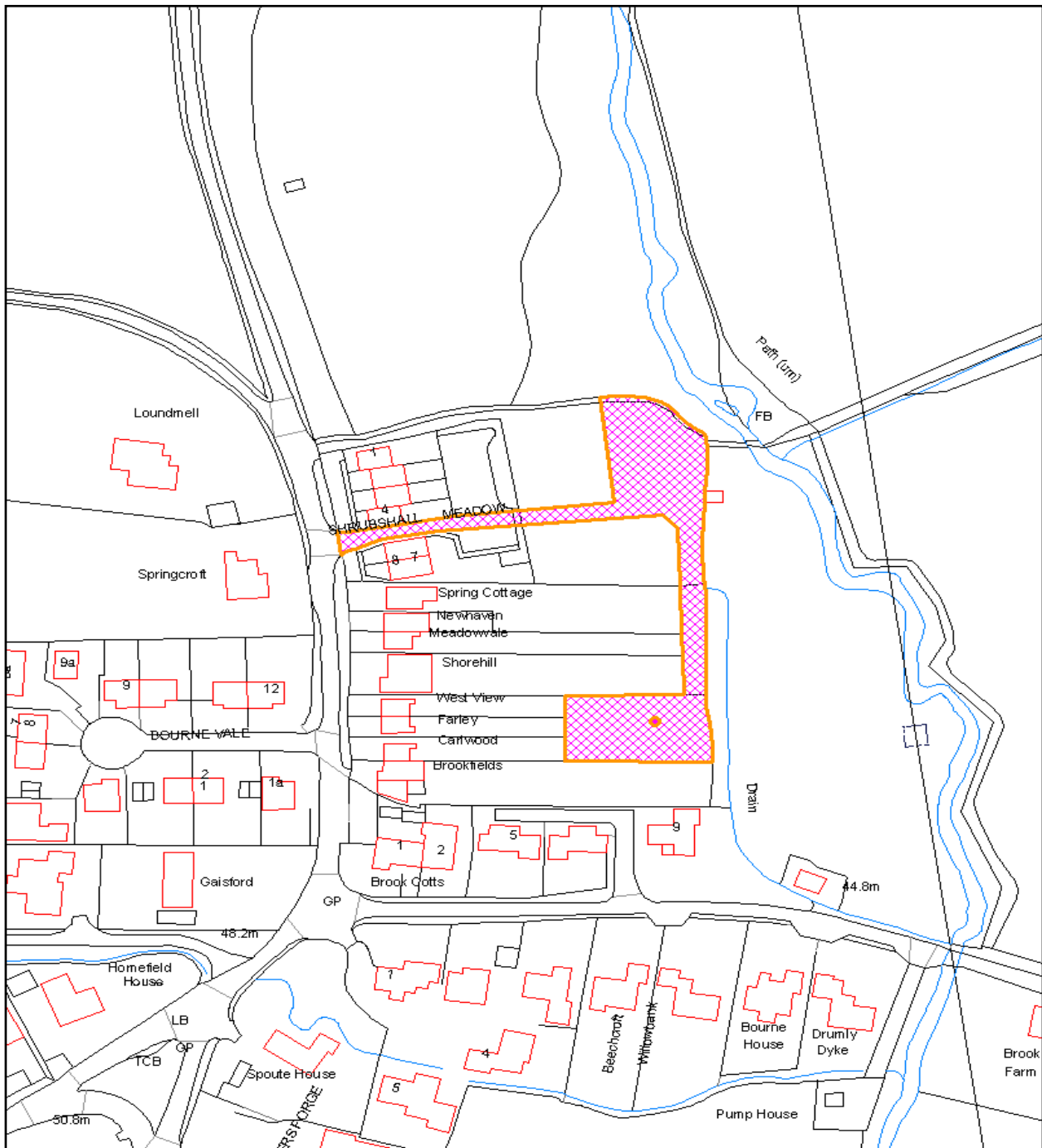
Contact: Marion Geary

TM/15/02628/FL

Land Rear Of Shrubshall Meadow Long Mill Lane Plaxtol Sevenoaks Kent

Erection of two detached dwellings and associated works

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Addington **565581 159196** **25 June 2015** **TM/15/02126/FL**
Downs And Mereworth

Proposal: Demolition of existing sheds/buildings and erection of a detached 3-bay garage and single storey outbuilding comprising a home gym, home office and store
Location: Shelmerdene Addington Green Addington West Malling Kent ME19 5BE
Applicant: Mr C Adams

1. Description:

- 1.1 The original scheme proposed a single L-shaped outbuilding comprising a 4-bay garage/garden store (11.7m x 5.9m) and home gym/office (14m x 5.9m), with an eaves height of 2.5m and ridge height of 5.4m. The external materials were to consist of timber wall cladding and clay roof tiles.
- 1.2 Amended plans were submitted on 5 November 2015 revising the proposal from one L-shaped building to two separate outbuildings (garage and home gym/office), reducing the overall size and height of the buildings. The external roof material has also been changed from clay tiles to natural slates.
- 1.3 The application now proposes the following:
 - Detached 3-bay garage
 - Single storey outbuilding comprising a home gym, WC/shower room, home office and store room
- 1.4 The 3-bay garage is to measure 8.85m wide x 5.3m deep, with an eaves height of 2.4m and ridge height of 3.95m. The garage will face north and is to be inset 1.7m from the southern boundary and about 200mm inside the eastern boundary which is enclosed by a recently constructed brick wall. The external materials proposed include horizontal timber boarding to walls above a brick plinth, natural slate to the roof and vertical oak boarding for the garage doors.
- 1.5 The outbuilding comprising the home gym/office is to measure 14m wide x 4.8m deep, with an eaves height of 2.45m and ridge height of 3.85m. It is to be inset a minimum of about 200mm from the western boundary and about 1.7m in from the southern boundary. A separation of 1.5m is provided to the proposed garage. External materials are to consist of horizontal timber board wall cladding above a brick plinth, natural slate roof and oak effect UPVC windows and doors.

