

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

Contact: Committee Services
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23 February 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, 2nd March, 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

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To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 27 January 2016

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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

10. Urgent Items

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

MEMBERSHIP

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

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

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 27th January, 2016

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 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 and Cllr T B Shaw

Councillors O C Baldock, V M C Branson, M Parry-Waller and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R P Betts and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 16/1 DECLARATIONS OF INTEREST

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

However, Councillor Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council.

AP2 16/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 16 December 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 16/3 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the prerequisites, 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 16/4 TM/15/03520/RM - THE PADDOCK, BASTED LANE, CROUCH

Reserved matters application for appearance, scale and landscaping plus details pursuant to conditions 04 (materials), 05 (slab levels), 06 (landscaping), 15 (Construction Method Statement), 16 (Ecology) 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) at The Paddock, Basted Lane, Crouch.

Members noted an amended description as follows:

- Reserved matters application for appearance, scale and landscaping plus details pursuant to condition 04 (materials), 05 (slab levels), 06 (landscaping), 15 (Construction Method Statement); 16 (Ecology) *and amendment to layout regarding the house on plot 4 (condition 03)* of outline planning permission TM/14/04268/OA (Demolition of existing dwelling and annex (The Paddock) and erection of 4 detached houses. Demolition of existing garage (Fairmeadow) and formation of new access drive to Basted Lane).

Updated plans list as necessary in regard to relocation of plot 4.

RESOLVED: That approval regarding reserved matters be delegated to officers. Officers to seek amendments of northwards 2m re-siting of plots 1 and 4, plot 1 garage outside the root protection zone of Sycamore tree (T38) and removal of condition on tree roots and additional conditions on levels and amend description and plans if necessary; subject to

- (1) Condition 1 set out in the main report of the Director of Planning, Housing and Environmental Services to minimise the effect of overlooking onto adjoining property.

- (2) Additional Condition:

2. No development shall take place until a plan showing the proposed finished floor eaves and ridges of the dwellings in relation to the existing levels of the site and adjoining land have been submitted to and approved the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

[Speakers: Mrs P Darby for Platt Parish Council; Mr R Risley and Mr N Sealey – Members of the public and Mr P Hadley – agent]

AP2 16/5 TM/15/03537/FL - LAND REAR OF CEDAR BUNGALOW, CHURCH LANE, TROTTISCLIFFE

Demolition of redundant sheds and construction of new single storey dwelling house and garage. (Revised proposal following refused permission TM/15/00487/FL) at land rear of Cedar Bungalow, Church Lane, Trottiscliffe.

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 Condition:

12. No development shall commence until a plan has been submitted to and approved by the Local Planning Authority showing the extent of the residential garden curtilage.

Reason: To protect the openness of the Green Belt.

[Speakers: Mr D Swain and Mr J Bennett – Members of the public and Mrs V Rogers – applicant]

AP2 16/6 TM/15/03771/FL - THE LODGE, BIRLING ROAD, LEYBOURNE

Demolition of existing dwelling and garage and construction of a replacement detached dwelling and garage at The Lodge, Birling Road, Leybourne.

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 Conditions:

3. The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting seasons following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning 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.

4. No development (with the exception of demolition) 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.

6. No development (with the exception of demolition) 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.

(2) Additional Condition:

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no wall, fence or means of enclosure exceeding 600mm in height measured from ground level shall be constructed forward of the principal elevation of the dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of rural visual amenity.

(3) Additional Informative:

2. Details submitted for Condition 2 above will be expected to better reflect those of the existing dwelling and omit the stone quoins.

[Speaker: Mr R Jones – agent]

AP2 16/7 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00347/WORKM - 5 AND 7 OLD ROAD, EAST PECKHAM

The Director of Planning, Housing and Environmental Health reported 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.

RESOLVED: That 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.

AP2 16/8 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.00 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
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

Borough Green **560851 157593** **25 September 2014** **TM/14/02992/FL**
Borough Green And
Long Mill

Proposal: Demolition of the existing Geographers A-Z buildings on the site and for the erection of 41 residential units with associated car parking, access, footways, associated infrastructure works, and landscaping
Location: A To Z Geographers Ltd 173 - 199 Fairfield Road Borough Green Sevenoaks Kent TN15 8PP
Applicant: Fernham Homes

1. Description:

- 1.1 Members may recall that at the A2PC meeting of 10 December 2014 the Committee resolved to grant planning permission for this application for redevelopment of the A to Z Geographers site. A copy of the original committee report is annexed here. The proposal is for the demolition of the printing works and ancillary offices/storage buildings (Class B2) and redevelopment of the site for residential use, proposing 41 dwellings in total made up of 3 x 2-bedroom, 19 x 3-bedroom, 8 x 4-bedroom and 2 x 5-bedroom houses, and an apartment block of 9 x 2-bedroom flats. The resolution was subject to a S106 agreement for an open space provision, a contribution for KCC Community facilities and an on-site affordable housing provision which comprised 16 affordable units (39%).
- 1.2 Further site investigations since the resolution have revealed that the site is much more heavily contaminated than first thought. The cost of remediating the site has therefore increased which in turn has affected the viability of the scheme. The applicant has therefore submitted a viability assessment for consideration, prepared by "Affordable Housing 106", which seeks to demonstrate that it is not viable for the development to provide an affordable housing provision.
- 1.3 Additional information has also been submitted, including a Site Investigation and Risk Assessment Report (Southern Testing, June 2015), Remediation Method Statement (Vertase FLI, July 2015), Gas Monitoring Report (Southern Testing, January 2016), Asbestos Risk Assessment and Plan of Work (July 2015), a Proposed Levels Plan and a Drainage Plan.
- 1.4 The applicant also proposes to amend the wording of a number of conditions on the original resolution to both reflect the additional information submitted and to assist in delivering the scheme by enabling demolition work, site clearance and remediation works to get underway as expediently as possible.

2. Reason for reporting to Committee:

- 2.1 The applicant has submitted revisions to the scheme that require endorsement from the Committee.

3. Consultees:

3.1.1 EA (Re-consultation): We note that the preliminary site report or phase 1 investigation has been carried out in line with relevant guidance. We also confirm receiving the Site Investigation and Risk Assessment Report written by Southern Testing, dated June 2015 (Reference J12188) and the Remediation Method Statement written by Vertase FLI, dated July 2015 (Reference 1621FER-RMS-A) and consider these parts of the condition to be discharged. The reported actions and analysis of risks and liabilities detailed in the submitted site investigation report are agreed in principle as being in accordance with relevant guidance and good practice. The Groundwater Risk Assessment detailed in Section 28 is satisfactory. The proposals for remediation works described in the Remediation Method Statement are also acceptable. We look forward to receiving the Verification Report. We have no objection to the proposed development but would like to reiterate our previous conditions from our response KT/2014/119010/02-L02 dated 24 November 2014.

4. Determining Issues:

4.1 Additional Determining Issues since December 2014 as follows:

Viability/Affordable Housing

- 4.2 Paragraph 173 of the NPPF (Ensuring viability and deliverability) advises that “to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”
- 4.3 The viability assessment submitted by the applicant which seeks to demonstrate that it is not viable for the applicant to provide any affordable housing provision for the development has been reviewed by Council’s economic appraisal consultant, BPS Chartered Surveyors.
- 4.4 It was considered that the benchmark value, sales values and ground rental income figures applied for the appraisal reflected market evidence but the costs applied have been overstated. Notwithstanding this, it was concluded that the scheme, even allowing for variations in assumptions, cannot generate a profit in excess of 15% which represents a shortfall on a typical developer return and therefore the scheme cannot viably deliver affordable housing.
- 4.5 However the shortfall was considered to be at a level where it may be commercially viable for the developer to “risk” proceeding with the development. The developer may either delay implementation in anticipating improvement in the market or is anticipating net unit price increases. It has therefore been suggested

that a review of outturn viability should be considered as part of any S106 agreement to establish whether the scheme can deliver an in lieu payment.

- 4.6 In light of the above conclusions, I consider that it has been satisfactorily demonstrated that in order for the development to be viable and deliverable, given the normal costs of mitigation, provision of affordable housing should not be required in this specific case. Given the complex nature and uncertainty surrounding reviews of outturn viability and in lieu payments within S106 agreements, I do not consider that this is worth pursuing overall. I consider this to be in accordance with paragraph 173 of the NPPF.

Site Investigation/Remediation

- 4.7 The EA has reviewed the Site Investigation and Risk Assessment Report and Remediation Method Statement submitted on 28 October 2015 and advised that these are sufficient to discharge the relevant parts of the required remediation strategy to deal with the risks of contamination of the site. The reported actions and analysis of risks and liabilities and the Groundwater Risk Assessment detailed in the Site Investigation and Risk Assessment Report were considered to be satisfactory and the proposals for remediation works as outlined in the Remediation Method Statement deemed acceptable. A verification report demonstrating completion of the works set out in the remediation scheme and the effectiveness of the remediation scheme will be required to be approved by the Local Planning Authority prior to occupation of the development. The conditions relating to land contamination have therefore been revised to reflect this.

Levels/Drainage Plans

- 4.8 A Proposed Levels Plan and Drainage Plan have been submitted. Proposed finished floor levels of the dwellings and finished ground levels are shown to relate well to existing surrounding ground levels and therefore are acceptable. The drainage plan shows foul water directed to the mains sewer and surface water directed to interceptors and soakaways which is considered to be satisfactory. The conditions relating to these aspects of the development can be amended accordingly.

Amended Conditions

- 4.9 To enable the establishment of a contractor's compound, demolition of the buildings, clearance and remediation of the site, the applicant has requested changes to the wording of some of the conditions to ensure that such works can commence without delay. I consider these changes to be entirely appropriate to assist in delivering the development.
- 4.10 The applicant has in good faith added an extra condition which relates to the submission of a demolition and construction method statement. This is currently

being prepared and it is envisaged that this can be added to the application details prior to the Committee Meeting.

- 4.11 I am therefore satisfied that the proposed development, as amended, accords with the relevant provisions of the Development Plan and NPPF, and therefore it is recommended that Members resolve to approve the application.

