

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

17 May 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, 25th May, 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

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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

13. Urgent Items

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

MEMBERSHIP

Chairman and Vice-Chairman to be appointed at Annual Council

Cllr Mrs J A Anderson
Cllr M A C Balfour
Cllr Mrs S M Barker
Cllr R P Betts
Cllr M A Coffin
Cllr S R J Jessel
Cllr Mrs F A Kemp
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, 13th April, 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 M A Coffin, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw and Cllr Miss S O Shrubsole

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

Apologies for absence were received from Councillors Mrs S M Barker and R P Betts

PART 1 - PUBLIC

AP2 16/16 DECLARATIONS OF INTEREST

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

AP2 16/17 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 2 March 2016 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 16/18 DEVELOPMENT CONTROL

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

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

AP2 16/19 TM/15/02814/FL - FISHPOND COTTAGE, CHAPEL STREET, RYARSH

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

RESOLVED: That the application be APPROVED on the grounds that very special circumstances should be applied in light of a design improvement which would mask a poorly designed 2-storey flat roof extension and these outweighed the harm to the Green Belt. Final wording of conditions, reasons and informatives delegated to the Director of Planning, Housing and Environmental Health.

[Speaker: Mr S Nunn on behalf of applicant Mrs J Nunn]

AP2 16/20 TM/15/03865/FL - GREAT OAKS HOUSE, PUTTENDEN ROAD, SHIPBOURNE

Proposed conversion of existing stable and hay barn into 3 bedroom dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities at Great Oaks House, Puttenden Road, Shipbourne.

This item was WITHDRAWN from the agenda to allow full consideration to be given to further information submitted by the applicant with regard to policy interpretation and land use matters.

AP2 16/21 TM/15/04050/FL - THRIFTWOOD CARAVAN AND CAMPING PARK, PLAXDALE GREEN ROAD, STANSTED

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

RESOLVED: That the S73 application be APPROVED in accordance with the conditions and reasons set out in the report of the Director of Planning, Housing and Environmental Health and reproduced below for reasons of clarity:

1. (a) The number of pitches on the site shall be restricted to a maximum of 150 for touring units (including touring caravans, campervans, motorhomes and tents) and 30 static caravan units;
- (b) the 30 static caravan units shall be located only on that part of the site shown cross hatched on the drawing attached to this permission;

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

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

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

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

2. (i) No caravan shall be occupied as a person's sole, or main place of residence

(ii) the caravans shall be occupied for holiday purposes only with the exception of a maximum of 18 touring caravans on workers pitches

(iii) the workers pitches may be occupied only as temporary accommodation by locally employed workers on fixed term contracts of employment

(iv) the owners/operators of the caravan site shall maintain an up-to-date register of the names of all owners/occupiers/overnight guests of individual caravans on the site, and of their main home addresses and the time and duration of the occupation

(v) In respect of the workers pitches, the register shall also include details of the location of employment and length of the fixed term contract of employment

(vi) The information in the register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure the site is not used for unauthorised permanent residential occupation which would be inappropriate in the Green Belt or outside settlement confines and so thereby contrary to paragraphs 17 and 28 of the National Planning Policy Framework 2012 and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007.

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

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

AP2 16/22 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00394/WORKM - 28 WESTWOOD ROAD, EAST PECKHAM

The Director of Planning, Housing and Environmental Health reported a breach of planning control related to the erection of a 1.8 metre high close boarded fence adjacent to the highway on part of the northern side boundary and the western rear boundary of the property adjacent to Westwood Road without the necessary planning permission.

It was reported that the boundary fence, by virtue of its overall scale and height combined with its unsympathetic design and materials used, was detrimental to the appearance, character and amenities of the Bullen Corner Conservation Area and harmful to the setting of the Grade II listed building at Bullen Cottage.

Members expressed concern about the fence and its impact on the Conservation Area and requested that any Enforcement Notice seek a reduction in its height.

RESOLVED: That an Enforcement Notice BE ISSUED, the detailed wording of which to be agreed with the Director of Central Services, requiring the fence to be reduced in height by 1 metre.

AP2 16/23 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.25 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 23 September 2015

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

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
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

Wateringbury
Wateringbury

17 March 2016

TM/16/00920/FL

Proposal: Demolition of the existing Greensted Residential Care home and the erection of 51 older person's extra care units (C2 use class) with associated communal facilities, landscaping and parking

Location: Abbeyfield Greensted Residential Home 16 The Orpines Wateringbury Maidstone Kent ME18 5BP

Applicant: The Abbeyfield Kent Society

1. Description:

- 1.1 Planning permission is sought for the demolition of the existing Greensted Residential Care home and the erection of 51 older person's extra care units with associated communal facilities, landscaping and parking.
- 1.2 Abbeyfield Kent Society (AKS) (the applicant) is a registered charity that provides affordable housing for older people at various locations across Kent. These include supported homes, residential homes, extra care housing schemes and a domiciliary care service. AKS has two other schemes in the Borough; Woodgate, Tudley Lane, Tonbridge which is currently under construction and St Martins Square, Larkfield which was granted planning permission earlier this year.
- 1.3 The application seeks to provide extra care units. The application states that *“extra care housing aims to provide a ‘Home for Life’ for older people enabling them to live independently in their own home, with care and support to meet their specific needs brought to them at home.”* The proposed occupants may be owners, part owners or tenants and all have a legal right to occupy which is not the position for residents in traditional care homes.
- 1.4 The scheme comprises 51 apartments of which 36 are single bed and 15 are two bed units. Ten one bed apartments are designed for Older Persons’ Shared Ownership housing and 41 are one and two bed market housing for older persons in need of extra care.
- 1.5 The intention is to establish an on-site domiciliary care service: to be eligible all residents must require an assessed minimum care need of a least three and a half hours a week. The proposed community facilities include a residents’ lounge, multi-purpose amenity space, restaurant and associated kitchen, shop, hair/therapy room and assisted bathing facilities.
- 1.6 The existing Care Home was constructed in 1975 and provided accommodation and care for up to 39 people. Planning permission was granted in 2008 and renewed in 2012 for an extension to the existing building. However the building no longer meets current standards for care homes, and conversion and extension have not proved viable or practical options.

1.7 This submission follows an earlier, larger, scheme for 55 extra care units which was withdrawn formally by the applicant prior to determination.

2. Reason for reporting to Committee:

2.1 Locally significant development and Departure from the Development Plan.

3. The Site:

3.1 The site comprises 0.52 hectares and lies on the junction of The Orpines and Tonbridge Road. This site lies to the east of Watringbury village in the Metropolitan Green Belt.

3.2 The site is located within a small residential estate of late 1960/early 1970s detached dwellings, two of which are accessed through the application site. The existing care home was constructed in 1975 and comprises a central two storey element with single storey projections. The complex appears domestic in character with shallow pitched roofs and first floor cladding. The entrance and main car parking area is to the north. A number of mature trees are present within the site with a cluster to the south east and along the southern boundary.

4. Planning History (relevant):

TM/64/10964/OLD grant with conditions 27 May 1964

Outline application for the demolition of existing house and cottage and the erection of 10 terraced houses, 4 detached houses and a three storey block of six flats and maisonettes on land outlined on the revised plan accompanying the letter

TM/65/10801/OLD grant with conditions 21 May 1965

12 single storey, 3 two storey dwellings, and conversion of house into 5 units, as amended by plans and layout enclosed with letters dated 2nd and 5th April, 1965, for Messrs. Orpines (Teston) Ltd.

TM/67/10770/OLD grant with conditions 28 February 1967

Outline application for old peoples home.

TM/73/10765/OLD grant with conditions 16 January 1973

Old Peoples Home.

TM/84/10890/FUL grant with conditions 2 March 1984

Erection of an extension to existing toilets.

TM/88/10384/OUT Refuse 29 June 1988

Outline application for 30 bed total care Nursing Centre, 12 close coupled bungalows, 27 retirement homes, access road and all associated hard and soft landscaping.

TM/91/10159/OLD No Objection 8 May 1991

Detailed submission under Reg. 4: additional staff and visitors parking.

TM/08/03668/FL Approved 11 May 2009

Removal of two garages. New extensions and alterations to existing residential care home

TM/12/00491/FLX Approved 29 June 2012

Extension of time to implement planning permission TM/08/03668/FL (Removal of two garages. New extensions and alterations to existing residential care home)

TM/15/02495/FL Application Withdrawn 8 March 2016

Demolition of the existing Greensted Residential Care home and the erection of 55 Older Person's Extra Care units (C2 Use Class) with associated communal facilities, landscaping and parking

5. Consultees:

- 5.1 Wateringbury PC: The proposal does not meet the requirements of Policy CP24 in its design, scale, density, layout, siting, character and appearance. The size and bulk of the building does not respect the site and its surroundings. It fails the test of SO1 of the DPD as it fails to protect, conserve and where possible enhance the environment.
- 5.1.1 The greatly increased density proposed in addition to recently approved large scale developments which will use the A26 through Wateringbury would further exacerbate the already poor air quality in the AQMA in Wateringbury and no air quality mitigation measures are proposed or considered necessary in the proposal.
- 5.1.2 The change of use proposed as part of this application would not provide any necessary social or affordable housing to replace the care facilities lost by the demolition of the existing home.
- 5.1.3 Inadequate parking especially if the hairdressers/restaurant will be open to the public
- 5.2 Teston PC: The PC acknowledge the changes but remain concerned over the height, style, massing and urban feel of the building which will impact negatively

on the Green Belt, the nearby Wateringbury Conservation Area, and upon adjacent properties at The Orpines. The design is not in keeping with this semi-rural location, nor comparable with any other development in Wateringbury, and is incongruous against the green wedge that separates Wateringbury from Teston.

- 5.2.1 The Air Quality Assessment recognises that air quality at the Wateringbury crossroads is poor and that the location is declared as an AQMA. However no mitigation measures are proposed as air quality is a low consideration with regard to the impact of the development. The PC has difficulty understanding how this assertion can be correct as the crossroads is already under considerable strain as a result of expansion at Kings Hill and Hermitage Lane, Maidstone. The PC are certain that these developments have contributed to the worsening of air quality. The proposed development is considerably larger than the existing development and significantly more vehicle movements will occur - any further decrease in air quality is not acceptable and mitigation measures should be imposed if the development proceeds.
- 5.2.2 The current proposal does not appear to include any social housing option and this is not only disappointing but is of great concern, particularly given the charitable status of AKS. The PC expected to see the retention of a social element, not a development aimed purely at private purchasers. There will be those in social housing who, due to increasing age and reduced mobility, will need to downsize and we are concerned that there is a shortage of options for them that the current proposal does not address.
- 5.2.3 The PC are concerned that, while AKS are happy to discuss referrals with TMBC and KCC, the residents' 'local connection' with TMBC, as defined by TMBC will be applied. This development is on a site adjacent to the boundary with Teston and our residents rely on certain facilities in Wateringbury such as the Doctors Surgery and rail services and, as such, have a local connection. We trust that any arrangements for allocation of properties will include our residents in view of their very close proximity. We would be most concerned if Teston residents were not included in any preferential treatment with Wateringbury/TMBC residents.
- 5.2.4 As the development is aimed at more affluent retired people it must be anticipated that residents will have access to cars and we question whether the number of parking spaces is adequate when taking into account resident, staff, ancillary/visiting care staff and private visitor numbers. Care must be taken to ensure there is no overspill parking within The Orpines and, particularly, on Tonbridge Road. We are pleased to see that parking restrictions are proposed in this regard but are concerned about whether this will be enforced. It is essential, in our view, for adequate parking to be available from the outset to mitigate the impact on the highway.
- 5.2.5 The plans do not show any new access onto Tonbridge Road and this is welcomed. The PC would object to any further permanent entrance to the site

from the A26 and ask that any temporary entrance that might be opened up on Tonbridge Road in order to gain access to the site during building work is closed promptly once work is complete.

5.3 KCC (H+T): The site is located off The Orpines which forms a T junction with the A26. Visibility from the access is satisfactory. The speed limit is 30mph at the point of the site access and changes to 40mph approximately 25m to the east of the site access. Footways are provided each side of the A26 and a zebra crossing and bus stops are approximately 200m to the west of the Orpines.

5.3.1 KCC request a copy of the parking survey and clarification of the information relating to trip generation, along with a comparison of the trip rates with TRICs as there are no details provided of the sites selected from the McCarthy and Stone survey information such as village location, edge of town etc.

5.3.2 The guidance given in SPG4 requires a maximum parking provision of 1 parking space per resident member of staff and 1 space per 2 other staff plus a further space per 6 beds or residents. Cycle parking provision is required at a minimum level of 1 space per 10 beds. Additionally 1 ambulance space is required. Please clarify the staffing levels, indicate where the ambulance will park and provide tracking details for delivery vehicles and the fire appliance.

5.4 Natural England: No comment.

5.5 KCC (LLFA): It is expected that the surface water drainage systems would be utilised however no information has been submitted. It is anticipated that soakaways will have be used as there do not appear to be any surface water sewers in the vicinity. Recommend the additional information is submitted - need to ensure there is adequate provision on site to accommodate surface water management to ensure flood risk is managed.

