

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

30 December 2014

To: MEMBERS OF THE AREA 3 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 8th January, 2015 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 20 November 2014

Decisions to be taken by the Committee

4. Development Control 9 - 12
Introduction and Glossary
5. TM/14/02491/FL - Playing Fields Adjacent Downsview (Snodland Community Centre), Paddlesworth Road, Snodland 13 - 20
6. TM/14/03017/FL - 354 Wateringbury Road, East Malling 21 - 28
7. TM/14/03074/FL - Heath Park, 45 The Heath, East Malling 29 - 36
8. TM/14/01105/FL - 7 Rowan Close, Aylesford 37 - 44
9. (A) TM/14/03596/CNA, (B) TM/14/03598/CNA and (C) TM/14/03290/OA - Land East of Hermitage Lane, Aylesford 45 - 62
10. Urgent Items

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

Matters for consideration in Private

PART 2 - PRIVATE

11. Exclusion of Press and Public

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.

12. Urgent Items

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

MEMBERSHIP

Cllr A K Sullivan (Chairman)
Cllr R W Dalton (Vice-Chairman)

Cllr J Atkins
Cllr J A L Balcombe
Cllr Mrs J M Bellamy
Cllr T Bishop
Cllr Mrs B A Brown
Cllr D A S Davis
Cllr Mrs C M Gale
Cllr P J Homewood
Cllr D Keeley

Cllr S M King
Cllr Miss A Moloney
Cllr Mrs A S Oakley
Cllr M Parry-Waller
Cllr Mrs E A Simpson
Cllr D W Smith
Cllr R Taylor
Cllr Mrs C J Woodger

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 20th November, 2014

Present: Cllr A K Sullivan (Chairman), Cllr R W Dalton (Vice-Chairman), Cllr J Atkins, Cllr J A L Balcombe, Cllr T Bishop, Cllr Mrs B A Brown, Cllr D A S Davis, Cllr D Keeley, Cllr Miss A Moloney, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr Mrs E A Simpson, Cllr R Taylor and Cllr Mrs C J Woodger.

Councillors N J Heslop and Mrs S Murray were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs J M Bellamy, Mrs C M Gale, S M King and D W Smith.

PART 1 - PUBLIC

AP3 14/43 DECLARATIONS OF INTEREST

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

AP3 14/44 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 9 October 2014 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

AP3 14/45 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.

AP3 14/46 TM/14/02015/FL - 324 PILGRIMS WAY, WOULDHAM

First floor rear addition at 324 Pilgrims Way, Wouldham.

RESOLVED: That the application be APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the main and supplementary reports of the Director of Planning, Housing and Environmental Health.

[Speaker: Ms T Webber – member of the public]

AP3 14/47 TM/13/03692/FL - FERNS SURFACING LTD LARKFIELD DEPOT, BELLINGHAM WAY, LARKFIELD

Erection of 32 no. dwellings, access road, car parking and landscaping at Ferns Surfacing Limited, Larkfield Depot, Bellingham Way, Larkfield, Aylesford.

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

AP3 14/48 TM/14/03341/FL AND TM/14/03594/CNA - ROCHESTER AIRPORT, MAIDSTONE ROAD, CHATHAM

Hybrid Application: A: Formation of a lit paved runway with parallel grass runway, formation of grassed bund, re-siting of helipads, erection of two hangars, a hub building with control tower and associated building, erection of fencing and gates, formation of associated car parking areas, fuel tank enclosure, family viewing area and a memorial garden (detailed submission) plus demolition of a range of structures (identified on plan) and removal of portable structures;
and B: Identification of future development site (outline submission) at Rochester Airport, Maidstone Road, Chatham.

APPLICATION A (TM/14/03341/FL) WAS WITHDRAWN FROM THE AGENDA

RESOLVED: That Tonbridge and Malling Borough Council requests that prior to any formal determination of TM/14/03594/CNA (Medway ref: MC/14/2914) Medway Council should consider the matters raised in the supplementary report of the Director of Planning, Housing and Environmental Health tabled at the meeting of the Area 3 Planning Committee held on 20 November 2014.

The Borough Council reserves the right to provide further formal comments to Medway Council on the receipt of the information referenced in the Supplementary Report as having been sought from the applicant, or information from any other sources, that may arise in the interim period up to the next report on TM/14/03341/FL.

AP3 14/49 ALLEGED UNAUTHORISED DEVELOPMENT 14/00289/WORKM - INVICTA WORKS, MILL STREET, EAST MALLING

Alleged Unauthorised Development 14/00289/WORKM at Invicta Works, Mill Street, East Malling.

The report set out details of unauthorised works undertaken in association with the conversion of the Invicta Works building and the unauthorised change of use from paddock to individual residential curtilages in association with 6, 7, 8, 9, 10 and 11 Darcy Court, Mill Street, East Malling.

RESOLVED: That

- (1) an Enforcement Notice be issued, the detailed wording of which to be agreed with the Director of Central Services, to reflect Paragraph 4.10 of the report of the Director of Planning, Housing and Environmental Health; and
- (2) Enforcement Notices be issued, the detailed wording of which to be agreed with the Director of Central Services, to reflect Paragraph 4.13 of the report of the Director of Planning, Housing and Environmental Health.

PART 2 - PRIVATE**AP3 14/50 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.45 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 16 August 2013

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
CBCO	Chief Building Control Officer
CEHO	Chief Environmental Health Officer

CHO	Chief Housing Officer
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 (part of the emerging LDF)
DMPO	Development Management Procedure Order
DPD	Development Plan Document (part of emerging LDF)
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 1995
GPDO	Town & Country Planning (General Permitted Development) Order 1995
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 - formerly KTNC
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MLP	Minerals Local Plan
MPG	Minerals Planning Guidance Notes
NE	Natural England
NPPF	National Planning Policy Framework
ODPM	Office of the Deputy Prime Minister

PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement (issued by ODPM/DCLG)
PROW	Public Right Of Way
RH	Russet Homes
RPG	Regional Planning Guidance
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
TCG	Tonbridge Conservation Group
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
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
ORM	Other Related Matter
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

TM/08/02863/FL Approved 20 November 2008

Installation of external air conditioning units

TM/08/02966/RD Approved 19 November 2008

Details of landscaping submitted pursuant to condition 2 of planning permission TM06/00287/FL: Proposed extension (gym/boxing club/social club) to existing sports hall/community centre

TM/09/01872/FL Approved 16 September 2009

Construction of bowls club including bowling green, pavilion fencing, car park and access

TM/10/00995/FL Approved 1 July 2010

New changing rooms to serve playing fields (existing and proposed) with associated access and car parking facilities.

TM/10/03542/RD Approved 10 March 2011

Details of landscaping submitted pursuant to condition 7 of planning permission TM/09/01872/FL (construction of bowls club including bowling green, pavilion fencing, car park and access)

TM/12/00589/FL Approved 24 April 2012

Two single storey extensions to existing community centre, forming additional changing facilities and social area

5. Consultees:

- 5.1 TC: Request that the application be referred back for more details and information including environmental study.
- 5.2 KCC (Highways): No objection.
- 5.3 Private Reps: 30 + site notice/0X/1R/0S.
 - 5.3.1 One letter of objection has been received raising concern about the design of the facility – the facility will not meet the requirements of the Football Foundation in terms of toilets, wash hand basin, waste bin and screening provision. The columns to the Spectator Stand will obscure the view – the scheme requires redesigning.

6. Determining Issues:

- 6.1 The site lies within the Metropolitan Green Belt. Paragraph 89 of the NPPF states that new buildings within the Green Belt should be regarded as inappropriate. However provision is made for certain exceptions, one being the provision of appropriate facilities for outdoor sport, as long as this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 6.2 The provision of a Clubhouse to provide necessary facilities for an existing recreational use meets the aims of paragraph 89 of the NPPF, providing the building does not conflict with the objectives of Green Belt policy. The erection of the Clubhouse in itself will not contribute to urban sprawl, or create a merging of urban settlements nor encroach into the wider open countryside. It lies within the limits of the well established recreation ground at Potyns Field. It supports the use of land for sports purposes and outdoor sports and leisure purposes are appropriate uses in the Green Belt. With this in mind, I consider that the proposed development would not amount to inappropriate development in the Green Belt.
- 6.3 More generally, policy CP14 of the TMBCS seeks to restrict development in the countryside. However, it does state that predominantly open recreation uses together with associated essential built infrastructure, such as the development proposed in this instance, can be acceptable in principle.
- 6.4 The site is also designated as open space to be protected (policy OS1 of the MDE DPD 2010). This policy states that development that would result in the loss of existing open spaces should not be permitted unless a replacement site is proposed which is equivalent or better in terms of quantity, quality and accessibility. Further support for community access to sporting opportunities can be found in paragraph 73 of the NPPF.
- 6.5 The introduction of the Clubhouse does not result in the loss of a protected open recreational space as it would be sited on the very edge of the playing fields and as a result, would have no impact on the overall recreational value as a playing field. The development would in fact increase the recreational and community value of the wider site and therefore, far from conflicting with the aims of policy OS1, it enhances the sports function. Having established the acceptability in principle of the proposed development, I now turn to the specifics of the scheme.
- 6.6 The use of the existing car park serving the wider Sports Ground will ensure no adverse impact on highway safety. The proposed site has already been developed as a recreational use and therefore no impact will be made on the biodiversity of the wider area.
- 6.7 The building is proposed to be single storey and has been designed to minimise its impact on the open countryside. The use of timber cladding is appropriate and the low pitched roof will echo the external appearance of the Bowls Club to the south.

I am therefore satisfied that the building will meet the requirements of policy CP24 in terms of the quality of new development and be a suitable design in this more rural locality.