5. Recommendation:

- 5.1 **Grant Planning Permission** in accordance with the following submitted details: Letter received 03.09.2014, Ecological Assessment 6456.PEA.VF received 03.09.2014, Transport Statement SEH/10335 received 03.09.2014, Contaminated Land Assessment 13873/SGIR Phase 2 received 03.09.2014, Air Quality Assessment 34036R1 received 03.09.2014, Archaeological Assessment SH/DH/17680 received 03.09.2014, Design and Access Statement received 03.09.2014, Flood Risk Assessment 5194/001/R001 received 03.09.2014, Planning Statement received 03.09.2014, Sustainability Report received 03.09.2014, Letter received 25.09.2014, Other Drawing register received 25.09.2014, Location Plan 081308-FER-06B received 25.09.2014, Proposed Elevations 081308-FER-AA-E1 received 25.09.2014, Proposed Elevations 081308-FER-AA-E2 received 25.09.2014, Proposed Elevations 081308-FER-AA-E3 received 25.09.2014, Proposed Elevations 081308-FER-AA-E4 received 25.09.2014, Proposed Floor Plans 081308-FER-AA-P1 received 25.09.2014, Proposed Elevations 081308-FER-A-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-A-P1 received 25.09.2014, Proposed Elevations 081314-FER-B1-E1 received 25.09.2014, Proposed Elevations 081308-FER-B1-E2 received 25.09.2014, Proposed Elevations 081308-FER-B1-E3 received 25.09.2014, Proposed Elevations 081308-FER-B1-E4 received 25.09.2014, Proposed Floor Plans 081308-FER-B1-P2 First received 25.09.2014, Proposed Floor Plans 081308-FER-B1-P3 Second received 25.09.2014, Proposed Elevations 081308-FER-B-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-B-P1 received 25.09.2014, Proposed Elevations 081308-FER-C-E1 received 25.09.2014, Proposed Plans and Elevations 081308-FER-CP01 carport and bin store received 25.09.2014, Proposed Floor Plans 081308-FER-C-P1 received 25.09.2014, Proposed Plans and Elevations 081308-FER-CS01 cycle and bin store received 25.09.2014, Proposed Plans and Elevations 081308-FER-CS02 cycle store received 25.09.2014, Proposed Elevations 081308-FER-D-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-D-P1 received 25.09.2014, Proposed Elevations 081308-FER-E-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-E-P1 received 25.09.2014, Proposed Elevations 081308-FER-F-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-F-P1 received 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR01 garage received 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR02 garage received 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR03 garage received 25.09.2014, Proposed Elevations 081308-FER-H-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-H-P1

received 25.09.2014, Proposed Floor Plans 081308-FER-H-P2 received 25.09.2014, Cross Section 081308-FER-SEC01 A received 25.09.2014, Cross Section 081308-FER-SEC02 A received 25.09.2014, Street Scenes 081308-FER-SS01 A received 25.09.2014, Street Scenes 081308-FER-SS02 A received 25.09.2014, Artist's Impression 081308-FER-PER01 received 25.09.2014, Landscaping RD1533-L-GA-0001 A received 25.09.2014, Landscaping RD1533-L-GA-0002 A received 25.09.2014, Contaminated Land Assessment 13873/DS Phase 1 received 24.10.2014, Other DRAWING REGISTER received 13.11.2014, Site Layout 081308-FER-01B received 13.11.2014, Proposed Layout 081308-FER-02C Information received 13.11.2014, Proposed Layout 081308-FER-03B Storey height received 13.11.2014, Proposed Layout 081308-FER-05B Dwelling Types received 13.11.2014, Proposed Floor Plans 081308-FER-B1-P1 A received 13.11.2014, Plan 10335-T-01 P3 received 13.11.2014, Plan 10335-T-02 P3 received 13.11.2014, Plan 10335-T-03 P2 received 13.11.2014, Plan 10335-T-04 P2 received 13.11.2014, Artist's Impression received 09.12.2014, Email DRAINAGE/WHEELCHAIR ACCESS received 09.12.2014, Contaminated Land Assessment SFP/MS/J12188 received 16.04.2015, Letter Southern Testing received 16.04.2015, Email received 28.10.2015, Letter received 28.10.2015, Drawing 1002 P3 PROPOSED LEVELS PLAN received 28.10.2015, Drainage Layout 500 P6 received 28.10.2015, Report 1621FER-RMS-A REMEDIATION STATEMENT received 28.10.2015, Assessment 1621FER-POW-A ASBESTOS received 28.10.2015, Report J12188 SITE INVESTIGATION _ RIS received 28.10.2015, Viability Assessment received 28.10.2015, Report J12188 GAS MONITORING received 14.01.2016, Email received 16.02.2016, subject to:

- the applicant entering into a legal agreement in respect of
 - Open space provision
 - Contribution to KCC Community facilities
- 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 The site and development shall be undertaken in accordance with the demolition/construction method statement hereby approved. The following shall be implemented and available for use prior to commencement of demolition or remediation operations on site:

- (a) Contractor's compound;
- (b) Parking for site personnel, contractors vehicles and equipment; and
- (c) Wheel washing facilities.

Reason: To protect the amenity of neighbouring properties and in the interests of public health and highway safety.

- 3 No development, except for site set up, the establishment of a contractor's compound, demolition and site clearance and site remediation works, 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 of the area or visual amenity of the locality.

- 4 The development shall be carried out in strict accordance with the levels shown on the Proposed Levels Plan (Drawing No.1002-P3) hereby approved.

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

- 5 The Alternative Ground Floor Plan that provides wheelchair accessibility for the apartment block proposed on Drawing No.081308-FER-B1-P1A received 13.11.2014 shall be implemented as part of the approved scheme prior to first occupation of the dwellings for which they relate, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide appropriate residential facilities for wheelchair users.

- 6 No development, except for site set up, the establishment of a contractor's compound, demolition and site clearance and site remediation works, shall take place until a noise assessment report that includes a scheme for protecting the proposed buildings from noise from the nearby railway, classified highway and quarry has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the residential amenity of the new development.

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

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

- 8 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 9 No building shall be occupied until the area shown on the submitted layout as vehicle parking space for the dwellings has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 10 The scheme of soft landscaping shown on drawing no. RD1533-L-GA-0002A hereby approved shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning 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.

- 11 No building shall be occupied until details of the proposed block paving, hard surfacing to driveway areas and boundary fencing or other such boundary treatment have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and 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: To protect and enhance the appearance and character of the site and locality.

- 12 The area shown on the approved plan as LAP (Local Area for Play) shall be laid out and made available for use within three months of first occupation of the development, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure the timely availability of play area for the recreational needs of the residents.

- 13 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal telephone services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 14 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development, except for site set up, the establishment of a contractor's compound, demolition and site clearance and site remediation works, shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security, crime prevention and community safety.

- 15 No building shall be occupied until dropped kerb crossings with tactile paving are provided across the main site access, on the eastern side of the main site entrance on Fairfield Road and to the west of the access to the private drive of Plots 23-25.

Reason: In order to improve accessibility for the mobility impaired.

- 16 No dwelling shall be occupied until foul and surface water systems have been installed to the satisfaction of the Local Planning Authority as advised by the relevant adoption authority.

Reason: To prevent pollution of ground water.

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

Reasons: To protect groundwater.

- 18 Prior to commencement of construction of the dwellings hereby approved, the site shall be remediated in accordance with the following details hereby approved:

- (a) Remediation Method Statement (ref.1621FER-RMS-A) dated July 2015, prepared by Vertase FLI; and
- (b) Site Investigation and Risk Assessment Report (ref.J12188) dated 30th June 2015, prepared by Southern Testing.

Reason: In the interests of amenity and public safety.

- 19 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To protect groundwater.

- 20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect groundwater.

Informatives

1. The applicant is encouraged to contact Network Rail to discuss the impact of demolition/construction traffic on use of the bridge over the railway to the south of the Fairfield Road/Wrotham Road junction
2. The applicant is encouraged to contact the Environmental Protection team of the Borough Council to discuss working hours and impact of piling on nearby residential properties.

Contact: Mark Fewster

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Report from 10 December 2014

Borough Green **560851 157593** **25 September 2014** **TM/14/02992/FL**
Borough Green And
Long Mill

Proposal: Demolition of the existing Geographers A-Z buildings on the site and for the erection of 41 residential units with associated car parking, access, footways, associated infrastructure works, and landscaping

Location: A To Z Geographers Ltd 173 - 199 Fairfield Road Borough Green Sevenoaks Kent TN15 8PP

Applicant: Fernham Homes

1. Description:

- 1.1 The proposed development consists of the demolition of the printing works with ancillary offices/storage (Class B2) and redevelopment of the land for residential purposes. The new development is to provide 41 dwellings in total comprising 3 x 2-bedroom, 19 x 3-bedroom, 8 x 4-bedroom and 2 x 5-bedroom houses, and an apartment block of 9 x 2-bedroom flats.
- 1.2 The dwellings are arranged in a mix of detached, semi-detached and terraced houses and an apartment block. The houses are to be 2 storeys in scale, with some units having second floors accommodated in the roof space. The apartment block is to be 3 storeys high.
- 1.3 The proposed affordable housing provision totals 16 dwellings comprising 9 x 2-bedroom flats for Affordable Rent (but not maximised to 80 per cent of local private rents) (the apartment block) and 7 x 3 bedroom houses for Shared Ownership (there is potential for some units to be available for wheelchair users).
- 1.4 The layout of the development provides 2 small groups of terraces, a pair of semi-detached dwellings, a detached dwelling and the standalone apartment block across the front of the site with one of the terrace buildings facing side on to Fairfield Road. A new internal road will extend to the northwest from Fairfield Road, bending around to the south where it forms a cul-de-sac. All of the dwellings within the rear 2/3 of the site front the new access road providing relatively linear residential plots that back onto the perimeter boundary of the site. A children's Local Area for Play (LAP) is to be provided within the front southwest corner of the site adjacent to Fairfield Road itself. A private secondary access will run down the east side of the play area to a parking area for 7 terraced dwellings.
- 1.5 The buildings are to be relatively traditional in form and design. The two storey dwellings would have an eaves height of between 5 - 5.4m and ridge heights of between 8.1 - 9.7m. The 3 storey apartment block would have an eaves height of about 7.4m and a ridge height of 11.4m. External materials are to consist of a

mixture of red face brick, clay hanging tiles and white weather boarding to walls, artificial slate and clay tiles to roofs, UPVC double glazed windows and timber doors.

- 1.6 Parking for the affordable units (houses and apartment block flats) is to be in the form of open spaces within two communal parking areas. A mix of detached and integral garages and carports and associated open parking totalling 87 spaces are proposed.
- 1.7 Details of soft and hard landscaping have been submitted as well as plans showing the swept paths for refuse freighters and fire service vehicles.
- 1.8 A Transport Statement, Ecological Appraisal Report, Phase I Desk Study Report and Phase II Ground Investigation Report, Air Quality Assessment, Archaeological Desk Based Assessment, Level 1 Flood Risk Assessment, and a Sustainability Statement have also been submitted, along with a Design and Access Statement and Planning Statement.

2. Reason for reporting to Committee:

- 2.1 The application has been called in to Committee by Councillor Taylor due to the development being contrary to Development Plan policy

3. The Site:

- 3.1 The application site is located on the north side of Fairfield Road about 60m to the west of Wrotham Road (A227), in Borough Green. It comprises an area of approximately 1 hectare and contains a 2-storey rectangular office building situated relatively centrally on the site with a large printing works/warehouse to its west side. Large parking areas cover the southern and eastern sections of the site with the area to the rear of the buildings and access road down the western side of the works consisting mainly of concrete hardstanding. The premises were occupied by Geographers A-Z Map Company Limited from the early 1990s until quite recently when they relocated to Dunton Green in Sevenoaks.
- 3.2 The level of the land slopes down from east to west and the ground level of the application site has been altered in the past to provide a relatively flat site. The site is enclosed by a palisade steel security fencing across the front boundary with a mix of close-boarded fencing, hedges and mature and semi-mature trees along the side and rear boundaries.
- 3.3 Residential properties consisting of small groups of terraced dwellings back on to the western boundary of the site. Areas of woodland lie to the north and an area of countryside land separates the site from a small number of detached dwellings to the east that front Wrotham Road. Commercial premises lie to the south across Fairfield Road.