5.6 Private Reps: 104 + Site Notice + Press Notice 0X/149R/3S: Objections are raised on the following grounds:

- Harm to amenity of dwellings at The Orpines - loss of privacy, light and general residential amenity;
- Loss of existing views;
- There are 15 dwellings in The Orpines not 14;
- Adverse impact on the quiet residential character of The Orpines;
- Erosion of the existing open character;
- Adverse impact on the green belt and contrary to green belt policy, policy CP3 and CP24;

- Adverse visual impact on the rural character of Watringbury, the wider countryside and the upper Medway Valley owing to the bulk, size and location;
- Site occupies a gateway to the village and faces the existing Conservation Area with many listed buildings. There is a need to retain the appearance of Watringbury village;
- Inappropriate design - little difference from the previous scheme. The schemes by Abbeyfield approved in Tonbridge and Larkfield are three storey in the urban environment, why is the building four storey in the rural environment of Watringbury?
- Scale is visually intrusive and unsympathetic to its surroundings within a semi-rural village;
- Characterless multi-storey blight on the landscape. Size and architectural style is out of keeping and would dominate the area;
- Too large, too many units, overintensive use of the site;.
- Only two storeys should be allowed in the Conservation Area, roofline should respond to existing rooflines. Contrary to the Conservation Area Study. Building materials and finishes not appropriate in an historic Kent village.
- Incongruous feature in an Area of Outstanding Natural Beauty.
(DPHEH: *The site does **not** lie within a CA or AONB*);
- Inappropriate use of materials and finishes;
- Increased traffic generation will increase noise, air pollution affecting public health. The cross roads is already one of the most polluted in Kent breaching EU recommendations, and add to the existing congestion at the cross roads and backing up to Teston bridge, particularly during construction and be a danger to young children.
- Restricted access for emergency vehicles;
- The Orpines is not wide enough to accommodate the increase in traffic, particularly those health professionals needing to visit the site and others to make service deliveries;
- Inadequate public transport links;
- Inadequate parking provision on site will result in roadside parking which will reduce visibility and block existing driveways;

- Absence of adequate turning areas for delivery vehicles;
- Slope of The Orpines is treacherous during snow and not cleared by KCC and therefore particularly difficult for the elderly, ambulances and those with young children;
- Increased pressure on local services e.g. doctors surgery where already there is a wait for appointments, the pharmacy and the school which is already oversubscribed;
- Scheme is designed for the wealthy rather than the poorer former residents. The element of charitable benefit has gone;
- More affordable rental/social units are required to reflect the needs of the village;
- Will set a precedent for other inappropriate development, particularly the land to the east and merge with Teston;
- Will lead to supermarkets in the village;
- Loss of trees and associated impact on wildlife, protected trees will be lost (*DPHEH: The site does **not** lie within a CA and there are no protected trees on the site*);
- Impact on private rights of way and services;
- Impact on property values;
- Noise and disruption during construction;
- The proposed restaurant and hairdressers will take trade away from the existing businesses within the village;
- No refuse bin provision;
- Wrong location for the elderly, will change the dynamics of the village;
- The views of neighbours have been completely disregarded by the applicant.

5.7 Three letters of support are offered for the following reasons:

- The revised application blends in more than the previous application. This valuable village asset needs modernising and is the redevelopment of an existing use.
- The flats are preferable to the existing car showroom which should be demolished.

6. **Determining Issues:**

Development in the Green Belt:

- 6.1 The site is designated as Metropolitan Green Belt, which is a strategic designation intended to (inter alia) check the unrestricted sprawl of large built up areas and prevent the merging of neighbouring towns into one another. Some of the representations received discuss on a number of occasions the “character” and “visual appearance” of the Green Belt and the related impact of this proposal thereof. I must however stress that the Green Belt is **not** a landscape designation. Matters of visual appearance and design quality are, of course, important considerations in their own right – and I will return to these during the course of the assessment – but they have no bearing on the matter of whether the development is acceptable in Green Belt terms.
- 6.2 The NPPF indicates that new buildings within the Green Belt are considered to be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are, however, specific exceptions to this position which include:
- *“The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; or*
 - *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*
- 6.3 Dealing firstly with the first exception cited, the replacement building would be in a *similar* use (in legal terms), albeit in a different guise (extra care apartments rather than care home). In any case, it is clear that the replacement building by virtue of its scale and massing (and indicative footprint) would be materially larger than the existing care home.
- 6.4 Turning to the second exception outlined above, Annexe 2 of the NPPF defines previously developed land (PDL) as being:
- “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-*

developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

- 6.5 The site, which is occupied entirely by permanent structures (the care home itself) and associated fixed surface infrastructure (the areas of car parking and access road), can clearly be defined as PDL. However, the fact that the replacement building would be materially larger would result in it having a greater impact on the openness of the Green Belt than the existing development.
- 6.6 For these reasons, I believe that this element of the proposal does not fall within any of the relevant exceptions cited within the NPPF and therefore constitutes inappropriate development within the Green Belt, by definition. As such, the proposal can be granted planning permission *only* if it is demonstrated that very special circumstances exist to justify that permission.
- 6.7 In addition to the harm caused by virtue of the fact that the replacement building constitutes inappropriate development, it is also necessary to consider whether the development causes any other harm and, having done so, whether there are other considerations relevant to the overall balance that demonstrate very special circumstances. In this respect, the replacement building would be of a greater scale and mass than the existing care home and this would undoubtedly have some material impact on levels of openness at this point within the site. With these considerations in mind, it is necessary to establish whether very special circumstances exist which outweigh the degree of harm caused by the proposed development by virtue of both its inappropriate nature and its physical impact on openness.
- 6.8 The NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt”* and such development should not be approved, except in very special circumstances. In view of the presumption against inappropriate development, substantial weight is attached to the harm to the Green Belt when considering any planning application concerning such inappropriate development. The NPPF states (paragraph 88):

“When considering any planning application, local planning authorities should ensure that substantial weight is given to the harm to the Green Belt. ‘Very special circumstances’ will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

- 6.9 In addition to setting out the national policy for development within the Green Belt, the NPPF also sets out its planning policy in respect of providing a good quality choice of homes. Paragraph 50 places considerable emphasis on the need for LPAs to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. It goes on to indicate that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different

groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

- 6.10 The NPPF defines older people as being people over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs.
- 6.11 There is clearly a strong national policy impetus in favour of providing a good quality choice of homes as a matter of principle, and the above is therefore an important material planning consideration which can legitimately form part of the case of very special circumstances here.
- 6.12 Additionally, it is recognised that the Borough has an aging population and it is therefore necessary that the specific accommodation needs of this section of the community is met. The scheme proposes extra care. Extra care is designed to meet the needs of frailer older people with varying levels of care and support on site.
- 6.13 Paragraph 159 of the NPPF requires local planning authorities to prepare a Strategic Housing Market Assessment to assess the full housing needs of their area. The Borough has an assessed need for the type of accommodation proposed by the current scheme. Section 7.3 of the updated Strategic Housing Market Assessment June 2015 identifies a predicted need for 410 care home bedspaces in the Borough for the period 2011-31. The proposed scheme will be instrumental in responding to this need and is therefore in accordance with this underlying aim of the NPPF.
- 6.14 A clear need for the provision of accommodation for the growing older population is therefore present. Additionally, it must of course be recognised that it is not purely the quantitative need for such accommodation that requires consideration, but a general recognition exists that there is also a shortage of high quality and purpose built facilities which meet the evolving needs of older people in the UK.
- 6.15 I am acutely aware of the considerable viability challenges that AKS face in providing this specialist type of accommodation. The inclusion of 10 units for older persons on a shared ownership basis is therefore welcomed as meeting part of the identified need. This is in addition to the entirely affordable 79 units to be provided at the AKS Larkfield scheme. The affordable extra care units proposed under the current application would be accessed through the Council's Housing Register. Occupants would need to have a local connection and meet the same eligibility criteria as for other traditional affordable housing. To clarify, a local connection is where the applicant has lived in the Borough for six out of the last twelve months, or three out of the last five years, has a permanent job which is based in the

borough, or has immediate family living in the Borough who have lived here for at least five years.

- 6.16 Regard must also be had to the specific locational characteristics of the site relative to its immediate surroundings. The site is very much on the edge of the identified village confines, in a small pocket of development on the northern side of the A26. The proposed development would not therefore, in my view, conflict with the fundamental, strategic aims of including land within the Green Belt, as set out in paragraph 80 of the NPPF.
- 6.17 In the overall balance of all the factors that determine whether a justifiable claim for very special circumstances has been made in support of the elements of the proposal that constitute inappropriate development and harm to the MGB, I conclude that a sufficient case of very special circumstances exists that outweighs the degree of harm that would arise in this instance.

Development within the countryside:

- 6.18 In addition to the Green Belt designation, it is important to note that in more general terms, the application site forms open countryside, outside the village settlement confines of Watringbury. Policy CP14 of the TMBCS therefore applies and this states that in the countryside development will be restricted to:
- Extensions to existing settlements in accordance with policies CP11 or CP12;
 - One for one replacement or appropriate extension of an existing dwelling or conversion of an existing building for residential use;
 - Development that is necessary for agriculture or forestry;
 - Development required for the limited expansion of an employment use;
 - Development that secures the viability of a farm as part of a comprehensive farm diversification scheme provided it is supported by a business case;
 - Redevelopment of the defined major developed sites in the Green Belt [not applicable to this case as the site lies outside the Green Belt];
 - Affordable housing which is justified as an exception under policy CP19 (rural exceptions site);
 - Predominately open recreation uses and associated infrastructure;
 - Any other development for which a rural location is essential.
- 6.19 CP11 of the TMBCS states that development will be concentrated within the confines of the urban areas (Tonbridge, the Medway Gap and Walderslade) and

that development adjoining these urban areas will only be permitted if there is an identified need and there are not suitable sites within the urban areas.

- 6.20 CP12 of the TMBCS allows for development adjoining the rural confines of Borough Green, East Peckham, Hadlow, Hildenborough and West Malling provided that there are no alternative suitable sites and where there is a local justification.
- 6.21 CP13 relates to other rural settlements, including Wateringbury village, restricting new development to minor development, within the confines provided it is of a scale and character appropriate to the location.
- 6.22 With the above policy context in mind, it is clear that the proposal relates to new development outside the village confines of Wateringbury which does not meet any of the exceptions specifically set out in policy CP14 of the TMBCS and consequently, the proposed development falls outside of the requirements of these policies.
- 6.23 Members will be aware that the Council in its role as Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force (in this case the policies cited above) **unless** material considerations indicate otherwise.
- 6.24 It is therefore necessary to establish whether any other material planning considerations exist that outweigh the above policy considerations in these particular circumstances. In this respect, it is my view that the considerations set out above, culminating in the conclusion that very special circumstances exist which outweigh the degree of harm to the Green Belt also amount to other material considerations that weigh strongly in favour of the grant of planning permission in this instance.

Detailed assessment of the scheme:

- 6.25 One of the core principles contained within the NPPF centres on the need to always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also stresses that planning decisions should not attempt to impose architectural styles or particular tastes. Paragraph 65 states that planning permission for buildings which promote high levels of sustainability should not be refused because of concerns about incompatibility with an existing townscape if those concerns have been mitigated by good design.
- 6.26 Similarly, TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its

surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
- the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

6.27 The existing building was constructed in 1975 and comprises a mix of single and double storey elements in a rough 'H block' arrangement. The buildings are predominantly brick with a mix of tile hanging and timber fascia. It is of no particular visual merit in design terms and its loss within the locality would not be adverse in visual terms.

6.28 There has been national shift away from the traditional care home model towards an extra care model where care is provided on the basis of individual need, with people being supported in their own homes. The proposed scheme has therefore been designed within this context and its appearance is reflective of that approach. The building has been designed to meet the specific needs of the future occupiers. The apartments, gardens and community areas have all been designed for wheelchair access and the apartments designed to be adaptable or 'care ready' for any future occupier requirements.

6.29 The 2015 scheme proposed 55 units arranged over four storeys with an 'L shaped' footprint. The current scheme proposes a reduced number of units and reduced internal floor area. The building has been re-designed to reduce the overall bulk by submerging the lower floor below ground level and altering the footprint to create two three storey wings with only a single four storey central element. This has resulted in a reduction in above ground massing and therefore the overall visual impact of the building. By submerging the lower floor into the site this will give the appearance of a two/three storey building when viewed from The Orpines. There would also be a similar reduction when viewed from Tonbridge Road.

6.30 It is my view that the scheme is acceptable in terms of visual appearance and detailed design. It has been designed in a way which breaks up the bulk and massing through vertical and horizontal articulation. The impact of the building can be further mitigated by the introduction of additional landscaping, particularly to the southern and eastern site boundaries.

6.31 I acknowledge that the site lies on the eastern approach to the village. However when considering the design of the proposed building it must be noted that the site does not lie within the village centre, the Conservation Area or close to any listed buildings, rather it is set within a late 1960/early 1970s small residential estate. It is against this specific context that the proposed new building must be judged.

- 6.32 The proposed building is a contemporary design which reflects the functional needs of its future occupants. As noted the site does not lie within a CA or impact upon the setting of a listed building. In the absence of any specific designation it is not therefore appropriate to impose any specific design language. Therefore the proposed building, although larger than the existing building and modern in its design, is on balance acceptable in this location.
- 6.33 No trees within the site are subject to Tree Preservation Orders nor does the site lie within a Conservation Area. Nevertheless the proposal seeks to retain the existing trees where practicable. Whilst the scheme may involve the removal of some trees, the majority of the existing boundary trees and the large oaks trees within the site are to be retained. The application contains details of the proposed additional tree planting, two of which are proposed to the southern site boundary adjacent to the Tonbridge Road. This is welcomed. There is opportunity for additional planting to this and the eastern site boundary which can be secured by planning condition.
- 6.34 Turning to matters of residential amenity, I consider that the specific siting of the building and its resultant relationship with the nearest neighbours ensures that there would be no harm arising in terms of loss of light or privacy to justify refusal on such a basis. Specifically, the western façade of the proposed building is over 19m from the garden fences of nos. 4, 5 and 8 The Orpines, which is certainly a sufficient amount of separation.
- 6.35 Taking all of the above factors into account, the proposed development is considered to be acceptable in terms of residential amenity issues. Whilst I appreciate that the surroundings residents' relationship with the site will change in physical terms, this change would not result in any material harm being caused.
- 6.36 Policy CP2 of the TMBCS requires new development to be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres.
- 6.37 I appreciate that there is local concern regarding the possible increase in traffic movements and the potential for cars to be displaced onto the surrounding local highway network arising from the proposed development.
- 6.38 It is acknowledged that the scheme would increase the number of residents and therefore the number of potential visitors and other service providers. However the scheme relates to the redevelopment of an existing Care Home and therefore it is unlikely to result in the significant increase in number of trips envisaged by this policy.
- 6.39 For Care Homes SPG4 recommends a maximum parking provision of 1 parking space per resident member of staff, 1 space per 2 other staff, 1 space per 6 beds for residents, 1 cycle space per 10 beds and 1 ambulance space. Section 6 of the submitted Planning Statement calculates the proposed parking provision to be

based on 11 full time staff, including 1 residential member of staff and 66 bedrooms. This results in a total of 17 vehicle parking spaces and 7 cycle spaces. The scheme proposes 25 vehicle parking spaces including 2 disabled spaces and 8 cycle spaces. This is in excess of the recommended vehicle parking requirements. A larger parking space is provided immediately adjacent to the proposed extra care room which can be used for an ambulance.

