

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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

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

19 January 2016

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, 27th January, 2016 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 16 December 2015

**Decisions to be taken by the Committee**

4. Development Control 9 - 12

Introduction and Glossary

5. TM/15/03520/RM - The Paddock, Basted Lane, Crouch 13 - 20

6. TM/15/03537/FL - Land rear of Cedar Bungalow, Church Lane, Trottscliffe 21 - 36

7. TM/15/03771/FL - The Lodge, Birling Road, Leybourne 37 - 44

8. Alleged Unauthorised Development - 15/00347/WORKM - 5 and 7 Old Road, East Peckham 45 - 50

9. Urgent Items

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

**Matters for consideration in Private**

10. Exclusion of Press and Public 51 - 52

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

**PART 2 - PRIVATE**

11. Urgent Items

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

## **MEMBERSHIP**

Cllr Mrs F A Kemp (Chairman)  
Cllr S R J Jessel (Vice-Chairman)

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

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

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 2 PLANNING COMMITTEE

Wednesday, 16th December, 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 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

Councillors N J Heslop and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillor Mrs S Barker

### PART 1 - PUBLIC

#### **AP2 15/59 DECLARATIONS OF INTEREST**

Councillor Taylor declared an Other Significant Interest in application TM/15/0206/FL (34 Maidstone Road, Borough Green) on the grounds of being a close neighbour and withdrew from the meeting during discussion of this item.

With regard to application TM/15/02814/FL (Fishpond Cottage, Chapel Street, Ryarsh) Councillor Balfour advised the Committee that land to the west of the site belonged to a family member. However, he felt that this did not represent either a Disclosable Pecuniary or Other Significant Interest or pre-determined any decision reached.

#### **AP2 15/60 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 11 November 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 15/61 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 15/62 TM/15/03045/FL - THRIFTWOOD CARAVAN AND CAMPING PARK, PLAXDALE GREEN ROAD, STANSTED**

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 at Thriftwood Caravan and Camping Park, Plaxdale Green Road, Stansted.

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

(1) Amended Condition 2:

- (i) No caravan shall be occupied as a person's sole, or main place of residence
- (ii) The caravans shall be occupied for holiday purposes only with the exception of a maximum of 18 touring caravans on workers pitches
- (iii) The workers pitches may be occupied only as temporary accommodation by locally employed workers on fixed term contracts of employment
- (iv) The owners/operators of the caravan site shall maintain an up-to-date register of the names of all owners/occupiers/guests of individual caravans on the site, and of their main home addresses and the intended time and duration of the occupation
- (v) In respect of the workers pitches, the register shall also include details of the location of employment and length of the fixed term contract of employment
- (vi) The information in the register shall be made 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.

(2) Additional informative

1. The applicant is reminded that the Clean Neighbours and Environment Act has added light pollution to the list of Statutory

Nuisances contained within the Environmental Protection Act 1990. It is therefore in their best interests to ensure that any lighting does not affect any nearby neighbours and the Local Planning Authority would welcome the opportunity to discuss any plans they may have for improving upon the current situation.

**AP2 15/63 TM/15/02628/FL - LAND REAR OF SHRUBSHALL MEADOW, LONG MILL LANE, PLAXTOL**

Erection of two detached dwellings and associated works at land rear of Shrubshall Meadow, Long Mill Lane, Plaxtol.

Application WITHDRAWN by the applicant.

**AP2 15/64 TM/15/02126/FL - SHELME RDENE, ADDINGTON GREEN, ADDINGTON**

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 at Shelmerdene, Addington Green, Addington.

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

(1) Amended Condition:

3. The outbuilding comprising the home gym and home office shall only be used incidental and ancillary to the residential employment of the host dwelling and shall not be used commercially or occupied as a separate hereditament.

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

(2) Additional Condition:

4. Prior to the commencement of development, details of the proposed levels of finished floor, eaves and ridge relative to existing levels on the application site and neighbouring land shall be submitted for the approval of the Local Planning Authority. The outbuildings shall be erected in accordance with those approved details.

Reason: In the interests of neighbouring residential amenities.

(3) Additional Informative:

2. The applicant is advised that in relation to Condition 4, a dig down to create a lowered slab level to allow the eaves level to be no higher than

the boundary fence in situ is encouraged in the interests of neighbourliness.

[Speaker: Addington Parish Council – Mrs M-F Bailey]

**AP2 15/65 TM/15/02814/FL - FISHPOND COTTAGE, CHAPEL STREET, RYARSH**

Two storey side and rear extension at Fishpond Cottage, Chapel Street, Ryarsh

**RESOLVED:** That the application be DEFERRED for planning officers to negotiate an improved standard of design.

[Speaker: Mr S Nunn - applicant]

**AP2 15/66 TM/15/02061/FL - 34 MAIDSTONE ROAD, BOROUGH GREEN**

Terrace of three dwellings with associated parking at 34 Maidstone Road, Borough Green

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

(1) Additional Informative:

5. With regard to Condition 6, it will be expected that such details will include confirmation of a formal agreement with the owner of the affected land and that the agreement ensures that the approved changes made will be retained in perpetuity.

**AP2 15/67 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.50 pm



## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

#### Report of the Director of Planning, Housing & Environmental Health

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

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#### 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
LLFA	Lead Local Flood Authority
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



1.5 Surface water drainage is to soakaways and foul drainage is via 4 no. gravity connections into the existing Southern Water network north of the site.

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

2.1 At the request of Cllr Mike Taylor due to an overdevelopment of the site.

**3. The Site:**

3.1 The application site is on the northern side of Basted Lane within the centre of Crouch. Crouch is a rural settlement located some 1.5km to the south west of Borough Green, the nearest rural service centre, offering a range of retail, community and public transport facilities.

3.2 The grounds of The Paddock are presently occupied by a detached chalet bungalow together with a two storey annexe building that is used for ancillary residential accommodation. The dwelling (and annexe) is situated within extensive grounds currently laid to garden. The Paddock is located to the rear (north) of generally linear residential development along Basted Lane. Access to the existing dwelling was obtained via a private driveway that led from the south eastern corner of the site into Basted Lane between neighbouring dwellings at Bowmans and Chimneys. In addition to The Paddock, this driveway also serves a detached house to the east known as Ivers. A new access has been created next to Fair Meadow to serve the residential development within the site.

3.3 The boundaries of The Paddock are defined by a well-established and dense tree and hedge screen.

3.4 The application site also includes the property known as Fair Meadow, located on the northern side of Basted Lane. This property is a detached chalet bungalow. The land to the eastern side of Fair Meadow was occupied by the double garage that has been demolished to provide a new access road into the grounds of The Paddock (i.e. the development site for the new houses) behind.

3.5 The application site is located within the defined rural settlement confines of Crouch (referred to as being an 'Other Rural Settlement' under TMBCS Policy CP13). A Public Right of Way (MR304) runs just outside the northern boundary of the grounds of The Paddock, providing a footpath link between Basted Lane and Long Mill Lane. A Tree Preservation Order (TPO No 6 2014) protects a Walnut tree within the eastern corner of the grounds of The Paddock.

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

TM/13/03321/OA

Refuse

24 December 2013

Outline Application: Demolition of existing dwelling and annexe (The Paddock) and erection of 5 detached houses. Demolition of existing garage (Fair Meadow)



constitutes an act of criminal damage. The Inspector was informed about this at the appeal site visit. Consider that the house should be moved.

- Construction work 6 days a week including Saturdays from 8am is unreasonable – should be a restriction of hours of operation.

Houses out of keeping with Crouch and on an elevated plot. The position of the garages to plots 1 and 4 are too close to the boundary.

