

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

Contact: Committee Services
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11 March 2015

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, 19th March, 2015 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 8 January 2015

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

Matters for consideration in Private

PART 2 - PRIVATE

14. 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.
15. 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, 8th January, 2015

Present: 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 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 and Cllr Mrs C J Woodger

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Mrs C M Gale

PART 1 - PUBLIC

AP3 15/1 DECLARATIONS OF INTEREST

Councillor D Smith declared an Other Significant Interest in application TM/14/01105/FL (7 Rowan Close, Aylesford) on the grounds that he was acquainted with the applicant. He withdrew from the meeting during consideration of this item.

AP3 15/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 20 November 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 15/3 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 15/4 TM/14/02491/FL - PLAYING FIELDS ADJACENT DOWNSVIEW (SNODLAND COMMUNITY CENTRE), PADDLESWORTH ROAD, SNODLAND

Clubhouse facility including changing rooms, hospitality room, spectator stand and pitch floodlighting at Playing Fields adjacent Downsview (Snodland Community Centre), Paddlesworth Road, Snodland.

RESOLVED: That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to amendments to conditions 6 and 7 as follows:

6. The Clubhouse hereby approved shall be operated only between the hours of 09.00 and 19.00. 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.

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

[Note: Councillor Miss A Moloney requested that it be recorded for future reference that the parking area referred to at paragraphs 1.2 and 6.6 of the main report was a community car park.]

AP3 15/5 TM/14/03017/FL - 354 WATERINGBURY ROAD, EAST MALLING

Two detached single storey outbuildings to provide a home gymnasium and a garden store, an ornamental pond and garden pergolas at 354 Wateringbury Road, East Malling.

The application was WITHDRAWN from the agenda.

AP3 15/6 TM/14/03074/FL - HEATH PARK, 45 THE HEATH, EAST MALLING

Change of use of land to extend existing static holiday log cabin (caravan) site with ancillary bases, roads, decking, verandas, lighting and drainage at Heath Park, 45 The Heath, East Malling.

The application was formally WITHDRAWN by the applicant.

AP3 15/7 TM/14/01105/FL - 7 ROWAN CLOSE, AYLESFORD

Demolition of existing double garage and construction of a three bedroom detached dwelling with associated parking at 7 Rowan Close, Aylesford.

RESOLVED: That the application be REFUSED for the reasons set out in the report of the Director of Planning, Housing and Environmental Health.

[Speaker: Mr D Tickner – on behalf of the applicant]

AP3 15/8 (A) TM/14/03596/CNA, (B) TM/14/03598/CNA AND (C) TM/14/03290/OA - LAND EAST OF HERMITAGE LANE, AYLESFORD

(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 (including 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 at Land East of Hermitage Lane, Aylesford.

The applications were WITHDRAWN from the agenda.

PART 2 - PRIVATE

AP3 15/9 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.54 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types used in reports to Area Planning Committees as at 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

Wouldham **570187 154367** **30 September 2014** **TM/14/03341/FL**
Burham Eccles
Wouldham

Proposal: 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

Location: Rochester Airport Maidstone Road Chatham

Applicant: Rochester Airport Ltd

1. Description:

- 1.1 This development proposal was first reported to the Area 3 Planning Committee on 20 November 2014 at which time there was a need to consider not only the application submitted to TMBC for determination but also our consultation response to Medway Council's own, identical, planning application given that the application site spans both Boroughs. A copy of the previous Committee and Supplementary reports are annexed for ease of information but, to summarise, at that time it became clear that a number of issues required Officers to undertake further assessment and seek further clarification before making full recommendations to the Planning Committee insofar as the planning application before them to determine was concerned. We did however subsequently request that Medway Council consider those issues as part of their own assessment.
- 1.2 Medway Council subsequently considered their planning application at a planning committee meeting on 7 January 2015. Their Members deferred determination of the application in order to undertake a weekend Members' Site Inspection, following which the application was reported to their subsequent committee (4 February), where it was resolved to grant planning permission subject to various safeguarding conditions and a reduced cap in the number of aircraft movements to 38,000 per year.
- 1.3 Since November, we have continued in our own assessment of the proposed development, concentrating on the impacts of the development on TMBC residents, and this has involved continued work by our own independent noise consultants. This assessment is discussed in detail throughout the report that follows.
- 1.4 Furthermore, consultations have also taken place with regard to the issue of the safety of the operation of the airport.