- 6.40 It must be borne in mind that current Government guidance contained within Paragraph 32 of the NPPF states that permission should only be refused on transport grounds if the impacts are considered to be severe. Whilst further clarification has been sought by KCC H+T on a number of issues they confirm that visibility at the junction of The Orpines and Tonbridge Road is satisfactory.
- 6.41 Taking the above into consideration, the proposed development is considered to be acceptable in terms of both highway safety and parking provision.
- 6.42 Turning to matters regarding various sources of pollution, the Wateringbury AQMA lies to the west of the site centred around the junction of the Tonbridge Road, Bow Road and Red Hill. It is therefore important to ensure that the proposed scheme will not adversely contribute to the area in terms of increased pollutants and that adequate amenity can be ensured for the future occupants. However, in the same manner that the proposed level of increase in traffic movement will not have an unacceptably adverse impact on highway safety, there will be no significant deterioration of air quality in the Wateringbury AQMA. Nevertheless low emission designs should be incorporated into the proposal, in particular the introduction of a monitored Green Travel Plan. This will be of benefit in both highway and air quality terms, and can be ensured by planning condition.
- 6.43 Whilst the proximity of the site to the AQMA and the Tonbridge Road is noted, the proposed building is to be set-back from the road and this distance, in combination with the slope of the site away from the road to the north, will ensure adequate air quality within the proposed development. Notwithstanding this, and as already noted, additional planting to the southern site boundary would help to improve air quality levels and this is recommended in the interests of air quality, noise mitigation and visual amenity.
- 6.44 Issues relating to potential land contamination can be adequately dealt with by planning condition. Similarly, suitable management of surface water can be achieved through appropriate design and this can be ensured by planning condition. The concerns of residents regarding foul drainage are acknowledged but this issue is a matter for the statutory undertaker and is therefore beyond the scope of the planning system.
- 6.45 The MDE DPD recognises that if not properly controlled, insensitive artificial lighting can cause harm to residential amenity, the built environment and the sky at night. Equally, good quality lighting can make a valuable contribution to the design, efficiency, ambience and sense of place of an area. Given the location of

this site, any external lighting has the potential to make either a positive or negative contribution to the environment. Full details of any external lighting should be required by condition if planning permission is granted.

- 6.46 Turning to matters of trees, ecology and biodiversity, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. It goes on to say (paragraph 118) that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.
- 6.47 Policy NE2 of the MDE DPD states that the biodiversity of the Borough and in particular priority habitats, species and features will be protected, conserved and enhanced. It also states that the restoration and creation of new habitats will be pursued where these promote permeability and contribute to the UK and Kent Biodiversity Action Plan targets. Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement.
- 6.48 The application is accompanied by a habitat survey which concludes that there is low level evidence of bats, although recommends additional surveys; possible roosting sites being an area of broken tile and a mature oak tree. No further surveys are recommended for reptiles or Great Crested Newts. The Report recommends the installation of bird boxes and natural tree planting to create new habitats. Natural England has offered no comment on the proposal concluding that the application is unlikely to result in significant impacts on statutory designated nature conservation sites or landscapes. The additional survey work recommended by the submitted report can be adequately dealt with by planning condition.
- 6.49 A number of matters have been raised during the consultation exercise including the potential for the development to impact upon existing local business, property prices and loss of views. These are not material planning considerations and cannot be taken into account in the determination of the current application.
- 6.50 Members will be aware that impacts during the construction phase of development are not usually matters that can be controlled under the terms of a planning permission. Furthermore, it should be recognised that KCC has powers to appropriately deal with certain matters relevant to the safe operation of the local highway network through its Highways Act powers. For instance, works/damage to the highway or mud on the road are within KCC powers. I would therefore recommend that an Informative be attached to any planning permission granted reminding the developer that the highway should be kept free of obstruction and mud deposits and reminding the developer that there may be a requirement to enter into separate agreements with the County Council accordingly. In parallel it would be appropriate to refer to prior consent with Environmental Health re:

construction noise etc. These matters do not have any bearing on whether planning permission should now be granted for the development.

Conclusions:

6.51 In light of the above assessment, it is my conclusion that the proposed scheme would represent an acceptable form of development in both principle and detail when considering the various requirements of the NPPF and LDF. Moreover, once completed it would comprise a development that would undoubtedly be of benefit to the Borough both in terms of choice of accommodation available to those in need of varying levels of care together with the provision of jobs within the care sector. As such, I recommend that the proposal be welcomed and planning permission granted, subject to planning conditions.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 12.04.2016, Letter dated 17.03.2016, Letter dated 17.03.2016, Other ACCESS STRATEGY dated 17.03.2016, Waste Management Strategy dated 17.03.2016, Statement Of community involvement dated 17.03.2016, Habitat Survey Report dated 17.03.2016, Bat Survey dated 17.03.2016, Energy Statement dated 17.03.2016, Noise Assessment dated 17.03.2016, Design and Access Statement dated 17.03.2016, Other PUBLIC CONSULTATION dated 17.03.2016, Air Quality Assessment dated 17.03.2016, Desk Study Assessment dated 17.03.2016, Drainage Statement dated 17.03.2016, Planning Statement dated 17.03.2016, Other UTILITIES dated 17.03.2016, Other BREEAM dated 17.03.2016, Arboricultural Survey dated 17.03.2016, Location Plan AA4838/2000 dated 17.03.2016, Existing Plans 19592 E 01 dated 17.03.2016, Existing Site Plan 19592 E 10 dated 17.03.2016, Existing Floor Plans 19592 E 11 dated 17.03.2016, Existing Floor Plans 19592 E 12 dated 17.03.2016, Existing Elevations 19592 E 13 dated 17.03.2016, Sections 19592 E 14 dated 17.03.2016, Drawing AA4838/1001 dated 17.03.2016, Site Plan AA4838/2050 A dated 17.03.2016, Proposed Floor Plans AA4838/2051 C dated 17.03.2016, Proposed Floor Plans AA4838/2052 C dated 17.03.2016, Proposed Floor Plans AA4838/2053 C dated 17.03.2016, Proposed Floor Plans AA4838/2054 C dated 17.03.2016, Proposed Roof Plan AA4838/2055 A dated 17.03.2016, Section AA4838/2058 A dated 17.03.2016, Section AA4838/2059 A dated 17.03.2016, Artist's Impression AA4838/2060 dated 17.03.2016, Proposed Elevations AA4838/2061 A dated 17.03.2016, Proposed Elevations AA4838/2062 A dated 17.03.2016, Proposed Elevations AA4838/2063 A dated 17.03.2016, Proposed Elevations AA4838/2064 A dated 17.03.2016, Landscaping AA4838/2065 dated 17.03.2016, Proposed Elevations AA4838/2066 dated 17.03.2016, subject to the following conditions:

Conditions:

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

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

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

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

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure no adverse impact on highway safety resulting from hazardous on-street parking.

4. No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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 turning area.

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

5. No development, other than the demolition of the existing building(s), shall take place until details of the slab, finished floor and ridge levels have been submitted to and approved by the Local Planning Authority and the development shall be carried out in strict accordance with those details.

Reason: In the interests of limiting the visual impact of the proposal on the locality.

6. No development, other than the demolition of the existing building(s), shall take place until details there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment, which shall include proposals for additional planting to the southern and eastern site boundaries. All planting, seeding and turfing comprised in the approved scheme

of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

7. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
 - (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

8. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the local planning Authority:
 - (a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives,

remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

9. Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

10. No development, other than the demolition of the existing building(s), shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to, and by the Local Planning Authority. The scheme shall include details of the implementation, maintenance and management of the sustainable drainage scheme and the scheme shall be implemented and thereafter managed and maintained throughout its lifetime in accordance with these details.

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

11. The development shall be carried out in strict accordance with the accommodation schedule detailed in the submitted Affordable Housing Side Letter received 17

March 2016 and include the 10 Older Persons Shared Ownership dwellings which will be prioritised for households with a local connection to Tonbridge & Malling. The scheme shall not be varied in any way without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the type of accommodation provided.

12. Within three months of the development commencing full details of a scheme of acoustic protection of habitable rooms shall be submitted to and approved by the Local Planning Authority. The Report shall include specific data and details of any necessary noise insulation/attenuation requirements e.g. acoustic glazing, acoustically screened mechanical ventilation. The approved attenuation measures shall be implemented prior to the first occupation of the Care Home and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the units hereby approved.

13. No development shall take place until the additional surveys and other recommendations made in the Phase 1 Habitat Survey and Bat Building Report submitted 17 March 2016 have been carried out and any mitigation measures submitted to and approved by the Local Planning Authority. The works shall thereafter be undertaken in accordance with those mitigation measures.

Reason: To safeguard existing habitats and conserve biodiversity.

14. No part of the development hereby approved shall be occupied until details of measures to encourage the use of access to and from the site by a variety of non-car means (known as a Green Travel Plan) have been submitted to and approved in writing by the Local Planning Authority. The recommendations of this plan shall be carried out, on first occupation and thereafter retained in operation to the satisfaction of the local planning authority.

Reason: To reduce traffic movement and any associated impacts.

15. Prior to the installation of any external lighting serving the building full details shall be submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details prior to first occupation.

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

16. The refuse storage details shown on drawing AA4838-2052 Rev C dated 17 March 2016 shall be provided prior to the first occupation of the building and shall be retained in perpetuity to the satisfaction of the local planning authority.

Reason: To ensure an appropriate standard of development.

Informatives

- 1 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08:00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
- 2 The applicant is reminded that land contamination risk assessment is a step by step process. During the course of the risk assessment process set out in the above condition(s) it may become clear that no further work is necessary to address land contamination risks. Where this is agreed to be the case the condition(s) may be discharged by the Local Planning Authority without all the steps specified having been completed or submitted for formal approval. In all cases, written confirmation should be obtained from the Local Planning Authority confirming that the requirements of the condition(s) have been met. The Local Planning Authority would like to take the opportunity to remind the applicant that it is their responsibility to ensure the site is safe and suitable for its end use.
- 3 The Local Planning Authority will not accept any liability for remediation works.
- 4 The applicant is reminded that a suitably qualified and competent person shall fulfil the requirements of the condition(s) pertaining to contaminated land remediation.
- 5 The development involves demolition and, owing to the likelihood of the buildings containing or being constructed of asbestos, the applicant should contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.
- 6 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

- 7 The disposal of waste by incineration (bonfires) could lead to justified complaints from local residents and is also contrary to Waste Management Legislation. It is therefore recommended that no bonfires be lit had at the site.
- 8 In the interests of good neighbourliness all vehicles and machinery associated with demolition and/or construction must be parked within the site and not on the public highway in such a manner as to create an obstruction.
- 9 When submitted details pursuant to planning condition 12 the applicant is advised that due to the proximity of the highway the Report shall include the current noise climate and consider how the levels in BS8233:2014 will be met, namely:
- for gardens and other outdoor spaces a desirable limit of 50dB LAeq,1-hour, and a maximum upper limit of 55dB LAeq,1-hour; and
 - to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in kitchens/dining rooms . These levels need to be achieved with windows at least partially open.
- 10 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Maria Brown