- 6.8 It is noted that the Clubhouse will provide a hospitality area and kitchen. The application states that the hospitality area will be used by parents, spectators, players and officials to enjoy refreshments and socialise during and after matches. It is also envisaged that this area will provide a venue for Club Committee and football meetings, although any Club social and fund raising events will be on a very occasional basis only. In addition the Clubhouse is proposed to be sited over 90m from the nearest dwelling. Nevertheless it remains appropriate to ensure that any associated noise and disturbance are kept to a minimum. This can be ensured by the imposition of appropriate planning conditions to limit its hours of use and control any ventilation and/or extraction systems that may be required to serve the kitchen. The submission states that there would not normally be any usage after 7pm on a Saturday or 5pm on a Sunday, although the pitch will also be used sometimes during the week. I therefore recommend the general hours of use be limited to 09.00 – 19.00 on weekdays and Saturdays and 09.00 – 17.00 on Sundays and Public or Bank Holidays.
- 6.9 The application also states that the Club is a focus for other community based activities: the annual 5-a-side tournament and the town carnival for example. It would be reasonable therefore to expect the Clubhouse to be used later in the evening on an occasional basis. I therefore recommend that the Clubhouse be permitted to operate until 23.00 on a limited number of occasions: these to be limited to no more than six times a year.
- 6.10 The application proposes the erection of floodlights mounted on 6no. 15m high columns. The siting of the pitch and floodlights are of a sufficient distance from the closest dwellings to the south to ensure no unacceptable impact on local levels of residential amenity. The closest dwelling to the southernmost floodlight is over 55m away. However it remains necessary to ensure that any lighting is controlled. This can be ensured by the imposition of an appropriate planning condition to limit the hours of use. I recommend similar hours to that of the Clubhouse.
- 6.11 An objection has been raised questioning the design of the Clubhouse. Specific reference is made to the inadequate provision of toilets, wash hand basins, waste bins and screening, stating that the internal arrangements will not comply with the requirements of the Football Foundation. Whilst this is not a planning consideration an informative should be attached encouraging the applicants to reaffirm this for their own sake.
- 6.12 In light of the TC's view I have considered what other environmental factors or details would be required to be evaluated but can identify no other factors than those raised above and/or dealt with by conditions.

6.13 In conclusion, I consider that the proposed development is acceptable and meets the requirements of the relevant paragraphs of the NPPF and policies contained within the LDF. Any potential impact on the general amenity of the area can be minimised by planning conditions and this is reflected in the recommendation that follows.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 18.07.2014, Design and Access Statement dated 18.07.2014, Details LIGHTING dated 18.07.2014, Supporting Information dated 18.07.2014, Proposed Plans SHEET 3 dated 18.07.2014, Site Layout dated 18.07.2014, Location Plan dated 18.07.2014 subject to the following:

Conditions:

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

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

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

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

3 The floodlights hereby approved shall be installed and operated in accordance with the details and light spill projections submitted by Highlights Floodlighting Ltd received 18.06.2014.

Reason: In the interests of general amenity

4 The use of the kitchen for the preparation of hot food shall not commence until full details of a scheme of mechanical air extraction from the kitchen, including arrangements for the continuing maintenance of this equipment and any noise attenuation measures required in connection with the equipment have been submitted to and approved in writing by the Local Planning Authority. The details shall include full spectrum octave analysis for the proposed ventilation equipment demonstrating that the noise from the equipment shall not exceed NR35 at the nearest noise sensitive premises/site boundary. The approved scheme shall be fully installed before use of the kitchen commences and shall thereafter be maintained in strict accordance with the approved details. No cooking of food shall take place unless the approved extraction system is being operated.

Reason: In the interests of general amenity

- 5 The use shall not be commenced until all noise sources, including any plant or machinery, noise generated by players, spectators and any associated functions, are identified by the developer/applicant and details of any necessary mitigation measures are submitted to and approved in writing by the Local Planning Authority. Any necessary measures shall be implemented and retained at all times.

Reason: To protect the amenities of nearby residential properties

- 6 The Clubhouse hereby approved shall be operated only between the hours of 09.00 and 19.00 on weekdays and Saturdays, and 09.00 and 17.00 on Sundays and Public or Bank Holidays. The Clubhouse may be operated until 23.00 on an occasional basis, this being no more than six times a year.

Reason: In the interests of the general amenity of the wider area

- 7 The floodlights shall only be illuminated whilst the pitch is in use and at no other time and shall not be illuminated outside the hours of 09.00 – 19.00 on weekdays and Saturdays and 09.00 – 17.00 on Sundays and Public or Bank Holidays.

Reason: In the interests of the general amenity of the wider area.

Informatives:

- 1 The Clean Neighbourhoods and Environment Act has added light pollution into the list of Statutory Nuisances contained within the Environmental Protection Act 1990. It is thus in the applicant's best interests to ensure that any lighting does not affect any nearby neighbours.
- 2 The Applicant is encouraged to ensure that the proposed works comply with the requirements of Football Association.

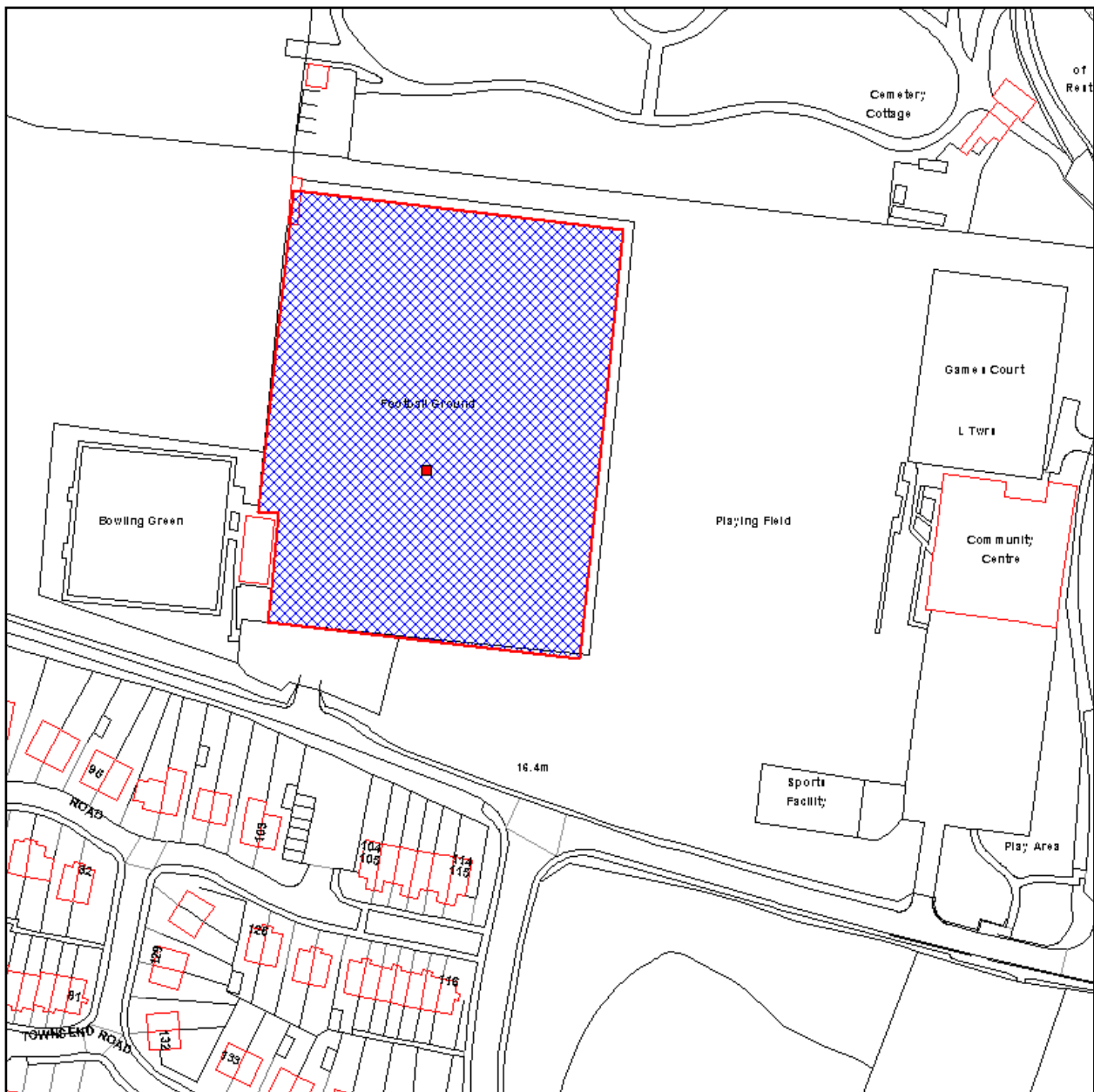
Contact: Maria Brown

TM/14/02491/FL

Playing Fields Adjacent Downsview (Snodland Community Centre) Paddlesworth Road
Snodland Kent ME6 5DP

Clubhouse facility including changing rooms, hospitality room, spectator stand and pitch floodlighting

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East Malling & Larkfield **569642 155419** **4 September 2014** **TM/14/03017/FL**
 East Malling

Proposal: Two detached single storey outbuildings to provide a home gymnasium and a garden store, an ornamental pond and garden pergolas
 Location: 354 Watringbury Road East Malling West Malling Kent ME19 6JH
 Applicant: Mr And Mrs T Binger

1. Description:

- 1.1 The application comprises the erection of two single storey outbuildings which are proposed to be used as a home gymnasium and garden store. The application also includes the erection of garden pergolas and the creation of an ornamental pond.
- 1.2 The intention is to site the outbuildings at the end of the existing garden, one to each corner. The buildings have been designed in brick with tiled roofs. Pergola structures are proposed to link the outbuildings and extend back into the garden towards the dwelling. The ornamental pond is proposed to the front of the outbuildings with a ragstone wall bisecting the garden – the dwelling to the north and the outbuildings, pergola and pond to the south.
- 1.3 Members may recall that planning application TM/13/03492/FL, which proposed the construction of a detached outbuilding for use as a gymnasium and music room, was due to be heard at APC3 in May 2014. That application was withdrawn by the applicant prior to the meeting, but after publication of the Committee Agenda. In that instance, the recommendation was to refuse the application for the following reason.

“The outbuilding by virtue of its size and siting does not constitute an appropriate extension to an existing dwelling and will result in a negative impact on the character of the open countryside. The application is therefore contrary to Policies CP14 and CP24 of the Tonbridge and Malling Core Strategy 2007 and paragraph 58 of the National Planning Policy Framework 2012.”
- 1.4 The present scheme seeks to erect two smaller outbuildings rather than a single outbuilding.
- 1.5 For clarity, the creation of the ornamental pond will involve excavation works which would constitute an engineering operation meaning that this would amount to operational development requiring planning permission. It therefore forms part of the application to be determined. However, the erection of the proposed ragstone wall is considered to fall within Class A (Minor Operations) of Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as

amended). This means that this element of the works alone constitutes permitted development and does not form part of the current application for determination. As such, the ragstone wall forms no further part in the assessment that follows.

2. Reason for reporting to Committee:

2.1 At the request of local Ward Members, Councillors Simpson and Woodger.

3. The Site:

3.1 The site lies in the open countryside to the south of East Malling village and to the east of Kings Hill. The site comprises part of a former farm complex known as Heath Farm. The development is accessed from Wateringbury Road. The dwelling is detached with a large rear garden.