5.3 KCC H&T: No objections

5.4 KCC (PROW): Footpath that runs along the north western boundary of the site should be reinstated to a width of 2m and resurfaced.

## **6. Determining Issues:**

6.1 The principle of the development of this site for 4 houses has already been established by the outline application being allowed on appeal. The issue of the access to the house and the siting of the houses within the plot have been permitted. The only matters under consideration therefore relate to appearance, landscaping and scale.

6.2 Dealing firstly with the issue of appearance, the scheme has been developed as a mix of different house styles and external materials. The houses are two storey and have not utilised the roof space for additional accommodation. Overall it is considered that the design of the dwellings is compatible with the other dwellings in the area. The comments raised from nearby neighbours concerning the first floor flank elevations in Plot 1 and 4 are noted; although good separation is proposed between these dwellings and the existing dwellings to the south, a condition is suggested that these windows (that serve landing and dressing room) be obscure glazed.

6.3 Turning to the issue of landscaping, there are a number of trees and mature planting within the site that are to be retained. These will help to maintain the privacy enjoyed by the residents of adjoining properties. The Walnut tree to the rear of plot 4, which is subject to a TPO, is a good specimen and contributes to the visual amenity of the site, although in the long term it is not known how it will impact on the garden area of the property. Ideally the house on plot 4 should be swung around to the south east to take it out of the shadow of this tree but the siting of this dwelling has been approved. In the appeal the Inspector commented that the TPO tree and those that surround the wider site provide an important visual back drop to the site and contribute to its character and appearance.

6.4 The comments from the residents of Strawberry Hill are noted concerning the root protection zone for their Sycamore tree. However the submitted scheme does show a garage that has been moved slightly further forward from that permitted



under the outline application, in order to protect this tree and a condition is suggested regarding suitable garage foundations.

- 6.5 The hard surfacing proposed is considered suitable for this area. The fencing details are considered to be acceptable and provide an acceptable level of privacy. The refuse arrangements are also considered to be in an acceptable location.
- 6.6 Concerning the issue of the scale of the development, the siting/layout of the dwellings has been approved so the overall scale relates to the height and mass of the development. Each of the proposed dwellings is approximately 8.5m high to the table top roofs. With regard to the overall height of the dwellings in relation to the nearby/neighbouring properties, details have been submitted pursuant to the condition attached to the outline approval with regard to slab levels, including details of the grading and mounding of the land. Whilst I accept that the proposal represents a relatively significant amount of development within the site, the general scale and proportions of the units within their gardens are, in my view, not inconsistent enough to refuse compared with the character found throughout this rural village. The Inspector did make this comment in his appeal decision and then went on to say that the plot sizes and the dwellings are not dissimilar to that found nearby and are thus in character with the area. Examples have been given by interested parties of approved dwellings in Platt and in Crouch that have a design that is considered to be more acceptable for this site, yet the size and layout of the dwellings on this site has been approved so different criteria apply in this case.
- 6.7 The new garage to serve Fair Meadow is considered to be of an acceptable design to be in keeping with the host dwelling and the overall character of the area.
- 6.8 The foul and surface water drainage details submitted appear to be satisfactory and the EA raised no objection to this development at the Outline stage.
- 6.9 I note the objections related to construction operations on related properties but that is not a land use planning consideration. Details have been submitted pursuant to the outline approval for a Construction Method Statement which includes details of hours of work etc. The details within this report are considered to be acceptable; moreover, if there is a problem with noise associated from demolition or construction related activities this could be controlled, via other Environmental Health legislation. In a similar manner a habitat survey and a materials schedule have been submitted as part of other conditions on the outline approval to be considered at this stage; again these details are considered to be acceptable to meet the requirements of these conditions.
- 6.10 Overall, the details meet the requirements of the Outline approval and I recommend accordingly.

## **7. Recommendation: Approve Reserve matters**

In accordance with the following submitted details: Design and Access Statement dated 02.11.2015, Drainage Statement dated 02.11.2015, Method Statement dated 02.11.2015, Arboricultural Survey dated 02.11.2015, Habitat Survey Report dated 02.11.2015, Materials Schedule dated 02.11.2015, Other dated 02.11.2015, Location Plan dated 02.11.2015, Drawing 13030-TK01 dated 02.11.2015, Drawing 130313-TK16 A dated 02.11.2015, Drawing 130313-TK17 A dated 02.11.2015, Site Layout 22591A/02 Existing dated 02.11.2015, Sections 22591A/03 dated 02.11.2015, Existing Plans and Elevations 22591A/04 dated 02.11.2015, Site Layout 22591A/05 Proposed dated 02.11.2015, Site Layout 22591A/06 Coloured dated 02.11.2015, Proposed Plans and Elevations 22591A/07 dated 02.11.2015, Proposed Plans and Elevations 22591A/08 Plot 1 dated 02.11.2015, Proposed Plans and Elevations 22591A/09 Plot 2 dated 02.11.2015, Proposed Plans and Elevations 22591A/10 Plot 3 dated 02.11.2015, Proposed Plans and Elevations 22591A/11 dated 02.11.2015, Proposed Elevations 22591A/12 dated 02.11.2015, Proposed Elevations 22591A/13 dated 02.11.2015, Proposed Elevations 22591A/14 Coloured dated 02.11.2015, Drawing 13030-351 dated 02.11.2015, Drawing 13030-701 dated 02.11.2015, Landscape Statement dated 25.11.2015,

1. The first floor windows on the southern (flank) elevation to plots 1 and 4 shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

2. No development shall take place until details of foundations to the garage to plot 1, to include measures to protect the roots to a Sycamore tree located in Strawberry Hill, 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 this Sycamore tree, on the adjoining site, is protected.

### **Informatives**

1. You are advised that the footpath that runs along the north western boundary of the site should be reinstated to a width of 2m and resurfaced