2. Reason for reporting to Committee:

- 2.1 The application has been called in by Councillor Kemp due to neighbour concerns.

3. The Site:

- 3.1 The application site is located to the north of The Green, behind the four cottages of Nos.1 and 2 School Row, The Old Cottage and The Old School that front The Green. The site is accessed via a road extending north from The Green which adjoins an access road that turns to the east extending to a former commercial nursery yard. The dwelling on the site is a detached bungalow that faces south and is set back about 20m from the access road. The vehicle entrance is on the southern boundary where an automatic timber sliding gate is provided. A brick wall encloses the south and east boundaries either side of the entrance gate, which was granted planning permission in August 2014 under ref. TM/14/01750/FL. Permission was also granted in October 2014 (TM/14/02985/FL) for the enlargement of the residential curtilage where a condition removed Class E permitted development rights for domestic outbuildings.
- 3.2 The western part of the site where the proposed outbuildings are to be sited is within the confines of the settlement, with the remaining eastern and northern parts being in the countryside and Metropolitan Green Belt. The Addington Conservation Area (CA) abuts the southern and western boundaries of the site. The application site is also within a Water Catchment Area.
- 3.3 The four cottages mentioned above lie to the south of the site, with Park Cottage to the west. Nos. 1 and 2 Overlea Cottages lie to the southeast on the other side of the access road. An area of woodlands lies to the north, with a field to the northeast, which are also under the control of the applicant. The M20 Motorway lies further to the north. A commercial yard that was previously used for the storage and distribution of plants lies to the east. This has recently been granted planning permission for redevelopment to a dwelling.

4. Planning History (relevant):

TM/64/10624/OLD grant with conditions 15 October 1964

outline application for foreman's bungalow

TM/64/10977/OLD grant with conditions 12 August 1964

outline application for erection of a foreman's bungalow

TM/89/11693/FUL Grant 11 September 1989

Application for removal of Condition (iii) of MK/4/64/155 and Condition (i) of MK/4/64/550 (agricultural occupancy)

TM/14/01750/FL Approved 26 August 2014

Proposed new brick boundary wall and sliding hardwood gate

outline application for foreman's bungalow

TM/14/02985/FL

Approved

21 October 2014

Change of use of agricultural land to residential curtilage (retrospective)

5. Consultees:

5.1 PC (original plans): We are objecting for the following reasons:

1) The proposal represents an inappropriate over-development of the site and is therefore harmful to the Green Belt. The proposed roof height and resulting roof space is too high given the proximity of the proposed building to the boundary. The construction of any new building in the Green Belt would be considered inappropriate if it resulted in disproportionate additions over and above the size of the original building. We believe that the proposed building is disproportionate to the size of the original building.

2) We believe that the proposals would have a detrimental impact on the spaciousness of the locality and neighbouring properties. The proposal would have an adverse impact on the character of the area given that the proposed building abuts the conservation area with a number of historic cottages set around a village green. The proposal would therefore be harmful to the residential amenities of the neighbouring properties.

3) We are concerned that given the size of the proposed facilities that they could be used for commercial activities and/or turned into residential accommodation.

5.2 Private Reps: 3 + site and press notices/0S/3R/0X. The concerns raised (to original plans) include:

- The size and scale of the building would be out of character with the village and the setting of the Conservation Area
- The height of the building would dominate the adjacent cottages resulting in an overbearing visual impact, which is further exacerbated by the difference in ground levels
- Noise impact from the home gym and its siting close to the boundaries
- The home gym appears more commercial than domestic
- Loss of light from overshadowing
- The proposal would appear as overdevelopment of the site.

6. Determining Issues:

- 6.1 The proposed new buildings are located in the section of the site that is within the settlement confines of Addington and situated close to existing development and is therefore acceptable in principle.
- 6.2 The main issues for consideration are therefore the impact of the proposed development on the appearance of the site, setting of the CA and on neighbouring residential amenity.
- 6.3 The original submission proposed a very large single L-shaped building of a height of 5.4m that provided substantial scale and bulk. The applicant has submitted amendments to the scheme, now proposing two separate buildings; a 3-bay garage and an outbuilding housing a home gym and home office. The larger outbuilding has been repositioned to lie adjacent to the western boundary opposite the neighbour's outbuilding. This building has been reduced in depth by about 1m and reduced in height by 1.55m to 3.85m high. The garage has been repositioned adjacent to the southern boundary and reduced in width by 3m and in height by 1.45m to 3.95m high. I consider that the provision of two detached buildings with different roof forms instead of one larger building substantially reduces the overall visual size, scale and roof bulk of the development.
- 6.4 The buildings are traditional in their design providing hipped roofs, and the application of natural timber board wall cladding and slate roofs would result in an appearance that is both traditional to rural areas in the Borough and respectful to the CA. I am of the view that the revised buildings are now appropriately domestic in height and scale. Although the buildings are relatively large in size, I consider their scale now to be adequately proportionate to the main house; they are well separated from the main house and the site is large enough to accommodate them without appearing cramped. The larger outbuilding has also been sited adjacent to an outbuilding within Park Cottage which has a much higher roof than the proposed buildings and it would therefore be seen directly within this context. The buildings would present mainly slate roofs above the brick wall that aligns the eastern boundary that adjoins the access road, which would minimise visual harm to the public realm. They are now no higher than the 4m height deemed acceptable by the Government as it reflects permitted development limits for outbuildings.
- 6.5 I am therefore satisfied that the proposals would not adversely affect the appearance of the host dwelling or harm the setting of the adjacent CA. The proposals would therefore satisfy policies CP24 of the TMBCS and SQ1 of the MDE DPD and paragraphs 129 and 131 of the NPPF.
- 6.6 The application site is set at a higher level than the rear gardens of the adjacent cottages. Taking this into account, the roofs of the proposed buildings would be visible from the rear gardens of the cottages to the south. However, the roof of the buildings hip away from the common boundary, the buildings are set back 1.7m