4. Planning History:

TM/08/00950/FL Approved 15 September 2008

Development of a total of eight residential units, including redevelopment of existing units and partial variation of condition 4 of planning permission TM/05/00163/OA to enable 8no. residential units within Heath Farm only to be accessed from Wateringbury Road

TM/09/03081/FL Approved 11 May 2010

Amendments to planning application TM/08/00950/FL to use existing buildings for garaging, relocation of new garages and one additional garage with associated minor amendments to layout

TM/10/00854/RD Approved 12 November 2010

Details pursuant to conditions 8 (contamination); 9 (landscaping); 10 (access); and 11 (closure of access) of planning permission TM/08/00950/FL: Development of a total of eight residential units, including redevelopment of existing units and partial variation of condition 4 of planning permission TM/05/00163/OA to enable 8no. residential units within Heath Farm only to be accessed from Wateringbury Road

TM/10/03023/RD Approved 17 December 2010

Details of the implementation of the remediation scheme and certificate of completion submitted pursuant to parts c + d of condition 8 of planning permission TM/08/00950/FL (development of a total of eight residential units, including redevelopment of existing units and partial variation of condition 4 of planning permission TM/05/00163/OA to enable 8no. residential units within Heath Farm only to be accessed from Wateringbury Road)

TM/13/03492/FL Application Withdrawn 29 April 2014

Detached gymnasium and music room for use ancillary to main house

5. Consultees:

5.1 East Malling & Larkfield PC:

Comments received 01.10.14.

5.1.1 The PC note the components of the application and the planning history of the site commenting that the purpose of the original permission was to limit the footprint of the redevelopment in order to maintain the open rural appearance of the site which involved the removal of permitted development rights to erect outbuildings. The PC understands the desire to screen the existing caravan storage area but does not feel this provides sufficient justification for the application. Screening could be provided by additional planting or the proposed ragstone wall moved to the boundary. It is noted that the proposed outbuildings are smaller in floor area than the outbuilding previously proposed under TM/13/03492/FL. However the buildings are still considered large and breach the original allowed footprint thereby having an adverse effect on the countryside.

Comments received 20.10.14.

5.2 The PC seeks confirmation regarding the need for permission for the proposed ragstone wall. The PC reiterates its advice regarding additional planting to achieve screening from the caravan storage site. However concern remains regarding the overall visual impact on what was intended to be an open spacious layout in a countryside location.

[DPHEH: It should be noted that the removal of householder permitted development rights through the grant of the original planning permission was not intended to preclude all further development at Heath Farm but to ensure that any additional development could be considered in light of the prevailing policies of the time through the submission of a formal application.]

5.3 Private Reps: 17/4X/7R/2S + site notice. 7 letters from 3 residents raising the following objections:

- The existing poplar trees provided natural screening from the caravan storage site, however infill trees have been removed and pollarded in contravention of restrictive covenants. Screening can be achieved by replacement planting.
- Why are the buildings proposed to be located at the end of the garden, this is not appropriate siting, and why is a segregating wall between the new structures and the house proposed? Is this a further attempt at back garden development?

- The buildings are permanent structures, again in brick and tile and although disguised as two buildings the overall footprint has little changed from the original application. The previous recommendation for refusal still applies in order to preserve the character of the development.
- The nature of the application has not changed since the previous recommendation for refusal under TM/13/03492/FL. Despite the separation of the building this will remain a significant development in the countryside and is therefore considered inappropriate. The proposed amendments do not overcome the harm that the building will cause.
- Due to the scale and bulk of the proposed development it cannot be considered an appropriate extension and is therefore contrary to policies CP14 and CP24 of the TMBCS and paragraph 58 of the NPPF 2012. The application is also contrary to the original aims of the redevelopment in removing Class E permitted development rights.
- Each building is 23' x 16' = 368' square. The buildings combined = 736' square which is as large as the footprint of two four bedroom houses on the Heath Farm development, and larger than the communal building serving the tennis court. The original redevelopment of Heath Farm restricted the footprint to 1011 m² – this leaves no room for additional buildings to be built.
- The application could constitute a precedent as multiple developments at Heath Farm will have an irreversible detriment on other residents and the countryside. Such applications could lead to a change of use for living purposes or as a separate dwelling house to which there would be strong objection.
- Concern about potential disruption during construction, particularly delivery of materials on the narrow and shared roads.

2 letters of support commenting:

- This is the best way to utilise the large garden.
- This will provide screening against the caravan store and improve the site. The outbuildings will add value to the house and therefore benefit the overall development.
- The residents will be sensitive to their neighbours during construction.
- The future use of buildings would need to seek formal permission – garden development should not be refused on the basis of 'what ifs' or 'what nexts'.

6. Determining Issues:

- 6.1 The redevelopment of Heath Farm formed part of the outline planning permission for the Phase 2 Kings Hill development. The Supporting Statement submitted as part of TM/02/03429/OA made specific reference to the re-use of the Heath Farm oast houses and farm house complex. The Statement proposed eight residential units not exceeding the existing farm complex footprint of 1,011m².
- 6.2 An alternative planning permission was subsequently approved in 2008. That application also sought to permit access onto Wateringbury Road. Planning permission was again granted in 2009 for an amended scheme which permitted the inclusion of one additional garage. That application also removed any permitted development rights for the erection of further outbuildings.
- 6.3 The redevelopment of Heath Farm (as envisaged) sought to provide eight residential units without increasing the existing footprint of the original farm buildings. This was considered important in order to retain the layout and character of the original farm complex, and minimise any adverse impact on the wider countryside. The importance of retaining the character of the complex and minimising any adverse impact on the nature of the countryside remain the key determining factors in assessing the current application.
- 6.4 The redevelopment of Heath Farm predates policy DC1 of the MDE DPD 2010; this policy relates to the re-use of existing rural buildings although Section 3 makes specific reference to subsequent proposals relating to sites such as this where rural buildings have been converted to residential accommodation. It states that planning permission to erect ancillary buildings will not normally be granted, the underlying reason being to ensure the character of the development is not diluted or subject to incremental development that has an unacceptable suburbanising impact on the rural environment. The proposed development is therefore, in principle, contrary to this policy.
- 6.5 More generally, policy CP14 of the TMBCS 2007 seeks to restrict development in the countryside although it does allow for appropriate extensions to existing dwellings. The proposed development does not comprise an extension to the existing dwelling and is separated from the host dwelling by a considerable distance (some 45m at its nearest point) meaning that it cannot reasonably be said to be an adjunct to the dwellinghouse.
- 6.6 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. This aim is also reflected in paragraph 58 of the NPPF 2012 which seeks to ensure that development will respond to local character and history and reflect the identity of local surroundings.
- 6.7 The outbuildings are proposed to be sited at the end of the rear garden, a significant distance from the main group of dwellings. This siting fails to respect the design aims of the original redevelopment and leads to a dispersed

development, suburban in appearance, which increases the impact on the countryside. The farm yard re-development was designed to retain the layout of the original farm complex - the farmhouse and farm buildings being grouped together. The introduction of additional structures a considerable distance from the original cluster of buildings fails to reflect the identity of the local surroundings and is therefore contrary to paragraph 58 of the NPPF and policy CP24 of the TMBCS.

- 6.8 It should be noted that the previous planning application (which was withdrawn prior to determination) originally proposed a single outbuilding with a footprint of approximately 116sq.m and a ridge height of 5.1m (subsequently amended to propose a footprint of 98sq.m and a ridge height of 4.8m). The current application proposes two outbuildings of 35sq.m each and ridge heights of 4.2m. Although I appreciate that this represents a reduction in overall size from the earlier (withdrawn) scheme, the proposed outbuildings are still substantial in scale and of a size and design which will have a clear suburbanising impact on the countryside and the character of the Heath Farm development. This is exacerbated further by the proposed pergolas. Whilst I am aware that these are of a relatively standard design in their own right, when viewed cumulatively with the outbuildings they accentuate the detrimental impact of the proposed development. I appreciate the applicant has stated that the siting of the outbuildings and pergola have been proposed to shield the view of the adjacent caravan site. In my view, however, this is not an overriding justification for the development.
- 6.9 For these reasons, I consider that the proposed development would have a detrimental impact on the rural character of the site and its surroundings and the rural amenities of the wider countryside by virtue of the specific siting and overall size of the proposed outbuildings, combined with their detailed design and the inclusion of the associated pergola structure. The proposed development is therefore contrary to policy DC1 of the MDE DPD, policy CP24 of the TMBCS and paragraph 58 of the NPPF. I therefore recommend that planning permission be refused.

7. Recommendation:

7.1 Refuse Planning Permission for the following reason:

- 1 The proposed development, by virtue of its specific siting, overall size and detailed design, would fail to respect the site and its surroundings as it would result in an incremental suburbanising impact on the Heath Farm development to the detriment of the rural character of the site and its surroundings and the rural amenities of the wider locality. As such the proposed development is contrary to paragraph 58 of the National Planning Policy Framework 2012, Policy CP24 of the Tonbridge and Malling Core Strategy 2007 and Policy DC1 of the Managing Development and the Environment Development Plan Document 2010.

Contact: Maria Brown

TM/14/03017/FL

354 Wateringbury Road East Malling West Malling Kent ME19 6JH

Two detached single storey outbuildings to provide a home gymnasium and a garden store, new ragstone walling, an ornamental pond and garden pergolas

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East Malling & Larkfield **569740 155884** **8 September 2014** **TM/14/03074/FL**
East Malling

Proposal: Change of use of land to extend existing static holiday log cabin (caravan) site with ancillary bases, roads, decking, verandas, lighting and drainage
Location: Heath Park 45 The Heath East Malling West Malling Kent ME19 6JN
Applicant: Mr Garry Haffenden

1. Description:

- 1.1 Planning permission is sought for an extension to the Heath Park holiday park to increase the number of log cabin units by 8. The application also includes the construction of the ancillary bases, internal access road, lighting and drainage provision. Associated decking and verandas are proposed to each unit.
- 1.2 Members will recall that planning permission was originally granted in August 2012 for a static holiday log cabin (caravan) site comprising 10 units. A subsequent permission was granted in May 2013 to allow for an increase in the width of the units, and in May 2014 for the retention and introduction of steps and verandas to each of the units.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Woodger owing to the controversial nature of the application.