- 1.5 To summarise, the planning application is a hybrid application with full planning permission being sought for a number of changes to upgrade the existing airfield. These include:
- the formation of a lit paved runway with parallel grass runway to replace 02/20. The new runway would be of an almost identical length to the current one, although its width would be reduced from 32m to 25m;
 - formation of a parallel grassed runway for use by historic aircraft;
 - formation of a landscaped bund to run parallel with the runways and mark the boundary with any development to the north west;
 - re-siting of two existing helipads;
 - formation of a new 10m wide taxiway;
 - erection of two hangars (5 and 6);
 - erection of a hub building with control tower and office/admin facilities;
 - car parking areas, fencing and gates, family viewing area and a memorial garden together with the removal of portable structures;
 - erection of a new hangar type building for MAPS use for the foreseeable future.
- 1.6 Other elements have been included that do not appear to require planning permission but are mentioned for the sake of completeness. These include the creation of a parallel grass runway for use by historic aircraft, the refurbishment of hangar 3 and the minor refurbishment of hangar 4.
- 1.7 The applicant's agent has identified several operational elements which include a limit of 40,000 movements per annum and a reduction in weekday hours from 24 hours to 0730-1930. There would also be a reduction in weekend and Bank Holiday hours from 24 hour operations to 0830-1730. Home based aircraft would retain the right to use the airport until dusk or 2100 hours.
- 1.8 Runway lighting would remain as existing, although replaced with all other lighting on site being designed to be low level and compatible with aircraft safety.

2. Reason for reporting to Committee:

- 2.1 This is a locally significant project that has attracted considerable interest amongst residents within the boroughs of both Tonbridge and Malling and Medway.

3. The Site:

- 3.1 The application site is located on the south western edge of the Medway towns and is under the ownership of Medway Council. It is stated that since 2000 the site has been leased to Rochester Airport Ltd (RAL) although the last lease expired in January 2014. Following extensive discussions and adoption of a Master Plan RAL has now been granted a further 25 year lease.
- 3.2 The majority of the site falls within the Medway Council area with the exception of two small areas on the western side that fall within Tonbridge and Malling Borough. As a result two identical applications have been submitted, one to each Authority, with Medway being the lead determining Authority.
- 3.3 The two parts of the site that fall within T & M Borough include part of the area which is reserved for future development and the southern tip of one runway.
- 3.4 The site can be reached from several points leading from Maidstone Road (A229), Rochester Road, Laker Road and Marconi Way. The site is adjoined by retail and hotel development fronting Maidstone Road and also the Medway Innovation Centre and BAE Systems complex of industrial buildings. To the south of the site is the Woolmans Wood Caravan Park.
- 3.5 The airport site comprises a cluster of buildings and structures positioned towards the southern end of the site including hangars, workshops, café, portacabins and the control tower.
- 3.6 The airport currently has two cross wind grass runways, 16/34 and a lit and drained 02R/20L, with a parallel relief runway 02L/20R. Runway 02/20 extends to some 830m in length and has a width of 32m. It is stated that the current use of these runways is split approximately 70% on vehicle runway 02/20 and 30% on 16/34. The airport is used by leisure flyers, for pilot training, emergency services, very light cargo traffic, surveys for utility companies, MoD and aerial photography. Due to the length and type of the runway the use is self-limiting in terms of the types of aircraft able to use the airport.
- 3.7 It is stated that the airport currently handles some 32,000 movements per annum although this number will fluctuate according to weather and economic conditions. There are currently no restrictions on the number of daily flights and on a busy day this could reach 400-500 movements. There are currently no restrictions on the days or hours of operation. Emergency services and the military are able to use the airport 24 hours a day. At present there is no clearly defined "airside" or "landside" so that staff within the various buildings have to pass close to the end of runway 16/34 in order to access hangars, car parking and other buildings.