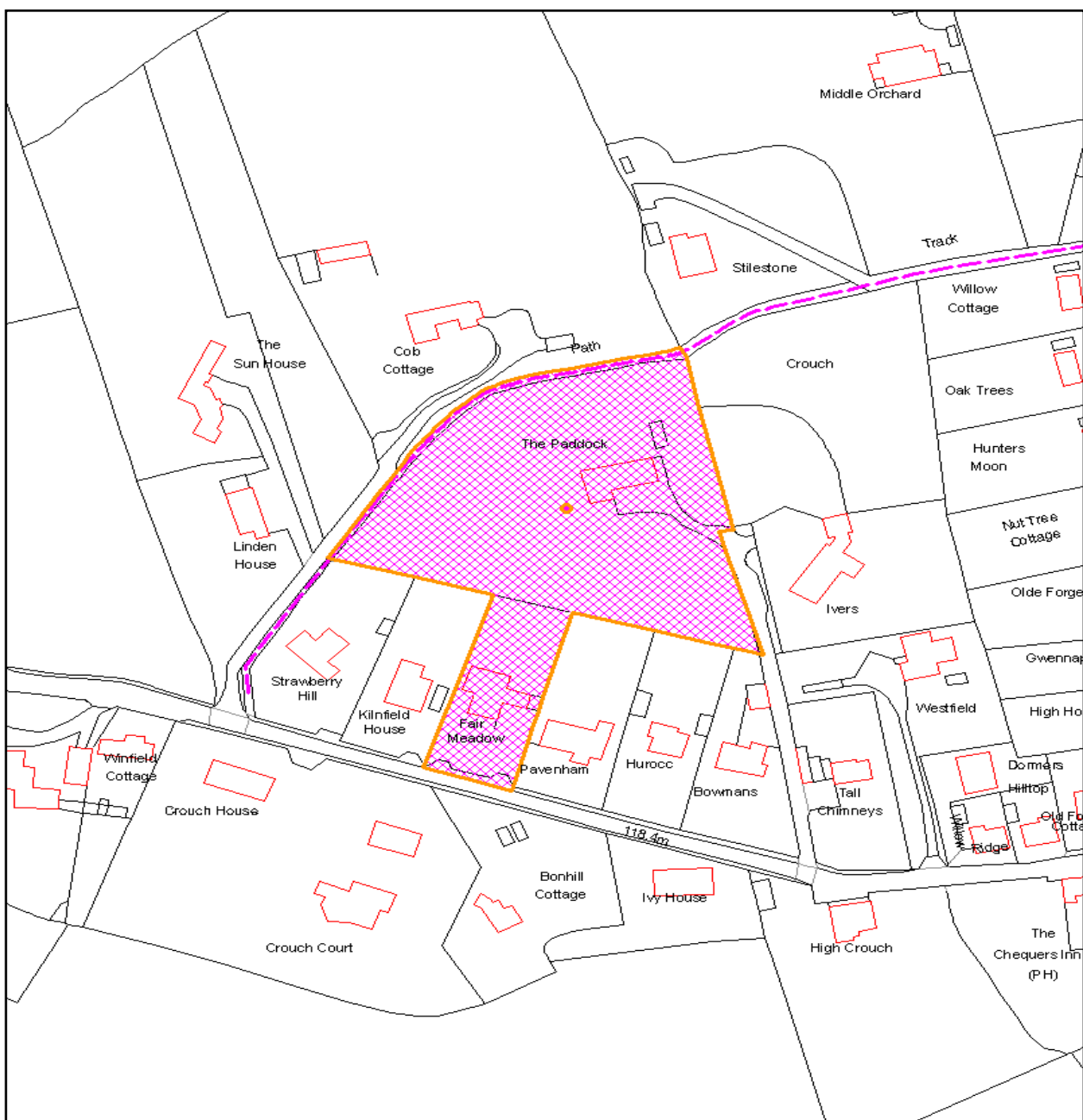
Contact: Rebecca Jarman

**TM/15/03520/RM**

The Paddock Basted Lane Crouch Sevenoaks Kent TN15 8PZ

Reserved matters application pursuant to conditions stated in paragraph 16 of outline planning permission TM/14/04268/OA (Demolition of existing dwelling and annexe (The Paddock) and erection of 4 detached houses. Demolition of existing garage (Fairmeadow) and formation of new access drive to Basted Lane) for details of appearance, landscaping and scale.

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**Trottscliffe**                      **564075 160314**    **3 November 2015**      **TM/15/03537/FL**  
Downs And Mereworth

Proposal:                      Demolition of redundant sheds and construction of new single storey dwelling house and garage. (Revised proposal following refused permission TM/15/00487/FL)

Location:                      Land Rear Of Cedar Bungalow Church Lane Trottscliffe West Malling Kent

Applicant:                      Mrs Vivienne Rogers

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## **1. Description:**

- 1.1 The application proposes the demolition of several redundant sheds to the rear of the former Cedar Bungalow site and the construction of a new, single storey, dwelling house and detached single bay garage.
- 1.2 The new dwelling is broadly speaking an L-shaped bungalow with a ground floor area of 140 sq. metres. It would have a pitched roof with an overall ridge height of 4.1 metres. No habitable accommodation is shown on the proposed plans within the roof space and, due to the size of the roof, it is unlikely that this could be achieved within the proposed building design.
- 1.3 A single bay garage, totalling some 21.6 sq. metres, is proposed to the north of the new bungalow. An area of parking and turning space would be located between the garage and eastern frontage of the bungalow, accessed via a roadway, leading past two (recently built) new dwellings (TM/14/02117/FL), from Church Lane.
- 1.4 The new dwelling and detached garage would be constructed from red stock facing bricks, with vertical stained timber boarding and slate roof tiles. The bungalow would have 3 bedrooms and have well-proportioned open plan kitchen/dining room and sitting room.
- 1.5 Externally, the dwelling would sit within a parcel of land to the north of the new dwellings and a further parcel of land is included with the curtilage to the north west of the new dwellings. The curtilage of the dwelling has increased during the application process to include all of the land to the north of the proposed bungalow within the applicant's ownership.
- 1.6 The application form indicates mains drainage.

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

- 2.1 At the request of Cllr Anne Kemp due to the complex history of the site.

**3. The Site:**

- 3.1 The application site lies to the north of the former Cedar Bungalow. The site originally comprised a dilapidated timber bungalow, which has since been demolished. Works have now finished for the construction of a pair of new semi-detached dwellings (TM/14/02117/FL); one of the dwellings is occupied.
- 3.2 The site lies almost entirely within the village settlement confines of Trottiscliffe, except for a small strip of land (approximately 2m in width) running along the north-eastern boundary. Similarly, it is also located almost entirely within the Trottiscliffe Conservation Area. It lies on a Water Gathering Area.
- 3.3 With the exception of several dilapidated corrugated metal sheds, which are understood to have been used in connection with the wider past horticultural use of the site, the application site is relatively open and forms a buffer between the village confines and the countryside.
- 3.4 The land to the north and north-east of the application site is open countryside, laid to grass/paddock and is designated as Metropolitan Green Belt. The entire site is located within the Kent Downs AONB; a land use designation that encapsulates both the surrounding countryside and the rural settlement confines of the village.
- 3.5 There are a number of Listed Buildings within the wider village, the closest to the application site being Trottiscliffe House. This is a Grade II Listed dwelling house located some 40 metres from the application site which shares the northern boundary of the application site.
- 3.6 The application site is accessed via a track-way; this is located between the eastern boundary of the new pair of semi-detached dwellings and the western boundary of Cheviots. The site is located approximately 50m north of the road frontage with Church Lane and some 70m south of Green Lane.
- 3.7 Views of the application site can be obtained from Green Lane, a narrow roadway and Public Bridleway leading to a limited number of dwellings. Generally land levels rise gradually in a northerly direction between Church Lane and Green Lane.

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

TM/12/00296/FL	Refuse	4 December 2012
	Appeal Dismissed	4 September 2013

Demolition of Cedar Bungalow and outbuildings and erection of 4 detached dwellings, landscaping and car parking

TM/12/00297/CA      Refuse      4 December 2012  
                                 Appeal Dismissed      4 September 2013

Conservation Area Consent: Demolition of Cedar Bungalow and outbuildings and erection of 4 detached dwellings, landscaping and car parking

TM/13/00075/FL      Refuse      16 April 2013

Demolition of detached dwelling and outbuildings and erection of 3 detached dwellings and associated works

TM/13/00076/CA      Refuse      16 April 2013

Conservation Area Consent: Demolition of detached dwelling and outbuildings

TM/13/00077/FL      Refuse      16 April 2013

Demolition of detached dwelling and outbuildings and erection of 2 detached dwellings and associated works

TM/13/00078/CA      Refuse      16 April 2013

Conservation Area Consent: Demolition of detached dwelling and outbuildings

TM/13/03625/FL      Refuse      30 May 2014  
                                 Appeal Dismissed      10 October 2014

Demolition of Cedar Bungalow and outbuildings and erection of 3 terraced dwellings, landscaping and car park

TM/14/02117/FL      Approved      14 August 2014

Demolition of Cedar Bungalow and outbuildings and erection of 2 semi-detached dwellings, landscaping and car parking

TM/15/00487/FL

Refuse

17 April 2015

Demolition of redundant sheds and construction of new single storey dwelling house and garage

**5. Consultees:**

5.1 PC: The Parish Council has no objection to the current application for the demolition of redundant sheds and construction of a single storey dwelling and garage, but would like to see a condition regarding the landscaping of the eastern boundary. They comment that the roof plan is incorrectly drawn and the land to the north should be incorporated into the garden to the new bungalow (amended plans have been received that address these two points).