3.4 The site is within the settlement confines of Borough Green and relatively close to the centre of the settlement. An Area of Archaeological Potential (AAP) extends across the southern half of the site. The Metropolitan Green Belt (MGB) lies immediately to the north and east. The site is also within a Water Gathering Area. The site is designated in the Council's 2008 DLADPD as Safeguarded Employment Land - E1(o).

4. Planning History (selected):

TM/64/10897/OLD grant with conditions 23 March 1964

Factory, office and access road, for Messrs. Novello & co. (as amended by plan forwarded with letter dated 10th March 1964).

TM/69/10877/OLD grant with conditions 9 June 1969

Extension to form additional productions, canteen and office area, for Novello & Co. Ltd.

TM/89/10063/FUL grant with conditions 6 December 1989

Demolition of existing premises and erection of Class B1 'High Tech'/Light Industrial Development with associated parking facilities.

TM/90/10615/FUL grant with conditions 4 December 1990

Refurbishment of existing factory/storage building. Demolition of existing office buildings and construction of two storey office/ancillary building.

5. Consultees:

5.1 PC: The Parish Council objects to the proposed development for the following reasons:

- The development would result in the loss of employment land that would be a departure from the Local Development Framework.
- The speculative development would represent a departure from all recent Parish Plans and the Borough Green Character Area Appraisal.
- The need for more market and affordable houses has not been justified as they are already met by Isles Quarry and elsewhere.
- The development would result in a significant increase in traffic at a dangerous junction during peak times where driver visibility is poor impacting on highway safety.

- The cumulative effect of the development on air quality from traffic generation should be considered in conjunction with the Isles Quarry West development.
- Although the property has been marketed for some time without success it is considered that the £3.5m asking price was too high.

5.2 Environment Agency (EA)(Original): Objection as there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. The previous commercial use of this site may have left contamination which could impact on the proposed development. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use should be carried out prior to the change of use and/or development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.

5.2.1 EA (Re-consultation on submission of Phase 1 Desk Study Report): The preliminary site report or phase 1 investigation has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the Local Planning Authority before any site clean-up works are commenced. We accept the recommendations in section 6.4 of the Phase 2 report which indicates that further analysis is required for groundwater. The report also recommends that remediation is required. Sufficient information has been provided to satisfy the required preliminary risk assessment.

5.2.2 The site is located in a highly sensitive location with regards to groundwater in that it is underlain by a principal aquifer and within a Source Protection for a potable water supply. Conditions relating to contaminated land and surface water have been suggested.

5.3 KCC (Highways & Transportation): The existing access is designed for commercial use, measuring approximately 18m in width at its junction and this could be reduced to improve pedestrian safety across the access, subject to tracking. Additionally dropped kerb crossings with tactile paving should be provided to improve accessibility for the mobility impaired.

5.3.1 The main access is 4.8m in width with footways from Fairfield Road leading into the site and to a shared surface. Turning areas are provided and tracking diagrams have been submitted indicating that there is sufficient space to manoeuvre within the site. A pedestrian link is provided between the main site access and the new private drive.

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- 5.3.2 Fairfield Road is marked out with on street parking spaces opposite the proposed access which may lead to difficulties in turning in and out of the access. I would recommend that tracking diagrams are provided to illustrate that sufficient space is available for turning movements to take place when parking occurs. Any alterations to the parking bays would be subject to discussion with Parking Services.
- 5.3.3 Advice on residential parking is given in the Kent Design Guide Interim Guidance Note 3. The layout provides adequate parking in line with this guidance however please note that spaces between boundary walls should be a minimum width of 2.7m. I would also recommend that the entrance drives are increased to 4.8m where needed for ease of access. Additionally the 2nd space for plot 10 (2-bedroom property) could be either allocated to plot 12 (3 bedroom property) as a second space or unallocated. Cycle parking arrangements are found to be satisfactory. Bus stops and train services are available within walking distance of the site.
- 5.3.4 The crash database has been interrogated and there have been no reported injury crashes on Fairfield Road or at its junction with the A227 Wrotham Road within the 3 year period to 31 March 2014.
- 5.3.5 The traffic generation from the existing use of the site has been compared to that generated by the residential development of the site using the TRICs database. The traffic generated by the previous use on site is estimated to be 61 two way movements during the AM peak hour and 64 during the PM peak. This compares with an estimated traffic generation for the residential use of 28 two way movements during the AM peak and 28 during the PM peak. The proposed residential development would therefore generate fewer traffic movements than the B1/B2/B8 use and fewer good vehicle movements.
- 5.4 KCC (Heritage): No comment to make.
- 5.5 KCC (Economic Development): The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Justification has been set out for the infrastructure provision/development contributions requested.
- 5.5.1 Community Learning – The current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity.
- 5.5.2 Youth Services – There is a proportionate cost of providing additional youth services locally to mitigate the impact of this proposed development.

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- 5.5.3 Libraries and Archives – There is an assessed shortfall in provision for this service with both overall borrower numbers exceeding local area service capacity, and the bookstock is below the County average and both the England and total UK figures respectively.
- 5.5.4 Social Services – Facilities for Kent Social Care (SC) (older people, and adults with Learning or Physical Disabilities) are fully allocated. The proposed development will result in a demand upon social services which are a statutory obligation to meet but no additional funding to do so.
- 5.5.5 Superfast Fibre Optic Broadband – To provide: ‘*fibre to the premise*’ (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.
- 5.6 Kent Police: The applicant/agent has considered crime prevention and has mentioned and given consideration to Secure By Design (SBD) they have also incorporated some but not all the seven attributes of CPTED in their Design and Access Statement (D&AS).
- 5.6.1 Conditions and informatives have been suggested if planning permission was to be granted relating to the incorporation of measures to minimise the risk of crime. (The applicant has since consulted Kent Police on the scheme)
- 5.7 NHS (Property Services): The proposed development is expected to result in a need to invest in local surgery premises: Borough Green Medical Practice. This surgery is within a 1 mile radius of the development and would be considered the most appropriate in terms of investment due to the limited choice within the vicinity. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity. A specified financial contribution has been sought.
- 5.8 Kent Fire & Rescue Services: It should be ensured that fire appliances can get to within 45m of the furthest point of the dwellinghouses. A copy of Guidance Note 07 is provided.
- 5.9 Private Reps: 4/0X/1S/5R + site notice and departure press notice. The 5 objections submitted raise the following concerns:
- Further pressure on social services and infrastructure.
 - Loss of local modern employment facility.
 - Noise and pollution from the additional traffic generated.
 - Land contamination may contaminate underground water.

- Loss of amenity to local residents from potential building works and site remediation.
- The apartment block would be high and bulky and out of character with the local housing stock.
- Possible archaeological artefacts on the site.

5.9.2 One letter of support states that if the site remains employment land large vehicles would impact on the junction especially if occupied by multiple industries whereas there would be no such large vehicles with a development for houses.

6. Determining Issues:

- 6.1 The settlement of Borough Green is defined as a rural service centre where housing and employment development is permitted, as stated in policy CP12 of the Tonbridge and Malling Borough Core Strategy (TMBCS).
- 6.2 The application site is listed under policy E1 of the DLADPD 2008 as land to be safeguarded for employment purposes, in this case for business use (B1) only. The proposed redevelopment of the site for residential would therefore be contrary to this policy.
- 6.3 Paragraph 22 of the NPPF advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative developments should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.4 Paragraph 51 of the NPPF also advises that planning applications should normally be approved for change to residential use from commercial buildings (currently in Use Class B) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 6.5 The applicant has provided copies of advertisements and marketing of the site for B1 business use on several websites and a summary of email hits. These are attached to the planning statement as an appendix. It appears from the information submitted that the site has been on the market for over a year with no interest for B1 business use being expressed and that the main interest came from haulage operators.
- 6.6 The Parish Council has expressed concern that the asking price of the premises during the marketing period was too high. The Borough Council's economic consultants have reviewed the asking price for the site and concluded that it is

likely to have been marginally in excess of the current market value but, although the asking price appears overstated, it would not have deterred serious interest in the form of offers being expressed.

- 6.7 Members will be aware that the Council is currently undertaking an Employment Land Review, as the last review was conducted in 2005. A draft study has been completed by Council's preferred consultants which has identified that there is surplus office space and a relatively small shortfall in industrial space in the Borough as a whole.
- 6.8 Whilst ordinarily valuable as an employment site and designated as such (for B1 use), the site is effectively a non-conforming use in an otherwise residential area and its last use generated HGV traffic into the centre of the village. As the premises has a lawful B2 use (as a map printing premises), its use as a going concern for general industry (or with use of permitted development rights up to 500sqm of warehousing) or redevelopment into smaller units for general industry would not be desirable in terms of the character and amenities of the locality. This would principally be due to the issues over the nature and volume of traffic that could be generated with an intense use of the site. Members will note that the interest in the site for employment seemed to be centred on haulage which certainly would be unacceptable at this location in amenity and traffic terms in my view.
- 6.9 There has been no serious interest in the site for B1 use for a reasonable period of time. The NPPF postdates the DLADPD Employment allocation by 4 years and it now places a renewed and significant emphasis on boosting the supply of housing and there is a continued under provision of affordable housing throughout the entire Borough, bearing in mind the findings of the Strategic Housing Market Assessment. The location of the site also provides an ideally sustainable location for additional residential development close to public transport and local facilities.
- 6.10 Whilst TMBC **currently** has an adequate supply of housing sites, Members will be aware that officers have indicated that to maintain a 5 years +5% pipeline supply it is necessary to continue to grant permissions This factory in a residential area is the type of brownfield site that would ordinarily be highly suitable for enhancing housing supply in an environmentally sustainable location and would be consistent with the general principle of "brownfield" first (TMBC achieves some 95% of permissions on such sites)..
- 6.11 Accordingly, I am of the view that the loss of allocated employment land and redevelopment of this site for residential together with 39% affordable units and associated contributions towards commensurate community facilities justifies the principle of its redevelopment for new homes.
- 6.12 The development utilises the existing access to the site. This site entrance provides a width of about 18m which provided access for HGVs for the previous commercial use of the site. The new access road provides a width of about 4.8m.

A pedestrian path links the end of the access road to the private secondary drive and LAP. The Highway Authority (KCC Highways & Transportation) has reviewed the scheme and, after requesting additional tracking diagrams has advised that the turning and manoeuvring on the site, (including that for refuse and fire service vehicles) is acceptable.