3. The Site:

- 3.1 The site lies within the open countryside to the south of East Malling village. The site is bounded to the north and west by mature trees and shrubs. The layout and landscaping permitted in 2011 have largely been undertaken. The entrance signage, gates and bin store have been erected. Eight units were on site at the time of the last inspection (10 December 2014).

4. Planning History:

TM/10/02303/FL Approved 14 December 2010

Refuse bin store and chemical toilet waste disposal facility (including underground sealed tank) to serve use of land as a 'certified' site for Caravan Club members

TM/11/02493/FL Approved 31 August 2012

Change of use of the land to static holiday log cabin (caravan) site

TM/12/03819/FL Approved 7 May 2013

Variation of condition 8 of TM/11/02493/FL: Change of use of land to static holiday log cabin (caravan) site, to alter the dimensions of the log cabins (caravans) from the permitted width of 4m to a maximum width of 6m with no change to the permitted length of 13m

TM/14/00289/FL Approved 19 May 2014

Retention of steps and verandas to units 1 and 3, and erection of steps and verandas to further 8 units

5. Consultees:

- 5.1 PC: The PC note that the existing units are well maintained and that the site is benefitting from additional screening. However there are concerns about over development in the countryside. There is an additional site for 20 log cabins within a very short distance on Wateringbury Road. The PC are concerned that the cabins are being marketed and sold as second homes and not being used for holiday lets – do the LPA have any issues regarding the occupancy conditions and are the cabins subject to Council Tax?

[DPHEH: Although not a material planning consideration in this current case, I am able to advise that the park is registered for business rates rather than as residential. There are currently no ongoing enforcement investigations regarding the use of the cabins as dwellings.]

- 5.2 KCC (Highways): No objection.
- 5.3 Private Reps: 33 + site notice/0X/0R/0S.

6. Determining Issues:

- 6.1 The creation of Heath Park as a static holiday log cabin (caravan) site was established through the grant of planning permission (TM/11/02493/FL) in August 2012 as it was considered to reflect the principles laid out in paragraph 28 of the NPPF 2012. This seeks to support economic growth in rural areas, to promote a strong rural economy and offers support for the sustainable growth and expansion of all types of business and enterprise in rural areas. It makes specific reference to rural tourism and leisure developments which respect the character of the countryside. The current planning application before Members to determine proposes the expansion of the existing rural tourist enterprise which is, in principle

acceptable when considering the requirements of paragraph 28 of the NPPF. The key determining factor therefore, in this instance, is whether the proposed expansion respects the character of the countryside.

- 6.2 The requirement to respect the character of the countryside is also reflected in policy CP14 of the TMBCS. The use of the site as a holiday log cabin (caravan) site was deemed to accord with policy CP14 as being development for which a rural location is essential. However, the policy also states that whilst, in some cases, development in the countryside can be beneficial and sustainable it needs to be appropriate to the character of the countryside.
- 6.3 Similarly, policy DC5 of the MDE DPD promotes the general principle of providing for new tourism and leisure facilities in the rural areas. The original change of use at Heath Park was found to accord with the policy. Again, the policy only offers support for proposals which do not, either individually or cumulatively, detract from the character of the area in which they are located.
- 6.4 Eight of the permitted ten units are now in situ and (with two yet to be installed) are/will be sited in two parallel lines of five stretching southwards on either side of the entrance gates. A grassed amenity area with shrub planting has been created in front of the entrance gates, which has contributed to the creation of an appropriate setting within the countryside. This, in addition to the existing mature trees to the east, west and northern boundaries, gives the impression of log cabins fitting naturally into a rural setting. The siting of the units to either side of the site maintains a view of the mature trees to the south. This has allowed the existing facility to retain the rural character of both the site and its setting in the wider countryside.
- 6.5 In contrast, the proposed development would add an additional unit to the existing parallel line to the west, and two additional units to the parallel line to the east. Five further units are also proposed at right angles to the rear of the site. The introduction of the additional units, particularly those at the rear, would result in a clear expansion of the site into the countryside which will undoubtedly have a detrimental impact on the overall appearance of the site. Although I appreciate that the park can only be glimpsed from The Heath, with the view mainly obscured by the existing boundary trees and shrubs, the main view of the park from the public domain is through the site entrance. The proposed units to the rear will significantly interrupt this existing vista from the entrance thereby eroding the rural character of the site and failing to respect the character of the countryside.
- 6.6 I consider that the increase in size of the park will also have a detrimental impact on the overall character of the site itself. The park has been developed to provide tourist accommodation located in a rural setting. The ambiance of the site is derived from its verdant setting and small scale, which allows holiday visitors to appreciate the local landscape and tranquil setting. The introduction of additional

units will inevitably erode this atmosphere and undermine the overall attractiveness of the site which would also impact upon the general character of the countryside at this point.

- 6.7 In support of the application, a statement has been made explaining that seven of the units on the site have been purchased and deposits have been taken for the remaining three units. The application also states that there is a waiting list for further purchasers should Members be minded to grant planning permission for the proposed expansion. This information is offered by the applicant as evidence of demand justifying the expansion of the park.
- 6.8 Information has also been provided in respect of an Appeal that was allowed in April 2013 for an extension to an existing holiday park in St Margaret's-at-Cliff, (Dover District Council). The Agent seeks to draw parallels between this appeal decision and the current planning application, noting that the Inspector attached significant weight to the benefits provided to the rural economy in respect of the increased visitor numbers and associated expenditure and employment within the local area. The agent believes it reasonable to conclude that the current planning application will generate increased local rural spending and underpin local employment, particularly as the park is well located in relation to many local visitor attractions and this, in his view, outweighs any harm to the countryside.
- 6.9 This supporting information is acknowledged, as is the general policy support for the expansion of existing rural enterprises and tourism uses such as this. However, both national and local planning policy is clear that such uses should only be considered acceptable if there is no adverse impact on the character of countryside. Indeed, such support is predicated on the basis that there will be no harm to the character of the countryside.
- 6.10 Moreover, I do not consider there to be any material comparisons to be drawn between the appeal decision in respect of the St Margaret's Bay case and the current application at Heath Park. Although the St Margaret's Bay Holiday Park is located within open countryside, it lies immediately adjacent to the village confines, a characteristic not shared with Heath Park. Furthermore, the St Margaret's Bay Holiday Park is a development on a wholly different scale, comprising a total of 150 static caravans, 124 chalet bungalows, and a 24 bed hotel complex, club bar, bistro/restaurant and health club. The proposal to which the appeal related involved the development of a relatively narrow strip of land alongside this significant established facility for just 12 further holiday lodges. In stark contrast, the proposals at Heath Park would almost double the number of lodges from the approved 10 to 18 which, in light of the significant different contexts and for the reasons given earlier in this report, would have a harmful impact on the amenities of the countryside.

6.11 In conclusion the broad policy support in principle does not outweigh the harm to the countryside and also to the character of the site and its setting within the countryside. The application is therefore contrary to paragraph 28 of the NPPF and policies CP14 and DC5 of the LDF. Consequently I recommend that planning permission be refused.

7. Recommendation:

7.1 Refuse Planning Permission for the following reason:

- 1 The proposed development would have a detrimental impact on the appearance and character of the existing site and the wider countryside by virtue of the specific siting of the proposed units and their overall number. The proposed development is therefore contrary to paragraph 28 of the National Planning Policy Framework (2012), policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC5 of the Managing Development and the Environment Development Plan Document 2010.

Contact: Maria Brown

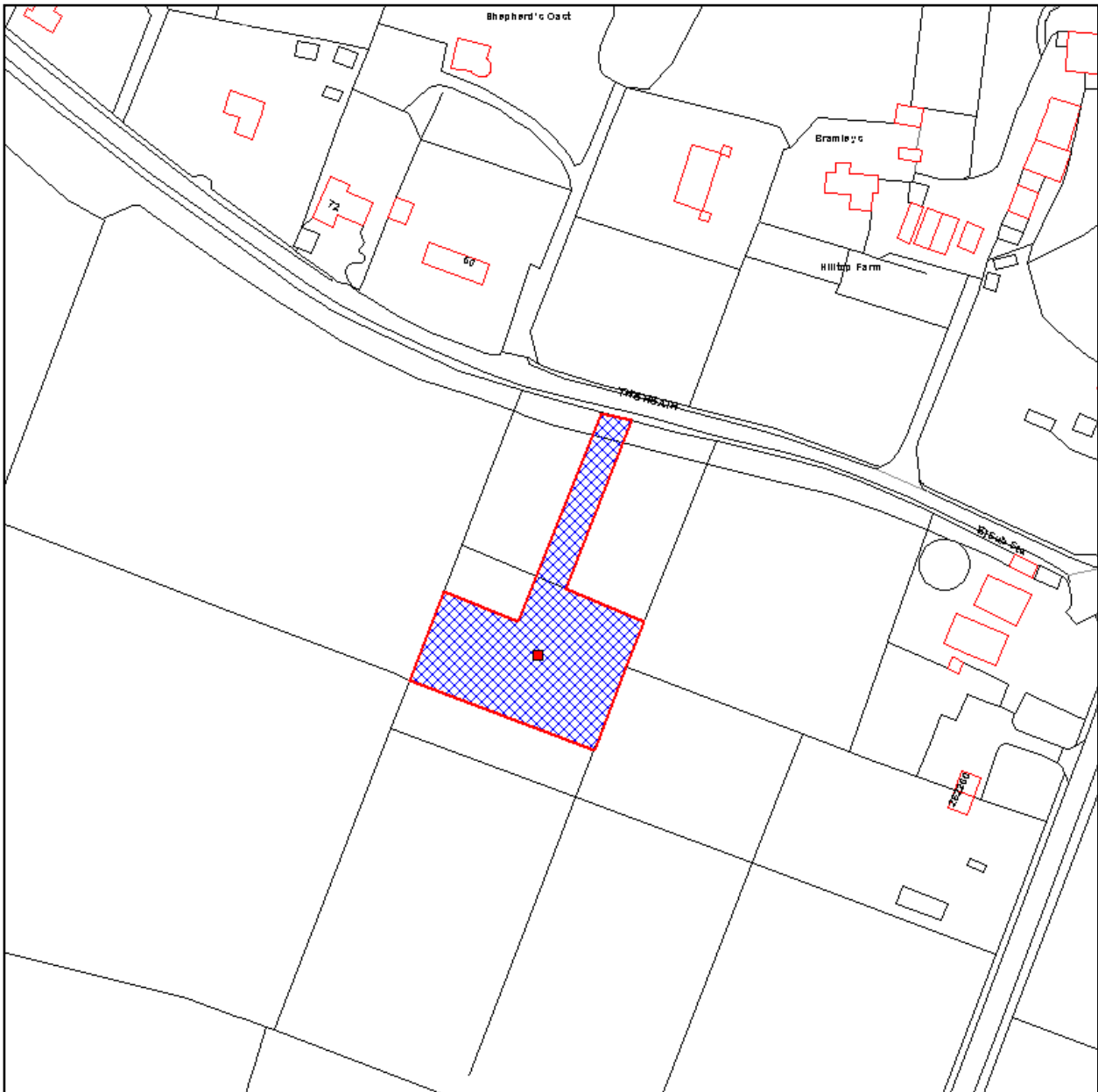
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TM/14/03074/FL