TM/14/03341/FL

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)

TM/14/03594/CNA

Consultation by Medway Council: MC/14/2914 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 and removal of portable structures and identification of future development site
and B: Identification of future development site (outline submission)

5. Consultees: received since 20 November 2014

- 5.1 KCC (Heritage): Notes the site lies in an area of archaeological and historical interest relating to past discoveries of ancient archaeological remains and arising from the site's more recent use as an airfield. Past discoveries have revealed evidence of archaeological activity of prehistoric and Romano-British date. It is noted that the submitted archaeological desk-based assessment concludes that the site has a low to moderate possibility that remains of regional significance could be found within the proposed development area and that archaeology related to the Second World War may be uncovered. A planning condition is recommended stating that no development shall take place until the applicants have secured the implementation of a programme of archaeological work in accordance with a written specification and timetable to be submitted to the Local Planning Authority.
- 5.2 KCC (Highways): The current proposals subject to this application would not be likely to have any significant implications on the highway. The future development however of land currently used for runway 16/34 will require a transport assessment.
- 5.3 Highways Agency: Note that the changes to the description of the development area adequately address their previous concerns. Subsequently the Highways Agency has indicated that they do not expect an increase in traffic movements from the airfield application alone. No objection is now raised.

- 5.4 Environment Agency: In respect of the additional information the EA have obtained a clearer understanding of the existing and proposed operations and potential impacts on the environment. It is understood from the documentation that betterment will be achieved by the development in terms of pollution risks with regards to fuel storage, management and control. There is also a clear undertaking that relevant site investigations will be carried out and any existing facilities will be fully decommissioned and any necessary remediation carried out. It is considered that planning permission could be granted if several planning conditions are included to protect the underlying ground water from the risk of pollution.
- 5.5 Civil Aviation Authority (CAA): To date the CAA has not received a submission for approval from Rochester Airport for the proposed runway project. Should a submission be made it will be assessed for compliance against the applicable licensing criteria which is designed to ensure that the aerodrome is safe for use by aircraft. The assessment of the project does not take into account any planning application decision as this goes beyond the jurisdiction of the CAA.
- 5.5.1 The CAA confirm that Rochester does not currently have a Public Safety Zone (PSZ). This designation is based on traffic movements (commercial, cargo and private) and the aircraft types that operate at the aerodrome. Currently only the 30 largest aerodromes in the UK have PSZs.
- 5.5.2 The aerodrome team focuses on making sure the licenced operator complies with the regulations placed on it in term of facilities and infrastructure. There are several requirements in place to protect the surfaces around licenced aerodromes which are in place to ensure the environment remains safe for the aircraft to operate. Details of these can be found in CAP 168.
- 5.5.3 It is not unusual for aerodromes to have only one runway. The length and width of the runway will affect and dictate the size of aircraft that are able to use it under the conditions of the licence.
- 5.5.4 A senior inspector from the CAA has stated that he is not aware of any safety implications for residents in the airport's vicinity brought about by the closure of the cross wind grass runway (16/34). As the strongest winds we experience in this area are generally from the south west they will favour the upgraded runway 20.
- 5.5.5 Pilot training processes and testing are conducted in accordance with the requirements of Aircrew Regulations which details what is needed for each licence. There are certain rules of the air that dictate the minimum heights for certain exercises. Engine failure and stalling practice should not be conducted over urban areas because it would not be possible to land in a safe area in the event of an emergency.