- 6.13 A total of 87 parking spaces are to be provided consisting of a mix of garage/carport and open spaces for the dwellings and allocated and visitor parking spaces for the affordable houses and flats. The Highway Authority has advised that the layout provides adequate parking in line with the Kent Design Guide Interim Guidance Note 3 being an average of 2.12 spaces per dwelling. Cycle parking provisions have also been provided by way of a cycle store for the apartment block and timber garden/storage sheds for the dwelling. These arrangements are considered to be acceptable. In addition, the development is in a sustainable location within easy walking distance of the town centre and bus and mainline train services to London/Maidstone/Ashford.
- 6.14 In respect to traffic generation, it has been advised in the submitted Traffic Statement that the new residential use would provide an estimated 28 two-way movements during the morning and evening peak periods. This would be substantially less than the 61 two-way movements estimated for the previous B1/B2/B8 use of the site. The previous use also involved movements of HGVs and other goods vehicles. It has therefore been shown that the development would generate much less traffic than the previous use and the vehicles using the redeveloped site would be predominantly cars.
- 6.15 The Highway Authority has advised that dropped kerb crossings with tactile paving should be provided in order to improve accessibility for the mobility impaired. This can be secured by imposition of a condition on any permission granted. I am therefore of the view that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be severe. The proposal therefore accords with policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.
- 6.16 The layout of the site would reflect the general pattern of the established residential area of Fairfield Road to the west. The proposal will provide a varied mix of dwellings, with private garden areas of a suitable size, other than the Plot 8 dwelling and the flats. A small Local Area for Playing (LAP) is provided within the southwest corner of the site and recreation ground and sport fields are located within 500m of the site. These provisions are considered adequate for those dwellings without private gardens. A mix of open and covered parking spaces is proposed. The apartment block is well located within the front southeast corner of the site which is well linked to the development overall but also provides an appropriate level of functional separation.

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- 6.17 The designs of the houses are varied but at the same time relatively traditional in their size, scale and form, and use of materials. I am of the view it would be a visually interesting development. The use of red facebrick, hanging tiles, weatherboarding, artificial slate and clay roof tiles reflect traditional materials used in the local area and within the Borough more generally. I also consider the dwellings proposed would be complementary to the established residential area to the west, resulting in a substantial improvement to the visual amenity and character of the area.
- 6.18 The apartment building is a larger building form than the remainder of the units on the scheme. However, this building is well separated from the dwellings within the development and effectively relocates an existing large building further east in the streetscape. The building has been designed to provide an appropriate level of articulation and use of materials to assist in breaking up its visual size and mass. I am therefore of the view that the apartment building would be visually complementary to the development and would not dominate the street-scene.
- 6.19 The existing commercial development, although providing some link to other office development opposite on the south side of Fairfield Road, is sandwiched between residential development either side and provides little in the way of visual continuity within the street-scene. I am of the opinion that the new residential development will provide a more visually logical connection between the dwellings to the east fronting Wrotham Road and the existing residential area further to the west.
- 6.20 Soft landscaping is proposed providing a good level of tree planting in front of the apartment block, on the west side of the entrance, around the LAP, and either side of the access road and within rear gardens. Existing boundary landscaping is to be removed and will be replaced by new hedges. A large number of semi-mature trees are to be planted along the western boundary to provide screening to the west. Three existing birch trees are to be retained adjacent to the LAP which is welcomed. Hornbeam hedging will surround these trees. Generous areas of grass are also proposed. I consider these soft landscaping proposals to be comprehensive and would add to the overall aesthetics of the scheme.
- 6.21 Hard landscaping proposals have also been submitted which are generally acceptable. However, the paving and driveway surfacing will be a prominently visible part of the scheme and therefore a schedule of hard surfacing materials should be submitted for approval. A condition can be added to this effect.
- 6.22 Accordingly, subject to conditions requiring details of external materials and hard surfacing, I am satisfied that the proposed development would not harm the street-scene or character of the area would enhance the visual amenity of locality. The proposal would therefore satisfy policies CP24 of the TMBCS and SQ1 of the MDEDPD. I am also satisfied that the development would accord with Part 7 of the NPPF relating to good design.

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- 6.23 Measures to contribute to a sustainable environment have been outlined in the submitted Sustainability Statement. These include modern construction techniques, improved levels of insulation and possible installation of roof mounted solar thermal or photovoltaic panels. I consider these measures show sufficient intent to positively contribute to a sustainable environment and therefore the development would satisfy policy CC1 of the MDEDPD.
- 6.24 The application site is relatively close to a number of noise sources, including the main railway line, Wrotham Road (A227) and the local quarry. I am of the view though that with the provision of appropriate noise insulation/attenuation for the dwellings/buildings noise from these sources could be effectively mitigated such that noise impact would not be harmful to the living conditions of the new residential occupiers. A condition requiring a noise assessment and proposed scheme of noise attenuation to protect future residents can be required by condition on any permission granted.
- 6.25 The layout of the development provides a traditional linear relationship with neighbouring residential development to the west providing a mutual rear to rear outlook where levels of overlooking are generally considered accepted. In this case, the dwellings for Plots 9 - 17 are situated about 10m from the rear boundary with the neighbouring dwellings being 10-20m back from the rear boundary. Semi-mature trees are to be planted along the rear boundary within many of the rear gardens to provide additional screening. The flank of the Plot 7 dwelling is sited more or less opposite the side flank of No.171 Fairfield Road. I do not consider there to be any adverse relationships between the dwellings within the development site. I am therefore satisfied that the proposed development has been designed to ensure that the amenities of occupiers of existing neighbouring residential properties would not be demonstrably harmed, satisfying policy CP24 of the TMBCS.
- 6.26 The development will provide 16 affordable houses which represents a level of 39% of the number of dwellings in the scheme. The affordable housing is to be provided in the form of 9 x 2-bedroom affordable rented flats within the apartment block and 7 x 3-bedroom shared ownership terraced houses within the front section of the site. This level of provision is very close to the 40% level prescribed by policy CP17 of the TMBCS and is therefore acceptable. In consultation with the Council the applicant has also amended the ground floor plan of the apartment block to provide wheelchair accessible dwellings, which is much to be welcomed and will assist potential occupation for persons on the Housing Register or those with mobility issues.
- 6.27 The rent costs for the Affordable Rent dwellings have been formulated in partnership with the Council in relation to Council's affordability concerns for this tenure. In order to help enable sustainable tenancies it has been agreed that the rents are **not** maximised to the 80% of local private market rent. The shared ownership homes have also been modelled in terms of initial share and rent on the

unpurchased equity to reflect the affordability pressures locally, and the eligibility requirements of the national Help To Buy scheme for this tenure. The applicant will be required to enter into a legal agreement with the Council so this provision can be secured.

- 6.28 Policy OS3 of the MDEDPD requires an open space provision in accordance with the quantitative standards set out in the annex to this policy on all residential development of 5 units or more. The sequential approach and methodology set out in Annex D of the MDEDPD has been applied to determine the level of provision required. The development does incorporate a small LAP within the front southwest corner of the site. After taking into account this on-site provision, it has been determined that a financial contribution towards off-site open space provision for Amenity Green Spaces and Natural Green Space to the sum of £13,870 is sought in this case. The applicant will be required to enter into a legal obligation to secure this provision. KCC Economic Development has requested financial contributions towards the delivery of County Council Community Services to mitigate impact on services from the future additional population that the scheme will generate. This provision would contribute towards community learning, youth services, libraries and archives, social services and superfast optic broadband. They have asked for a total of £12,736.49. I am generally satisfied that I can recommend that these payments of this scale are justified and accord with the necessary regulations although more information has been sought on the specific projects, which will be included in a supplementary report.
- 6.29 The applicant's agent has submitted amended plans that show how, without any changes to the external appearance of the units, wheelchair adapted units could be provided on the ground floor of the affordable rented apartment block. One of the KCC requested contributions relates to possible future adaptations to units for wheelchair bound occupiers as part of the social infrastructure.
- 6.30 NHS Property Services has also requested financial contributions to meet the extra demands placed on the local primary and community health service from the development. It has been stated that the development is expected to result in a need to invest in local surgery premises – Borough Green Medical Practice – and that the contribution would be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to address the required capacity. It is known that the Borough Green Medical Practice has recently been extended to provide additional capacity but no mention has been made of this extension to the existing facility. It has been advised that the practice with refurbishments could accommodate the additional capacity generated by the proposed development but this will be investigated further. Further information on this matter will be included in a Supplementary Report
- 6.31 Kent Police has reviewed the proposed scheme and advised that the applicant has considered crime prevention, giving consideration to Secure By Design (SBD) and incorporating some attributes of Crime Prevention Through Environmental Design

(CPTED). The applicant has since liaised with Kent Police and is amenable to providing further measures to prevent crime and increase safety by including features such as an audio entry system for the flats, trellis fencing, picket fencing around the flat garden, security planting, wiring for CCTV, suitable lighting, security features for the bicycle storage and steel mesh doors for the communal bin area. A condition can be added to secure some of these features.

- 6.32 An Air Quality Assessment report has been submitted. The potential for impact on air quality from fugitive dust emissions from demolition, earthworks construction and track-out activities were assessed. It was concluded that the use of good practice control measures would provide suitable mitigation for the size and nature of the development proposed. While construction impacts are not strictly a consideration, in this case this is a welcome clarification. A detailed assessment was undertaken to quantify pollution levels from the development. It was concluded that vehicle exhaust emissions would not be significant at any sensitive location in the vicinity of the site and that the pollution levels at the site would be below the relevant air quality criteria. I do not consider that the new residential receptors will be exposed to levels of air pollution above the air quality objectives or that the development would not have a negative impact upon the existing AQMA in Borough Green. It is important to note that the site lies a substantial distance from the AQMA, some 170m to the north. Also, the development incorporates positive air quality designs such as inclusion of tree species with high urban tree air quality scores (UTAQS) like Acer Campestra and Crataegus Monogyna. Therefore, I am satisfied that the development would not result in a significant deterioration in air quality in the area and would thus satisfy policy SQ4 of the MDEDPD.
- 6.33 A Preliminary Ecological Appraisal report has been submitted. A survey was conducted in July 2014 in respect to the likely presence of protected species, including badgers, bats, dormouse, other mammals, birds, reptiles and invertebrates. It was concluded that the application site held negligible ecological value due to the lack of diverse natural habitat and that it is unlikely to accommodate protected species. I am satisfied that the development would not harm protected species or impact on the biodiversity of the area and therefore would accord with policy NE2 of the MDEDPD.
- 6.34 The front section of the application site falls within an Area of Archaeological Protection. The applicant has submitted an Archaeological Desk Based Assessment, which concluded that there are no designated or undesignated archaeological assets recorded on the application site and that the site has low potential for the presence of unknown buried heritage assets dating to all periods. The County Archaeologist (KCC Heritage) has reviewed the details submitted and has advised that no further action is needed in respect to archaeology on the site is required.