Heath Park 45 The Heath East Malling West Malling Kent ME19 6JN

Change of use of land to extend existing static holiday log cabin (caravan) site with ancillary bases, roads, decking, verandas, lighting and drainage

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Aylesford **572209 158522** **10 April 2014** **TM/14/01105/FL**
Aylesford

Proposal: Demolition of existing double garage and construction of a three bedroom detached dwelling with associated parking
Location: 7 Rowan Close Aylesford Kent ME20 7LP
Applicant: Mr W Tickner

1. Description:

- 1.1 It is proposed to subdivide the site occupied by number 7, remove the garage and construct a three bedroom detached house. This would have the same slab level as number 7 and similar ridge height. The proposed house would be narrower in width, but would extend as far to the rear as the single storey element of number 7. The new property would incorporate two bedrooms on the first floor with a third bedroom in the roof space served by roof lights.
- 1.2 Two new parking spaces would be provided to the front of number 7 with a further two being provided in front of the new dwelling. This work would require the extension of the dropped kerb to provide access from the head of the cul de sac.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr D Smith.

3. The Site:

- 3.1 Number 7 is a four bed semi-detached two storey house built in the 1960s on a level plot. The property lies at the northern end of a cul de sac within the urban confines of Aylesford. It has been enlarged to include a single storey rear extension and dormers to the front and rear. On the north side of the house is a detached garage building with low pitched roof. Immediately adjacent to the northern boundary of the site is a high acoustic fence that is located along the edge of the hard shoulder of the adjacent M20. Between the acoustic fence and the boundary of number 7 is an existing planting strip.

4. Planning History:

TM/60/10767/OLD grant with conditions 29 July 1960

Erection of dwellings.

5. Consultees:

- 5.1 PC: No objections.

5.2 KCC (Highways): No objection subject to the provision and permanent retention of the vehicle parking spaces prior to the use of the site commencing. Informatives have been recommended concerning the need for the applicant to obtain all necessary highway approvals.

5.3 Highways Agency: No objections.

5.4 Private Reps: 6/0X/0R/0S.

6. Determining Issues:

6.1 The site lies within the urban area and, in principle, is an acceptable location for an additional dwelling unit. The questions in this case turn on the detailed considerations, most particularly those relating to siting of the dwelling in relation to various impacts arising from the proximity with the M20.

6.2 This application has been considered in relation to the Tonbridge & Malling Borough Council Core Strategy, and in particular policies CP1 (sustainable development), CP11 (concentration of development within the urban confines), CP24 (standard of development). Various paragraphs (set out below) of the National Planning Policy Framework (“NPPF”) and National Planning Policy Guidance (“NPPG”) are also particularly relevant, and represent the most up-to-date guidance. If there is conflict with TMBC LDF policies then NPPF/NPPG take precedence.

6.3 In terms of the impacts from noise, especially from M20, paragraph 123 of NPPF refers to the need to manage noise impacts for new development. Paragraph 123 continues that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Paragraph 109 of the NPPF states that the planning system should contribute to, and enhance the natural and local environment by preventing new development from being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.

6.4 The NPPG (Paragraph: 003 Reference ID: 30-003-20140306) sets out associated practical guidance and states that in decision making LPA’s should take into account the acoustic environment and in doing so to consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved.

6.5 The concept of Noise Exposure Categories is no longer current and therefore the NPPF and NPPG policies and guidance effectively supersede policy SQ6 of the Tonbridge & Malling Managing Development and the Environment Development Plan Document (“MDE DPD”).

- 6.6 Paragraph 124 of NPPF applies to Air Quality and must be read in conjunction with the associated NPPG regarding the assessment of air quality impacts. More specifically, paragraph: 009 Reference ID: 32-009-20140306 of the NPPG provides a comprehensive flow chart which details how considerations about air quality fit into the development management process. It requires LPAs in making decisions on planning applications to identify whether the proposed development would lead to an unacceptable risk from air pollution or prevent sustained compliance with EU limit values or national objectives for pollutants. Where this is considered to be the case, the LPA should consider whether any amendments to the proposal would make it acceptable or where not practicable to seek amendments to a scheme, consider the refusal of planning permission.
- 6.7 In addition, MDE DPD policy SQ4(c) states that development will only be permitted, inter alia, where *“proximity to existing potentially air polluting uses will not have a harmful effect on the proposed use...”*
- 6.8 Furthermore, policy CP1 of the TMBCS states that all proposals for new development must result in a high quality sustainable environment, and this is one of the overarching, fundamental aims of the NPPF. Policy CP1 goes on to state that in determining planning applications the quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and, wherever possible, enhanced.
- 6.9 In light of the above policy framework and associated guidance, the main areas for consideration are whether the plot is capable of being subdivided and whether there is sufficient space to accommodate a new dwelling with parking, without resulting in harm to the residential amenities of the occupants of number 7 or in overdevelopment. In addition it is essential to consider the impact on the occupants of the proposed additional dwelling of noise and air quality associated with the adjacent M20.
- 6.10 The subdivision of this site would result in the provision of two plots of adequate size not out of character with the pattern of development in the locality. There is sufficient space to accommodate a dwelling of the size shown whilst retaining parking and amenity areas to a satisfactory standard. The principle of seeking to introduce an additional dwelling on the site would not harm the settlement pattern. An adequate amount of amenity space would remain for the host property and be provided for the new property. The form of the development would not harm the character and appearance of the local area. With these considerations in mind, there is no broad objection to the principle of residential development here when having regard to policies CP11 and CP24 of the TMBCS. Notwithstanding these considerations, the LPA is obliged to consider if a satisfactory standard of accommodation could be provided to the future occupants of the proposed new dwelling, having regard to the proximity to the M20 and associated impacts of noise and air quality and I will now address each of these in turn, having regard to the NPPF, NPPG and LDF policies (cited at 6.3 – 6.8 of this report).

- 6.11 Dealing firstly with noise impact, I recognise that the submitted Design and Access Statement states that the internal layout of the house has been designed so that the non-habitable areas (bathrooms and staircases etc.) are located adjacent to the northern boundary (i.e. closest to the M20). It is also stated that the new dwelling would be constructed to a high standard to ensure that there is no noise penetration in the property. It is claimed that the interior of number 7 is very quiet even though it has not been built to current day standards.
- 6.12 However, number 7 lies immediately adjacent to the M20 and as such the proposed dwelling will be subject to significant levels of noise at the site during both the day and night and which without appropriate mitigation would create an unacceptable internal environment and create harmful living conditions for the future residents. As paragraph 30-001-20140306 of the NPPG says: "*Noise needs to be considered... when new developments would be sensitive to the prevailing acoustic environment.*" Bearing in mind the need to consider the implications of the national Noise Policy Statement and BS 8233, attention has been given to the ability to attenuate noise and while this might prove possible, if potentially expensive, for internal living conditions it is almost impossible to see a way of achieving adequate outdoor standards, as there is already a 4.0m high acoustic barrier in place. In this respect the maximum target level of 55dB LAeq,T from BS8233 for gardens is predicted to be exceeded by 24dB leading to significant adverse impacts to health (in layman's terms a 10dB increase equates to a perceived doubling of the noise). It must be recognised that the garden of the existing house is already subject such levels but, of course, this current proposal will have the effect of exposing more people, in total, to unacceptable noise levels.
- 6.13 In addition to noise issues there are also significant concerns in terms of air quality standards in the vicinity, again related to the proximity to the M20. The entire curtilage of 7 Rowan Close falls within the M20 Air Quality Management Area (AQMA) and therefore, inevitably so would the proposed dwelling. This fact in itself is of significant concern and, as Paragraph 005, Reference ID 32-005-20140306 of the NPPG indicates, in "*deciding whether air quality is relevant to a planning application, considerations could include whether the development would...expose people to existing sources of air pollutants. This could be building new homes...in places with poor air quality.*" MDE DPD Policy SQ4(c), which is cited at paragraph 6.7 of this report, sets out the position, which has not been overridden by NPPF or NPPG.
- 6.14 While the applicant has provided some detail in respect of this issue, the proposed property would still be located and subjected to levels of air pollution above the National Air Quality Objectives (air pollution at this site is bad enough to exceed the standard set for annual exposure to nitrogen dioxide from vehicles on the M20 but not above the hourly standard applicable to gardens on the basis of less exposure). The National Objectives here apply to the outside of the residential building façade which means the proposed property's presence would still give rise to the continued need for the AQMA and be the closest receptor to the

pollution source; potentially being the last property that exceeds the National Objectives and the need for the AQMA's retention. The UK Government is currently in a position where it needs to meet the National Objectives as quickly as possible and this position is reflected in the provisions of NPPF/NPPG.

- 6.15 In terms of both noise and air quality, it must also be noted that in the Autumn Statement the Government re-iterated that the M20 is programmed to be redeveloped as Smart Motorway. While it is hoped that this will make the motorway less prone to stoppages (at least for some years) the stark reality is that it will bring moving vehicles some 4m closer to this site and the wholly new receptor/occupants.
- 6.16 In the light of the above issues, it is apparent that the proposal does not meet appropriate and current air quality or noise standards and that it has not been demonstrated that a satisfactory internal and external noise climate can be achieved for the future occupants of the proposed dwelling. The applicant's agent has indicated that the proposed dwelling would be occupied by family members. This, however, does not represent a justifiable reason for setting aside national policy and associated guidance and adopted safeguarding policies for sensitive development. It is also appreciated that number 7 and others in different parts of this estate may already be affected by high levels of noise and air pollution, but this is simply not a justification for allowing a new house of substandard amenity levels to be constructed in this location. After very careful consideration and for the above reasons it is recommended that planning permission is refused.