- 5.6 Natural England: Having reviewed the application and in particular noise and visual impact, Natural England does not wish to comment on this development. The proposal relates to the Kent Downs Area of Outstanding Natural Beauty and it is recommended that the advice of the AONB partnership organisation is sought regarding any impact upon the wider landscape setting.
- 5.7 Kent Downs AONB Unit: Rochester Airport is located immediately on the boundary of an AONB, a protected landscape of national importance and falls within its setting. The proposals should therefore be tested against the requirements of the NPPG and the statutory duty of regard to conserve and enhance the landscape character and scenic beauty of the AONB.
- 5.7.1 Tranquillity is a significant element of the landscape character of the Kent Downs. Appeal decisions on previous proposals to expand aviation operations in or within the setting of AONBs have confirmed that tranquillity is to be treated as a much valued attribute.
- 5.7.2 Given that any enhancement of the airport facilities here is likely to increase the attractiveness and usage of Rochester Airport, as both a visitor attraction and as a venue for flying, it is imperative that such works do not result in an unacceptable increase in noise and visual disturbance which would have a harmful impact on the noise environment and tranquillity of the Downs. This concern was raised by Natural England at an early stage in these proposals in response to the EIA Screening application where noise and visual impacts were identified as possible "Significant indirect impact".
- 5.7.3 The Kent Downs considers that no assessment has been undertaken of the impact of the proposals on the AONB. They consider that the Acoustic Report fails to address any acoustic impact of the proposals on the tranquillity of the AONB. Impact analysis is confined to adjoining residential areas only. In particular the concentration of future use of runway 02/20, its change of surface to a tarmac paved runway and usage of the two proposed helipads to the south of the airport. The Kent Downs AONB unit considers that the applicants have failed to address how the noise contours of the AONB will be affected. Given that all flights will overfly the AONB and at a low level, it is vital that the impact on the tranquillity of the AONB is adequately examined before this application is determined. The Unit therefore currently strongly objects to this application as it is contrary to policies SD1, SD3 and SD7 of the AONB Management Plan 2014-2019.
- 5.8 Kent Fire and Rescue Services: Confirm that the means of access is considered satisfactory.

Consultees received before 20 November 2014:

- 5.9 Burham PC: Would not like to see an increase in the number of flights over Burham or larger noisier aircraft using the new runway. Airport to close and become a business park providing more employment for Medway and the surrounding area.
- 5.10 Aylesford PC: No objection.
- 5.11 Wouldham PC: Supports the application.
- 5.12 Environment Agency: Object to the application on the grounds that there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. The site is an extremely sensitive setting overlying a principle aquifer and in an SPZ of a public water abstraction point. There is no information on pollution control measures, fuel storage and re-fuelling areas or management of any de-icer equipment. There is no site contamination report indicating where previous pollution could have occurred, how this was addressed in the past or still requires to be addressed. The applicant should therefore provide information to satisfactorily demonstrate how these matters can be overcome.
- 5.13 Kent Wildlife Trust: The application is the product of a fundamental review of operations and development at the airport at the start of a new lease period. It represents an excellent opportunity to consider how this extensive open area of land could be adapted and its habitats managed to achieve a significant enhancement of local biodiversity.
- 5.13.1 The ecological scoping survey report recommends a series of measures to achieve this goal and those that do not conflict with operational procedures are supported. The Trust is keen to see the implementation of the works to the pill box, broadening the native floral composition of the amenity grassland and adopting a Biodiversity Management Plan to steer the continuing maintenance of the grassland and other key habitat features. It is recommended that these measures are implemented by way of planning conditions. It is also considered that the applicants should be asked to consider the use of green/brown roofs to the buildings. A condition is recommended to prevent an increase in the number of flights into and out of the airport in any one year.
- 5.14 Private Reps: Initially, 1696 letters of representation were sent to residents of T & M Borough and 5620 were sent to addresses in Medway Borough by T & M. At the time of preparing the report representations had been received from 67 addresses raising objections to the application. Representations had been received from 27 addresses in support of the proposal. Some residents have made representations on more than one occasion.

5.14.1 Neighbours in support:

- Twenty five year lease states that Runway 16/34 will close and so traffic will be concentrated on 02/20.
- Aircraft will be able to leave the ground more quickly from a hard runway and achieve greater heights.
- Take-offs should be safer and less noisy from a hard runway.
- Improvements to one of Medway's assets is long overdue.
- Aircraft movements have been diminishing due to weather conditions.
- Cost of improvements is being paid for partly by Medway Council and partly by the operator.
- Hard runway is same length as the existing and its depth and design would only support light aircraft and not heavy or jet aircraft.
- Cap on movements and airport hours will be more restrictive than current situation.
- Airport is an asset to business, job creations and heritage for Medway.
- Concerns about the submitted noise survey.
- Aircraft can leave hard runway sooner than on grass and achieve greater distance from the ground in a shorter period. Aircraft can then turn more quickly.
- Miniscule amount of land falls in TMBC borough.
- Increase in flights does not necessarily lead to an increase in road traffic movements.
- Commercial viability of airport is not a concern of the public but a risk by the investors.
- Airport capacity in the south east is declining. Rochester Airport is a vital part of the strategic network of small airports.
- It is at the risk of the applicant to design an airport that is CAA compliant.
- A third party risk analysis is not required by law.
- Flight paths from the west will be reduced.