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- 6.35 The applicant has submitted a Level 1 Flood Risk Assessment. It advises that the site lies within Flood Zone 1 where the risk of flooding is low and where the proposed development, classified as 'more vulnerable', would be appropriate. There has not been any record of flooding on the site. I do not consider that the site is at risk of flooding.
- 6.36 An existing sewer line runs adjacent to the southwest corner of the site and it has been indicated on the application form that foul sewage would be disposed of to the main sewer. The site proposes large areas of hard surfacing and part of the internal access road is to be laid with permeable block pavers. However, the site is underlain by groundwater that is a principal aquifer that is protected for a potable water supply. Due to the scale of the development, I therefore consider it necessary in this case to secure the provision of appropriate foul and surface water disposal, which can be imposed by a condition on any permission granted.
- 6.37 In respect to land contamination, a Phase I Desk Study Report and Phase II Scoping Ground Investigation Report have been submitted, prepared by Soils Limited. The Phase I report identifies various potential sources of contamination, including various compounds within the made ground as a result of previous site uses and ground gases from onsite and adjacent landfilling activities. The Phase II investigation was only undertaken to assist developers in preparing an overall foundation scheme and did not characterise the contamination on-site. Despite on-site and adjacent landfilling, and the installation of ground gas monitoring boreholes, the monitoring was not sanctioned by the client and as such was not undertaken. It is considered necessary for this sampling to be undertaken. Soil samples revealed elevated levels of arsenic, lead, nickel and zinc which could pose a risk to human health if not dealt with appropriately. They do not constitute an embargo on development for residential purposes. Therefore the site will require remediation to make it suitable for residential use.
- 6.38 Groundwater could not be sampled as it was not encountered during trial pitting, but as it is considered a sensitive receptor it is recommended that samples be retrieved for testing or soil samples for leachate testing should be submitted for consideration by EA who enforce the protection of ground water.
- 6.39 The report concludes that further sampling is required to fully characterise the contamination on-site and develop an appropriate remediation strategy. A full site investigation is therefore needed, where necessary once demolition has taken place, and which should include ground gas monitoring and a more robust sampling strategy.
- 6.40 The EA has also reviewed the reports submitted and is of the view that planning permission could be granted if a suggested condition is imposed requiring remediation of the land. Therefore, a suitable condition requiring a full site investigation and remediation of the land will be imposed on any permission granted. The development would therefore accord with paragraphs 120-121 of the NPPF.

- 6.41 I note the comments made by the Parish Council and several local neighbours. The issues raised relate to the loss of employment land, impact on highway safety, traffic, air quality, pollution, land contamination, affordable housing, character of the area and concern that the marketing price for the site was inflated. These issues have all been addressed in detail above. The Parish has also commented that the development would be inconsistent with the character area appraisal and developing local plan. I am of the view that the development would satisfy the relevant sections of the NPPF which must be read as the context for now interpreting Development Plan policy. I do not consider that the development would be at variance to the Borough Green Character Area Appraisal. It is indeed correct that the planning permission at Isles Quarry West has provided a source of affordable housing locally but the level of need is such that the units at this site will be a valuable contribution to the range of the supply including the units suited to wheelchair users.
- 6.42 In light of the above, I consider that the proposed redevelopment of the site accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Other DRAWING REGISTER dated 13.11.2014, Site Layout 081308-FER-01B dated 13.11.2014, Proposed Layout 081308-FER-02C Information dated 13.11.2014, Proposed Layout 081308-FER-03B Storey height dated 13.11.2014, Proposed Layout 081308-FER-04B Tenure dated 13.11.2014, Proposed Layout 081308-FER-05B Dwelling Types dated 13.11.2014, Proposed Floor Plans 081308-FER-B1-P1 A dated 13.11.2014, Plan 10335-T-01 P3 dated 13.11.2014, Plan 10335-T-02 P3 dated 13.11.2014, Plan 10335-T-03 P2 dated 13.11.2014, Plan 10335-T-04 P2 dated 13.11.2014, Documents SECTION 106 AGREEMENT dated 25.09.2014, Contaminated Land Assessment 13873/DS Phase 1 dated 24.10.2014, Letter dated 03.09.2014, Letter dated 25.09.2014, Ecological Assessment 6456.PEA.VF dated 03.09.2014, Transport Statement SEH/10335 dated 03.09.2014, Contaminated Land Assessment 13873/SGIR Phase 2 dated 03.09.2014, Air Quality Assessment 34036R1 dated 03.09.2014, Archaeological Assessment SH/DH/17680 dated 03.09.2014, Design and Access Statement dated 03.09.2014, Flood Risk Assessment 5194/001/R001 dated 03.09.2014, Planning Statement dated 03.09.2014, Sustainability Report dated 03.09.2014, Other Drawing register dated 25.09.2014, Location Plan 081308-FER-06B dated 25.09.2014, Proposed Elevations 081308-FER-AA-E1 dated 25.09.2014, Proposed Elevations 081308-FER-AA-E2 dated 25.09.2014, Proposed Elevations 081308-FER-AA-E3 dated 25.09.2014, Proposed Elevations 081308-FER-AA-E4 dated 25.09.2014, Proposed Floor Plans 081308-FER-AA-P1 dated 25.09.2014, Proposed Elevations 081308-FER-A-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-A-P1 dated 25.09.2014, Proposed Elevations 081314-FER-B1-E1 dated 25.09.2014, Proposed Elevations 081308-FER-B1-E2

dated 25.09.2014, Proposed Elevations 081308-FER-B1-E3 dated 25.09.2014, Proposed Elevations 081308-FER-B1-E4 dated 25.09.2014, Proposed Floor Plans 081308-FER-B1-P1 Ground dated 25.09.2014, Proposed Floor Plans 081308-FER-B1-P2 First dated 25.09.2014, Proposed Floor Plans 081308-FER-B1-P3 Second dated 25.09.2014, Proposed Elevations 081308-FER-B-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-B-P1 dated 25.09.2014, Proposed Elevations 081308-FER-C-E1 dated 25.09.2014, Proposed Plans and Elevations 081308-FER-CP01 carport and bin store dated 25.09.2014, Proposed Floor Plans 081308-FER-C-P1 dated 25.09.2014, Proposed Plans and Elevations 081308-FER-CS01 cycle and bin store dated 25.09.2014, Proposed Plans and Elevations 081308-FER-CS02 cycle store dated 25.09.2014, Proposed Elevations 081308-FER-D-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-D-P1 dated 25.09.2014, Proposed Elevations 081308-FER-E-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-E-P1 dated 25.09.2014, Proposed Elevations 081308-FER-F-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-F-P1 dated 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR01 garage dated 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR02 garage dated 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR03 garage dated 25.09.2014, Proposed Elevations 081308-FER-H-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-H-P1 dated 25.09.2014, Proposed Floor Plans 081308-FER-H-P2 dated 25.09.2014, Cross Section 081308-FER-SEC01 A dated 25.09.2014, Cross Section 081308-FER-SEC02 A dated 25.09.2014, Street Scenes 081308-FER-SS01 A dated 25.09.2014, Street Scenes 081308-FER-SS02 A dated 25.09.2014, Artist's Impression 081308-FER-PER01 dated 25.09.2014, Landscaping RD1533-L-GA-0001 A dated 25.09.2014, Landscaping RD1533-L-GA-0002 A dated 25.09.2014, subject to

- the applicant entering into a legal agreement in respect of
 - Open space provision
 - The provision of affordable housing
 - Contribution to KCC Community facilities

- 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 of the area or visual amenity of the locality.

- 3 No development shall take place until a plan showing the levels of the site and adjoining land, proposed finished ground floor levels of all buildings hereby approved and the proposed finished ground levels of the site have been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

- 4 The Alternative Ground Floor Plan that provides wheelchair accessibility for the apartment block proposed on Drawing No.081308-FER-B1-P1A received 13.11.2014 shall be implemented as part of the approved scheme prior to first occupation of the dwellings for which they relate, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide appropriate residential facilities for wheelchair users.

- 5 Development shall not begin until a noise assessment report that includes a scheme for protecting the proposed buildings from noise from the nearby railway, classified highway and quarry has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the residential amenity of the new development.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no development shall be carried out within Class A, B or D of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

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

- 7 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 8 No building shall be occupied until the area shown on the submitted layout as vehicle parking space for the dwellings has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted

Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 9 The scheme of soft landscaping shown on drawing no. RD1533-L-GA-0002A hereby approved shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning 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.

- 10 No building shall be occupied until details of the proposed block paving, hard surfacing to driveway areas and boundary fencing or other such boundary treatment have been submitted to and approved by the Local planning Authority. The development shall be carried out in accordance with the approved details and 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: To protect and enhance the appearance and character of the site and locality.

- 11 The area shown on the approved plan as LAP (Local Area for Play) shall be laid out and made available for use within three months of first occupation of the development, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure the timely availability of play area for the recreational needs of the residents.

- 12 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal telephone services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 13 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security, crime prevention and community safety.

- 14 No building shall be occupied until dropped kerb crossings with tactile paving are provided across the main site access, on the eastern side of the main site entrance on Fairfield Road and to the west of the access to the private drive of Plots 23-25.

Reason: In order to improve accessibility for the mobility impaired.

- 15 No dwelling shall be occupied until foul and surface water systems have been installed to the satisfaction of the Local Planning Authority as advised by the relevant adoption authority.

Reason: To prevent pollution of ground water.

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

Reasons: To protect groundwater.

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

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

Contact: Mark Fewster

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West Malling	567801	21 October 2015	TM/15/03389/FL
West Malling And Leybourne	157548		

Proposal:	Proposed conversion of St Mary's Church Centre building to 3No. residential units, including extensions and alterations; demolition of the former air raid shelter and toilets and construction of a new two storey detached dwelling, vehicular access and car parking
Location:	Church Centre Churchfields West Malling Kent ME19 6RJ
Applicant:	St Mary's Church P.C.C.

1. Description:

- 1.1 The application proposes to redevelop the St Mary's Church Centre site comprising the change of use and extension and alteration of the main building to form 3 dwellings and the construction of an additional detached two storey dwelling at the rear of the site. The existing former air-raid shelter and toilet block are to be demolished. A new vehicle access and drive with associated engineering works is proposed as well as car parking for the 4 dwellings.
- 1.2 The main Church Centre building is to be retained, extended and converted to three 3-bedroom dwellings with associated courtyard gardens. Two 2-storey gable extensions are to be added to Dwellings 2 and 3, with front and rear 2-storey extensions added to Dwelling 1.
- 1.3 The new two storey detached dwelling is to be located at the rear and provides a general footprint of 11m x 11m, an eaves height of 4.7m and ridge height of 8.6m. It is to be inset 1m from the southern boundary, 8m from the eastern boundary and 20m from the western boundary. No external materials have been specified at this stage.
- 1.4 A new 1.2m high brick wall with railings is also proposed for the front boundary of the site.
- 1.5 A new vehicle access to Churchfields 4.3m wide is proposed on the western side of the frontage with a driveway following the western boundary.
- 1.6 A car parking area is proposed within the southwest corner of the site providing 11 spaces in total; 2 spaces for the 3 bedroom dwellings, 3 spaces for the 4 bedroom detached house and 2 visitor spaces.
- 1.7 Amended plans were submitted on 11 February 2016 replacing the original submission for a pair of semi-detached dwellings at the rear with a single detached dwelling. This reduced the number of dwellings proposed from 5 to 4.

2. Reason for reporting to Committee:

- 2.1 The application has been called in to Committee by Councillor Shrubsole due to local concern.