7. Recommendation:

7.1 Refuse Planning Permission for the following:

Reasons:

1. On the basis of the evidence available, the proposed development could potentially introduce new receptors into an area of poor air quality that exceeds the National Air Quality Objective for annual levels of nitrogen dioxide, contrary to the aims of policy CP1 of the Tonbridge and Malling Borough Core Strategy (2007) and policy SQ4 (c) of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.
2. It has not been demonstrated that the application can be amended to an acceptable form resulting in an unacceptable risk from air pollution. Following National Planning Policy Framework guidance, the proposal therefore has serious potential to delay the UK's compliance with the National Air Quality Objectives within this M20 Air Quality Management Area and is therefore contrary to the requirements of policy CP1 of the Tonbridge and Malling Borough Core Strategy (2007) and paragraph 124 of the National Planning Policy

Framework (2012) (having also had due regard to the associated detailed guidance contained within the National Planning Practice Guidance, paragraph 005 Reference ID: 32-005-20140306 and Paragraph: 009 Reference ID: 32-009-20140306).

3. It has not been demonstrated in the submitted information that a suitable noise climate can be achieved at the site for future occupiers. It has not been demonstrated that the internal noise levels, detailed in BS8233 can be achieved within the proposed dwelling. It has not been demonstrated that the site can be adequately attenuated over and above what is already in place, to satisfy the outdoor noise levels detailed in BS8233 and therefore in the opinion of the Local Planning Authority exceeds the Significant Observed Adverse Effect Limit (SOAEL), contrary to paragraph 123 of the National Planning Policy Framework (2012) and the Noise Policy Statement for England and policy CP1 of the Tonbridge and Malling Borough Core Strategy (2007).

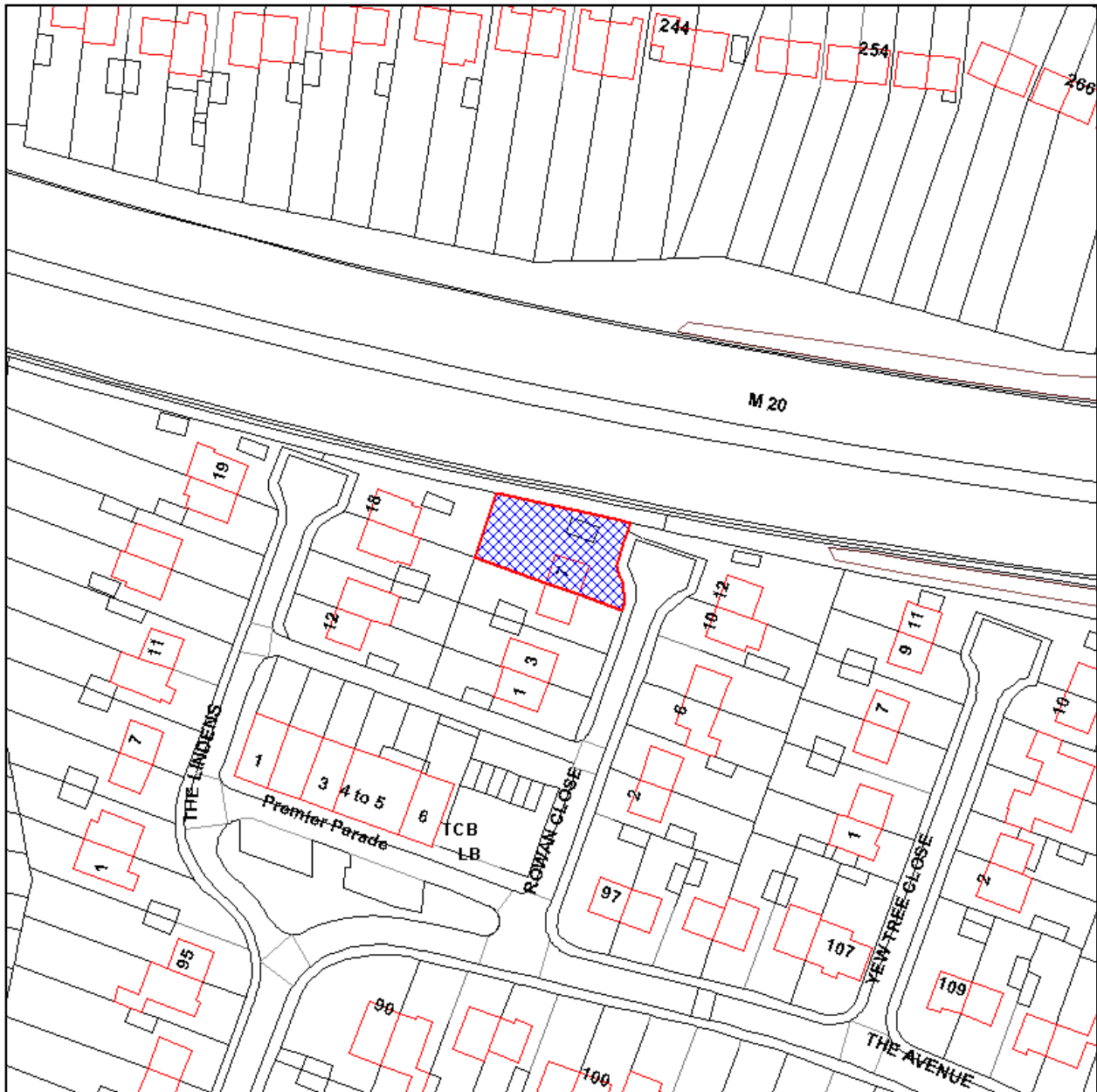
Contact: Hilary Johnson

TM/14/01105/FL

7 Rowan Close Aylesford Kent ME20 7LP

Demolition of existing double garage and construction of a three bedroom detached dwelling with associated parking

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Aylesford	573010 156340	24 September 2014	(A)TM/14/03596/CNA
Aylesford			(B)TM/14/03598/CNA
			(C)TM/14/03290/OA

Proposal: (A) Consultation by Maidstone Borough Council (ref. 14/503735/OUT/JAB1) Outline - access not reserved - mixed use development comprising up to 420 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (including children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicle accesses from Hermitage Lane and Howard Drive

(B) Consultation by Maidstone Borough Council: (ref.14/503786/OUT/JAB1) Outline application for up to 80 residential dwellings with access to be considered at this stage with all other matters reserved for future consideration

(C) Outline Application: Mixed-use development comprising up to 420 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. All other matters reserved

Location: Land East Of Hermitage Lane Aylesford Kent

Applicant: Croudace Strategic Ltd

1. Description:

1.1 This report relates to an application for outline planning permission and also two consultations from Maidstone Borough Council, all for development east of Hermitage Lane. The overall development proposed, in the consultations by MBC (applications (A & B), is for up to 500 homes, a school, community centre and open space and this proposal forms the context for the application (C) in this Borough. Vehicular access is proposed to be gained from Hermitage Lane (as in application (C)) and Howard Drive, in the MBC area. The overall development site crosses over the boundary between Maidstone Borough and Tonbridge & Malling. All of the proposed housing is within Maidstone with the only development within Tonbridge & Malling being the access road from Hermitage Lane to serve the west side of the development and a car park area for the school. The remainder of the land within this Borough is indicated as being open space.

2. Reason for reporting to Committee:

2.1 These applications are being reported to the Planning Committee at the request of the Ward Member Cllr Balcombe.

3. The Site:

- 3.1 The overall development site extends to approximately 30.66 ha, with 3 ha being within Tonbridge & Malling. The land as a whole is predominantly agricultural with an area of ancient woodland towards the southern end of the site towards Maidstone Hospital. The site is to the east of Hermitage Lane and north of Maidstone Hospital. The new access to Hermitage Lane would be approximately 350m south of the railway bridge at Barming Station.

4. Planning History:

TM/92/00494/FL grant with conditions 28 January 1993

erection of stables for private use

TM/97/00735/FL Grant With Conditions 17 October 1997

proposed two storey stables

TM/00/00108/FL Grant With Conditions 26 September 2000

erection of two storey stable building

TM/06/02691/EASC screening opinion EIA 4 September 2006
not required

Request for environmental screening opinion for mixed use development, open space and vehicular access

TM/09/02835/FL Approved 5 March 2010

Change of use of land for the keeping of horses and erection of a two storey stable building with hardstanding and parking (resubmission of application TM/00/00108/FL)

TM/10/00840/RD Approved 21 May 2010

Details pursuant to conditions 2 (materials), 3 (disposal of waste) and 6 (landscaping) of planning permission TM/09/02835/FL (Change of use of land for the keeping of horses and erection of a two storey stable building with hardstanding and parking)

TM/13/03147/OA Refuse 30 July 2014

Outline Application: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. All other matters reserved

TM/13/03275/CNA Refuse

3 July 2014

Consultation by Maidstone Borough Council: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration

5. Consultees (combination of all applications):

5.1 Aylesford PC: Object on the following grounds:

- Hermitage Lane will not be able to cope with the additional traffic.
- Cumulative impact with other developments with other development approved / proposed in the local area.

5.2 East Malling and Larkfield PC: Object on the following grounds:

- Traffic impacts for the A20/Hermitage Lane and J5 of the M20.
- Question the long term management and future of the woodland and hospital field.
- Brownfield land should be used in preference to greenfield land which would also prevent the erosion of the green wedge / gap between Allington / Barming and the Medway Gap.
- The country park has been deleted from the application, question whether this was because no authority was prepared to take it on.
- There should be open space provided for residents and this will have to be in Tonbridge and Malling.
- Issue of air quality has not been properly addressed. The cumulative impact must be considered in relation to pollution along the M20/A20 corridor.
- The amenity of rural footpaths will be lost.

5.3 KCC PROW: Support the application subject to the following conditions:

- Contributions towards a pedestrian / cycle link to the nearest point of Barming Station.
- A suitable road crossing with clear and open sightlines at the crossing point of public footpath KB47 on the main access road.

- The provision of a 3m wide tarmac surfaced path along the alignment of path KB47 between the most north easterly internal road and Howards Drive prior to the completion of the school.
- The provision of a 3m wide tarmac cycle route linking the nearest internal road to path KB18 prior to the occupation of the 50th unit.

5.4 KCC (Heritage): There is insufficient consideration of the heritage asset of the medieval chapel complex.

5.4.1 There is poor consideration of historic landscape issues within the Heritage Statement. There is a need for further assessment of the historic landscape, especially with regard to the possible medieval chapel complex.

5.4.2 Recommendation that enhancement measures and safeguarding of any remains associated with the medieval chapel are secured through a S.106 agreement.

5.5 KCC (Highways): Raise no objection as the highway and transport aspects are consistent with those previously agreed between KCC Highways and Transportation, MBC and the developer.