5.2 Private Reps (16/0X/3S/6R) + Site/Press Notice. The following comments are raised:-

3 letters of support

- Support the proposal as the land will be maintained as opposed to becoming an area of unused wasteland.
- Recently approved applications in Ford Lane and Green Lane have been allowed so it seems logical that this application should be assessed and evaluated similarly.
- Occupants of new dwelling that overlook the site are keen to see the derelict outbuildings demolished and replaced with a bungalow of considered proportion and style. If approved it will enable the owners to maintain a higher standard of upkeep of the land surrounding the proposed property which is a positive. Currently it can look like scrub land with a derelict bunch of sheds upon it, not the area of outstanding natural beauty that Trottiscliffe is. Would ask that if there is any overlooking would ask for frosted glass in windows.
- This is a large field that is currently empty with no specific use; consider that it would be beneficial for a property to be built on the site as if left empty it may attract unofficial residents of a temporary nature.

6 letters of objection

- It would be harmful to the character of the conservation area and visually intrusive to the local distinctiveness of the Natural Beauty in the area; it does not address the previous grounds of refusal.
- The creeping development of this former smallholding should be resisted; there are 3.5 acres in the heart of the village that could be developed one house at a time.



- Had to endure the construction traffic on Church Lane with the two new dwellings that have been recently built; the thought of more development is very stressful.
- The design of the bungalow is acceptable but it is too close to the boundary of the new Cedar House and does not fit with the spatial character of the area; if placed further back would give a better degree of privacy. The dwellings in Ford Lane are nicely positioned so that they do not overlook each other.
- It is not considered that the loss of the tin out-buildings for a larger and different development will have a positive impact. It is considered that this view is not universally held – they are redolent of the history of their landscape being agricultural buildings. Their setting is not designated Previously Developed Land, they are a reminder of the rural nature of the area.
- Land to the north of the site should be incorporated into the development to ensure that it will not be developed in the future (revised plans have been received to this effect).
- TMBCS policy CP13 allows for new development if there is significant improvement to the character and functioning of the area or it is affordable housing – the proposed bungalow will not fulfil either of these requirements.
- Will affect the open views of the countryside, not been helped by the land owner ripping out the trees and erecting a metal fence. The proposed bungalow would erode the natural transition between settlement and the countryside.
- The proposal will be clearly seen from Green Lane as are the two recently built semi-detached properties on the site that already blight the view.
- Overdevelopment of the plot, urbanisation of this part of the village and a blurring of the boundary of the edge of the green belt. Commuted sums for the provision of affordable housing have been avoided.

## **6. Determining Issues:**

- 6.1 Policy CP1 of the TMBCS sets out the Council's overarching policy for creating sustainable communities. This policy requires, *inter alia*, that proposals must result in a high quality sustainable environment; the need for development to be balanced against the need to protect and enhance the natural and built environment; and that development minimises water and energy consumption on site. Furthermore, it recognises that development will be concentrated mainly on previously developed land and those at rural settlements where a reasonable range of services are available.

- 6.2 Policy CP13 of TMBCS allows for the new development within the confines of rural settlements such as Trottiscliffe. New development will be permitted within this settlement if there is some significant improvement to the appearance, character and functioning of the settlement; or is justified by an exceptional local need for affordable housing.
- 6.3 Policy CP24 of the TMBCS relates to achieving a high quality environment. This policy requires that development must be well designed, be of a suitable scale, density, layout, siting, character and appearance to respect the site and its surroundings.
- 6.4 As stated in paragraph 3.2 above, the application site is located almost entirely within the Trottiscliffe Conservation Area. The site forms the edge of the settlement boundary with open countryside (and Green Belt) land to the north and north-east. TMBCS Policy CP6 relates to development on the edge of settlements, stating that development will not be permitted on the edge of a settlement where it might unduly erode the separate identity of a settlement or harm the setting or character of a settlement when viewed from the countryside or from adjoining settlements.
- 6.5 The application site is located entirely within the Kent Downs Area of Outstanding Natural Beauty (AONB). 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. Paragraph 115 of the NPPF requires that LPAs give great weight to conserving landscape and scenic beauty within the AONB which have the highest status of protection in relation to landscape and scenic beauty. Policies CP1 and CP24 of the TMBCS, Policy SQ1 of the MDE DPD and paragraphs 17 and 56 to 66 in the NPPF require development to be of a high standard of design and to reflect the character of the area.
- 6.6 In terms of the impact on the Conservation Area it is also necessary to refer to paragraphs 131, 132, 133 and 137 of the NPPF; these outline the importance of heritage assets that includes Conservation Areas and Listed Buildings. It is outlined that development that leads to substantial harm to a heritage asset should be refused unless it can be justified that the harm is necessary to achieve substantial public benefits that would outweigh the harm. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset should be treated favourably. The statutory requirement to give special consideration as to whether a development will preserve or enhance the character and appearance of a Conservation Area is furthermore set down in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.7 MDE DPD Policy SQ8 states that, *inter alia*, development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

In this context the NPPF has a significant bearing; it is now clear that the nationally applied test in terms of highways impacts is that an impact must be “severe” in order for Highways and Planning Authorities to justifiably resist development on such grounds. Development proposals should comply with parking standards as set out in Kent Design Guide Review: Interim Guidance Note 3. In this instance the proposals meet the Council’s adopted standards which require two independently accessible spaces (excluding garages) in this village location. The proposals include ample space for off-street parking of several vehicles, exceeding the minimum requirement of two spaces.

- 6.8 Paragraph 17 of the NPPF seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The application site is not considered to constitute Previously Developed Land (PDL) since the definition of PDL contained in Annex 2 of the NPPF specifically excludes land that has been occupied by agricultural buildings. The existing corrugated metal sheds which currently occupy part of the application site are understood to have previously been erected/used in connection with the previous horticultural use of the site, whilst the remainder of the application site is undeveloped.
- 6.9 The most recent scheme for a bungalow on this site (reference TM/15/00487/FL) was refused on two grounds:-
- 1. The proposal would harm the character and appearance of the Trottiscliffe Conservation Area, contrary to the requirements contained in paragraphs 131, 132 and 137 of the National Planning Policy Framework 2012. Furthermore, there would be no public benefits of the proposal sufficient to overcome this harm, contrary to the advice contained in paragraph 134 of the National Planning Policy Framework 2012.*
  - 2. The proposals would not respect the local distinctiveness of the area, including the settlement confines of Trottiscliffe, and would, through its design and siting erode the edge of the settlement confines with the open countryside. The development would be contrary to Tonbridge & Malling Borough Core Strategy Policies CP1, CP6, CP13 and CP24, Tonbridge & Malling Borough Managing Development and the Environment Development Plan Document Policy SQ1 and paragraphs 17, 56, 57, 58 and 64 of the National Planning Policy Framework 2012.*
- 6.10 These grounds of refusal which related to the size, bulky form and suburban design and its siting at the edge of the settlement will now be considered in light of the revised proposal.
- 6.11 The application site lies within the Trottiscliffe Conservation Area (CA). Any development within this location should either preserve, or where possible, enhance the character and appearance of the CA. Whilst I am aware that there is no particular architectural or design style within the CA, I consider that the amended design of the proposed bungalow and detached single garage is of a

rural character and scale that is suitable for the CA setting. Accordingly, the proposal would preserve and enhance the character and appearance of the CA and the previous ground of refusal has been overcome.