3. The Site:

- 3.1 The application site is situated at the south-eastern end of Churchfields, within the settlement confines of West Malling and the West Malling Conservation Area (CA). The site is occupied by a large ragstone building, known as the Church Centre, which is positioned within the front half of the site. A flat roofed former air-raid building and toilets are attached to the perimeter wall within the southeast corner of the site. The majority of the southern half of the site is tarmacked. The south, east and west boundaries are enclosed by 2-2.5m high ragstone walls. A wire mesh fence aligns the front boundary. There is no vehicular access to the site. The finished level of the site is relatively flat but the surrounding ground level slopes generously up from west to east and so the site has been heavily retained on the west side.
- 3.2 The applicant has noted that the building dates back to 1854 where it was used as an infant/junior school up until 1975. A private pre-school was the site's main tenant from 1975 up to 2014. The premises have been vacant since. The building is not a Listed Building and is not considered to be curtilage listed.
- 3.3 St Mary's Church is a Grade II* Listed building and lies about 50m to the east with the church graveyard/grounds adjoining the site to the east and also extends to the north of the site beyond the pedestrian walkway that extends from Churchfields past the Church to the High Street. The terraced dwellings of Nos. 1-5 Churchfields lie to the northwest with the aged person's units of St Mary's Court to the west. A field and the grounds of Douces Manor lie to the south.

4. Planning History (relevant):

TM/40/10007/OLD grant with conditions 3 July 1940

Air Radio Shelter to C of E School and Infants School.

TM/50/10463/OLD grant with conditions 9 September 1950

Improvements and additions to sanitary accommodation.

TM/52/10342/OLD grant with conditions 20 June 1952

Outline Application for Change of User and Dwelling House to Cloaks/Staffroom.

TM/71/10564/OLD grant with conditions 25 May 1971

The change of use of Church of England Infants School to Church Hall.

TM/80/10487/OLD planning application not required 16 December 1980
The provision of nursery school.

5. Consultees:

5.1 These comments generally relate to the 5 unit scheme originally submitted. No re-consultation has been carried out on the revised 4 unit scheme.

5.2 PC: The Parish supports the principle of converting the Church Centre to residential but objects to the number of houses proposed and have concerns with the design of the proposal and potential safety issues.

- The 2 new dwellings would overdevelop the site and would affect the CA
- The rooflights would affect privacy of neighbouring residents
- The bin store is inappropriately located
- The new access would affect pedestrian safety
- Turning into and out of the site is restricted
- Impact on residential amenity from headlights
- Loss of on-street parking
- The sloping driveway could lead to flooding issues
- A construction management plan should be required

5.3 KCC (H+T): In the context of the NPPF and previous/other potential uses of the site it is not considered that a proposal for a total of five units could be contested in terms of traffic generation. I write to confirm on behalf of the highway authority that I have no objection to this proposal subject to the following:

- I note from the Design and Access Statement that the hard surfacing areas will be well drained with gullies. It is considered that should this application be approved a condition should be included requiring details of this to be submitted for subsequent approval. I confirm that the gradient of the sloped access is acceptable.
- I also note reference to the removal of materials and it is considered that a construction management plan should also be submitted, once a contractor has been appointed, for approval prior to commencement of construction.

5.4 KCC (Heritage): The site of the application lies to the west of the historic core of West Malling, a medieval market town and possibly an early medieval settlement.

The site is adjacent to the grounds of St Mary's Church, an 11th Century church and a designated heritage asset (Grade II*). There is some potential for medieval and later remains to survive on the site. The Church Centre itself was originally a 19th century National School building and it has been recognised as a building of local historic importance, representing part of the post medieval and Victorian development of the community at West Malling. The site also contains an air raid shelter. This too is of local heritage importance and is a reminder of the community needs during WWII. The conversion works should be sympathetic to the historic school character of the building and attempts should be made to ensure this heritage is accessible, through appropriate design and heritage interpretation. It would be preferable to retain the air raid shelter but if it is decided to demolish it, it should be recorded prior to demolition. I recommend conditions are placed on any forthcoming consent.

5.5 Private Reps: 49/2X/24R/23S + CA + site + press notice. 49 letters of representation have been received. The following concerns have been raised by the 24 objectors:

- The proposal overdevelops the site and the two new dwellings at the rear are not in keeping with the existing building and the character of the Conservation Area
- The vehicle access appears to be restricted and could affect pedestrian safety
- Impact on residential amenity from headlights of cars exiting the site
- The development will result in a reduction in on-street parking and an increase in traffic along Churchfields exacerbating the current traffic and parking problems
- Inadequate access for emergency vehicles
- The bin collection point close to the frontage would be highly visible to adjacent residents
- Construction works will cause significant disruptions to traffic and parking in Churchfields and local residential amenity
- The church centre is an important community facility that can provide for various groups and should be retained for the benefit of West Malling residents
- Overlooking concerns
- There may be geological issues with the site

The supporting comments for the 23 letters of support include the following:

- The church centre building is rarely used and is not sustainable in its current form
- The development retains a significant building in the Conservation Area and makes use of centrally located site for much needed residential use
- The new dwelling will not be visible from nearby properties
- The development will help mitigate traffic in Churchfields
- The church centre is no longer a financially viable building and is not fit for purpose

6. Determining Issues:

- 6.1 The main issues are whether the loss of the Church Centre as a community facility would be acceptable in policy terms and whether the development would affect the character and visual amenity of the village, the setting of the nearby Grade II* Listed Church, neighbouring residential amenity or highway safety.
- 6.2 Paragraph 28 of the NPPF advises that in order to promote a strong rural economy, local plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 6.3 Policy CP26(3)(c) of the TMBCS states that the loss of a community facility will only be permitted if the applicant has proved to the satisfaction of the Council that there is likely to be an absence of need or adequate support for the facility for the foreseeable future.
- 6.4 The applicant has submitted a supporting statement in respect to the loss of the community facility. It informs that the premises were used by a private pre-school as the main tenant from 1975 until 2014 and regularly for weekly or monthly sessions/meetings by a small number of community groups. The pre-school has since relocated to the West Malling Primary School and the premises are now no longer used by the Brownies or Guides. There are also now no regular bookings. It has been advised that the building would require significant investment to alter the internal space and bring it up to the standard of a modern day community facility.
- 6.5 In addition to this evidence of lack of established demand to tenant the premises, I am of the view that the site is poorly sited for use as a busy functioning community facility. It is situated at the end of a tight congested residential cul-de-sac with patrons needing to park on-street a substantial distance from the site in the surrounding residential streets, creating further parking pressures in the area.

- 6.6 I am therefore satisfied that for the foreseeable future there is likely to be an absence of need or adequate support for the facility. Accordingly, policy CP26 of the TMBCS has been satisfactorily addressed and the loss of the building as a community facility is deemed to be acceptable in this specific case.
- 6.7 Policy CP12 of the TMBCS identifies West Malling as a rural service centre where housing and employment development or redevelopment, conversions and changes of use will be permitted in principle.
- 6.8 Policies CP24 of the TMBCS and SQ1 of the MDEDPD also require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.9 The Church Centre building is an attractive historic ragstone building that is considered to contribute substantially to the character of the CA. The immediate built form to the northwest of the site comprises small terraced cottages along the northern side of Churchfields and St Mary's Court aged person's accommodation on the south side. This provides a varied plot and built form in the area. As a result, I am satisfied that the pattern of the proposed development with the creation of the new residential plots would not be at odds with the character and appearance of the CA.
- 6.10 The main Church Centre building is to be retained with rear extensions and a front extension added. The extensions have been designed to respect the form and character of the existing building and would, in my view, provide an improvement to the appearance and character of the building, subject to satisfactory materials being secured by condition. The building is to be converted into three dwellings, each providing living spaces at ground floor and 3 bedrooms at first floor level. I consider the dwelling layouts to be acceptable and the proposed private garden areas for each dwelling to be adequate. Overall, I consider the new residential units created from the existing building with the proposed extensions to be sympathetic in their form, design and layout.
- 6.11 The new detached dwelling is of a sympathetic design using traditional form elements, and is of a size and scale that would relate effectively with the existing building. The new building provides a ridge height about 0.7m lower than that of the main building and it is well separated from the main building and the boundaries of the site. No external materials have been detailed and these will need to be approved prior to commencement. The new building would be mostly hidden behind the main Church Centre building but would be readily visible from the Church grounds and the public footpath leading to the Church. However, I consider the design of the building to be of a high standard and complementary to the main building, and materials can be controlled so that the building visually

integrates with the main building, minimising its visual impact on the area. In order to ensure that any future alterations and extensions to the buildings are controlled and that any outbuildings are appropriate to their setting, I consider it necessary to remove Class A, B and E permitted development rights.

- 6.12 The County Archaeologist has advised that the site is adjacent to the grounds of St Mary's Church, an 11th Century church and a designated heritage asset and that there is potential for medieval and later remains to be found on the site. It has also been acknowledged that the Church Centre is a 19th century National School building and it has been recognised as a building of local historic importance, representing part of the post medieval and Victorian development of the community at West Malling. The air raid shelter on the site is also considered to be of local heritage importance and a reminder of the community needs during WWII and although preferable that it be retained, if it is to be demolished then it should be recorded prior to demolition. I consider it necessary for the conditions recommended by the County Archaeologist to be imposed on any permission granted.
- 6.13 The development is well separated from the Grade II* Listed building of St Mary's Church and the retention of the main building and the complementary design of the new dwelling would not affect the setting of the Listed Church, in my view. I acknowledge that the air-raid shelter provides a level of historic connection with WWI and to the site. However, the building is not listed and, given its low key nature and position within the CA, is not considered to contribute significantly to the character of the CA. Overall, I am of the view that the proposed development would make a positive contribution to the character of the local area which would outweigh the loss of the air-raid shelter.
- 6.14 A new front boundary wall is proposed. It provides a varying height between 1.2-2m and is to be constructed of brick with railings above. I consider this would provide a visual enhancement to the site. Due to its prominent position, details of the wall will be required by condition.
- 6.15 A bin collection area has been shown adjacent to the new vehicle access. This is acceptable as a point for collection only. However, to ensure that the bins are to be stored within each residential curtilage, a scheme for the storage of the refuse bins is required. A suitable condition to this effect can be added to any permission granted.
- 6.16 Accordingly, subject to conditions requiring a scheme of soft and hard landscaping and a scheme for the storage and screening of refuse, I am satisfied that the proposed development would not harm the character or appearance of the CA. The proposal would therefore satisfy policies CP12 and CP24 of the TMBCS and SQ1 of the MDEDPD. I am also satisfied that the development would accord with Part 7 (Requiring good design) and paragraphs 129 and 131 of the NPPF.