from the boundary and the overall height of the buildings is now suitably domestic, in my view. The slate roof is also considered to be visually sympathetic to existing development in this immediate area. It is also noted that several of the cottages have sheds in their rear gardens adjacent to the development, providing a visual separation. The buildings would not be readily visible from Park Cottage due to this property's large shed screening the development, or from the properties to the east of the access road extending from the Green where the brick boundary wall enclosing the application site for a large degree screens the development. I am therefore satisfied that the buildings would not be visually intrusive or harmful to neighbouring visual amenity.

- 6.7 The buildings are of a domestic scale and sited to the north of the 4 cottages. The development would therefore not result in a level of overshadowing that would lead to an unacceptable loss of light to neighbouring properties.
- 6.8 I consider the use of the outbuildings to be appropriately domestic and ancillary to the main residential use of the property taking into account appeal decisions on similar sized outbuildings. Accordingly, the proposed development would not harm neighbouring amenities.
- 6.9 I note the concerns raised by the Parish Council and several neighbours to the south. These relate to visual impact from the size and scale of the original proposal, impact on the openness of the Green Belt and noise impact from the use of the home gym. The scheme has been revised providing two separate buildings and reducing their size and height and altering the roof materials. I now consider the buildings to be appropriately domestic in their size, height and scale, which is considered to address the key concerns outlined. The buildings are set back from the rear boundaries of the cottages to the south and well separated from these neighbouring dwellings. The use of the home gym would be domestic and as such should not generate an unacceptable level of noise impact, in my view. If it were not for the restrictive condition imposed on the planning permission or the extension to the residential curtilage granted under ref.TM/14/02985/FL, these buildings would meet the criteria for permitted development in the 2015 GPDO.
- 6.10 In light of the above, I consider that the proposals accord 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: Letter dated 25.06.2015, Photograph BI-FOLDING DOORS dated 25.06.2015, Photograph BRICKS dated 25.06.2015, Photograph TIMBER CLADDING dated 25.06.2015, Proposed Plans and Elevations KWTP/01 dated 05.11.2015, Email dated 05.11.2015, subject to the following conditions:

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 The outbuilding comprising the home gym and home office shall only be used ancillary to the existing dwelling and shall not be used as a separate hereditament.

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

Informative

- 1 The applicant is reminded that the existing timber sheds/buildings which are to be removed as part of the approved development must not be relocated elsewhere on the site.