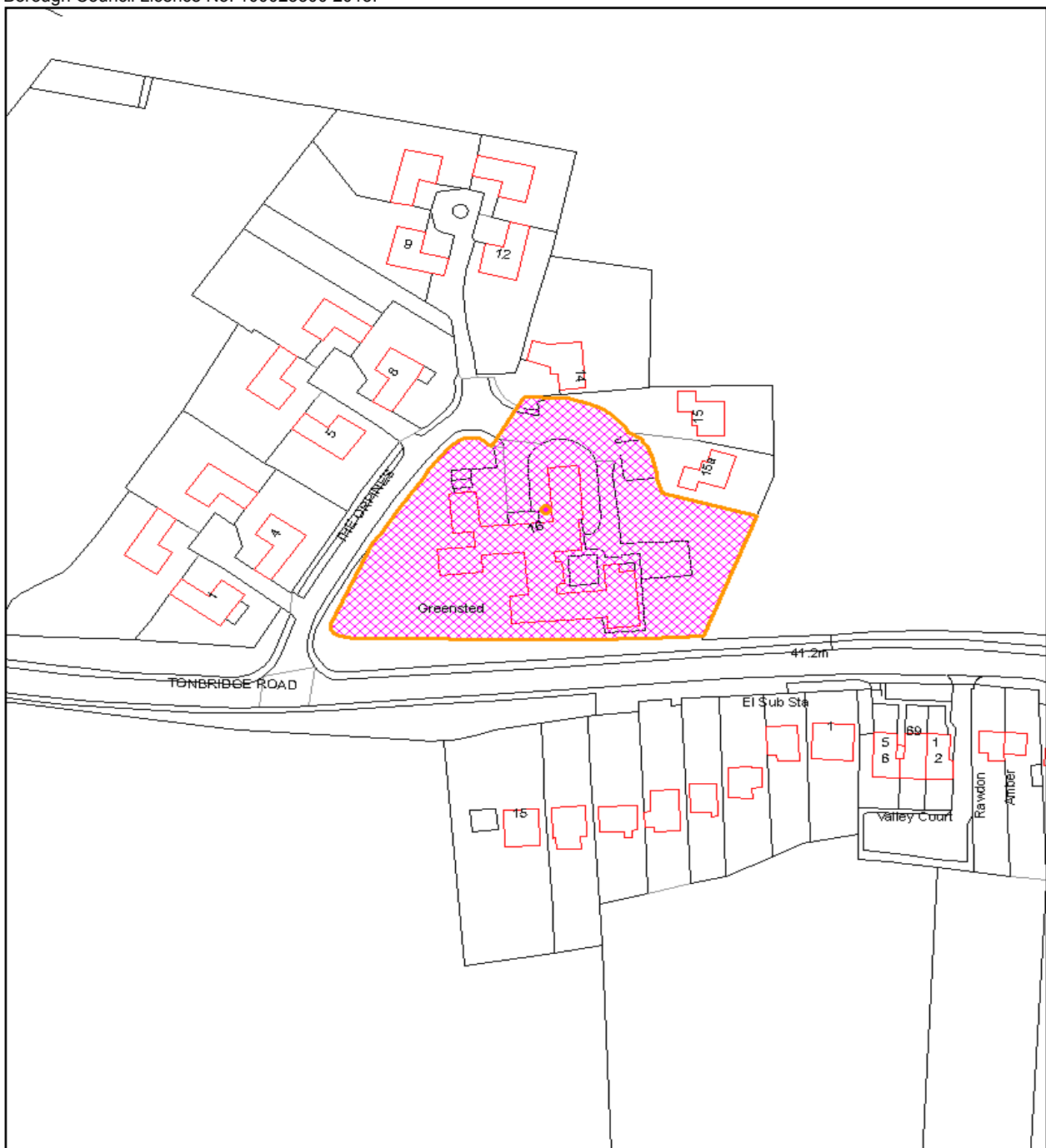
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TM/16/00920/FL

Abbeyfield Greensted Residential Home 16 The Orpines Watringbury Maidstone Kent ME18 5BP

Demolition of the existing Greensted Residential Care home and the erection of 51 older person's extra care units (C2 use class) with associated communal facilities, landscaping and parking

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Borough Green
Borough Green And
Long Mill

25 September 2014

TM/14/02992/FL

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 amendments to this application for redevelopment of the A to Z Geographers site to provide 41 dwellings were presented to the APC2 meeting of 2 March 2016. The amendments comprised the non-provision of the originally agreed 16 on-site affordable houses. The applicant stated that the scheme would be unviable, primarily as a result of the cost of remediating the site of contamination which has proved to be much higher than anticipated. Amended wording to some of the conditions to assist in a more expedient delivery of the scheme was also proposed. However, the Committee was concerned that a complete removal of the affordable housing provision was not acceptable and therefore resolved to refuse the amendments to the application. A copy of the previous reports to Committee are annexed.
- 1.2 The applicant has since re-negotiated the selling price with the Trustees of A-Z in order to provide a proportion of affordable housing, given the site specific circumstances, that aims to overcome the concerns of Members.

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 None.

4. Determining Issues:

- 4.1 Additional Determining Issues since the last resolution on 2 March 2016 as follows:

Affordable Housing Provision:

- 4.2 The applicant has provided written confirmation that in order to facilitate an affordable housing provision that would be acceptable in the policy context of

CP17 of the Tonbridge and Malling Borough Core Strategy, the selling price of the site has been re-negotiated with the Trustees of A-Z, with the Trustees agreeing to reduce the price. This has made £320,000 available for affordable housing provision, which includes £70,000 that would cover the likely cost of an appeal. The applicant has therefore put forward the following offer towards affordable housing, either:

- a) 4 terraced houses on-site (shared equity only) **or**
- b) an off-site contribution of £320,000.

4.3 The applicant has advised that they would be prepared to enter into an agreement that they must first seek offers for the on-site contribution, but if this is not successfully achieved within an agreed timeframe then the provision would defer to the financial contribution of £320,000 for off-site provision.

4.4 Notwithstanding the applicant's sequential offer, it is considered that only the off-site contribution would be acceptable as this would enable the Council to target specific affordable housing need in the Borough.

4.5 In light of the Council's viability consultant's estimated commercial valuation of the site the proposed off-site financial contribution towards affordable housing offered by the applicant is considered to be reasonable. The contribution could enable a modest but meaningful amount of affordable housing in the Borough that is proportionate given the specific circumstances.

4.6 It is therefore recommended that Members resolve to approve the application, which includes the rewording of the conditions to assist in the delivery of the development. This would be subject to the offered affordable housing provision being secured under a legal agreement, along with the retained contributions for open space and KCC community services facilities.

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:

5.2 The applicant entering into a legal agreement in respect of :

- Affordable Housing
- Open space provision
- Contribution to KCC Community facilities

5.3 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 development shall be undertaken in accordance with the demolition 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 dwellings shall be commenced 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 dwellings shall be commenced 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, other than demolition of any building, removal of hardstanding or works needed to remediate the site, shall be commenced 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 No development, other than demolition of any building and removal of hardstanding, shall be commenced until the site is remediated in accordance with the following hereby approved, unless written consent is given for any variation:

- (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 has been submitted to and approved 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 and in the interests of amenity and public safety.

- 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.
- 3 The applicant/developer shall ensure that in order to minimise dust impact from the demolition and remediation works, lorry loads are covered when entering and leaving the site.
- 4 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Mark Fewster

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.

-
- 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.

-
- 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.

- 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

Report from 2 March 2016

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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Ryarsh
Downs And Mereworth

25 January 2016

TM/16/00211/FL

Proposal: Proposed demolition of existing property and erection of three detached dwellings, detached garages, new highways access plus other ancillary works. Resubmission of TM/15/02952/FL
Location: Brionne The Street Ryarsh West Malling Kent ME19 5LQ
Applicant: Clarendon Homes Ltd

1. Description:

- 1.1 The proposal seeks planning permission for the demolition of the existing detached dwelling and for the erection of three detached dwellings, detached garages, new highways access plus other ancillary works.
- 1.2 Plots 1 and 2 are proposed as four bedroom dwellings and plot 3 is proposed as a three bedroom dwelling. Plot 1 will face The Street and the dwelling proposed faces south and measures 10.5m wide x 10m deep x 7.9m high. Plot 2 will be sited parallel to The Street, facing east along the rear boundary of Scannells Cottage and measures 10.5m wide x 10.6m deep x 8.1m high. Plot 3 will be next to Plot 2 and be aligned along the northern boundary, also parallel to The Street and measures 8.8m wide x 12.7m deep x 8.4m high.
- 1.3 It is proposed to replace the existing driveway with a new driveway, which would be located between Scannells Cottage and Plot 1. Each plot will have a single carport, all to be sited in the NE corner, close to the boundary with The Hollies. In total there are 3 carport spaces and 6 driveway parking spaces.
- 1.4 The application has been amended since originally submitted to reduce the scale of the proposed dwellings and to set Plot 1 further back into the site, 6m from the highway.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllrs Balfour and Kemp because of local concerns relating to over development of the site.

3. The Site:

- 3.1 The application site measures 0.28ha (0.7 acres) and is situated partly within the settlement confines of Ryarsh.
- 3.2 The south-east part of the site fronting The Street, where Plot 1 is to be sited, lies within the Conservation Area and within the rural settlement boundary.
- 3.3 The west of the site which is the garden of Brionne (and is the proposed garden areas for Plots 2 and 3) lies outside of the settlement confines and within the

Metropolitan Green Belt. The Metropolitan Green Belt and open countryside also bounds the north of site.

- 3.4 Ryarsh also lies within an Area of Outstanding Natural Beauty.
- 3.5 The Street comprises a mixture of property styles, mostly sited along the road frontage. The existing dwelling is currently set back from the highway, with a large garden to the front. The existing private garden area is located to the west side of the dwelling.
- 3.6 The site is a relatively flat site. There are a number of trees screening the north and west of the site, and a number of fruit trees within the site.

4. Planning History (relevant):

TM/12/02460/FL Application Withdrawn 22 October 2012

Erection of 3 detached, 4 bedroom houses, each with 2 car parking spaces, together with the demolition of the existing house, and improvements to the existing drive and turning space

TM/14/03008/FL Approved 7 November 2014

Erection of a two storey, three bedroom detached house and construction of a vehicular access, all as approved under reference TM/11/03066/FLX

TM/15/02952/FL Application Withdrawn 11 November 2015

Proposed demolition of existing property and erection of three detached dwellings, detached garages, new highways access plus other ancillary works

5. Consultees:

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

- The size and scale of the proposed dwellings are too large for the central village location;
- The design of the proposed dwellings is out of keeping with the surrounding locality and will adversely affect the neighbouring properties and streetscene;
- The design lacks character and individuality and will not fit in with properties in the centre of Ryarsh and will be detrimental to the village;
- The size and height of the roof of the proposed dwellings will also affect the views for walkers in the Downs, as the properties will stand out and be clearly visible;

- Neighbours will be overlooked and lose privacy and light;
- A number of nearby dwellings in the village are Listed. The requirements of the NPPF and Planning Law should be fully considered in relation to these Listed Buildings that would be adversely affected (these include the Duke of Wellington Public House, The Holmes and Elm Tree House);
- A Conservation Architect or expert should be consulted about the effect of these proposals and a Heritage Statement should be prepared to inform and accompany proposals;
- One of the proposed dwellings will become the most dominant dwelling in the street, rather than one of the historic older buildings;
- The quality of the submitted plans is hard to understand in terms of what is proposed and it is difficult to compare it with the existing dwelling or adjacent dwellings;
- The applicant states that the proposed dwelling at Plot 1 is the same as the existing planning permission at Brionne. This is misleading. The volume of the existing permission shown by the applicant is calculated to include a separate garage, so the actual volume of the house itself is much smaller. The volume of the proposed property at plot one is just for the house and the additional volume of the separate garage is not included and not compared on an equal basis;
- The width of Brionne on the applicant's plans is shown to be wider than the actual house is;
- The 2D plans submitted with the application are insufficient. A set of 3D plans should be submitted and a need for a better understanding of the size and nature of these proposals. All dimensions should have been provided;
- The roofline shown on the plans is much higher than the existing dwelling, which will have a negative impact on neighbours and the feel of the village;
- Planning permission was granted for only one additional property. There is a strong local feeling that this original permission should have been granted and subsequently renewed. Neighbours purchased their properties with knowledge of the original permission and it would be extremely unfair to force a different development on them;
- The latest plans will have a detrimental impact privacy and amenity of neighbouring properties;
- The proposed access is inadequate and impractical, with no passing places. The Street is narrow and close to a blind bend and this will be dangerous.

Cars park almost opposite the proposed entrance, which will make manoeuvrability difficult;

- The stream behind the Quarry floods and there is a risk of flooding on this site;
- The proposal will result in problems for the sewers, which are shared with existing properties;
- There are other large sites in the village being developed within the village so this site is not needed;
- An application for Moonfield, further along The Street, was refused as inappropriate development that is by definition harmful to the Green Belt and would harm the open nature of the Green Belt by virtue of its footprint, size and scale. These same objections apply to this application and there are no special circumstances present.

5.2 KCC (Highways): No objections.

5.3 Private Reps: 11/0X/0R/21R + Site notice. 14 letters of objection received to initial consultation and 9 letters of objection received following reconsultation, 3 from the same household. The objections submitted raise the following concerns:

- Roof height out of scale to surrounding dwellings;
- Scale of the proposed dwellings will dominate neighbouring dwellings;
- Out of proportion;
- Increase in traffic movements;
- Access to all car spaces is narrow and if blocked could be dangerous;
- Ryarsh does not benefit from good public transport links;
- Proposed visibility splays are inadequate as the highway is only 5.5m wide with no footpaths or verges;
- The proposed bin storage adjacent to neighbouring dwellings is an indication of overdevelopment;
- No demand for large dwellings as other sites nearby being developed;
- Unsympathetic to setting of Conservation Area;
- Plot 1 greater in volume, floorspace and height than extant permission;
- Loss of light and privacy to adjacent dwellings;

- Sewage/drainage in surrounding locality will be detrimentally affected;
- High water table and flooding has occurred in the past;
- Unclear as to what boundary planting there will be;
- Out of keeping with village – too modern and large (in scale and height), too many, too dense and unsympathetic to character of this part of village;
- Latest plans have increased number and area of windows – detrimental to privacy of adjacent properties;
- Impossible to see a reduction in scale from previous plans;
- No significant changes to appearance of houses;
- Plot 1 is higher than extant permission and executive style modern home, which has lost any attempt to emulate village-style;
- Plot 1 will dwarf neighbouring dwelling and facing dwellings;
- Plot 1 is for a 10% larger footprint. A house of this bulk would be detrimental in this location and too imposing on established neighbouring houses.
- Over-intensive development;
- All of the proposed dwellings are the same and out of character with the village location;
- Current approval for new dwelling set too far back into site;
- Proposed dwelling is for a 4 bedroom dwelling of much larger bulk to the extant permission;
- The submitted plan shows the existing building as being 15m wide, but it is less than 10m wide with a low level flat garage;
- Paragraph 129 of the NPPF states that LPA's should identify and assess particular significance of any heritage asset that may be affected by a proposal unhelpful that the Council have not got a Conservation Area Appraisal;
- The part of the site falling outside of the Conservation Area is an integral part of its setting;
- Two of the proposed garages are separated from their host dwellings and will clutter up the rear spatial area;
- Concerns over maintenance of proposed garages;