5.6 KWT: Object to the application with regard to the development which is proposed in Maidstone Borough and beyond the borough boundary of TMBC.

5.7 Private Reps: 12/0X/62R/0S. Objections received on the following grounds.

- The land is the last remaining green space for local people to enjoy in urban Maidstone.
- The water reservoir presents a flood risk for future residents.
- The site would become a rat run for vehicles passing between Howard Drive and Hermitage Lane.
- There would be a need to significantly improve surrounding infrastructure.
- Need to consider cumulative impact with other residential developments.
- Traffic light controlled junction onto Hermitage Lane would have a detrimental effect on traffic flow.
- The access through Howard Drive should be single lane and should be controlled by a lockable gate.
- Provision should be made for healthcare facilities as there is a deficit in the local area.
- Land within TMBC should be for use as a country park.

- Congestion on local roads.
- Impact of the school building on the openness of the strategic gap.
- Impact upon ancient woodland.
- Lack of school provision in the local area.
- Impact upon highway safety with added cars on local roads.
- Pollution and impact upon air quality.
- Drainage of the field is inadequate and it floods every time it rains.
- Impact upon protected species.
- Loss of crop growing in the local fields which will erode the ability to feed ourselves.
- Impact upon parking in the town centre resulting in longer vehicle trips for residents to shop at Bluewater.
- The proposed highway improvements would not address the highway congestion issues.

6. Determining Issues:

- 6.1 The two applications in the MBC area (A & B) are in combination a re-submission of one of two previous applications which were reported to the Planning Committee of 24 July 2014; one was a consultation request from MBC for an application for outline planning permission for the construction of 500 houses, a school, community centre and open space and the other (now C in this report) was an application for outline planning permission made to TMBC for the construction of an access road onto Hermitage Lane. The two previous applications were refused and are currently the subject of a joint appeal scheduled to be heard next summer (see below).
- 6.2 The most current applications remain for the same overall proposal insofar as outline planning permission is sought for the construction of an access road onto Hermitage Lane, the construction of 500 houses, a school and open space. However, the applications to MBC for the housing have now been split in two, with one seeking permission for 420 dwellings on the land to east of the ancient woodland belt, and the other an application for 80 dwellings on the western side of the ancient woodland with an access road through connecting to the remainder of the housing. This is in an endeavour to overcome some of the reasons that MBC refused permission earlier this year.

- 6.3 In respect of the application within TMBC area (now C in this report) that earlier application was refused permission because, in light of the refusal by MBC, there was no justification for the road across the land in TMBC area.
- 6.4 The Committee resolved to refuse the previous application for outline planning permission made to TMBC for the following reason:
- “The development proposed is unacceptable as it would result in an unjustified incursion into the Strategic Gap as there is no development approved that would be served by the new access and road. The proposal is therefore contrary to Policies CP1 and CP5 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.”
- 6.5 The Committee also resolved to raise objection to the previous consultation from Maidstone Borough Council with regard to the erection of 500 houses, a school, community centre and open space for the following reason:
- “The Borough Council is aware that the land is allocated for 380 dwellings within the adopted Maidstone Local Plan, with the emerging policy proposing 500 dwellings. However, the submitted scheme does not appear to conform with either adopted or emerging policy insofar as the proposals could lead to harmful effects on recognised features on the site and impact on traffic and environmental conditions off site. The development proposed is unacceptable as it would result in an unjustified incursion into the Strategic Gap as there is no development approved that would be served by the new access and road. The proposal is therefore contrary to Policies CP1 and CP5 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.”
- 6.6 The previous committee report which provides a useful background to the history of this site is attached as an annex to this report. As the previous report highlights, *the principle of residential development on the site has been established as being acceptable with the site being allocated in the MBC Local Plan (2000) for residential development for approximately 380 units.*
- 6.7 Both MBC and TMBC refused applications for permission for the development and the applicants are now appealing the decision to the Secretary of State. A Public Inquiry to determine these appeals is to be held in June 2015.
- 6.8 At this stage, it is not clear as to whether MBC officers will be recommending refusal of the outline application for housing (as per the consultation requests A & B). If permission is refused by MBC there would remain no justification for the grant of permission on application (C) which seeks the creation of an access from Hermitage Lane. This access is over land that is designated in the TMBC Core Strategy as Strategic Gap. It is accepted that, given the Maidstone Local Plan designation, there may be, with an appropriate form of development in the MBC

area, a requirement for an access road in this location. Without planning permission being granted by MBC for the residential development the proposal to construct a new access in this location would be unacceptable and unjustified.

- 6.9 Notwithstanding this, should either or both of the residential proposals sought by applications (A & B) was granted planning permission by MBC, the access and access road would be of a limited scale and size, with open land around. The intrusion into the Strategic Gap would be relatively limited and fully justified by the residential development. TMBC has accepted such a provision to be acceptable as long ago as an earlier Planning Inquiry in the early 2000s.
- 6.10 Applications (A & B) seek permission for a total of 500 houses, a school community centre and open space, with application (A) containing the majority of the developed area and application (B) seeking permission for 80 dwellings. Since the time the previous application consultations were reported to APC3 additional discussions have been had between the applicant, MBC and KCC Highways and supplementary information has been provided with regard to the impact of the development upon the highway network, not least as preparation for the June 2015 Inquiry.
- 6.11 KCC Highways and MBC transport planners are in the process of designing and traffic modelling a new roundabout junction at Coldharbour with the aim of increasing the free flow of traffic onto the motorway. This design work is potentially due for completion in January 2015 and therefore at present it is not possible to fully understand the impact of these works of accommodating the additional traffic. I have high expectations, arising from officer level discussions, that a suitable improvement to Coldharbour roundabout can be achieved. If this proves to be acceptable then a financial contribution should be secured by S106 obligation to help fund these junction improvements.
- 6.12 The Highways Agency raised no objection to the previous application and requested a commuted sum towards motorway junction improvements at M20 Junction 5. In addition, the retail development at the northern end of Hermitage Lane was granted permission in 2014 and provides significant enhancements to the traffic light controlled junction at the end of Hermitage Lane, linking it more decisively with other traffic signals in the vicinity. Subject to all of these highway works being adequately designed and modelled and the developer providing funding towards such works to mitigate the impact of the residential development on the road network, a significant adverse impact should not be caused to highway safety.
- 6.13 In light of the previous concerns expressed with regard to Air Quality considerations, the applicant has also provided enhanced information with regard to the measures to be implemented to reduce the need to travel by private car and to reduce vehicle emissions. This was not available to view on the MBC website at the time of the last report to APC3. These include providing funding towards

enhanced bus services, a new shared cycle/footway on Hermitage Lane and use of a Travel Plan (and possibly a travel plan co-ordinator). The housing application site is within walking distance from Barming train station which links to Maidstone, the surrounding villages and ultimately to London. This rail connection with pedestrian links to the site would provide a viable alternative method of transport than the private car. Moreover the contributions to enhancements of Coldharbour roundabout and M20/J5 will aid the free flow of traffic. These matters would reduce the impact of vehicular traffic passing through the AQMAs both in Waterringbury village and on the A20 London Road. I am satisfied that these provisions, when brought into sharper detail in the future will overcome the concerns that arose in the previous APC3 report.

- 6.14 Issues raised by consultees such as the impact upon Heritage Assets, wildlife and footpaths all relate to the development within Maidstone Borough and it is therefore for MBC to consider these matters further.
- 6.15 East Malling and Larkfield PC question the removal of the country park from the proposals. The country park is a requirement of an MBC *emerging* policy contained within their draft consultation local plan. The draft policy seeks the provision of a country park on land within TMBC area , and the lack of provision of this facility formed one of MBC's reasons for refusal on the previous application. However, the MBC draft policy is at an early stage and should play no decisive role in the decision making on the housing schemes in applications (B) and (C). The developers have confirmed that they are not proposing to make provision of the country park.
- 6.16 In essence this is a reprise of the decisions made earlier this year. However, now the matters identified in discussions with the applicant and MBC, as identified in paragraphs 6.11 – 6.13 above have been revealed further I am satisfied that the previous objections to up to 500 dwellings (A & B) in the MBC area can be overcome subject to the necessary S106 obligations being secured. No objections should be made to applications A & B subject to the S106 obligations as identified above.
- 6.17 The position regarding application (C) remains as previously, that planning permission is granted for the housing in MBC area then the grant of permission is justified but the permission should not allow the development of the road except in circumstances where the housing in MBC area has been permitted. This can be secured by condition.

7. Recommendation:

(A) TM/14/03596/CNA & (B) TM/14/03598/CNA:

7.1 No Objection Be Raised subject to:

- S106 obligations being secured to cover the matters raised in paragraphs 6.11 – 6.13 above

(C) TM/14/03290/OA:

7.2 Grant Planning Permission subject to conditions:

- 1 All normal conditions plus a condition which says that permission (C) can only n be implemented if planning permission is granted and implemented under (A) or (A) and (B).

Contact: Kathryn Holland

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Report of 24 July 2014

Aylesford	573010 156340	11 October 2013	(A)TM/13/03147/OA
Aylesford		22 October 2013	(B)TM/13/03275/CNA

Proposal:

(A) Outline Application: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas), associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. All other matters reserved.

(B) Consultation by Maidstone Borough Council: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas), associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration

Location: Land East Of Hermitage Lane Aylesford Kent

Applicant: Croudace Strategic Ltd

1. Description:

1.1 This report relates to an application for outline planning permission and also a consultation from Maidstone Borough Council, both for development east of Hermitage Lane. The overall development proposed, in the consultation by MBC (application (B)), is for up to 500 homes, a school, community centre and open space and this proposal forms the context for the application (A) in this Borough. Vehicular access is proposed to be gained from Hermitage Lane (as in application (A)) and Howard Drive, in the MBC area. The overall development site crosses over the boundary between Maidstone Borough and Tonbridge and Malling. All of the proposed housing is within Maidstone with the only development within Tonbridge and Malling being the access road from Hermitage Lane to serve the west side of the development and a car park area for the school. The remainder of the land within this Borough is indicated as being open space.

2. Reason for reporting to Committee:

2.1 These applications are reported due to general public interest and also for Member information following the resolution of MBC to refuse outline planning permission for that part of the development falling within MBC area.