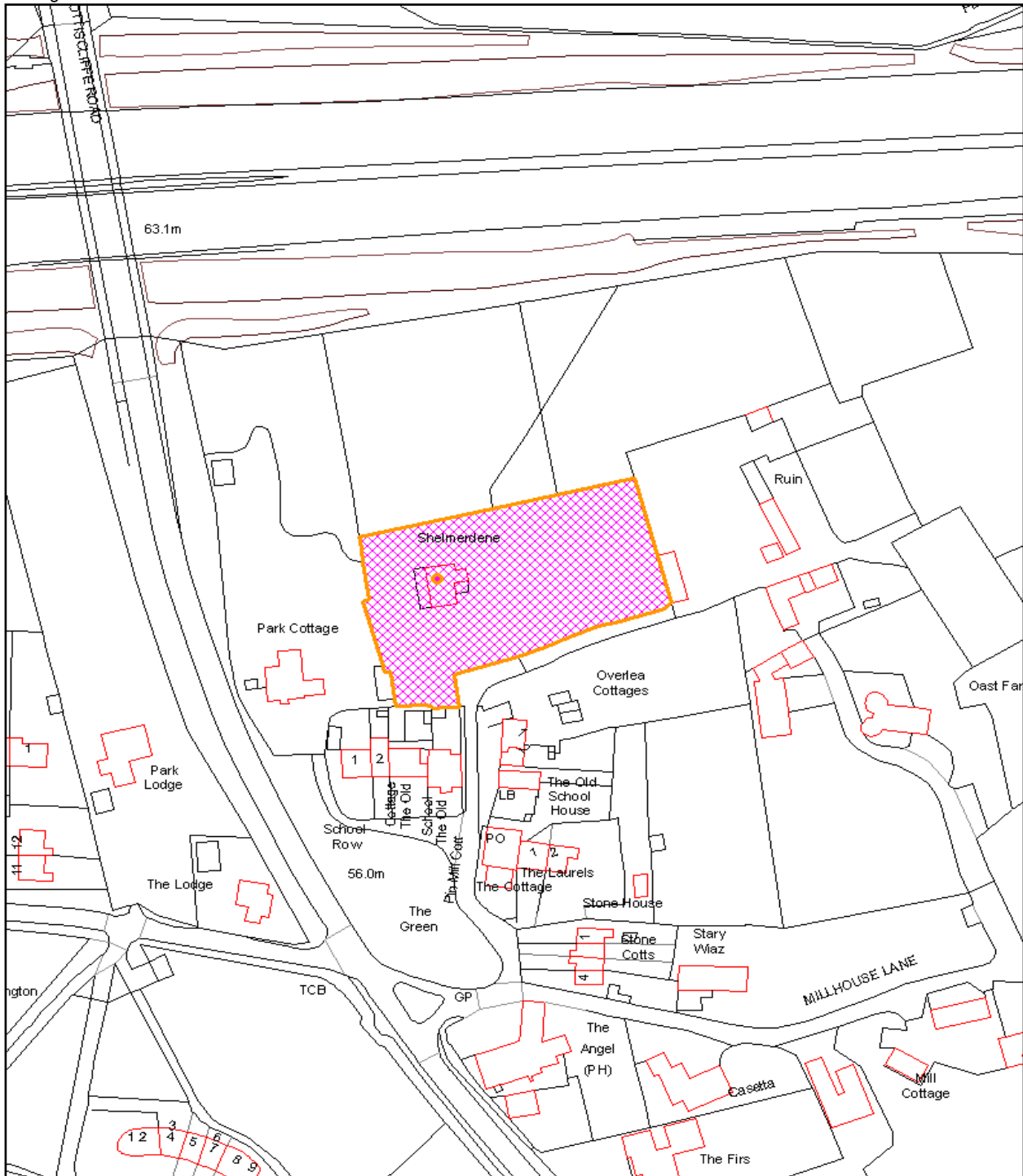
Contact: Mark Fewster

TM/15/02126/FL

Shelmerdene Addington Green Addington West Malling Kent ME19 5BE

Demolition of existing sheds/buildings and erection of a detached 3-bay garage and single storey outbuilding comprising a home gym, home office and store

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Ryarsh **566516 160282** **7 September 2015** **TM/15/02814/FL**
Downs And Mereworth

Proposal: Two storey side and rear extension
Location: Fishpond Cottage Chapel Street Ryarsh West Malling Kent
 ME19 5JU
Applicant: Mrs Katy Nunn

1. Description:

- 1.1 This application seeks planning permission for a two storey 'L'-shaped side and rear extension that will wrap around the existing building. The existing single storey side entrance is to be demolished with the proposed two storey extension projecting a further 4.4 metres from the side wall of the dwelling.
- 1.2 The dwelling is currently a four bedroomed 1 bathroom property. The proposal will result in a six bedroomed (one with en-suite) and 1 bathroom dwelling.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Balfour in order to consider the application of Green Belt policy in this particular case.

3. The Site:

- 3.1 The application site lies outside the village confines, within open countryside, the Metropolitan Green Belt and an Area of Outstanding Natural Beauty. The dwelling is a detached building located within a spacious plot. Planning permission was granted for a two storey rear extension in 1949 with an amendment to this for a first floor enlargement granted in 1950.
- 3.2 Workhorse Road borders the site to the west with access to the site gained from Chapel Street to the east. The site borders agricultural land to the south with the nearest residential property being Heavers House to the north east.

4. Planning History (relevant):

TM/49/10218/OLD grant with conditions 22 September 1949

Addition of Bedroom and kitchen to Fishpond Cottage.

TM/50/10299/OLD grant with conditions 25 May 1950

Additions of bathroom, kitchen etc.

TM/64/10764/OLD Refuse 20 February 1964

Erection of two dwellings, garages and vehicular accesses.

TM/72/10728/OLD grant with conditions 10 August 1972

Store and garage.

TM/14/01039/FL Refuse 9 May 2014

Two storey side and rear extension

5. Consultees:

5.1 PC: No objection to the application.

5.2 Private Reps (2/0S/0R/0X + Site notice): No representations received.

6. Determining Issues:

6.1 The application site lies within the Green Belt and therefore Section 9 of the NPPF applies. Paragraph 89 states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, there are exceptions and one of these includes the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building. Policy CP3 of the TMBCS requires proposed development within the Green Belt to comply with National Policy.

6.2 For the purpose of making an assessment into whether the proposed extension to the building would be a proportionate addition it must be considered against the size of the original building (as it stood in 1948). Since that time the two storey rear extension has been added to the building (granted permission in 1949/1950). As such, the extension now proposed must be viewed cumulatively with that previous extension, irrespective of the amount of time it has remained in situ.

6.3 The proposed extensions in addition to those previously constructed would effectively double the size of the original dwellinghouse in terms of footprint. Furthermore, there would be a substantial increase in bulk arising from the two storey addition proposed. I therefore consider that the extensions would amount to a disproportionate addition to the original building, therefore constituting inappropriate development which is harmful by definition and should not be approved except in very special circumstances.

6.4 Furthermore, I consider that the particular siting and scale of the extensions, combined with the open character of the site itself, would cause harm to the open nature of the Green Belt at this point.