- The general form of the historic core is linear;
- When viewed from the AONB the village appears uncluttered at present. The proposal will result in the appearance of clutter;
- Proposal will impinge on Human Rights

6. Determining Issues:

- 6.1 An extant planning permission exists for one detached dwelling to the front of the site (TM/14/03008/FL), in addition to retention of the host dwelling. Hence this application is for a net gain of 1 dwelling over and above what has been approved under that planning permission.
- 6.2 Part of the application site lies within the rural settlement confines of Ryarsh, where policy CP13 of the TMBCS applies. This policy states that new development within the confines of Ryarsh should be restricted to minor development, appropriate to the scale and character of the village.
- 6.3 Part of the site does fall outside of the settlement confines, within the Metropolitan Green Belt and open countryside.
- 6.4 Paragraph 89 of the NPPF and Policy CP3 of the TMBCS state that the construction of new buildings is inappropriate development within the Green Belt. However, the proposed dwellings themselves would be sited within the settlement confines of Ryarsh and it is the proposed garden areas of Plots 2 and 3 that would be located within the Metropolitan Green Belt. As this is already Brionne's garden and thus there is no built development or material change of use, the proposal overall does not amount to inappropriate development within the Metropolitan Green Belt.
- 6.5 A previous proposal was submitted but withdrawn for 3 dwellings (TM/12/02460/FL) on the site, where two of the dwellings were sited such that they encroached into the MGB. This current proposal shows all the footprints of the dwellings within the settlement confines. The land to the west for the gardens of plots 2 and 3 lies in the Metropolitan Green Belt but currently forms part of the residential garden area of Brionne, and therefore I am of the opinion that the built form of the proposal from this position will not have a detrimental impact on the rural Green Belt.
- 6.6 Policy CP14 of the TMBCS sets out acceptable development within the countryside. The construction of new buildings is not one of the developments listed. However, it is also the proposed garden areas of Plots 2 and 3 that would be located outside of the settlement confines, within the open countryside, and therefore as this is already garden, the proposal overall does not amount to unacceptable development in the countryside.

- 6.7 Policy CP6 of the TMBCS states that development will not be permitted within the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside. Revisions have secured Plot 3 to be set further south within the plot, away from the northern boundary of the site with the adjacent countryside, where there are relatively open views. The intervening distance is 2m and I am of the opinion that this dwelling will not be significantly detrimental to views of Ryarsh from the countryside.
- 6.8 The application site (as is all of Ryarsh) is located within the Kent Downs AONB. Policy CP7 of the TMBCS states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. Paragraph 115 of the NPPF requires that LPAs give great weight to conserving landscape and scenic beauty within the AONB which have the highest status of protection in relation to landscape and scenic beauty. I am of the opinion that the proposal is not a form of development that would adversely affect the natural beauty and quiet enjoyment of the AONB bearing in mind it is generally within character with the rest of Ryarsh.
- 6.9 In terms of the impact on the Conservation Area it is also necessary to refer to paragraphs 131, 132, 133 and 137 of the NPPF; these outline the importance of the heritage assets that includes Conservation Areas.
- 6.10 Plot 1 lies within the Ryarsh CA. There is an extant planning permission for a new dwelling to the front of the existing dwelling; this would be set back from The Street by 6.5m. Plot 1 has been set back further into the site compared with the previous application (TM/15/02952/FL) and would be of a similar location to the extant permission for a new dwelling (TM/14/03008/FL), 6m from the edge of the highway. I am of the opinion that the positioning of this dwelling will sit comfortably within the street scene, between Scannells Cottage and The Hollies, in terms of its impact on the streetscene and upon the character of the CA.
- 6.11 Policy CP24 of the TMBCS states that all development should be well designed and of a high quality in terms of detailing and use of appropriate materials and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.12 The dwellings have been designed with a reasonable space between each dwelling and would also have a detached garage/carport. The plans have been amended during the course of this application to reduce the overall footprint. However, the proposed dwellings are larger than the footprint of the majority of the surrounding buildings. The footprint of the extant permission for a new dwelling to the front of the existing dwelling (TM/14/03008/FL) is 91.39 sqm and the existing dwelling is approximately 138 sqm. Therefore, on balance, I am of the opinion that the footprint of the proposed dwellings is acceptable in terms of the local character and not an overdevelopment. The density is 11 dwellings per hectare.

- 6.13 The design of the proposed dwellings has been amended to create more individuality between the proposed dwellings. I am of the opinion that the proposed dwellings are relatively rustic in terms of design, with the use of clay facing brickwork, clay hanging tiles and roof tiles, cast aluminium guttering and exposed eaves. Windows are proposed as timber casement. I am of the opinion that the design of Plot 1, which is in the CA, is an improvement on the extant permission for the front of the site (TM/14/03008/FL), and is more rural in character. The height of the proposed dwelling is similar to that previously approved, and it is to be located in a similar position. Whilst I note that a carport is also proposed to serve Plot 1, permitted development rights were not removed within the permission of TM/14/03008/FL and therefore if that scheme were to be constructed an outbuilding could have been erected to the rear of the dwelling at a later date without requiring planning permission.
- 6.14 I note that there are a number of privacy issues that have been raised. However, there will be no direct overlooking of surrounding existing dwellings or the private area close to their facades, as a result of the proposal. I am satisfied that the proposal will not result in a significant loss of privacy or residential amenity to the other adjoining dwellings.
- 6.15 Plot 2 is shown to be located 1m from the boundary with the rear garden of Scannells Cottage. Scannells Cottage itself is located 17m from the boundary. On balance, I am of the opinion that the siting of Plot 2 is acceptable, not significantly detrimental to the amenity of Scannells Cottage due to distance and orientation and that there are no flank windows which overlook.

Access and Parking Provision:

- 6.16 I note the objections relating to parking provision and access. However, the proposal accords with the KCCVPS and KCC (Highways) has raised no objections.
- 6.17 Whilst I note concerns that this proposal would have a detrimental impact upon highway safety, the dwelling at Plot 1 has been moved back from the previous scheme (TM/15/02952/FL) to be set further back from the building line of adjacent dwellings. KCC (Highways) has raised no objections on highway safety grounds.
- 6.18 In terms of the submitted Tree Survey, I note that some of the fruit trees on the site have not been shown on the plan. However, these would not be suitable for a formal Tree Preservation Order in any case. The Landscape Officer is satisfied with the submitted Tree Survey.
- 6.19 I note the concerns relating to a loss of view from the proposal. However, this is not a material consideration.

- 6.20 In terms of sewage connection, it is proposed to connect the proposed dwellings to the main sewer. I note the concerns raised regarding the existing sewer connection. However, this is a matter for Southern Water to address.
- 6.21 I note the concerns relating to additional light at night and the loss of Human Rights. However, these matters are not of significant material consideration in this case that would give weight to the outcome of the application.
- 6.22 Working hours when the proposed development is being carried out falls under Environmental Protection legislation. However, an informative can be attached to any planning permission advising of the legislation. The provision on site for construction vehicles when carrying out the development is not a material planning consideration and would similarly have to be the subject of an informative.
- 6.23 In light of above considerations I am of the opinion that the proposal is acceptable.

7. Recommendation:

Grant Planning Permission in accordance with the following submitted details: Letter dated 08.04.2016, Materials Schedule dated 08.04.2016, Block Plan 2014-137 (P) 005 B dated 08.04.2016, Proposed Plans and Elevations 2014-137 (P) 100 B dated 08.04.2016, Proposed Plans and Elevations 2014-137 (P) 101 B dated 08.04.2016, Proposed Plans and Elevations 2014-137 (P) 102 B dated 08.04.2016, Proposed Plans and Elevations 2014-137 (P) 103 B dated 08.04.2016, Street Scenes 2014-137 (P) 104 B dated 08.04.2016, Design and Access Statement dated 25.01.2016, Arboricultural Survey Part 1 of 2 dated 25.01.2016, Arboricultural Survey Part 2 of 2 dated 25.01.2016, Tree Protection Plan dated 25.01.2016, Drawing Tree survey plan dated 25.01.2016, Location Plan 2014-137(P) 001 A dated 25.01.2016, Block Plan 2014-137(P) 105 B dated 03.05.2016,

Conditions

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

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

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

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

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

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

- 4 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

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

Reason: In the interests of amenity.

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

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

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

Reasons: To protect groundwater.

- 9 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

Informatives:

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 The applicant must liaise with KCC Highways prior to and during the construction phase to ensure that safety of all users of the public highway is maintained at all times.
- 3 Tonbridge and Malling Borough Council operates a wheeled bin, kerbside refuse collection service. In addition the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. On the day of collection, the wheeled bin from each property should be placed on the shared entrance at the collection point adjacent to the adopted KCC highway. The Council reserves the right to designate the type of bin/container. The design of the development must have regard to the type of bin/container needed and the collection method.
- 4 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 to 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

Contact: Glenda Egerton

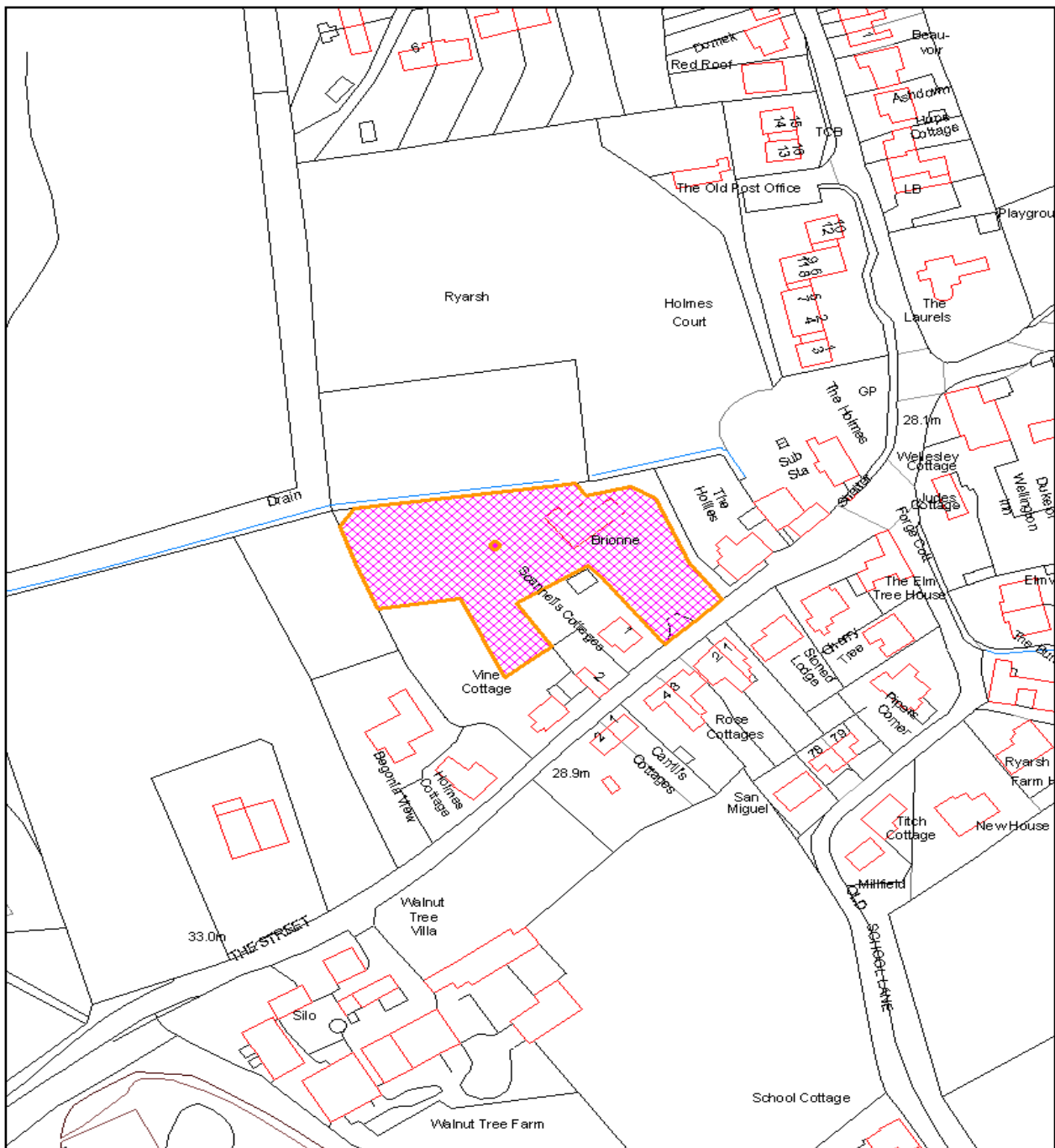
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TM/16/00211/FL

Brionne The Street Ryarsh West Malling Kent ME19 5LQ

Proposed demolition of existing property and erection of three detached dwellings, detached garages, new highways access plus other ancillary works. Resubmission of TM/15/02952/FL

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Stansted

1 February 2016

TM/16/00235/FL

Wrotham, Ightham And
Stansted

Proposal: Construction of flint stone and brick wall along north west side boundary
Location: Fairseat Farm House Vigo Road Fairseat Sevenoaks Kent
TN15 7LU
Applicant: Mr Matthew Stock

1. Description:

- 1.1 The original submission proposed a flint stone and brick wall approximately 2m high along the entire front (southwest) boundary and most of the side (northwest) boundary of the site. A wall was also shown along the common boundaries with the Village Hall. The application was amended on 21 March 2016, substantially reducing the extent of the new wall to a single length of wall along the northern section of the side (northwest) boundary only. The existing hedging along the remaining parts of the front and side boundaries is to be retained. The existing post and wire fencing along the common boundaries with the Village Hall is also now to be retained.
- 1.2 The revised wall is to extend along the northwest side boundary (private access road frontage) from a point 16.75m back from Vigo Road, for a length of 27.5m. The wall also returns into the site to accommodate the repositioned vehicle access and new gates which are to be set back 4.4m from the access road. The main section of the wall is to be 1.985m high above ground level. The curved entrance section is to be 1.715m high. The wall will comprise 2 courses of chamfered face brick at the base, flint faced infill and brick coping. The brickwork is to be reclaimed red brick.
- 1.3 The amendments were the subject of re-consultation to the Parish Council and neighbours for a further 2 week period.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Coffin because of local concern.