- 6.12 It is accepted that the vast majority of the application site (except for a small strip along the eastern boundary) is within the defined village confines, as noted in previous planning application refusals (TM/12/00296/FL, TM/13/00075/FL, and TM/15/00487/FL) and in a dismissed Inspector's Appeal Decision (APP/H2265/A/13/2192734 which related to planning application TM/12/00296/FL) and the site forms an important visual buffer with a gradual transition between the settlement and the open countryside to the north and north-east. For this reason, any development on this site needs to be appropriate to this specific setting, paying particular attention to ensuring that there is no significant loss of openness or an urbanisation of the edge of the village, this being a key policy test set out in TMBCS Policy CP6.
- 6.13 In order to overcome the previous ground of refusal regarding the local distinctiveness of the area and the buffer between the settlement confines and the open countryside beyond, the bungalow design proposed has been altered and the dwelling resited within the plot. The bungalow has been reduced from that previously refused in both its footprint and elevational form. It now covers an area of approximately 140 sq. metres as opposed to the refused 178 sq. metres (reduction of nearly 25%) and has a lower roof with an overall ridge height of 4.1m with hipped ends as opposed to the gable ended larger roof of the refused design with an overall ridge height of 5.5 metres. Moreover the bungalow has been moved away from the eastern boundary by 8 metres as opposed to the 1.5 metre separation proposed with the previous scheme, and moved further south within the plot so it sits closer to the newly built semi-detached dwellings; the garage has been made smaller (a single as opposed to a double) and moved to the north of the bungalow, and the plot size has increased to include the land locked area to the west of the site. I am of the view that the bungalow design, together with the single detached garage, are now generally rural in their overall character and appearance and better related to this sensitive edge-of-settlement location. I therefore consider that this second ground of refusal from the last scheme has been overcome.
- 6.14 Within the application it is stated that there will be new native planting along the northern and eastern boundaries with traditional post and rail fencing. In order to soften the development into the wider landscape, an appropriate level of new planting (comprising a mix of native hedgerow and trees) would undoubtedly be beneficial and a suitable condition could be added.
- 6.15 In respect of TMBCS Policy CP13, this allows for new development within the settlement confines if there is some significant improvement to the appearance, character and functioning of the settlement; or is justified by an exceptional local need for affordable housing. The new bungalow proposed is not intended to meet

an exceptional local need for affordable housing. However, the application will result in the removal of the redundant tin sheds, the scheme has been designed to avoid any adverse effect on the amenities of the occupiers of adjoining dwellings, and the development is in keeping with the existing scale, character and pattern of development within the locality.

- 6.16 The proposed bungalow and its associated residential curtilage would be visible from Green Lane (which is also a Public Bridleway), and will be more prominent in the landscape than the existing dilapidated metal sheds which it would replace. However, due to the design and scale of the proposed development, I do not consider that it would now result in the erosion of the settlement with the countryside beyond leading to a reduction in open aspect and an urbanisation of the edge of the settlement boundary: Furthermore, I do not consider that it would be harmful to the setting of the settlement and the natural beauty of the AONB and therefore would comply with TMBCS Policies CP6 and CP7 and the advice contained in para. 115 of the NPPF.
- 6.17 I am satisfied that the bungalow would not have a detrimental amenity impact on surrounding residential properties (including those recently built on the former Cedar Bungalow site). The bungalow is of sufficient distance and is orientated in such a manner to avoid direct overlooking or result in an unacceptable overbearing impact on surrounding residential property.
- 6.18 I have had regard to the setting of Trottiscliffe House, a Grade II Listed Building located some 35+ metres to the north-west of the application site. In this respect, I am of the opinion that the proposed development would not be harmful to the setting of this heritage asset, sufficient to justify the refusal of planning permission in this instance.
- 6.19 As discussed above, I have concluded that the proposals are acceptable in parking terms since the proposals provide for a minimum of two independently accessible parking spaces (excluding garage spaces) within the application site. I am therefore satisfied that the proposals would not result in an increased demand for parking off-site (e.g. in Church Lane) which could lead to potential increased safety hazards. Furthermore, the resultant impact of one additional dwelling in this location would not result in a “severe” highways impact, sufficient to justify the refusal of planning permission in this instance when considered against the nationally applied test set out in para. 32 of the NPPF.
- 6.20 The proposals do not specifically detail the proposed surface material of the new vehicle access way that would lead to the dwelling. The existing access to the application site (and other land owned by the applicant beyond) currently comprise a low key agricultural track-way. Whilst the proposed surface finish could be secured by condition, it would be necessary to ensure that any new road way, turning and parking facilities are appropriately ‘rural’ in their character and

appearance and do not appear as dominant urbanising features. Subject to an appropriate rural design, I have no objections to this aspect of the proposals.

- 6.21 The application site and nature of the proposal is not of a sufficient scale to warrant affordable housing in this instance.
- 6.22 The application is accompanied by a Preliminary Ecological Appraisal for the site which concludes that, subject to the implementation of recommendations in respect of protecting slow worms and nesting birds during the construction phase, together with recommendations regarding external lighting (suitable for bats) and habitat enhancements, the proposals should not materially harm protected species. Having regard to the standing advice for protected species, I consider that any ecological matters could be reasonably secured by condition which would comply with Policy NE3 of the MDE DPD and paragraphs 117 and 118 of the NPPF.
- 6.23 I am satisfied that a number of other technical matters, including refuse facilities, boundary fencing, external lighting and levels, can be dealt with by appropriately worded planning conditions.
- 6.24 Due to the past horticultural storage uses of the site that may have caused pollution plus the risk of potential asbestos material in the sheds being removed, a suitable contamination condition is suggested. The site lies on a Water Gathering Area so the mains drainage also needs to be conditioned as that is the best option to safeguard the quality of groundwater in the light of the national PPG.
- 6.25 For the reasons outlined above, this application should be granted.

## **7. Recommendation:**

**Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 03.11.2015, Letter dated 09.11.2015, Ecological Assessment dated 09.11.2015, Ground Investigation Report dated 09.11.2015, Location Plan dated 05.01.2016, Drawing 01 C dated 05.01.2016, Drawing 4 C dated 05.01.2016 subject to the following:

### **Conditions**

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

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

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning

Authority, and the development shall be carried out in accordance with the approved details.

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

3. 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 dwelling shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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. 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, B, C and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To protect the rural distinctive character of this area.

6. There shall be no external lighting except in accordance with a scheme that has been submitted to and approved by the Local Planning Authority.

Reason: To protect the amenities of nearby dwellings and to protect bats in the area.

7. No development shall take place until details of finished floor, eaves and ridge levels compared to adjacent ground 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 visual amenity of the locality.

8. The development hereby approved shall be connected to the mains drainage system unless a scheme of alternative foul drainage has been submitted to and approved by the Local Planning Authority. Any approved scheme of foul drainage shall be implemented, retained and maintained on site at all times.

Reason: In the interests of groundwater quality.

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

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

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

Reason: In the interests of amenity and public safety.

10. The recommendations as set out in the Ecological Appraisal dated 15.11.2103 shall be undertaken and in line with a Natural England European Protected Species Licence. Works shall cease if any new evidence of protected species are found. Works shall not recommence until details of those additional measures have been submitted in writing to the Local Planning Authority.

Reason: In the interests of protected species and biodiversity and in accordance with Policy NE3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 118 of the National Planning Policy Framework 2012.

11. No development shall take place until details of the surface material of the access road 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 visual amenity of the locality.