- 6.5 Paragraph 87 of the NPPF sets out that 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 the harm to the Green Belt (as identified above in this case) is clearly outweighed by other considerations. This is a high threshold to overcome and I can find no very special circumstances that exist in this case to outweigh the identified harm to the Green Belt.
- 6.6 Paragraph 115 of the NPPF requires weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Policy CP7 of the TMBCS states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. The design of the proposal is such that I do not consider that it would have an adverse impact on the AONB.
- 6.7 More generally, policy CP24 of the TMBCS requires all development proposals to be well designed and of a high quality. It also requires proposals to be designed to respect the site and its surroundings in terms of scale, layout, siting, character and appearance and safety of the area. Notwithstanding the issues discussed above, the extensions themselves when viewed as a standalone development would not cause any visual harm to the appearance of the building itself. Equally, the separation that exists between the cottage and its nearest neighbours would ensure that there would be no impact to residential amenity arising from the proposed development.
- 6.8 These factors however do not amount to very special circumstances in terms of overriding the principle objection to the development in Green Belt terms.
- 6.9 It should also be noted that the site is located outside the village confines and therefore the development should be assessed against policy CP14 of the TMBCS. Policy CP14 sets out to restrict inappropriate development in the countryside but allows for the appropriate extension to an existing dwellinghouse. It also states that within the Green Belt inappropriate development which is otherwise acceptable within the terms of policy CP14 must still be justified by very special circumstances. For the reasons given above, I do not consider this to be the case in this instance.
- 6.10 In conclusion, the proposed development is inappropriate by definition and would cause material harm to the openness of the Green Belt. No very special circumstances have been identified to outweigh that harm and as such I therefore recommend that planning permission be refused.

7. Recommendation:

- 7.1 **Refuse planning permission** for the following reason:

Reason

- 1 The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in Paragraph 89 of the National Planning Policy Framework 2012. The proposed extension when viewed cumulatively with previous additions to the building would be disproportionate in size to the original dwelling and therefore constitutes inappropriate development which is harmful by definition to the Green Belt. The extension by virtue of its overall size and specific siting would also cause material harm to the openness Green Belt. No very special circumstances exist that outweigh the identified harm to the Green Belt. The proposed development is therefore contrary to the requirements of Paragraphs 87 and 89 of the National Planning Policy Framework 2012 and policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.

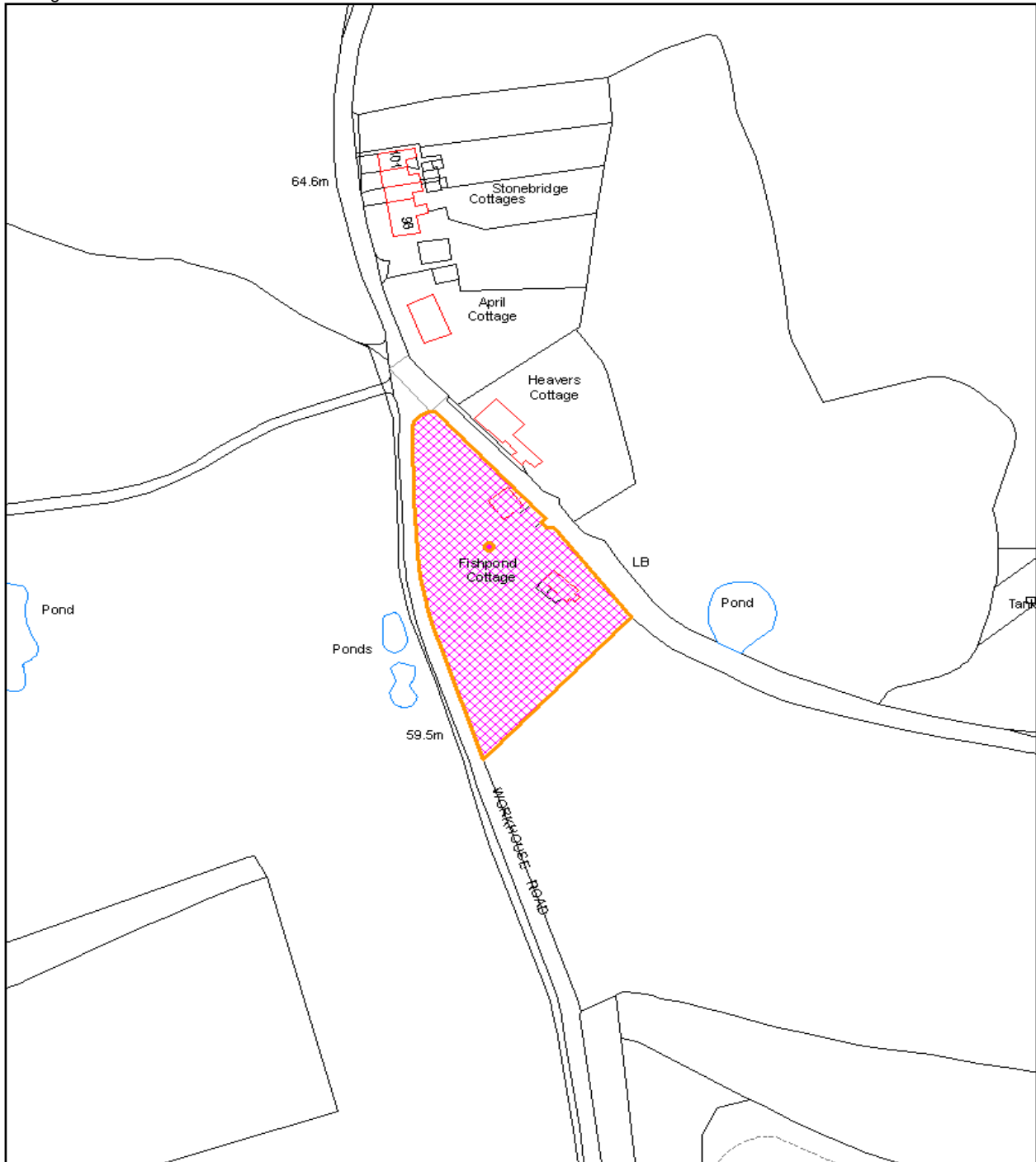
Contact: Paul Batchelor

TM/15/02814/FL

Fishpond Cottage Chapel Street Ryarsh West Malling Kent ME19 5JU

Two storey side and rear extension

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submission of the non-determination appeal. Planning grounds for the Call in include possible overdevelopment of the site, proximity to the recreation ground and impact on streetscene.