3. The Site:

- 3.1 The application site is located on the northeast side of Vigo Road, relatively central within the village of Fairseat. The site accommodates a two-storey cottage with gable ends and gable fronted porch. Building works relating to extensions and alterations to the dwelling are currently being undertaken. The grounds to the house are generous and well landscaped. The main access to the site is within the centre of the frontage to a private access road that extends northeast from Vigo Road to the Village Hall. A new access has been provided further to the

north along this frontage. Established mixed hedgerows extend along the front and northwest side boundaries.

- 3.2 This part of Fairseat is washed over by the Metropolitan Green Belt. The site is also within the Fairseat Conservation Area and Vigo Road is a Classified Road. It is outside the settlement confines and therefore in the countryside.
- 3.3 The grade II* listed buildings of Fairseat Manor and its front boundary wall lie opposite to the southwest across Vigo Road. The Old Post House lies to the north across from the access track, with the Village Hall bordering the application site to the northeast. Other residential properties lie further to the southeast, with the Church of the Holy Innocents 35m to the west.

4. Planning History (relevant):

TM/12/03608/FL Approved 23 January 2013

Extensions to side and rear of dwelling and revised parking arrangements
(Resubmission of TM/12/02313/FL)

TM/12/03737/FL Approved 21 February 2013

Erection of a new open fronted garage in the garden of Fairseat Farmhouse

TM/15/01099/FL Approved 13 July 2015

Demolition of existing side extensions and construction of two storey rear extension; extension and alterations to dwelling roof including dormers to front and rear; upper level windows to side elevation of main dwelling and render to walls

TM/15/03105/NMA Approved 13 October 2015

Non Material Amendment to planning permission 12/03737/FL (Erection of a new open fronted garage in the garden of Fairseat Farmhouse): Revised garage design

5. Consultees:

5.1 PC (Original Scheme): Objection to the application on the following grounds:

- The proposal would result in a significant change to the character of the CA and therefore would not preserve or enhance the CA.
- The walls will significant affect the setting of the Grade II * listed building of Fairseat Manor
- The new access point will negatively affect the Village Hall and will endanger pedestrians

- Several trees will be affected by the construction of the wall
- Light will be blocked to the Village Hall

5.2 PC (Amended Scheme): The previous objections remain. Clarification is needed on the section of the proposed wall that would run behind the Village Hall, as it is not clear from the drawings whether this part is still included with the plans or not. There is concern over the proposed new access. The Old Post Office, the Recreation Ground and the Village Hall have rights of access over the entire length of road shown. As has been previously stated, this is an unmade single track road with no lighting and the only access for users of the Recreation Ground and Village Hall is on foot. The access to the garage of Fairseat Farmhouse as shown on the amended drawings would still pose a danger to the community using the Recreation Ground and Hall. Furthermore, the planning consent given for the garage was using the existing vehicular access to the property and members do not see the need to alter this. This established entrance for cars has much less impact on the community and poses less danger, being closer to Vigo Road.

5.3 Private Reps: 16/0X/16R/0S + site and press notices (Original Scheme). The following concerns were raised by 16 objectors:

- Replacing the hedges with walls would adversely affect the established rural character of the CA
- The walls will affect the historic manor houses and views of Fairseat Pond
- The walls are not in keeping with the appearance of the house
- The height of the walls are unsuitable for the location
- Trees close to the hedgerows would be damaged
- Safety concerns with the new vehicle access which is too close to the entrance to the recreation ground
- Legal right of way issues
- Walls are shown along the boundaries to the Village Hall but no heights are specified

5.4 Private Reps: 8/0X/8R/0S (Amended Scheme). The following concerns have been raised to the revised scheme by 7 objectors:

- The new access and gates would result in a loss of access to the Village Hall and is located too close to the entrance to the recreation ground.
- The access would affect pedestrian safety along the access road

6. Determining Issues:

- 6.1 The main issues are whether the proposed boundary wall would be inappropriate development in the Green Belt, preserve the appearance and character of the CA and setting of the nearby listed buildings or affect neighbouring amenity.

Green Belt:

- 6.2 The application site is in the Green Belt and therefore Section 9 of the NPPF applies. Paragraph 90 within this Section advises that engineering operations are a certain form of development that would not be inappropriate in the Green Belt provided they preserve the openness of the Green Belt. The proposed wall would be domestic in scale and would provide a varied form of enclosure to an existing residential curtilage and therefore would not result in any additional harm to the openness of the Green Belt, in my view. I am thus satisfied that the proposal would not be *inappropriate development* in the Green Belt and would therefore accord with policy CP3 of the TMBCS and paragraphs 87, 88 and 90 of the NPPF.

Character / Visual Amenity / Setting of LB:

- 6.3 Policies CP24 of the TMBCS and SQ1 of the MDEDPD 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.
- 6.4 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require planning authorities to give special attention to the desirability of preserving the setting of a listed building or any features of special architectural or historic interest which it possesses or preserving or enhancing the character or appearance of the CA.
- 6.5 The proposed boundary wall is generous in its length, providing a height of almost 2m and sited on a shallow bank which would raise its overall height slightly in relation to the level of the access track. I consider the length and height of the wall to be acceptable in this setting given the width of the access road and the existence of a high brick and timber fence that is situated on the opposite side of the access track along the first half of the boundary of The Old Post House. The flint stone facing and reclaimed red face brick base and capping would provide an appearance that would complement other walls and features in the immediate area. The retention of the hedging along the frontage boundaries close to Vigo Road would preserve the soft landscaped approach to this historic part of the village.

- 6.6 The new wall is set well away from the Grade II* Listed wall and manor house associated with Fairseat Manor and its appearance would not detract from the setting of the listed wall.
- 6.7 I am therefore satisfied that the proposed wall would preserve the character and appearance of the CA as well as the setting of the listed buildings to the southwest. The development would also not harm the visual amenity of the area. The development therefore accords with policies CP24 of the TMBCS and SQ1 of the MDEDPD, and Section 7 (Requiring good design) and paragraphs 129 and 131 (Heritage Assets) of the NPPF.

Neighbouring Amenity:

- 6.8 The wall is set well back from the vehicle entrance and front boundary of The Old Post House and therefore would not harm the residential amenities of this neighbouring property.

Representations:

- 6.9 The main concerns raised by the Parish Council and neighbours in regards to the original scheme related to the impact of the substantial lengths of flint stone walls proposed on the boundaries. The scheme has been amended to significantly reduce the amount of boundary wall proposed and locate it on the much less prominent northwest (side) boundary, set well back from Vigo Road.
- 6.10 The potential impact on trees was also mentioned but there are now no trees within the section of hedging that is to be removed. An informative can be added making the applicant aware of their obligation to protect the mature Ash tree close to the rear fence adjacent to the hard surfaced driveway area.
- 6.11 The Parish Council, Committee members and local residents have raised concerns about the revised access point and its potential impact on access to the Village Hall and pedestrian safety. This access is to a private access track and therefore is not a planning matter. In any event, the new gates are shown to be set well back from the edge of the access track and the proposed wall will return into the site to provide additional visibility. Legal right of way issues are also not a material planning consideration.
- 6.12 In light of the above, I consider that the proposed development accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 26.04.2016, Email + PHOTOGRAPH BRICK dated 27.04.2016, Site Plan 14124 200 P4 dated 21.03.2016, Proposed Elevations 14124 201 P4

dated 21.03.2016, Location Plan 14124 001 P1 dated 26.01.2016, 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 flintwork shall take place until a sample panel of the flintwork for the construction of the boundary wall has been provided on-site. The development shall be carried out in accordance with the sample panel and the approved plans and application details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 3 Any gaps in the existing hedging shown to be retained on the approved plans shall be filled/planted-out with the same or similar plant species within the first planting season following the commencement of the new boundary wall hereby approved. Any part of the hedging which within 10 years from the date of this permission is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with a similar 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 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 B of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that any future development does not harm the character of the Conservation Area or openness of the Green Belt.

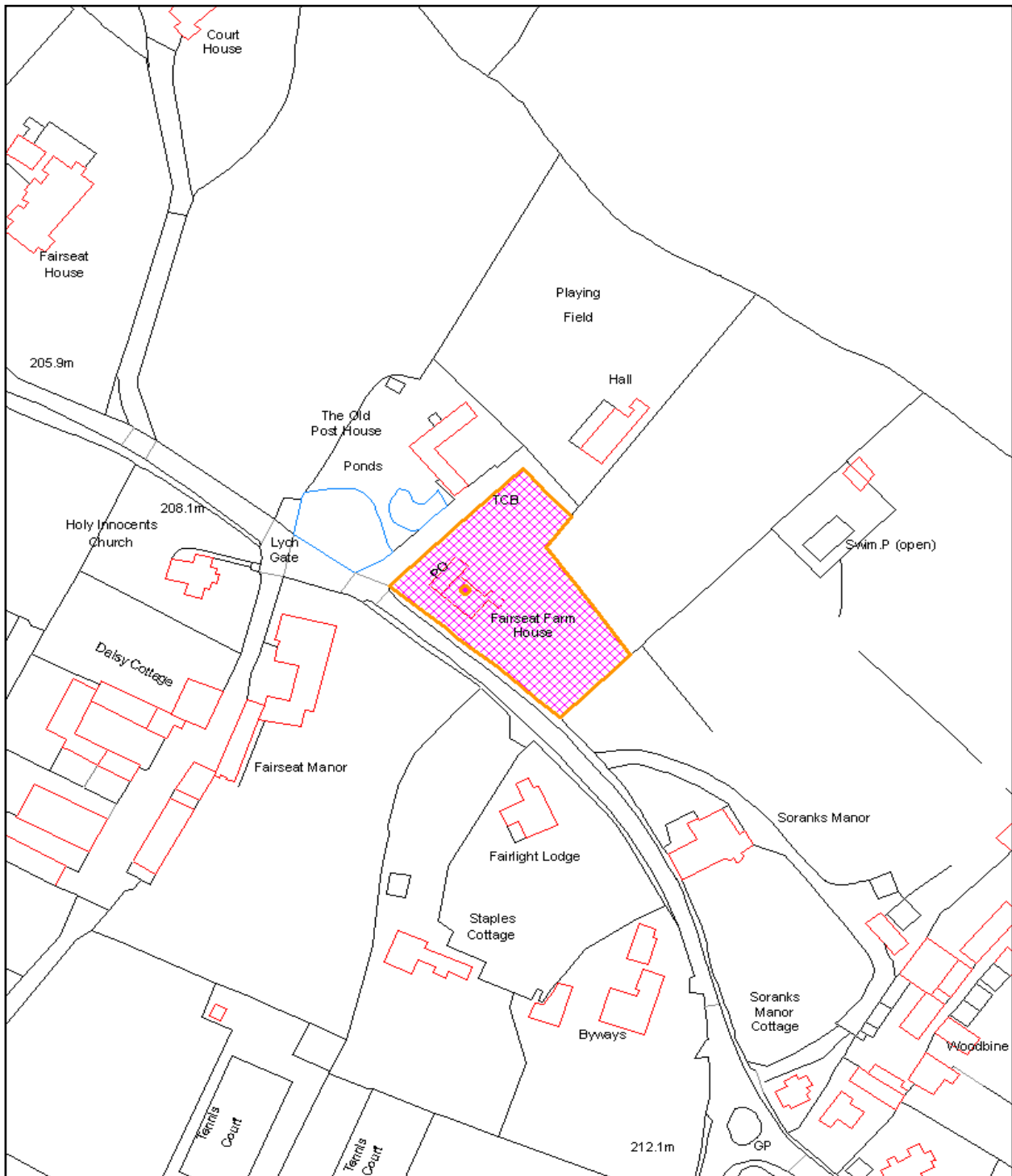
Contact: Mark Fewster

TM/16/00235/FL

Fairseat Farm House Vigo Road Fairseat Sevenoaks Kent TN15 7LU

Construction of flint stone and brick wall along north west side boundary

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Platt
Borough Green And
Long Mill

2 March 2016

TM/16/00702/FL

Proposal: Erection of 1no. 4 bedroom detached dwelling
Location: 1A Marion Cottages Maidstone Road Wrotham Heath
Sevenoaks Kent TN15 7SN
Applicant: Mr Ian Colbridge

1. Description:

- 1.1 The proposal seeks planning permission for the erection of 1 no. 4 bedroom detached dwelling. It is shown to be of facing brick to the ground floor, a black weather boarded first floor and plain tiled roof.
- 1.2 The proposed dwelling would be detached, measuring 7.1m wide x 10.2m deep x 7.32m high.
- 1.3 The site forms part of the side garden of the existing dwelling, 1A Marion Cottages, which has frontages to Windmill Hill and Maidstone Road. The Maidstone Road frontage has a low stone wall with a hedge adjacent.
- 1.4 It is proposed to divide the plot. At present, there are two accesses serving the existing dwelling. It is proposed to use the existing access on the corner of Maidstone Road and Windmill Hill for the new dwelling.
- 1.5 It is proposed to provide two parking spaces within the plot and a parking and turning area.
- 1.6 The dwelling is proposed to face Windmill Hill with its flank to Maidstone Road.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Taylor due to concerns relating to overdevelopment; highway safety; impact on the streetscene; impact on historic character; bulk and mass.