### **Informatives**

1. During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday



to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Bank Holidays.

2. The disposal of demolition waste by incineration is contrary to Waste Management Legislation. No bonfires should be used at the site.
3. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
4. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
5. Tonbridge and Malling Borough Council 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.

Contact: Rebecca Jarman

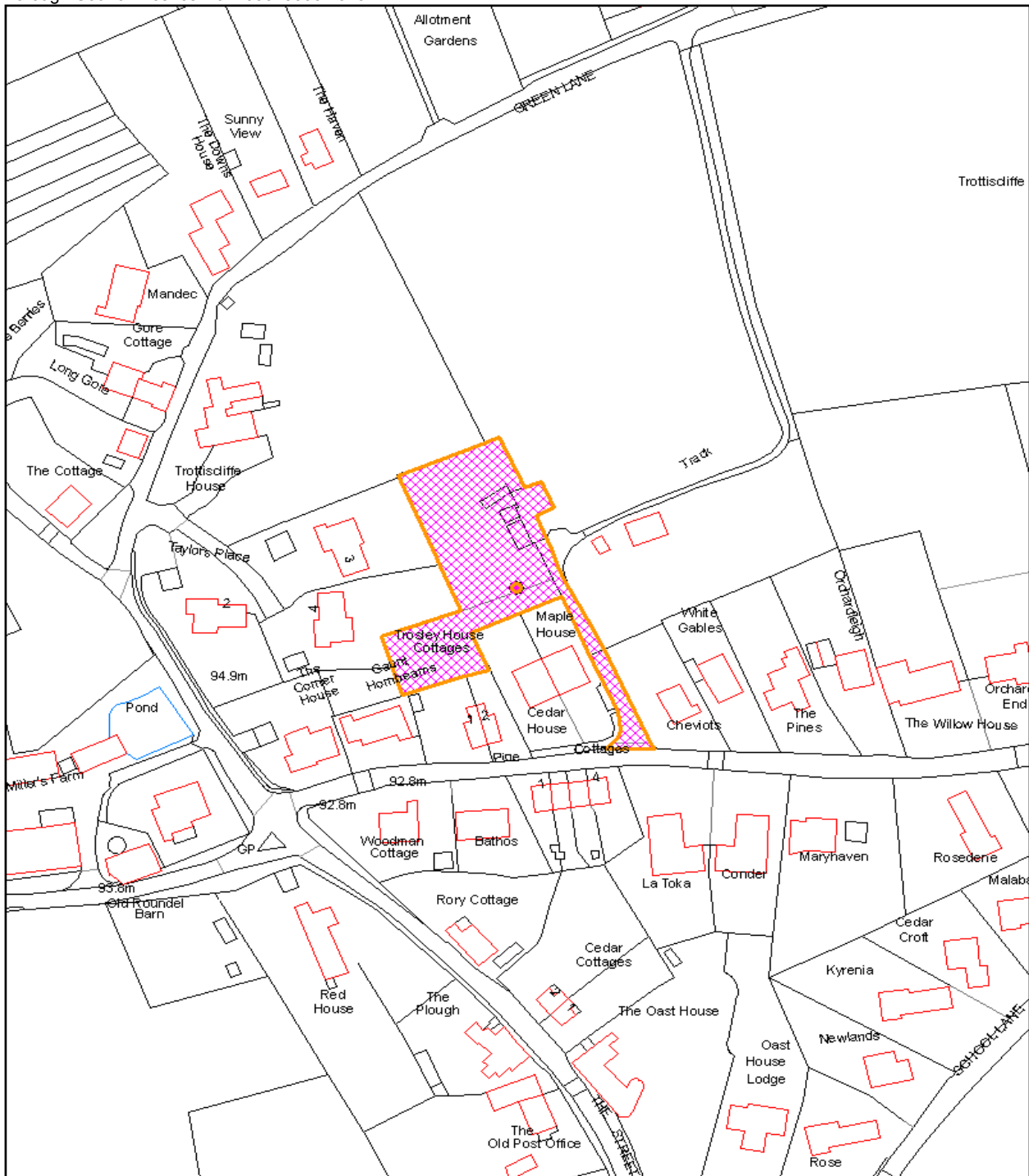
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**TM/15/03537/FL**

**Land Rear Of Cedar Bungalow Church Lane Trottiscliffe West Malling Kent**

**Demolition of redundant sheds and construction of new single storey dwelling house and garage. (Revised proposal following refused permission TM/15/00487/FL)**

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5.3 KCC (H+T): Access onto Birling Road existing. With regards to highway safety the access has good visibility and vehicle speeds are likely to be low at this point on Birling Road. Looking at the internal layout the proposal has adequate parking and turning facilities within the site.

**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 replacement of a building providing it is not materially larger than the one it replaces. Policy CP3 of the TMBCS requires proposed development within the Green Belt to comply with National Policy.

6.2 The dwelling to be demolished is of a modest size having a rectangular form. A single garage is also indicated to be on site however this was removed with the construction of the temporary access road. The replacement dwelling is to be sited in the same location as the one to be demolished and is also to be two storeys in height. The replacement dwelling is to be 10 metres long compared to 9.6 metres of the original however the replacement dwelling is to be L-shaped and therefore will be wider measuring 9.5 metres rather than 6.7 metres width of the original house. Although the replacement dwelling would be wider than the one it replaces I do not consider that it would be materially larger than what is currently on site and for that reason would be in accordance with Green Belt policy.

6.3 Policy CP14 of the TMBCS sets out to restrict inappropriate development in the countryside but allows for the one for one replacement or appropriate extension to an existing dwellinghouse. Taking into account the application proposes the one for one replacement of a dwelling and would not be considered inappropriate in the Green Belt I am of the view that the proposal would be in accordance with policy CP14.

6.4 More generally, SQ1 of the TMBC MDE DPD requires that proposed development of the area and where possible preserve or enhance the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape.

6.5 The original dwelling that is proposed to be replaced was formally the Lodge House for the Leybourne Grange. The dwelling is therefore modest in scale providing an open junction into the Leybourne Grange with the smaller side elevation of the building being visible from Birling Road. The proposed dwelling is to be wider than the dwelling removed with a large detached double garage being located to the north east of the dwelling adjacent to the northern boundary. This increase in the width of the building and the large double garage would increase the built form visible from Birling Road which that could impact on the openness of the junction that has been a character feature of the area.

- 6.6 The Landscaping works has already commenced around the Birling Road junction with a low level red brick wall built around the boundary to the south and east of the Lodge. In considering that the proposed replacement dwelling is to be located in the same location as the one it replaces and the detached garage is to be located on the northern boundary of the site in close proximity to the dwelling, I am of the view that although the built form would be increased it would not result in an unacceptable harm on openness of the junction to warrant refusal on these grounds.
- 6.7 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. The proposal is of a modern design which would be in keeping with a number of the dwellings within the wider area. The design and access statement outlines the materials to be used which are red/orange brick construction with stone coping and grey slate tiles. The proposal is of a generally good standard of design and would be in keeping with the character of the wider area.
- 6.8 With regards to the vehicular access, the applicant has stated that the existing access onto Birling Road is to be retained with the plans showing a single garage located to the east of the dwelling. Members will recall that the curtilage of the Lodge was used as a temporary access while works were being undertaken to the Leybourne Grange access from Birling Road. The information I have available would suggest that there has historically been an access from the Lodge onto Birling Road which I am to understand became overgrown prior to the works to extend the access to provide the temporary access road.
- 6.9 KCC(H+T) have commented with regards to the access and due to the good visibility and likely low vehicle speeds at this point of Birling Road have raised no objection from a highway perspective. Taking into account the information available that there has historically been an access from the lodge onto Birling Road I do not consider the proposal results in a severe highway safety risk in accordance with policy SQ8 of the TMBC MDE DPD.
- 6.10 The proposed double garage is to be located to the north boundary of the site and therefore would be in close proximity to the MR128 footpath. The boundary treatment to the north side of the site is sparse and therefore would provide little screening of the detached garage that is to be located directly on the boundary. Despite the proximity to the footpath given the limited eaves height of only 2.1 metres I do not consider that the garage would adversely impact on the footpath.
- 6.11 There is possible concern regarding the noise levels particularly due to the location of the development close to the A228. This application seeks permission for a replacement dwelling and as such does not seek to change the lawful residential use of the land. In considering that there is no change of use proposed

I do not think it is appropriate in this case to require detailed noise assessments to be undertaken. In addition to this an informative is suggested in relation to potential for asbestos discovered during demolition.