- 6.17 A new vehicle access to Churchfields is proposed, with a driveway running just inside the existing retaining wall along the western side boundary, leading to a communal car park at the rear. The new access will require some excavation of the land to enable the driveway to be graded up from the road frontage. The communal car park provides 11 spaces, including at least 2 car parking spaces for each of the dwellings, as well as 2 visitor spaces. This provision satisfies the Residential Parking Standards in the IGN3. The parking layout provides an aisle width of 5m that is less than the 6m recommended in the SPG4 Kent Vehicle Parking Standards. However, I am satisfied that sufficient space is provided to adequately manoeuvre cars into and out of the allocated spaces. Therefore, I consider the layout and relationship of the parking spaces to the dwellings to be acceptable.
- 6.18 The local highway authority (KCC H+T) has reviewed the scheme and has raised no objection. It has been advised that the gradient of the new access road is acceptable and that the access and parking arrangement would be adequate. However, it has been recommended that details of the drainage gullies for the hard surfacing be submitted for approval along with a construction management plan. Suitable conditions to this effect can be added to any permission granted.
- 6.19 The development would result in additional traffic movements along Churchfields but I do not consider that such movements from 4 additional dwellings would result in any severe harm to the highway network. I am also of the view that this impact would be less than that experienced as a result of drop-off and pick-up from the previous pre-school use.
- 6.20 The site fronts an adopted road and all built form is within a distance which is adequate for emergency service vehicles to attend the application site.
- 6.21 I am therefore satisfied that the development would not harm highway safety or result in any cumulative highway impacts that would be severe which is the relevant test required by the NPPF. The proposal would therefore satisfy policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.
- 6.22 I consider that a suitable condition to mitigate against potential land contamination is necessary in this case to ensure that the land is suitable for residential use. The development would thus accord with paragraphs 120-121 of the NPPF.
- 6.23 The extensions to the existing building and the new dwelling are well set back from neighbouring properties and as a result the development would not be visually intrusive or result in any unacceptable loss of daylight or sunlight to neighbours. The front of the new detached dwelling is set well back from the western boundary and therefore any level of overlooking from the first floor windows would not be unacceptable. The upper level windows and rooflights facing north provide views over a public highway and therefore the level of overlooking of the dwellings beyond the highway would also not be unacceptable. The issue of light pollution from headlights of cars exiting the site has been raised. However, although some

impact can be envisaged I do not consider the gradient to be so great or the number of vehicles to be so great such that impact from headlights would cause demonstrable harm to adjacent residential occupiers. Accordingly, the development would not harm neighbouring residential amenities, in my view.

6.24 I note the comments made by the Parish Council and local residents. The key concerns raised relate to the loss of the community facility, the impact of the 2 additional dwellings at the rear on the character of the CA and the impact of the development on parking, traffic and pedestrian safety. The scheme has been reduced from 5 dwellings to 4 and the proposed detached dwelling to the rear is well designed and provides a satisfactory relationship with the existing building. The issues of the loss of the community facility and highway safety have been discussed in detail above and the scheme is considered to be acceptable in respect to these aspects. The effect of the construction phase was also a major concern from neighbours. A condition is to be imposed requiring a construction management plan to be submitted to the local planning authority for approval due to the very specific issues here. The issues of the bin storage and drainage of water of hard surfaced area have both been addressed by the suggested imposition of conditions. Any geological concerns are the responsibility of the developer.

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

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Email SUPPORTING INFORMATION received 17.12.2015, Letter received 21.10.2015, Design and Access Statement received 21.10.2015, Location Plan 1956/19 received 21.10.2015, Existing Plans and Elevations 1956/11 B received 21.10.2015, Proposed Floor Plans 1956/12 B received 21.10.2015, Proposed Elevations 1956/13 B received 21.10.2015, Section 1956/20 received 01.12.2015, Elevations 1956/21 received 01.12.2015, Cross Section 1956/22 received 01.12.2015, Email received 11.02.2016, Supporting Information received 11.02.2016, Block Plan 1956/10 D received 11.02.2016, Proposed Plans and Elevations 1956/18 C received 11.02.2016, Photographs received 15.02.2016, subject to the following:

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 No development of the new house or the existing building to be converted shall take place until relevant 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 of the area or visual amenity of the locality.

- 3 No development of the new house or the existing building to be converted shall take place until details of any joinery, eaves and rainwater goods to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

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

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

- 5 No dwelling shall be occupied until details of the front boundary wall and railings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

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

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

- 7 No dwelling shall be occupied until the area shown on the submitted layout as vehicle parking space for the dwellings has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to

preclude vehicular access to this reserved parking space.

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

- 8 No dwelling shall be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. 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.

- 9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

- 10 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

- 11 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of heritage interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the heritage significance of the site remains publicly accessible.

- 12 No dwelling shall be occupied until details of the drainage system to be installed for the disposal of surface water from the hard surfaced areas of the site have been submitted to and approved by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: To minimise surface water draining onto the highway.

- 13 Prior to commencement of the development, a construction management plan shall be submitted to and approved by the Local Planning Authority and complied with thereafter.

Reason: To ensure that the implementation of the development does not lead to hazardous road conditions.

- 14 No dwelling shall be occupied until details of a scheme for the storage and screening of refuse have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

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

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

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

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

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

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

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

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

Contact: Mark Fewster

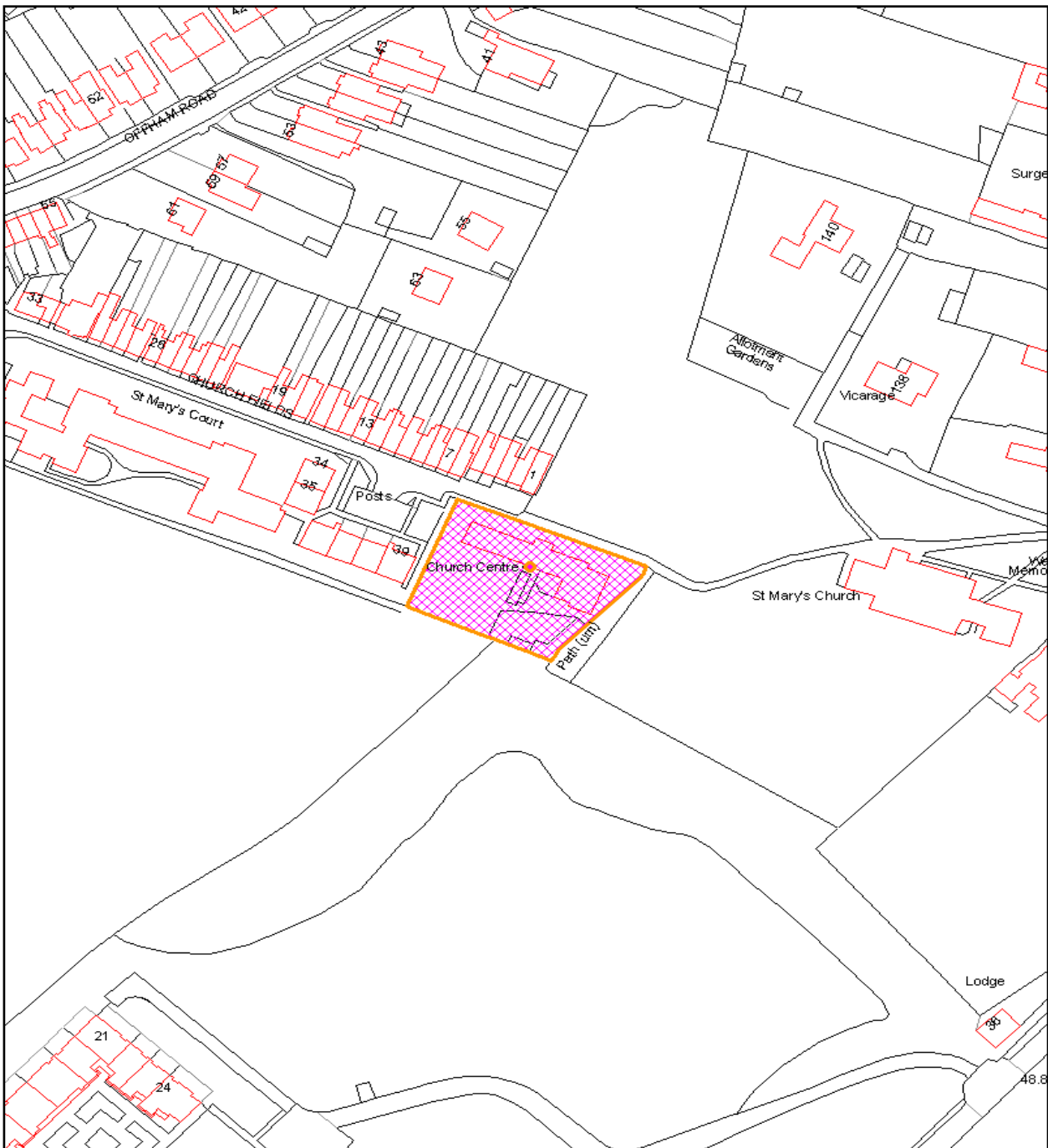
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TM/15/03389/FL

Church Centre Churchfields West Malling Kent ME19 6RJ

Proposed conversion of St Mary's Church Centre building to 3No. residential units, including extensions and alterations; demolition of the former air raid shelter and toilets and construction of a new two storey detached dwelling, vehicular access and car parking

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Shipbourne	560777	9 December 2015	TM/15/03865/FL
Borough Green And Long Mill	151813		

Proposal: Proposed conversion of existing stable and hay barn into dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities

Location: Great Oaks House Puttenden Road Shipbourne Tonbridge Kent TN11 9RX

Applicant: Mrs L Cohen

1. Description:

- 1.1 The proposal seeks planning permission for the conversion of the existing single storey stable and hay barn building into a 2 storey residential dwelling, with reconstruction of the hay barn and a new gable ended pitched roof over the whole building where there is a current part pitched and part flat roof. The new roof will cantilever out to result in a covered rear porch. There will be a cut-out dormer on the rear roof face.
- 1.2 The converted stable building will provide accommodation consisting of living/dining/kitchen and 3 bedrooms, together with ensuite bathroom and shower room. Within the stable building, it is proposed to reuse the existing door openings on the south-east elevation.
- 1.3 Access to the proposed dwelling would be provided via an existing field access that connects with Puttenden Road and currently serves the stables and adjacent fields. Vehicle parking is shown to be provided by a new area of gravel hardstanding to the front of the buildings. A small curtilage would be provided around the new dwelling.
- 1.4 It is proposed to remove the existing corrugated roof and replace it with natural slate. It is proposed to replace the softwood windows with powder coated aluminium.
- 1.5 The residential curtilage of the converted building would extend to the rear of the building by 3.5m, but the main garden area would lie to the north-east of the building.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillors Shaw and Taylor, on the grounds of continuity because of similar works in the vicinity.

3. The Site:

- 3.1 The site comprises a disused stable building and hay barn. To the front of this lies a grassed area of land, with mature ornamental vegetation located towards the north-eastern and south-eastern boundaries. It lies within land owned by Great Oaks House, but not predominantly residential curtilage.
- 3.2 To the north-west of the site lies an open agricultural field, also falling within the ownership of the applicant.
- 3.3 The site lies within the open countryside and MGB. The site is also within an AONB and AAP.

4. Planning History (relevant):

TM/00/00853/FL Grant With Conditions 13 June 2000

Erection of conservatory to the rear

TM/75/11352/FUL grant with conditions 4 April 1975

Stables.

TM/77/10355/FUL grant with conditions 9 August 1977

Erection of Hay Store.