3. The Site:

- 3.1 The application site measures approx. 21m by 17m. It is situated on the edge of the settlement confines of Wrotham Heath. To the west of the site, beyond Windmill Hill, lies the Metropolitan Green Belt and open countryside. Maidstone Road, to the north beyond the A25, is also the settlement confines. The A25 is a trunk road, connecting Wrotham Heath and the A20 with Borough Green and Sevenoaks.
- 3.2 Windmill Hill rises towards the south. The dwelling to the south of the site is a semi-detached 1960's dwelling. To the east lies the host dwelling, set

approximately 22m from the proposed dwelling. The host dwelling is an end of terrace to a group of Victorian iron stone terraced cottages. The host cottage has painted its stone and had a painted brick extension to its side, closest to the application site.

3.3 There are a number of trees located within the site.

4. Planning History (relevant):

TM/98/00371/FL Grant With Conditions 7 April 1998

demolition of existing single garage and erection of new double garage and turning area

TM/12/00824/FL Approved 17 April 2012

Proposed roof extension and loft conversion to incorporate a study with a rear dormer and velux window

5. Consultees:

5.1 PC: Object on the following grounds:

- The site lies within an Area of Historic Character. Even if Policy P4/7(b) of the TMBLP is not saved, the principle must be maintained;
- The streetscene of the A25 is a row of Victorian iron stone terraced cottages and to place this two storey detached house on the end will be out of character;
- The proposal will present a large gable end feature with a black weatherboarded finish abutting the row of cottages on the A25;
- It is surrounded by a 1.8m high closeboarded fence which is out of character with the streetscene;
- The proposed house is a large 4 bedroom house but with parking for only 2 cars. This is overdevelopment of the site and smaller affordable dwellings should be provided;
- The access is on a dangerous junction and with a 4 bedroom house more than 2 cars are expected to access the dwelling, along with visitors and delivery vehicles. Windmill Hill is already congested with parked cars, and therefore the proposal will result in a safety hazard;
- The existing gated entrance onto Windmill Hill/ A25 is not used frequently, but with this proposal it will be continuous;

- There have been problems with lorries accessing Windmill Hill demolishing the existing stone wall to this site and increasing traffic movements will not help. The pedestrian footpath is becoming increasingly dangerous, with the volume of traffic on the A25 and the vehicles going up and down Windmill Hill.

5.2 KCC (Highways): Visibility at the access is limited. However, the access exists, with no history of injury crashes associated with the access. Visibility at the access is to be improved by the proposed 0.9m high fence, which will allow for vehicles exiting the site to have a greater vision splay along Maidstone Road (A25). The turning head within the site is welcomed to allow vehicles to egress the site in a forward gear.

5.2.1 Whilst visibility from the site is limited the applicant has supplied sufficient mitigation measures to overcome these. I therefore wish to raise no objection on behalf of the local highway authority subject to conditions.

5.3 Private Reps: 7/0S/0X/0R + Site Notice. No objections received.

6. Determining Issues:

Principle of Development:

6.1 The site lies within the settlement confines of Wrotham Heath. Policy CP13 of the TMBCS 2007 restricts development within rural settlements to minor development appropriate to the scale and character of the settlement. In light of this, the principle of residential development on this site is acceptable in broad policy terms.

Impact on Surrounding Locality:

6.2 Policies CP13 of the TMBCS allows for new development within the confines of rural settlements. It requires new development to be restricted to minor development appropriate to the scale and character of the settlement.

6.3 Policy CP6 of the TMBCS states that development will not be permitted within the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside. I am of the opinion that this dwelling will not be significantly detrimental to views of Wrotham Heath from the surrounding countryside.

6.4 Policies CP24 of the TMBCS and SQ1 of the MDEDPD require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surrounding. 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 settlements, roads and surrounding landscape.

- 6.5 The site is of a similar scale to surrounding plots. Whilst there are a row of smaller terraced properties to the east, these would be located approximately 22m from the proposed dwelling. There are also a number of dwellings of similar scale to that proposed within the surrounding locality. Therefore, I am of the opinion that the proposal will not result in overdevelopment or be out of character.
- 6.6 The proposed dwelling would be a two storey dwelling. The host dwelling is an end of terraced dwelling, fronting Maidstone Road. This proposed dwelling will be set back from the building line of Marion Cottages, and will be a similar continuation to the building line of the dwellings in Windmill Hill.
- 6.7 There are some differences in land levels across the site. The host dwelling is situated at a lower ground level than some of the application site and Kinderdijk, to the south, is situated at a higher ground level. The proposed access is situated at a relatively low ground level within the site and this, in my opinion, provides a good benchmark for a suitable level within the site for the development. No topographical survey or sectional plans have been submitted with the application. Therefore, should planning permission be granted, further details will be required of a topographical survey and finished floor levels.
- 6.8 The proposed dwelling would be a two storey dwelling, with the first floor built within the roofslope, with dormer windows. The proposed dwelling will be located approximately 22m from the host dwelling. The rear elevation of the proposed dwelling will be facing the side of the host dwelling, with the existing garage lying to the side of this dwelling. The proposed dwelling will be located 3m to the north of the neighbouring dwelling, Kinderdijk.
- 6.9 I am of the opinion that the height of the proposed dwelling will not be out of keeping with the host dwelling, given that it will be some distance away. Whilst the dwelling to the south has a relatively shallow pitch given that it is a fairly typical 1960's semi-detached dwelling, it is set at a higher ground level to this site. Therefore, I am of the opinion that the proposal will not have an overbearing impact on the host dwelling.
- 6.10 The proposed dwelling would be set back 5.2m from Maidstone Road, further back than the host dwelling. A 1.8m high close boarded acoustic barrier fence is proposed on the boundary of the site with Maidstone Road. At present there is a low level boundary stone wall and mature planting up to the height of 2m. I am of the opinion that the proposed fencing, if set behind the wall, will not be detrimental to the streetscene of Maidstone Road. This is already a private garden set next to a busy road and a high fence to give noise protection would be reasonable in my view, in any event. Given that the proposed dwelling lies adjacent to a pair of 1960's dwellings on the Windmill Hill frontage, at a similar building line, I am of the opinion that the proposal will not be detrimental to the streetscene of Windmill Hill.
- 6.11 The host dwelling is a painted end of terrace dwelling, with a large extension added onto the original terrace dwellings some time ago, and the dwellings to the

south of the application site are 1960 semi-detached dwellings. Whilst I note that some of Maidstone Road is characterised by iron stone terraced dwellings of some historical merit, given the location of the proposed dwelling some distance away, set back within the site and screened by fencing, I do not consider that the proposal will have a significant detrimental impact upon the historical character of the locality.

- 6.12 The dwelling to the south has two windows overlooking the application site, which appear to serve a lounge and a kitchen. It appears that these rooms are also served by windows in other elevations, and therefore I am of the opinion that the proposal will not result in a significant loss of light to the adjacent dwelling.
- 6.13 The proposed dwelling would have a first floor bedroom window in its side elevation, looking towards Kinderdijk. Given that the only side windows in this adjacent property are at ground floor level, I am of the opinion that the proposal will not result in a significant loss of privacy to this dwelling, despite the differences in ground level between the two sites, subject to a condition to control slab levels of the proposed dwelling. The first floor windows in the rear of the proposed dwelling are shown to be obscure glazed and a condition would be imposed for fanlight opening. This will therefore protect the privacy of the host dwelling as the garden of the new dwelling is to be relatively short.

Access, Highway Safety and Parking:

- 6.14 Policy SQ8 of the MDE DPD states that development will not be permitted which involves either the construction of a new access or increased use of an existing access onto the primary or secondary road network where a significantly increased risk of crashes or traffic delays would result.
- 6.15 It is proposed to access the site from an existing access to the NE of the garden that currently exists into the side garden of the host dwelling. This access is on the junction with Maidstone Road and Windmill Hill. Off street parking will be retained by the host dwelling, with an existing driveway and garage adjacent to this dwelling. Whilst the proposal will result in additional vehicular movements onto a classified road, this would not in isolation be a concern as there is adequate on-site turning. Visibility at the existing access is limited by 1.8m brick pillars and mature planting. It is proposed to improve visibility at the access by a proposed 0.9m high fence, which will allow for vehicles exiting the site to have a greater vision splay along Maidstone Road (A25). Whilst visibility from the site is not ideal, KCC (Highways) is of the opinion that the applicant has supplied sufficient mitigation measures to improve visibility. The access has no history of injury crashes.

Trees:

- 6.16 A number of trees exist within the site, including a Scots Pine tree. An arboricultural survey has been submitted with the application. This takes full

account of the root protection areas around the trees, to prevent damage to the roots through the course of development. It is proposed to retain all of the trees within the site, with the exception of a Holly and a Leylandii Cypress.

Noise:

- 6.17 The applicant has submitted an acoustic appraisal with the application. I note that whilst it deals with road traffic noise, it does not mention the nearby railway. However, given that this runs through a steep cutting, the noise disturbance faced at the site is minimal, and no further information is required on this aspect. The report has cited a night-time L_{Amax} of 77dB as being the level not regularly exceeded at night, but no information has been provided to support this, such as graphical representation of the L_{Amax} levels. Any approval should be subject to a condition seeking further information/data demonstrating the L_{Amax} levels to which this site is exposed.
- 6.18 I note the comments of the PC with respect of the Area of Historic Character. However, whilst the site was within a designated Area of Historic Character within the TMBLP, this is not a saved policy, and therefore the site is no longer designated as an Area of Historic Character. Policy SQ1 allows for any part of the character of an area to be assessed, including historic character. However, for the reasons given above, the siting of this new dwelling relates more to the 1960s semi-detached house adjacent in Windmill Hill and is segregated from the ironstone cottages by some distance and an intervening more modern side extension to the end cottage.
- 6.19 In light of the above considerations, I am of the opinion that the proposal is acceptable.

7. Recommendation:

Grant Planning Permission in accordance with the following submitted details: Design and Access Statement dated 01.03.2016, Report Arboricultural dated 01.03.2016, Noise Assessment dated 01.03.2016, Location Plan BDS-WR-21 dated 01.03.2016, Proposed Plans and Elevations BDS-WR-20 dated 01.03.2016, Certificate A dated 02.03.2016,

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.
- 2 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning

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

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

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

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

- 4 No development shall take place until further information/ data has been submitted to and approved by the Local Planning Authority demonstrating the LA max levels to which the site is exposed. Where noise levels are shown to exceed those in BS8233:2014, details of acoustic protection for the dwelling, in line with the requirements of BS8233:2014, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the future occupiers of the dwelling.

- 5 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

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

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

- 7 No development shall take place until a plan showing the existing levels of the site and adjoining land and the proposed slab levels of the dwellings 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

- 8 The windows on the east elevation shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

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

- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the south elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

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

- 10 The hereby approved driveway and parking area shall be constructed in a bound surface for the first 5 metres of the access from the edge of the highway as shown on the submitted plan.

Reason: In the interests of highway safety.

- 11 The access shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 0.9 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

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

- 12 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

Informatives:

- 1 The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 The applicant must liaise with KCC Highways prior to and during the construction phase to ensure that safety of all users of the public highway is maintained at all times.

Contact: Glenda Egerton

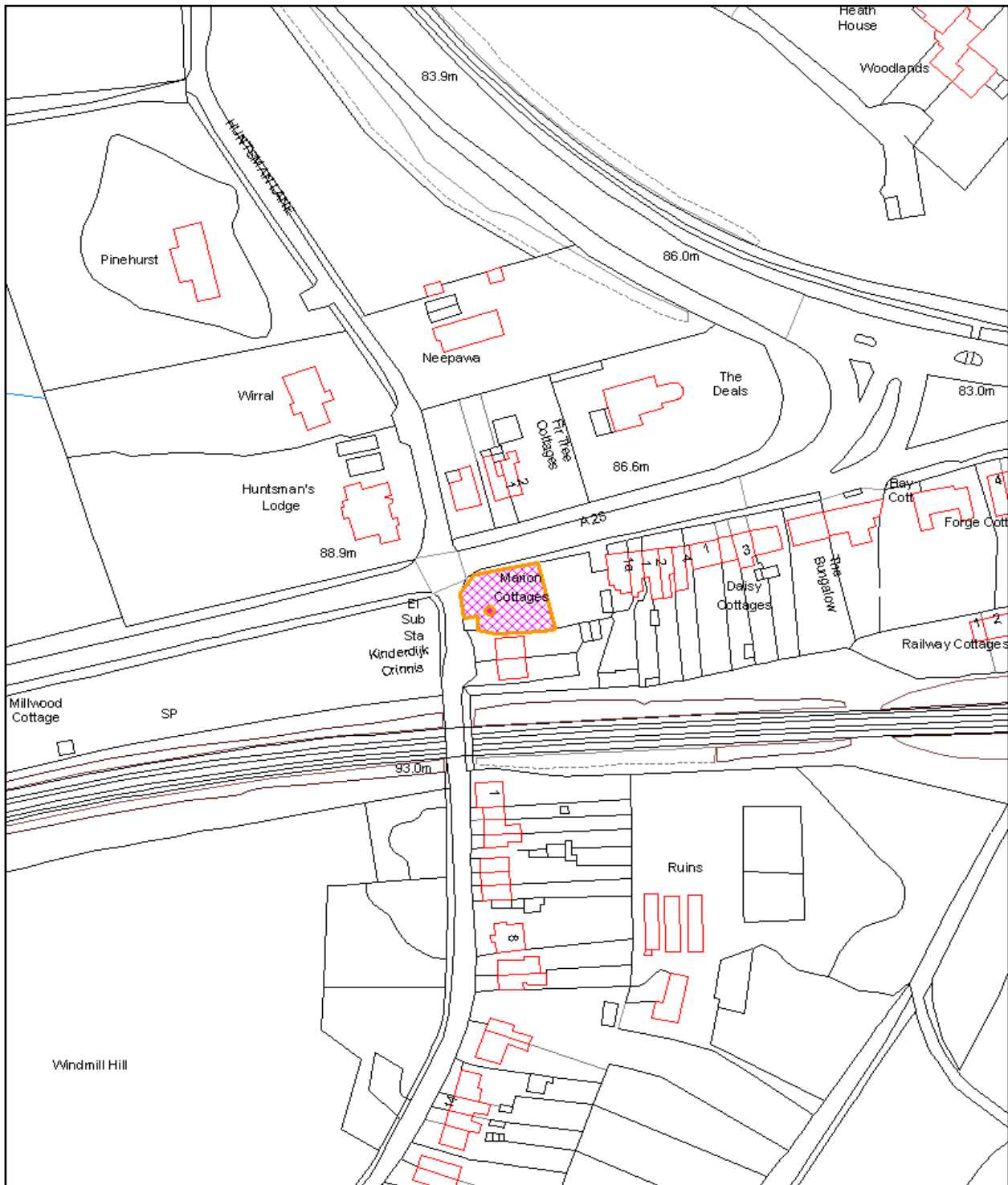
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TM/16/00702/FL