- There would not be a concentration of aircraft over T&M Borough.
- Misinformation is being spread by a resident in the area.
- Upgrade of buildings and facilities is welcomed.
- Welcome inclusion of public facilities into the scheme and provision for MAPS.
- T & M would benefit economically even if it does not share in the investment involved.
- Support for natural habitats at the airport to support birds and wildlife.
- The alternative to use the site for extra housing is not welcomed in the area.
- Airport is needed to provide training and is a crucial feeder for the pilot needs of the airline industry.
- People should not purchase properties in the vicinity of the airport if they are not happy with overhead flying.
- Cap on movements and control over aircraft size of operating hours will create a much improved environment.
- Rochester Airport is well placed to serve north Kent for energy purposes.
- The extent of the licence will regulate flying activity.
- The proposals would secure the long term future of a much loved airport.
- Small airfield infrastructure is being threatened.
- Rochester is an historic airfield and this proposal will enable it to continue to flourish and provide training and leisure facilities.

5.14.2 Neighbours objections:

- Increase in air movements and associated noise and safety hazard. Thousands more people will be at risk.
- Increase in take-off noise and frequency of noise disturbance close to residential areas.
- The submitted noise assessment included incorrect and misleading information. The 10 assessment period only included one weekend and should have covered a two weekend period, as these are the busiest flying times.
- Characteristics of the airport will completely change.

- No appropriate or adequate mitigation can be carried out by way of conditions or effective enforcement. How will noise level be minimised and mitigated?
- Criminal negligence, if the airport is allowed to expand in an area that is now urbanised. There could be criminal and financial liability.
- Altered flight path and hard surfacing could lead to year round flying facilities.
- Application would offer no benefits for the local community and could ruin thousands of lives.
- Low level repetitive circuits by those training to fly. Circuit flying should be banned at the weekends.
- Repetitive noise from helicopters and gyrocopters. Peak noise interruptions.
- Possible structural damage from the vibration of aircraft.
- Higher levels of air pollution.
- Loss of local amenity.
- Proposed runway may not be CAA compliant as no approval documents have been provided by the applicants.
- No emergency drop zones. It is the responsibility of the LPA to ensure mitigating measures are implemented to identify where potential for a hazard is most likely to occur and to mitigate against this inevitability.
- The proposed runway design would fail to provide Runway End Safety Areas (RESAs) of a size that would conform with the requirements of the CAA. The taxi way would encroach into the RESA.
- Turbo jet engines which are very noisy will be able to operate from this length of hard runway.
- Loss of respite because of increased additional air movements.
- Proposals will result in additional vehicle activity in the area. This will add to congestion at Laker Road, A229 etc.
- The proposed bund needs to be of adequate height, otherwise it could lead to noise seepage.
- Object to loss of runway 16/34 and associated reduction in available space for landing.
- Noise from gyrocopters doing circuits.

- Representations should not be taken from outside the area. Many people who fly from the airport do not live locally and so are unaffected by the impacts.
- Runway in very close proximity to housing, businesses and a number of schools etc.
- Should have been full public consultation in advance of the planning application.
- The airport is already dangerous and noisy. Noise and safety have not been properly addressed.
- No mention has been made of providing customs facilities.
- Site would be better used for industrial or housing purposes.
- The area cannot support any more traffic if the land currently occupied by the grass runway is redeveloped.
- The proposal will result in claims under the Land Compensation Act 1973 for a loss in property values.

5.14.3 Other matters raised:

- Waste of tax payers money.
- Impact on property values. A compensation fund should be provided.
- Additional traffic and noise during the construction phase.

5.14.4 The objections raised also reference a number of matters concerning procedure which are summarised as follows:

- These proposals are considered to represent a Public Infrastructure Project
- An Environmental Impact Assessment should have been a requirement for this proposal to make an adequate assessment.
- A public safety risk and societal risk analysis have not been carried out.
- A controversial development such as this should be referred for assessment by the Government's Planning Inspectorate as was the case with Redhill and Farnborough. Medway should have carried out pre-application consultation prior to the application being submitted.