3. The Site:

- 3.1 The site lies on the south side of Maidstone Road within the village of Borough Green. The site lies within the built confines of the village, with the land directly to the east being Green Belt.
- 3.2 The Parish Council car park and tennis courts lie directly east of the site with the recreation ground lying further to the south east. 32 Maidstone Road lies to the west with its garden also lying to the south of the site. A Group Tree Preservation Order (being 1 Yew and 1 Ash) lie to the front of No.34 Maidstone Road, outside of the application site.
- 3.3 The main site lies in Flood Zone 1 with the Parish Council car park, tennis courts and recreation ground lying within Flood Zone 3.
- 3.4 The application site lies on land to the side of No.34 Maidstone Road which is untended open lawn set at a lower level and provides extended parking area to No.34.

4. Planning History (relevant):

TM/83/10179/FUL grant with conditions 23 June 1983

Single storey rear extension to provide additional storage space.

TM/86/11462/FUL grant with conditions 20 June 1986

Portacabin for use as a doctors surgery.

TM/86/11703/OLD planning application 27 March 1986
required

The stationing of a portacabin for a temporary period of 2 years.

TM/87/10138/FUL grant with conditions 28 September 1987

Retention of portacabin for a further period (renewal of TM/86/539).

TM/90/10554/FUL grant with conditions 22 November 1990

Retention of portacabin for further period of two to three years.

TM/93/00178/OA withdrawn 15 December 1993

Application for use of surgery as residential and erection of an additional dwelling including resiting the access and removal of portacabin

TM/93/00179/FL grant with conditions 15 February 1994

Change of use from surgery to a single dwelling house

TM/03/02682/FL Application Withdrawn 28 November 2003

Construction of 3 new houses and double garage to Ingleside

TM/04/02445/FL Non-determination 31 March 2006
 appeal
 Appeal Allowed 3 January 2007

3 no. 3 bedroom dwellings and associated works

TM/05/02817/FL Application Not 5 May 2006
 Proceeded With

3 no. houses with integral garages and on-drive parking plus associated works to recreation ground car park (resubmission of TM/04/02445/FL)

5. Consultees:

5.1 PC: Raise the following comments:

- The PC, as landowners of the adjacent recreation ground, has not yet agreed terms regarding right of way and route of access to the site across the recreation ground car park. In discussions, the solutions offered to the developer by the Parish Council have been rejected, for reasons unknown.
- It is noted that the Notice of Intent was served on Wrotham PC in error. BGPC has yet to receive such notice. [DPHEH: This error has since be rectified and requisite time period prior to possible determination has lapsed).
- Over-intensification of the site.
- The scale of the dwellings is inappropriate and is not in keeping with the streetscene, given the close proximity to the open space of the recreation area.
- The proposed access compromises village use of the recreation ground and would result in loss of parking spaces, to which the PC is strongly opposed.

- There should be no loss of public parking spaces as a result of this application.

5.2 Private Reps (17/1X/0S/0R + Site Notice) One letter receiving raising no objection.

5.3 KCC Highways: Subject to cross section details being submitted for approval prior to commencement regarding support of the A25 highway (in order to achieve car park widening), I write to confirm that I have no objection to this application.

5.3.1 I note that the Inspector included that level data (a topographical survey) should be included and that 'garages, car parking and turning areas shall be permanently retained' for that use. Should this application be approved it is considered that amongst the other conditions imposed these should notably be included from a highway authority perspective.

6. **Determining Issues:**

6.1 The application is a resubmission of a lapsed planning permission granted at appeal. The 2004 application was heard at APC2 on several occasions and ultimately resolved to Grant Planning Permission on 26 October 2006 subject to the completion of a S106 Agreement between the applicants, the PC and any third parties, within six months of the date of the meeting, to ensure:

- The provision and retention in perpetuity of passing bays in accordance with details to be first submitted to and approved by the LPA.
- The provision and retention in perpetuity of a signed and ramped pedestrian access in accordance with details to be first submitted to and approved by the LPA.
- The provision and retention in perpetuity of lined parking bays, of a marked direct pedestrian route and measures to prevent parking within the passing bays or proximal to the junction with the A25 in accordance with details first submitted to and approved by the LPA.
- All building materials to be stored only within the garden of the application site and not the Borough Green Recreation Ground Car Park.
- All construction traffic to be parked only within the garden of the application site and not the Borough Green Recreation Ground Car Park.
- In the event that an appropriate S106 Agreement is not completed within six months of the date of the meeting, APC2 resolved to refuse planning permission for the following reasons:

1. The development would be likely to create unacceptable additional hazards to traffic using the A25 by virtue of the increased possibility

for the conflict between vehicles accessing the site and those using the car park within which the access is situated. Such conflicts could give rise to reversing manoeuvres onto the A25 or the stopping and queuing of vehicles on the A25. Accordingly, the proposals are contrary to the provision of Policy T19 of the KSP 1996.

2. The development would be likely to create unacceptable additional hazards to pedestrians by virtue of the increased possibility for the conflict between vehicles accessing the new dwellings and the use of the access by pedestrians to access the adjacent recreation ground.