**7. Recommendation:**

**7.1 Grant Planning Permission** subject to the following conditions.

This was approved in accordance with the following submitted details: Site Layout SL-E.101 A (existing) dated 24.11.2015, Bat Survey dated 24.11.2015, Letter dated 24.11.2015, Planning Statement dated 24.11.2015, Ecological Assessment dated 24.11.2015, Existing Plans and Elevations EX-GARAGE.PE dated 24.11.2015, Existing Elevations EX-GATE.E101 dated 24.11.2015, Existing Floor Plans EX-GATE.P101 dated 24.11.2015, Proposed Plans and Elevations GAR.101 dated 24.11.2015, Elevations GATE-1328.E dated 24.11.2015, Floor Plan GATE-1328.P dated 24.11.2015, Design and Access Statement dated 24.11.2015, Location Plan LP.01 A dated 24.11.2015, Site Layout SL.101 A (prop) dated 24.11.2015,

**Conditions / Reasons**

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 approved plans, 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 existing building or 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. No development shall take place until details of any joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

5. Prior to first occupation of the dwelling, a scheme of external lighting shall be submitted to and approved by the Local Planning Authority. Any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenity of the rural landscape.

6. No development shall take place until a plan showing the proposed finished ground floor level and ridge level of the dwelling in relation to the surrounding ground levels has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved plan.

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

### **Informatives**

1. The development involves demolition and, owing to the likelihood of the buildings containing or being constructed of asbestos, the applicant should contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

Contact: Paul Batchelor

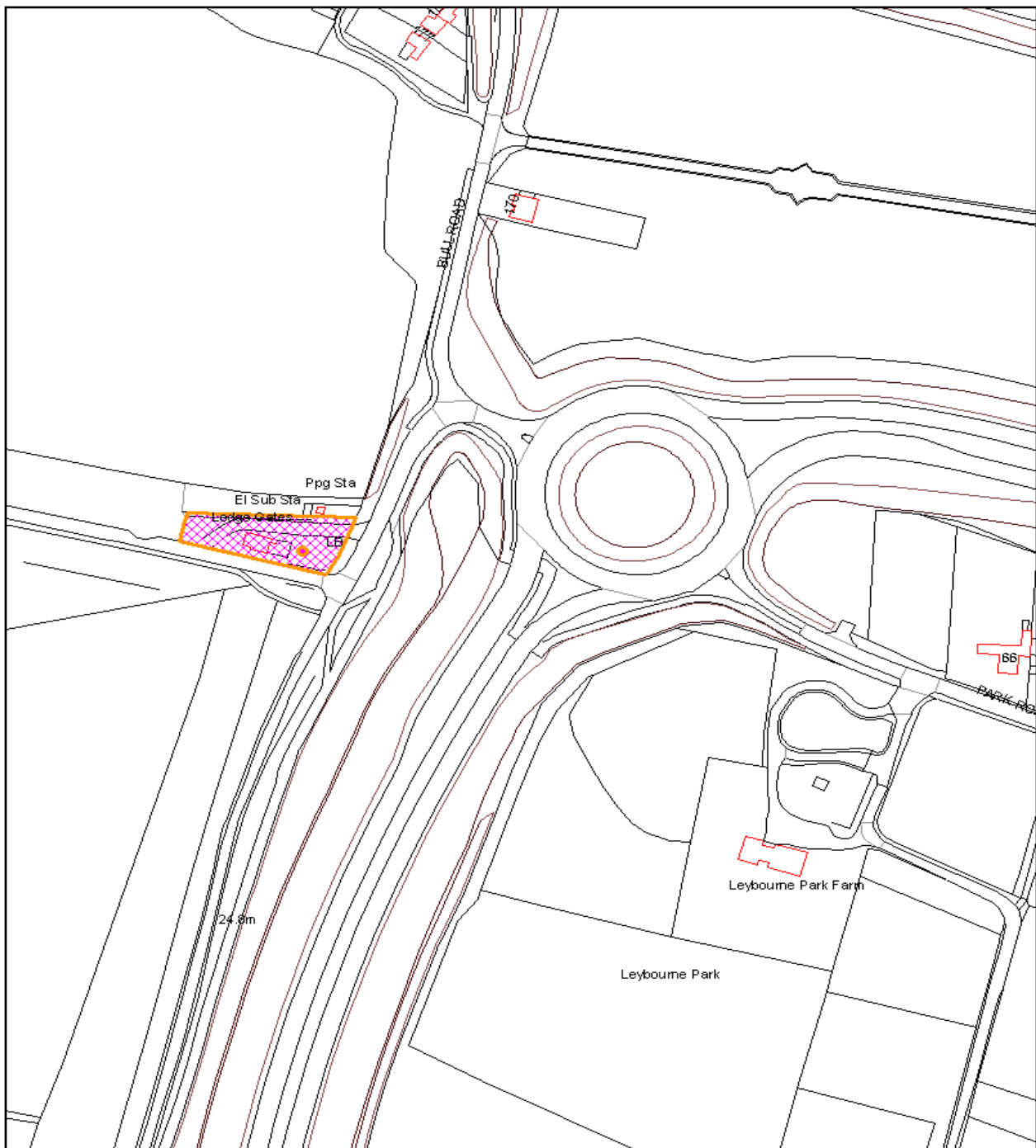
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**TM/15/03771/FL**

The Lodge Birling Road Leybourne West Malling Kent ME19 5HR

Demolition of existing dwelling and garage and construction of a replacement detached dwelling and garage

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## **Alleged Unauthorised Development**

**East Peckham**

**15/00347/WORKM**

**566789 148601**

Hadlow And East  
Peckham

Location: 5 and 7 Old Road East Peckham Tonbridge Kent TN12 5AT

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### **1. Purpose of Report:**

- 1.1 To report an alleged breach of planning control relating to the unauthorised construction of an extension to the building consisting of a roof and supporting structure on top of an existing wall allowed by planning permission TM/13/02336/FL (Retrospective application to raise balcony wall at rear of property by 1100mm and install fire escape from premises) to create a covered balcony above an existing single storey part of the building on the rear elevation of 5 and 7 Old Road.

### **2. The Site:**

- 2.1 The site is on the north eastern side of Old Road approximately 15 metres south of its junction with The Freehold. The property consists of a modern two storey building with Chinese take away and a Fish and Chip take away (5 and 7 Old Road respectively) on the ground floor and residential accommodation on the first floor that forms a house in Multiple Occupation. There is a shared car parking area to the rear which has access from Old Road by a roadway to the south east side of the building. There are residential properties that front onto The Freehold, which adjoin the parking area to the north and east.