3. The Site:

- 3.1 The overall development site extends to approximately 30.66 ha, with 3 ha being within Tonbridge and Malling. The land as a whole is predominantly agricultural with an area of ancient woodland towards the southern end of the site towards Maidstone Hospital. The site is to the east of Hermitage Lane and north of Maidstone Hospital. The new access to Hermitage Lane would be approximately 350m south of the railway bridge at Barming Station.

4. Planning History (most relevant):

TM/06/02691/EASC screening opinion EIA not required 4 September 2006

Request for environmental screening opinion for mixed use development, open space and vehicular access

TM/01/00203/OA Appeal Dismissed 2 October 2002

Outline application for residential development, creation of new vehicular accesses, provision of a local centre, community building, school site, public open space, informal parkland, greenways and landscaping

TM/01/00270/A10 Appeal Dismissed 2 October 2002

Article 10 consultation by Maidstone Borough Council for Outline Application residential development, creation of new vehicular access, provision of local centre, community building, school site, public open space, informal parkland, etc.

The two applications dating from 2001 listed above were for a similar, but smaller, development than that proposed under the current submissions. In dismissing the appeals the Inspector at the time was not convinced that the land should be released for housing as there were brownfield sites making up the MBC Urban Capacity study that should be brought forward first and that these sites had suitable capacity to ensure that the appeal site, although forming a Local Plan allocation, should not be released at that stage. On the subject of the development on land within Tonbridge and Malling, the Secretary of State commented that, whilst the proposed road access from Hermitage Lane is a departure from the Local Plan, the impact of what little development falls within the Tonbridge and Malling area would not be so material as to weigh against the development of housing land in Maidstone Borough if that was found to be necessary to meet the requirement for housing.

5. Consultees (in respect of application (A)) (Consultations with regard to application (B) by MBC).

- 5.1 Aylesford PC: Object. Hermitage Lane will not be able to cope with the additional traffic. Other developments are already planned in the area and the cumulative impact will be too much for the road network.

-
- 5.2 East Malling and Larkfield PC: Object due to traffic generation and the impact on the road network in the vicinity.
- 5.3 KCC Heritage: Site has potential for archaeological remains and this should be investigated further.
- 5.4 Private Reps: 28/0X/150R/0S + site and press notice:
- 150 letters of objection received mainly making comments on the principle of the overall development package ((A) &(B)), impact on the ancient woodland and traffic generation. These mainly relate to issues within MBC.
 - Objections have also been raised to the access road being inappropriate development within the Strategic Gap and therefore not in accordance with adopted planning policy (A).

6. Determining Issues:

- 6.1 The principal consideration with these applications is the principle of the development in the context of the designation of the site in both the Tonbridge and Malling Local Development Framework and also the Maidstone Local Plan.
- 6.2 By way of background the land within MBC control was allocated in the MBC Local Plan (2000) for residential development for approximately 380 units. The site therefore has to be considered on the basis that the general principle of residential development on that land is acceptable.
- 6.3 TMBC objected to more recent proposed strategic land allocations in the Hermitage Lane area in general (both east and west sides of the road). The area was originally allocated for 975 houses, which was reduced to 880. This level of allocation was objected to on the grounds that it was a significant increase in what had been proposed before and, whilst there would be a duty to cooperate with TMBC in delivering road improvements within the borough, it was not considered that there would be a funding source available for all necessary works. There was also a concern that the increased traffic would have a detrimental impact on the AQMAs at Watringbury Crossroads and the M20 corridor at the northern end of Hermitage Lane.
- 6.4 Subsequently the site has been put forward in the most recent MBC Local Plan Regulation 18 Consultation as a proposal for approximately 500 units. This proposal requires the provision of a country park and the retention of the ancient woodland in the vicinity of Maidstone Hospital.

- 6.5 In light of the current circumstances TMBC submitted an officer level objection to application (B) in the following terms:

“1 The Borough Council is aware that the land is allocated for 380 dwellings within the adopted Maidstone Local Plan, with the emerging policy proposing 500 dwellings. However, the submitted scheme does not appear to conform with either adopted or emerging policy insofar as the proposals could lead to harmful effects on recognised features on the site and impact on traffic and environmental conditions off site.”

- 6.6 MBC has resolved to refuse the application (B) on the grounds that it would have an adverse impact on an area designated as ancient woodland and does not provide a country park to retain the open character between Allington and the Medway Gap settlements contained within Tonbridge and Malling.
- 6.7 In the absence of the grant of planning permission on application (B) there is no justification for the grant of permission on application (A). The development requires the creation of an access from Hermitage Lane. This access is over land that is designated in the TMBC Core Strategy as Strategic Gap. It is accepted that, given the Maidstone Local Plan designation, there may be, at some time in the future and with an appropriate form of development in the MBC area, a requirement for an access road in this location. However, given the resolution by MBC to refuse the current housing development, it is considered that there is no requirement for the access at the present time. It is therefore considered that the development is unacceptable and unjustified.

7. Recommendation:

(A) TM/13/03147/OA:

7.1 Refuse Planning Permission for the following reason:-

- 1 The development proposed is unacceptable as it would result in an unjustified incursion into the Strategic Gap as there is no development approved that would be served by the new access and road. The proposal is therefore contrary to Policies CP1 and CP5 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.

(B) TM/13/03275/CNA:

7.2 Raise Objections to the development as follows:-

- 1 The Borough Council is aware that the land is allocated for 380 dwellings within the adopted Maidstone Local Plan, with the emerging policy proposing 500 dwellings. However, the submitted scheme does not appear to conform with either adopted or emerging policy insofar as the proposals could lead to harmful effects on recognised features on the site and impact on traffic and environmental conditions off site.

Contact: Robin Gilbert

SUPPLEMENTARY REPORTS**AREA 3 PLANNING COMMITTEE****DATED 24 July 2014**

Aylesford (A) TM/13/03147/OA
Aylesford (B) TM/13/03275/CNA

(A) Outline Application: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas), associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. All other matters reserved; (B) Consultation by Maidstone Borough Council: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas), associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration at Land East Of Hermitage Lane Aylesford Kent for Croudace Strategic Ltd

Private Reps: 2 further objections received to the overall development reiterating existing objections.

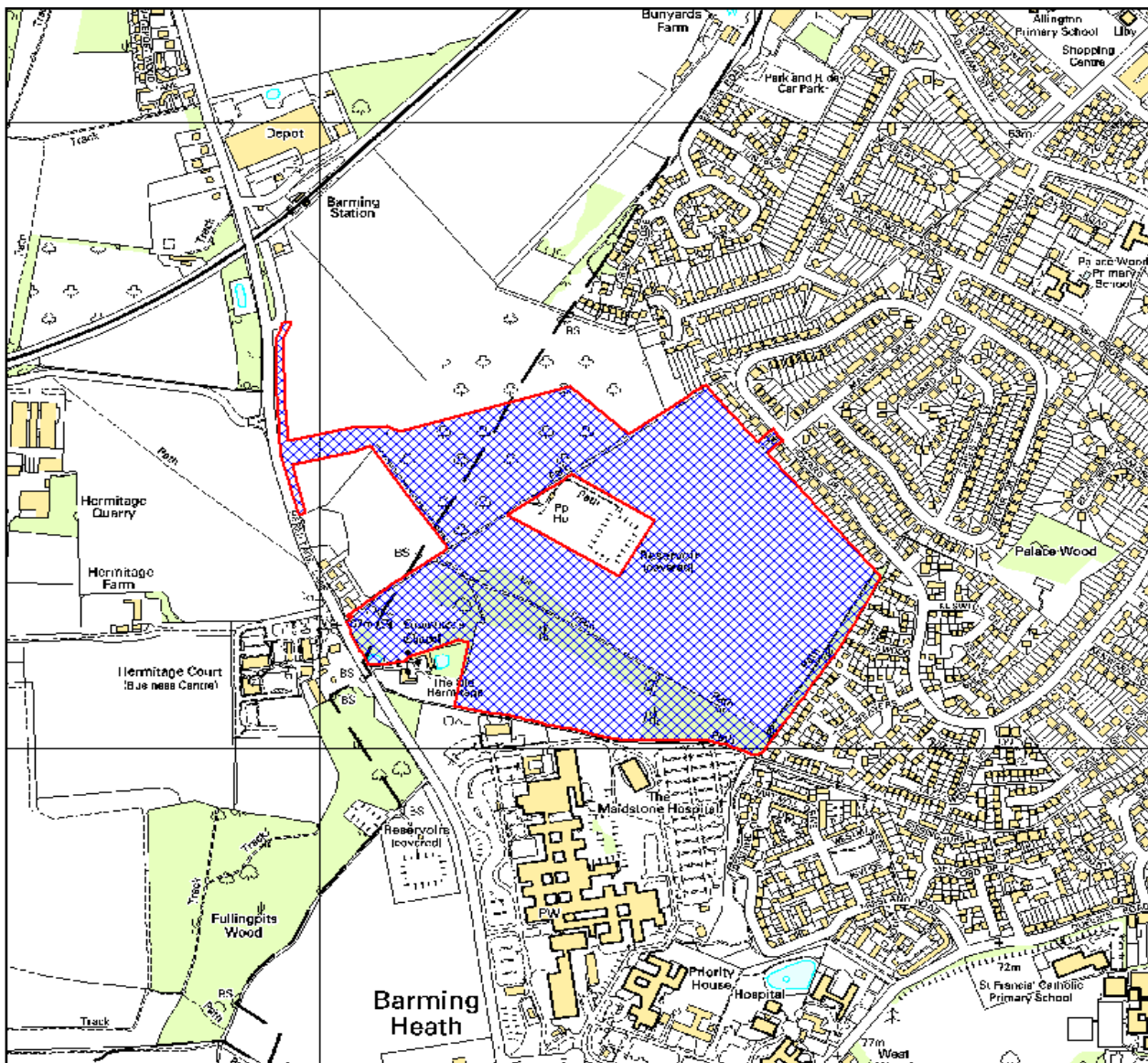
MY RECOMMENDATION IS UNCHANGED

(A) TM/14/03596/CAN; (B) TM/14/03598/CAN & (C) TM/14/03290/OA

Land East Of Hermitage Lane Aylesford Kent

(A) Consultation by Maidstone Borough Council (ref. 14/503735/OUT/JAB1) Outline - access not reserved - mixed use development comprising up to 420 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (including children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicle accesses from Hermitage Lane and Howard Drive; (B) Consultation by Maidstone Borough Council: (ref.14/503786/OUT/JAB1) Outline application for up to 80 residential dwellings with access to be considered at this stage with all other matters reserved for future consideration; (C) Outline Application: Mixed-use development comprising up to 420 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. All other matters reserved

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