- 6.2 The 2004 application was subsequently heard again at A2PC on 12 April 2006 initially to allow a further three months to progress the S106; however the appeal against non-determination was submitted prior to the meeting itself and, as such, a formal resolution was agreed to refuse planning permission as outlined above.
- 6.3 The Inspector held an Informal Hearing on 17 October 2006 where the issues of the 'effect of the proposed development on pedestrian and vehicular safety with particular regard to traffic from the A25 accessing the car park and pedestrians accessing the new dwellings and adjacent recreation ground,' were discussed. The Inspector allowed the appeal and granted planning permission on the basis that she was confident of the PC's cooperation in respect of such matters in their role as adjacent landowner and that a Grampian style condition would be adequate to require additional works to the car park area including a passing bay in the car park and a ramped access for pedestrians, which would override the highway and safety objections to the proposal. The condition required these works to be completed first.
- 6.4 It should be noted that the principle of the development, its siting, design, appearance, materials, impacts on amenity including the streetscene and residential amenity were all considered acceptable at that time and did not form part of the Council's reasons to refuse permission. As such, these matters did not form main issues by the Inspector in her appeal decision.
- 6.5 The appeal was determined on 3 January 2007 prior to the adoption of the Council's Core Strategy (TMBCS) (Sept 2007). However, the adoption of the TMBCS simply carries forward the principle of development of this site through Policy CP12 which supports housing development within the confines of Borough Green. The Government's publication of the NPPF in 2012 further reinforces sustainable development within built up areas where access to services are readily available. I therefore consider the principle of housing development in this location remains acceptable.
- 6.6 Although the drawings have been re-drawn since 2007 they do represent an identical resubmission of the appeal scheme. It is my view that, subject to additional details to be required by condition, such as eaves, verges, joinery, garage doors and chimney design, the appearance and visual impact of the

proposal will be no different to the appeal scheme. I therefore consider the proposal, in terms of siting, design, scale, bulk and mass, would not give rise to harm to visual amenity thereby complying with Policies CP1 and CP24 of the TMBCS and paragraphs 57 and 58 of the NPPF 2012.

- 6.7 Access arrangements have been objected to by the PC as adjacent landowner over which access would be provided. Access is provided over the PC's car park for the existing dwelling at No.34; however in 2006/7 it was resolved by the Borough Council that the additional vehicular and pedestrian movements over the car park, added to the narrow width of the car park, would result in harm. As such, improvements were sought via a S106 agreement. As explained earlier within the report, in considering the appeal, the Inspector concluded that a condition was sufficient to ensure improvements to the car park were provided before construction of the new dwellings, being the creation of a turning head, widening the car park to provide an access point and provide a pedestrian ramp. As such, whilst I note the PC's concerns, the Inspector's decision is an important material consideration and, as such, a condition would remain an appropriate mechanism for providing the necessary car park improvements. I therefore consider the proposal would not, subject to the condition outlined above, give rise to harm to highway or pedestrian safety thereby complying with Policy SQ8 of the MDE DPD and Paragraph 32 of the NPPF 2012.
- 6.8 Since the appeal decision in 2007, the PC has painted lines within the recreation ground car park. The PC has raised objection on the grounds of loss of parking spaces. The spaces as laid out on site are not standard sized and are merely indicative. The car park lacks width and results in the spaces being very difficult to manoeuvre in to/out of. Any increase in width to provide a passing bay would also improve the accessibility of the spaces on site, especially for larger cars. I do not therefore agree that a loss of public spaces would be harmful as it would result in fewer, more useable spaces in this much used parking area.
- 6.9 In light of the above considerations I recommend planning permission be granted subject to conditions. The wording of condition 6 allows for the PC as landowner of the access to effectively prevent this development if no agreement is reached with the applicants. The grant of a planning permission does not override that right. I appreciate that whilst the Inspector was confident that a private agreement could be reached in relation to the works to the PC's car park, this did not happen. However, in terms of the forthcoming likelihood of an agreement, it is understood that discussion between the parties has resumed and there is therefore a reasonable prospect of the development going forward within the three years allowed for within condition 1.

7. Recommendation:

- 7.1 Grant Planning Permission** in accordance with the following submitted details: Certificate B additional dated 14.09.2015, Noise Assessment dated 22.06.2015, Site Layout dated 30.07.2015, Proposed Plans and Elevations dated 30.07.2015, Planning Statement addendum dated 06.08.2015, Planning Statement dated 24.07.2015, Certificate B dated 03.08.2015, Email works to highway dated 24.07.2015, Historic Decision Notice Appeal dated 24.07.2015, Notice to serve dated 03.08.2015, Details Quote for Highway works dated 24.07.2015, Proposed Plans and Elevations Coloured version dated 11.10.2015, Site Plan dated 20.11.2015, subject to the following conditions:

Conditions:

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

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

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

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

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

4. The dwellings hereby approved shall not be occupied, until the area shown on the submitted layout as vehicle parking space for each residential unit 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 or re-enacting that Order) shall be carried out on the land so

shown or in such a position as to preclude vehicular access to this reserved parking space.

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

5. No building shall be occupied until the area shown on the submitted plan as turning area 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

6. No development shall take place until the access road from the A25, associated passing bays and pedestrian access have been constructed in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. The approved access road, associated passing bays and pedestrian access shall be retained for such use in perpetuity.

Reason: In the interests of highway and pedestrian safety.

7. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

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

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

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

8. Prior to development of any sheds, outbuildings or refuse stores, details of such outbuildings shall be submitted to and approved by the Local Planning Authority. The development of such structures shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and safeguarding the site from overdevelopment.