### **3. History relevant:**

- 3.1 TM/68/10538/OLD Grant with Conditions 13 November 1968  
Use of unit 2 as a fried fish shop, erection of store at rear and a new shop front for W. H. Heal (Holdings) Ltd.

TM/02/02335/FL Grant with Conditions 10 February 2003  
Change of use from A1 to A3 AT 1 Old Road and provision of single storey rear extension to provide access link (to rear of 1, 5 and 7).

TM/03/03128/FL Grant with Conditions 23 December 2003  
Amendment to application TM/02/02335/FL to increase the width of the access link extension by 1172mm (approx.).

TM/13/02336/FL Approved 2 October 2013  
Retrospective application to raise balcony wall at rear of property by 1100mm and install fire escape from premises.

TM/15/03447/FL      Refused      21 December 2015  
Retrospective application for first floor covered balcony to the rear of first floor living accommodation.

**4. Alleged Unauthorised Development:**

- 4.1 Without planning permission, the unauthorised construction of an extension to the building consisting of a roof and supporting structure on top of an existing wall allowed by planning permission TM/13/02336/FL (Retrospective application to raise balcony wall at rear of property by 1100mm and install fire escape from premises) to create a covered balcony above an existing single storey part of the building on the rear elevation of 5 and 7 Old Road.

**5. Determining Issues:**

- 5.1 In 2013 a retrospective planning permission (TM/13/02336/FL) was granted to raise a low parapet wall to the roof of an existing single storey part of the building on the rear elevation by 1100mm to create a balcony and to install a series of timber fire escape stairs to provide a secondary means of escape for the occupants of the first floor residential accommodation. These works were installed under the requirements of the Housing Act 2004 – Housing Health and Safety Rating System (HHSRS).
- 5.2 This report relates to the installation of a lean-to felted roof structure on white painted timber supports that extends along the full width of the building to cover the balcony area at first floor level on the rear elevation. The structure has been constructed on top of the wall permitted by planning permission TM/13/02336/FL with the rafters of the new roof structure fixed to the fascia of the existing roof. There are two openings in the wall to allow access to the two sets of white painted timber fire escape stairways (also permitted by planning permission TM/13/02336/FL), which then merge to a single stair on top of the existing single storey link extension approved by planning permission TM/03/03128/FL to the ground floor.
- 5.3 The retention of the structure is unacceptable in planning terms because its height, bulk and proximity to The Freehold cause harm to the character, appearance and residential amenity of the area. The development is clearly visible from The Freehold and its contrived design has a detrimental impact on the character and visual amenity of the street scene. In addition to it being overbearing to neighbouring properties and their gardens, the overlooking from the elevated covered/enclosed balcony area into the small private amenity areas of 2A The Freehold is unacceptable. The enclosure of the balcony area to effectively create a partially enclosed room means that it will be used more frequently and the feeling of loss of privacy is significant. The intervening distance between the enclosure and the amenity area of that property is such that it is confined to the same side as the unauthorised structure. In the light of these concerns retrospective application TM/15/03447/FL was refused planning permission on 21 December 2015.

5.4 The extension was constructed in September 2015 and therefore within the last four years. The siting, design, form and bulk of the covered balcony extension is detrimental to the character, appearance and visual amenities of the area and is therefore contrary to Policies CP1 and CP24 of The Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Managing Development and the Environment Development Plan Document 2010. In addition the siting, design, form and bulk of the covered balcony extension is detrimental to the amenities of the residents of the adjoining property, 2A The Freehold, by reason of being overbearing, harmful to their outlook and increased loss of privacy. It is therefore contrary to Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007. The imposition of planning conditions will not overcome the detrimental effects on amenity of make the development acceptable. In these circumstances it is considered appropriate to take enforcement action to secure the removal of the unauthorised development.

**6. Recommendation:**

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

Contact: Gordon Hogben

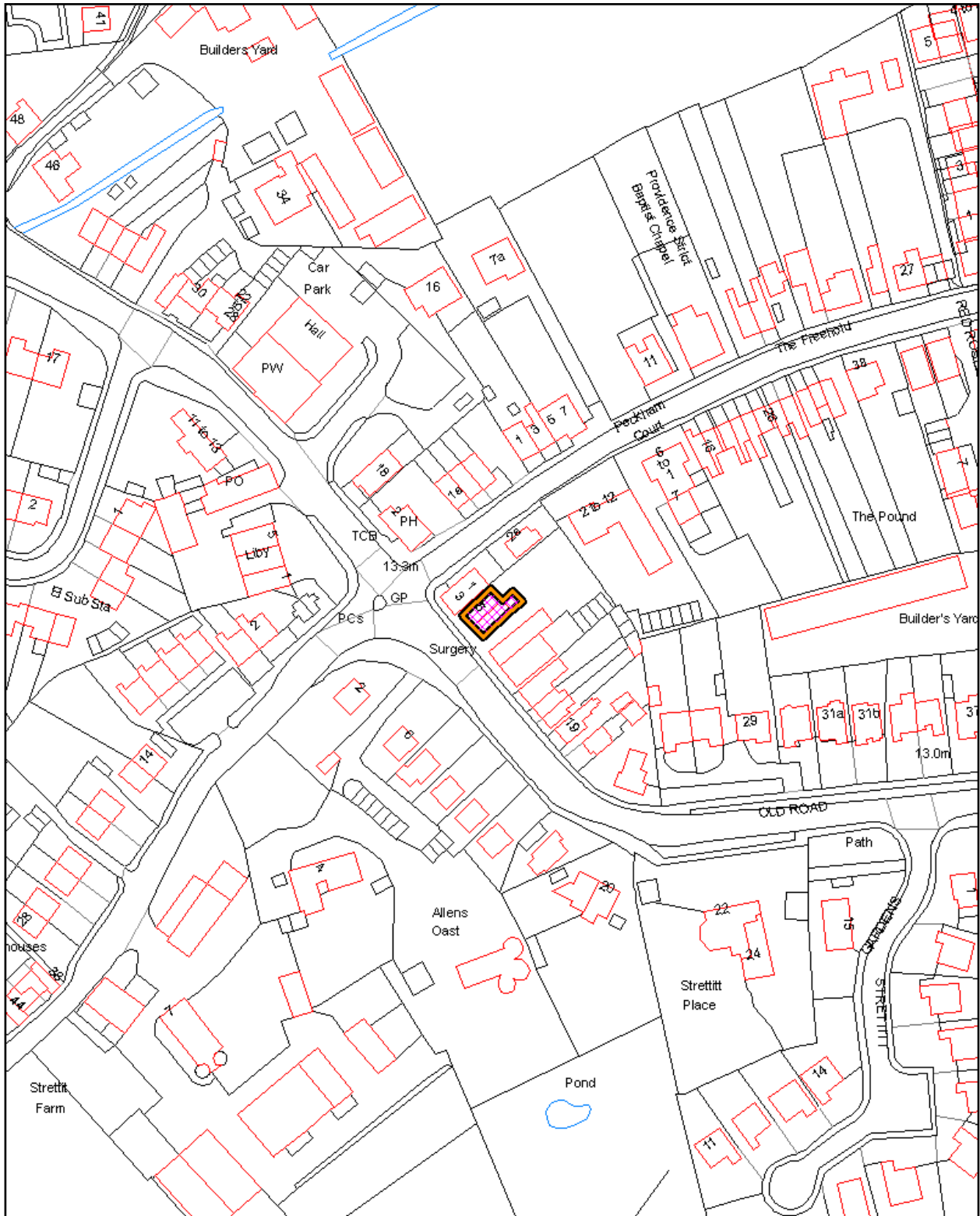
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# Agenda Item 10

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

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

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