TM/12/00189/LDE Refuse 11 June 2012
Appeal Allowed (on 9 September 2013
smaller area)

Lawful Development Certificate for existing use of land as residential curtilage

5. Consultees:

- 5.1 PC: No objection
- 5.2 Private Reps (2/0X/5S/0R + Site Notice): 5 letters of support received.

6. Determining Issues:

- 6.1 The main issues are whether the proposal would be inappropriate development in the Green Belt, whether the building is capable of acceptable conversion to a dwelling and whether the conversion and proposed external alterations to the

building would adversely affect the AONB or the visual amenity of the broader rural locality.

- 6.2 The application site is in the Green Belt and therefore Section 9 of the NPPF applies. Within this Section paragraph 90 advises that the re-use of buildings that are of permanent and substantial construction, along with engineering operations, are a certain form of development that is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. I consider that a conversion of an existing building and retaining of the land around the building would, in principle, meet this provision. However, for this specific proposal, the hay barn would require substantial reconstruction and alteration and a new roof is proposed over the stable building. This new roof results in a volume increase of over 50%. That is not an exception under paragraph 90 and would therefore be inappropriate development in the Green Belt. This is reflected by Policy CP3 of the TMBCS.
- 6.3 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. One of these is the conversion of an existing building for residential use. However, the proposal would not comply with this policy given that the proposal would involve substantial/major reconstruction.
- 6.4 Policy DC1 of the MDEDPD relates to the re-use of rural buildings. Parts 1 and 2 of this policy are relevant to this proposal. These are addressed below.
- 6.5 The applicant has not submitted a Structural Survey with the application. However, paragraph 7.2 of the submitted Planning, Design and Access Statement acknowledges that the hay barn structure would need substantial reconstruction and alteration and that a new roof over the dwelling would be required. The hay barn consists of approximately half of the existing built form, and therefore I am of the opinion that it can be concluded that the proposal is contrary to paragraph 90 of the NPPF and DC1 of the MDE DPD. The proposed new roof would be at a greater pitch on the rear of the proposed building and this would also create increased volume to the building that indicates the building is not being “converted” in the true sense of the word.
- 6.6 It is proposed to replace the existing stable doors at the front of the building with large windows and put a mock-weatherboarded door next to each of these windows, to create the appearance of open stable doors. Whilst timber doors would be preferable, I am of the opinion that this would not harm the character and appearance of the existing building sufficient to be another reason for refusal.
- 6.7 The building is well separated from Great Oaks House and The Stables and visually well screened by a high wall. The proposal would therefore be acceptable in terms of residential amenity. There are a number of residential dwellings near to the application site. The proposal would not result in a loss of privacy or light to the neighbouring properties.

- 6.8 It is proposed to use the existing access onto Puttenden Road. Given the existing use, I am of the opinion that the proposed dwelling would not result in any additional highway impact. The proposal shows sufficient off-street parking provision to accord with Kent Vehicle Parking Interim Guidance Note 3, along with sufficient turning space.
- 6.9 The proposed use will not affect any surrounding agricultural land holding. Some additional hedging is proposed. The visual impact of these hedges would not be out of place with this rural locality.
- 6.10 A Bat Building Survey has been submitted, prepared by Martin Newcombe Wildlife Management Consultancy. The survey concludes that the buildings are dry and well-ventilated, producing a poor habitat for roosting bats. One bat dropping was found when exploring the stables, and it is likely that this was from a bat exploring the stables. The report considered the possibility of other wildlife being present. There were no suitable adjacent hedges suitable for use by dormice, or ponds suitable for great crested newts in the vicinity of the survey site, and no badger setts or field evidence in the area. The grass around the survey site had been regularly cut and was totally unusable by common reptiles. As a result of these findings it was considered that the proposal would be unlikely to impact upon protected species, although the report did recommend ecological enhancement measures.
- 6.11 The stable building and hay barn are not listed buildings, and not within the Conservation Area.
- 6.12 The proposal is sited next to an existing residential property and surrounded by adjacent garden land. The proposed curtilage comprises a sufficiently modest and relatively contained area. Whilst the screening from the highway would minimise the impact of the normal domestic paraphernalia on the rural character of the area, it will still introduce domestic paraphernalia into the area.
- 6.13 Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances. In this case, the proposed new dwelling would be isolated in that it would be outside of any nearby settlement. However, the development would re-use a redundant building.
- 6.14 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.15 The external alterations to the front of the building will retain the rural stable appearance of the existing stable building. Given that the hay barn will need to be

rebuilt, and a new, higher pitched roof is proposed to the rear of the stable building, the main visual change resulting from the proposal would be to the rear of the building. This new roof results in a volume increase of over 50%. I am of the opinion that the proposal will appear more bulky in appearance than the existing building and would appear less rural, therefore out of keeping with the surrounding rural locality and openness of the Metropolitan Green Belt. The proposed changes to the rear are fairly contemporary. Whilst these changes will result in a building that would be less rural in character, when viewed from the rear, on balance I am of the opinion that the proposal will not have a significantly detrimental impact upon the character of the building and would not be contrary to Policy CP24 of the TMBCS.

- 6.16 Given the relatively small scale of the development, the proposal would not, in my view, adversely affect the natural beauty and quiet enjoyment of the AONB. The proposal would therefore satisfy policy CP7 of the TMBCS.
- 6.17 I have considered other consents which may be able to be considered to be similar to this proposal. Relatively close to the site, planning permission has been given for the extension and conversion of existing agricultural barn to provide a three bedroom dwelling together with the demolition of three remaining agricultural buildings and the erection of detached garage at land adjacent to Hookwood Orchard, Puttenden Road (TM/15/00850/FL). This was approved largely on the basis that the resulting building would have been a lot smaller than the existing and that the proposal would improve the appearance of an untidy site.
- 6.18 Also, a proposal for the conversion of equestrian buildings to form 1 no. residential dwelling and associated works at land opposite Highlands Farm, Horns Lane, Mereworth (TM/15/01576/FL), was refused planning permission at Area 2 Planning Committee on 19 August 2015. One of the reasons for this decision was that the buildings could not be converted into a dwellinghouse without major reconstruction and extension, and would therefore be inappropriate in the Green Belt and countryside.
- 6.19 In light of the above considerations, I am of the opinion that the proposal is contrary to paragraph 90 of the NPPF and Policy DC1 of the MDE DPD, in that the existing buildings that are proposed to be re-used are not all of permanent and substantial construction and that the hay barn structure would need substantial reconstruction and alteration and that a new roof over the dwelling would be required. I can see no inconsistencies in these decisions and it must be remembered that cases should be determined on their merits. In light of this, it is recommended that the application be refused.

7. Recommendation:

7.1 Refuse

- 1 The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined by paragraph 87 of the National Planning Policy Framework 2012. The proposal would involve substantial reconstruction and enlargement of a rural building. The proposed development therefore constitutes inappropriate development and would therefore be contrary to paragraph 90 of the National Planning Policy Framework 2012, policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010. No very special circumstances or material considerations are considered to outweigh the harm.

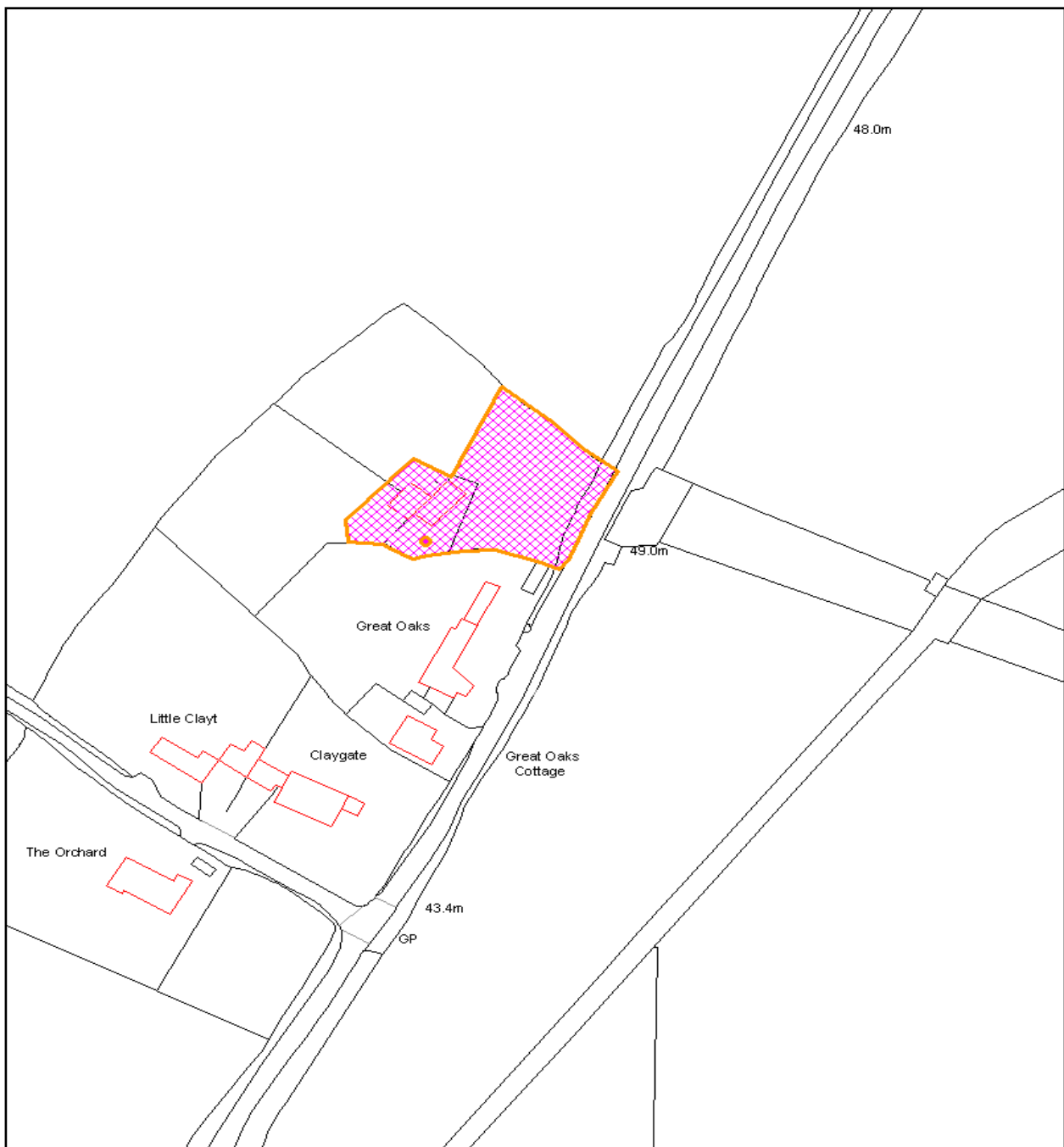
Contact: Glenda Egerton

TM/15/03865/FL

Great Oaks House Puttenden Road Shipbourne Tonbridge Kent TN11 9RX

Proposed conversion of existing stable and hay barn into dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities

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Agenda Item 9

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

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

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