9. No development shall take place until details of the existing ground levels and proposed slab levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof or western flank or front elevations the dwellings other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

11. 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 Classes A-E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of visual amenity and safeguarding the site from overdevelopment.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be erected to the accessway or driveways to the new dwellings.

Reason: In the interests of visual amenity.

13. No development shall take place until details of the means of disposal of foul and surface water have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of environmental protection and ground water.

14. Prior to occupation, acoustic mitigation measures shall be implemented to all dwellings in accordance with a scheme to be submitted and approved by the Local Planning Authority. The scheme shall detail how adequate ventilation shall be provided whilst still achieving acceptable internal noise levels.

Reason: In the interests of aural amenity.

15. No development shall take place until details of all external joinery, eaves, verges, garage doors and chimney design have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

Informatives

1. The applicant is reminded that the parking space shown on the approved site plan to serve No.34 lies outside of the application site area and is therefore considered to be indicative. The parking area for No.34 as shown falls partly in an area covered by a Tree Preservation Order. As such, if the owners of No.34 wanted to provide a parking area under domestic permitted development rights this may not be possible if the works affected the protected trees as separate Consent would be required. It is for the owner of No.34 to ensure that any works within the limits of their land is lawful and they are advised to contact the Planning team for advice well in advance of any works.
2. The granting of this permission does not purport to convey any legal right to block or impede any private right of way which may cross the application site without any consent which may be required from the beneficiaries of that right of way.
3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
4. It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

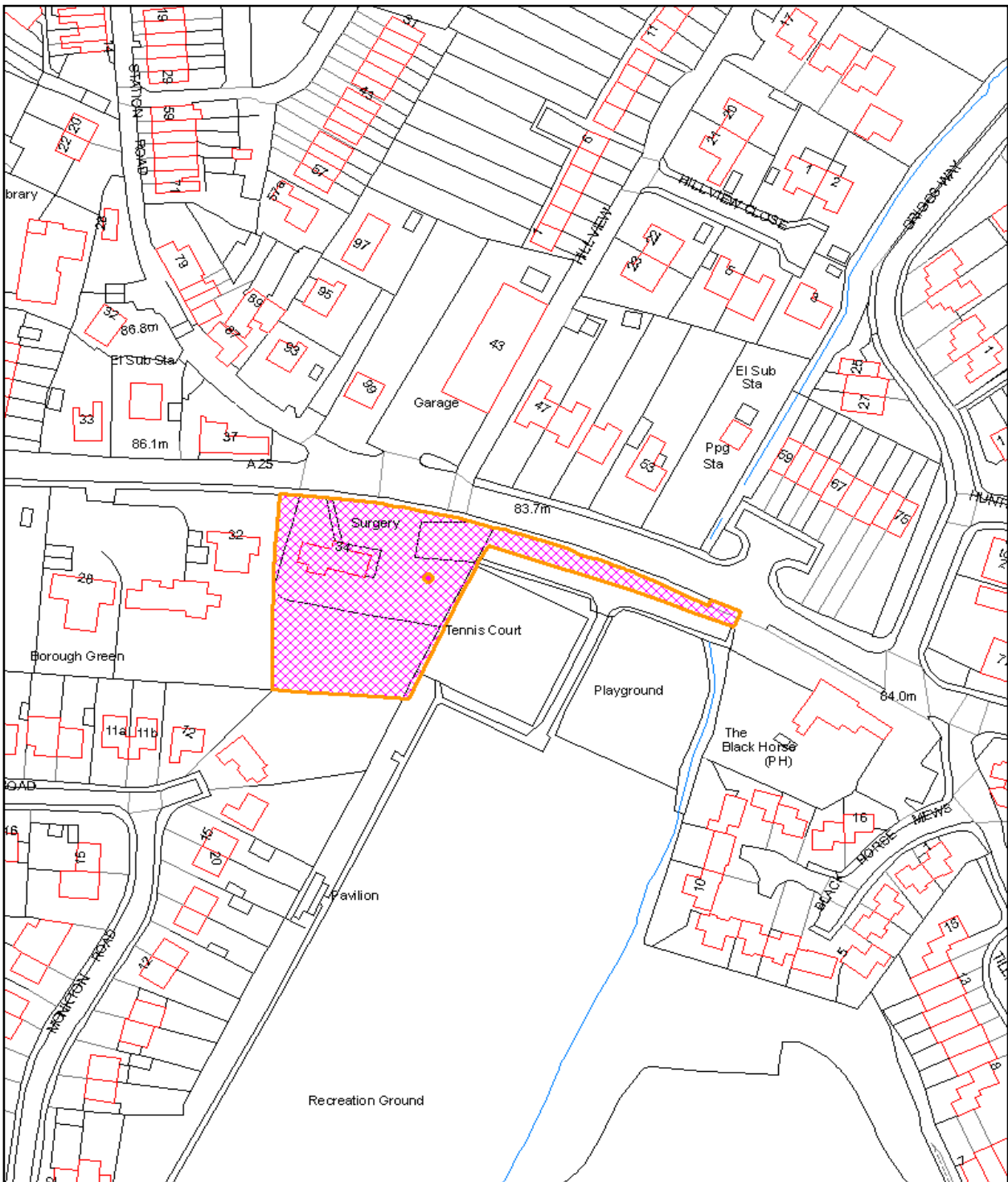
Contact: Lucy Harvey

TM/15/02061/FL

34 Maidstone Road Borough Green Sevenoaks Kent TN15 8BD

Terrace of three dwellings with associated parking

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Agenda Item 11

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

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

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