- In addition objectors have stated that the scheme has been a waste of taxpayers' money, will impact upon property values (suggesting that compensation be paid) and that additional traffic and noise will arise during the construction phase.

6. Determining Issues:

- 6.1 Planning application decisions must be made in accordance with the Development Plan unless material factors indicate otherwise. Both of the relevant Development Plans (that in TMBC area and that in Medway Council area) predate the publication of the NPPF and Planning Practice Guidance and the analysis below takes that position into account.
- 6.2 Other material considerations may include other documents and policies applicable to the type of development proposed and, most importantly, the historic planning commitments and controls that apply to the site and form the baseline rights against which any proposed uses must be judged. In this case the planning rights to fly predate the introduction of planning controls in 1948, and there is no *planning* control over the number of flights, or hours of flying, nor is there any current *planning* control over the nature of the aircraft (whether fixed-wing, rotary-wing or gyrocopter) that can fly from the site. There may possibly be controls over such matters through other legislation/controls but there is no *planning* control over flying at present.
- 6.3 In addition representations have been made in respect of some procedural aspects of the proposal – the report deals with this aspect before moving on to policy matters and other material considerations.
- 6.4 Representations have also been received in respect of the merits of the proposal and these views are reviewed below
- 6.5 As mentioned in the previous report of 20th November, two submissions were made to Medway Council for an Environmental Impact Assessment (EIA) "Screening Opinion" for the proposed works. In relation to the first submission a decision was reached by Medway Council that an EIA was necessary due to the characteristics of the project and the identification, following consultation with statutory bodies, of potential likely significant effects on nearby sensitive areas. This decision was reached following submissions made by Natural England and KCC.
- 6.6 Subsequently the impacts identified by Natural England were addressed by the applicant in more detail and a second screening submission was made identifying limitations of levels of flying, as intended by the applicant. As a result, in August 2014 Medway Council issued a further "Screening Opinion" to the effect that subject to certain constraints on flying practice no EIA would be necessary.

- 6.7 TMBC is aware that approaches have been made to DCLG that may lead to a challenge to the Medway Screening Opinion but we are not aware that this has been formally pursued.
- 6.8 Medway Council was not required to consult TMBC on the EIA Screening process and did not do so. On the basis of a review of the relevant legislation and guidance, in particular the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (which in the UK enacts the provisions of the European directive on the assessment of the effects of certain public and private projects on the environment most recently codified in directive 2011/92/EU which itself was amended on 15 May 2014) and the guidance found in DCLG Circular 02/99 which provides indicative criteria for the need for EIA, there is no reason to question the Medway Council judgement on the second Screening Opinion.
- 6.9 The Development Plans relevant to the consideration of the proposed development are the Tonbridge and Malling Core Strategy 2007 and the Medway Local Plan 2003, which together cover the whole of the application site.
- 6.10 The NPPF provides the national policy context for determining planning applications. Amongst its aims the NPPF states that the planning system should do everything to support economic growth and should not act as an impediment for sustainable economic growth and should support existing business sectors. Planning authorities should seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Emphasis is also placed on conserving and enhancing the natural environment and minimising impacts on biodiversity. NPPF is supported by DCLG Online Policy Practice Guidance (PPG) which was released after NPPF and is a dynamic and frequently updated resource and is to be used in combination with NPPF.
- 6.11 The TMBCS, and its associated Development Plan Documents, was adopted some time before the NPPF/PPG were published. Relevant policies are CP1 (sustainability) and CP7 (development affecting an AONB) in so far as the part of the site in TMBC area is quite close to the AONB boundary, which is on the southern side of the M2, and planes from the site will take-off/land directly over the AONB. Policy CP24 concerning the standard of development is also relevant. Policies within the MDEDPD of relevance include SQ6 (impact of noise), NE3 (impact of development on biodiversity) and SQ4 (air quality) but both the SQ policies are effectively superseded by NPPF/PPG. There is no site specific policy relating to airfield development in any TMBC planning policy.
- 6.12 The Medway Local Plan 2003 covers the vast majority of the site (excluding land in the TMBC area). There is one specific "saved policy" (this was saved in 2007 under procedures in place at that time and remains saved) which deals with aviation development, T23, and that policy and its preamble reads:

"The local plan is proposing to develop a science and business park at Rochester Airfield which would result in the closure of one of the main runways. However,

with the appropriate investment in the remaining runway and other aviation related facilities within the airport, the level of activity could increase. Policy T23 therefore sets out the criteria against which any future proposals for aviation related development will be measured. Such criteria would also apply to any proposals for new general aviation facilities within the plan area.