1A Marion Cottages Maidstone Road Wrotham Heath Sevenoaks Kent TN15 7SN

Erection of 1no. 4 bedroom detached dwelling

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Trottscliffe
Downs And Mereworth

4 April 2016

TM/16/00892/RM

Proposal: Reserved matters of appearance, landscaping and scale, minor change to approved layout and details of materials (condition 4), Levels (condition 5), Drainage (condition 9) and Tree Survey (condition 11) pursuant to outline planning permission TM/15/01687/OA (Outline Application: Erection of a four bedroom detached dwelling of approximately 300 square metres, habitable area with double garage to the rear of Little Reeds with access from Ford Lane)

Location: Little Reeds Ford Lane Trottscliffe West Malling Kent ME19 5DP

Applicant: Mr David Spreadbury

1. Description:

- 1.1 Outline planning permission was granted in October 2015 for a new four bedroom detached dwelling with associated double garage on land to the rear of Little Reeds Trottscliffe. The outline planning application did not detail the appearance, landscaping or scale of the development but was subject to approval of the access and layout, and there were indicative plans giving an expectation that the dwelling would be 300sqm habitable floorspace with garaging.
- 1.2 The application documents indicate that the new dwelling would be an L-shaped chalet bungalow providing approximately 300 square metres of habitable accommodation. The submitted elevations indicate that the new dwelling would have a maximum ridge height of 8.5m on its east-west axis and an overall ridge height of 7.5m on its north-south axis. It is proposed to set most of the first floor accommodation within the roof space, incorporating a mix of pitched roof dormers and a double height entrance gable.
- 1.3 In layout terms, the proposed L-shape dwelling would have an overall length of approximately 17.5m (east-west) and width of approximately 16m (north-south). The scheme has been revised in terms of its layout: the western elevation of the dwelling would be some 3.5m from the western site boundary (with Streets End), whilst the east elevation would be some 4.5m from the eastern site boundary (with the rear garden of Wyngate).
- 1.4 The layout plans show an area of hardstanding to the front (south) and western side of the building, sufficient for the parking and turning of at least two cars. The property would incorporate a double bay garage within the ground floor of the main building as was indicated would be the case at the outline stage.
- 1.5 As was approved at outline stage, a new hard surfaced access road would be constructed to the west of Little Reeds running up to the new dwelling. The existing garage for Little Reeds would be removed to make way for this new

internal access road and an area of hardstanding for Little Reeds laid to the rear (north) of its retained garden. The new access road would run parallel to the existing vehicle access serving Little Acres and Streets End just west of the application site.

- 1.6 The existing driveway entrance from Little Reeds to Ford Lane will be widened in accordance with the outline planning permission, which is intended to improve visibility when exiting the site onto Ford Lane. The widened access would then serve both Little Reeds and the new dwelling. The access would be 12m wide at Ford Lane narrowing to 4m wide as it passes into the site. This application details that an inward opening gate is to be set approx. 9m from the edge of the highway which will therefore not impede vehicles waiting off the carriageway. The agent has confirmed that the new access will be drained via permeable tarmac and channel drain at the entrance to drain to a soakaway. The agent states that there is no need for any retaining wall at the altered entrance.
- 1.7 As per the outline planning permission, the private garden area for the new dwelling would be that of the host dwelling to the rear (north) of the house. An existing garden area would remain to the north of Little Reeds for its own enjoyment.
- 1.8 The chalet bungalow style form and layout reflects the adjoining backland development of Little Acres and Streets End which are immediately west of the application site (as permitted in 1997 under application reference: TM/97/00740/FL).
- 1.9 Materials are natural slate roof, lead clad dormer windows, Kempsey antique bricks, reconstituted stone for cills and lintel heads, black aluminium windows and black pvc rain water goods.
- 1.10 Slab level of the new house is shown to be 0.15m above existing ground level which is generally flat.
- 1.11 Landscaping is generally to retain existing fencing or planting to the boundaries with additional Portuguese laurel to provide some evergreen screening to add to the privet hedge in situ on the common boundary with Wyngate to the east.
- 1.12 Refuse arrangements are waste and recycling bins to be stored next to the new dwelling and to be moved to the roadside on the day of collection.
- 1.13 Drainage arrangements are surface water to soakaways and foul drainage to the main sewer.

2. Reason for reporting to Committee:

- 2.1 Due to the resolution of the Area 2 Planning Committee of 30 September 2015 that any remaining reserved matters not be approved at delegated level.

6. Determining Issues:

- 6.1 In considering applications for planning permission it is necessary to determine them in accordance with the Development Plan unless material considerations indicate otherwise. In this case, outline planning permission has been granted for a dwelling in this location of up to 300sqm habitable floorspace plus garaging.
- 6.2 The principle of the development (and layout and access) has been established by the outline planning permission in accordance with TMBCS Policy CP13 which allows for new development within the confines of rural settlements, such as Trottiscliffe. The scale of the development is comparable with the indicative plans that were considered at outline stage. The floorspace of the ground floor (excluding garage) and the first floor is under 300sqm. The layout plans do show that stairs lead to loft space to be lit by 4 rooflights but that is not shown to be habitable and is a genuine use of the upper part of the pitched roof.
- 6.3 The building footprint remains in the village confines and outside the Green Belt designation. I am therefore of the opinion that these proposals do not conflict with the purposes of the Green Belt as set out in para. 80 of the NPPF
- 6.4 TMBCS Policies CP1 and CP24 relates to achieving a high quality environment and protecting amenity. This policies states that development must be well designed, of a suitable scale, density, layout, siting, character and appearance to reflect the site and its surroundings and not be detrimental to residential amenity.
- 6.5 On the basis of the building envelope which is a chalet style dwelling, I do not consider there would be any significant adverse effect on landscape character of the wider AONB compared to the decision made at the outline stage.
- 6.6 The bulk on the eastern flank has been reduced compared to the indicative elevations by the removal of 2 dormer windows and the overall footprint has been moved within the site so that it is further away from Wyngate by 1.5m and the intervening space is to be planted with evergreen Portuguese laurel to accentuate the screening of that more exposed aspect of the new dwelling.
- 6.7 I have no objections to these detailed proposals on highways or parking grounds, based on the improvements to the access visibility and that vehicles for the new dwelling and the host dwelling will be able to pass at the entrance and not be hindered by the gates.
- 6.8 The fenestration of the first floor and orientation and screening are such that I do not consider there would be any significant loss of privacy or overshadowing on surrounding properties to the east, south or west. Similarly, the movement of the plot away from the eastern boundary means that there is no unacceptable overlooking or bulk on surrounding dwellings. A condition is suggested to control the windows on the eastern flank.

6.9 For the reasons outlined above, I am of the view that the detailed proposals put forward remain acceptable in planning terms, would not give rise to unacceptable harm to the wider AONB or Green Belt designations or surrounding residential amenity, and that there are no highway safety or parking concerns. It is therefore my recommendation that the additional and amended reserved matters and related conditions be approved subject to the additional conditions set out below.

7. Recommendation:

7.1 **Approve Reserved Matters** in accordance with the following submitted details: Tree Protection Plan LR/TPP/1094-02A dated 15.03.2016, Survey LR/TSP/1094-01 dated 15.03.2016, Other TREE REPORT dated 15.03.2016, Material Samples dated 15.03.2016, Letter dated 04.04.2016, Letter dated 09.05.2016, Survey dated 09.05.2016, Boundary Treatment LR/BT/1094-03-C dated 09.05.2016, Floor Plan dated 09.05.2016, Elevations dated 09.05.2016 subject to the following:

Conditions / Reasons

1. The windows and glazed doors on the eastern elevation shall be fitted with obscured glass. This work shall be effected before the dwelling is occupied and shall be retained thereafter.

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

2. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the eastern elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

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

3. The dwelling shall be erected in accordance with the note to the block plan hereby approved which indicates side spaces of 4.5m to the eastern boundary and 3.5m to the western boundary.

Reason: To accord with the terms of the application and to allow adequate space for the approved landscaping.

4. The Portuguese Laurel hedge hereby approved shall be allowed to grow to a minimum height of 2.5m.

Reason: In the interests of landscape screening.

Informative

- 1 You are reminded that the conditions above are additional to the conditions imposed on the outline planning permission TM/15/01687/OA.

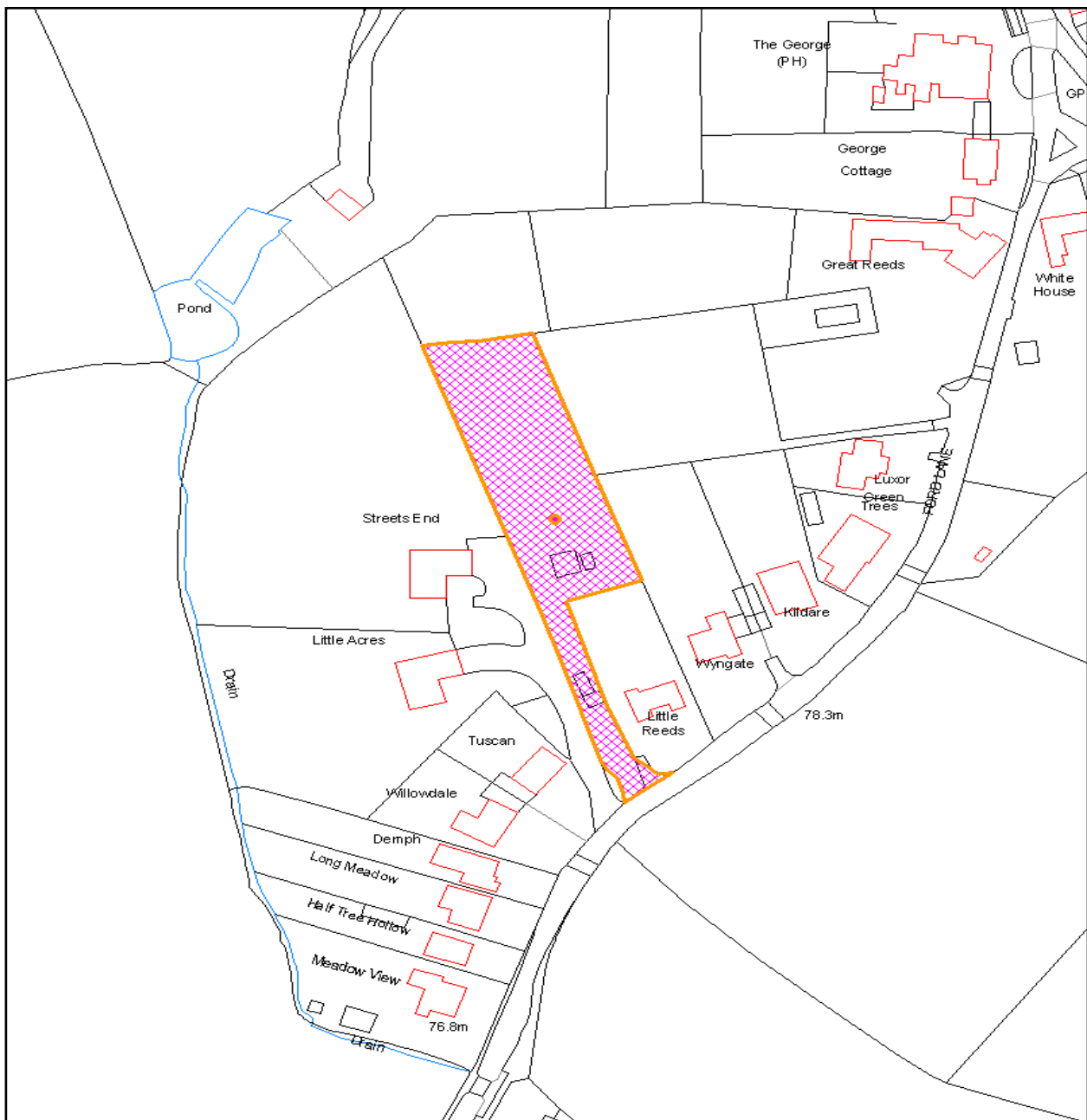
Contact: Marion Geary

TM/16/00892/RM

Little Reeds Ford Lane Trottiscliffe West Malling Kent ME19 5DP

Reserved matters of appearance, landscaping and scale, minor change to approved layout and details of materials (condition 4), Levels (condition 5), Drainage (condition 9) and Tree Survey (condition 11) pursuant to outline planning permission TM/15/01687/OA (Outline Application: Erection of a four bedroom detached dwelling of approximately 300 square metres, habitable area with double garage to the rear of Little Reeds with access from Ford Lane)

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Agenda Item 12

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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