POLICY T23: AVIATION RELATED DEVELOPMENT

Development proposals at or affecting Rochester Airport and any proposed new aerodromes, will be considered against the following criteria:

- (i) compatibility with existing or potential aviation operations;*
- (ii) the scale and nature of the proposed development, taking account of the existing amount of activity on the site;*
- (iii) the economic and employment benefits of the development;*
- (iv) the proposals for a science and technology park at Rochester Airport in policies S11 and ED5;*
- (v) the impact upon residential and other noise sensitive properties;*
- (vi) traffic generation;*
- (vii) other environmental and social impacts; and*
- (viii) accessibility from the urban area of Medway.*

(N.B. Policy S11 mentioned above was not “saved” in 2007 but ED5 was. ED5 identifies the Airfield as a potential employment area.)

Other Medway policies are relevant in terms of impact on the AoNB, noise impact, traffic impact and archaeology which have more direct relevance to the significant proportion of the site within the Medway area (including the outline proposal for the new hangers) rather than the small element of runway within the TMBC area.

- 6.13 Medway Council published the Rochester Airport Masterplan in 2014. As the Medway Council committee report, on the parallel application to this case, indicates:

“[Medway Council] Members will be aware that the Rochester Airport Masterplan 2014 has been adopted by the Council and this document, while not constituting an adopted Supplementary Planning Document, nevertheless provides a framework for the evolution of development proposals at the airport and its contents are therefore a material planning consideration.”

- 6.14 The Masterplan, produced by Medway Council, was neither produced nor endorsed by TMBC although a TMBC officer was engaged in discussions surrounding the document in light of the cross-boundary implications. The Masterplan is neither a planning document nor was it subject to statutory planning consultations (but it is understood that wide ranging public contact was sought). As such it can play only a very limited part in the decision making process by TMBC. It is aspirational rather than giving any clear guidance as to how the project now embodied in the planning application meets the requirements of either of the relevant Development Plans and other material planning considerations. It has

been suggested by a third party that somehow Medway Council failed to carry out proper consultations on the Masterplan and not in compliance with the Medway Statement of Community Involvement. It is believed that public consultation was carried-out by post. A minute from the Medway Council meeting of 23.01.2014 reads *“The Council received 908 responses to the consultation held from 22 July 2013 to 20 September 2013. The report provided details to the background of the consultation responses, the concerns raised and the Council’s response to those concerns including any proposed amendments to the Masterplan.”* As indicated above the Master Plan itself is of limited status and relevance in this decision.

- 6.15 Reference has been made by some third parties to a leaflet entitled “Rochester Airport, the future”. It is understood that this was produced by Medway Council and circulated as part of the wide debate on the future of the Airport. It was not produced or approved by TMBC, which was not involved in the content or production of this leaflet. It has no meaningful status in the current planning decision as it is neither a planning document nor was it subject to statutory publicity.
- 6.16 Reference has also been made, by persons giving their views on this current TMBC planning proposal, to the Rochester Airport Options Study (August 2012), which was commissioned by Medway Council's Asset and Property Services and produced by the TPS consultancy, and which outlined options for the future of Rochester Airport. This document examined potential aerodrome layouts to enhance the viability of Rochester Airport through the implementation of a paved runway and the release of land for commercial development by the closure of one of the airports existing main runways. This document includes aspirations and compares options for the possible changes to the runways. This document was not submitted in support of the current application and is not a planning document or subject to statutory publicity. TMBC had no part in this document and it carries very little weight in this current decision.
- 6.17 In the wider context of commercial aviation the national Aviation Policy Framework (APF) is a collaborative document produced in 2013 by the Secretary of State for Transport. The APF may be a material consideration in planning decisions depending on the circumstances of a particular application. Land use planning and management is one of the elements of the balanced approach identified to be applied to the future of aviation related development and which should be explored when tackling potential or actual noise problems at an airport.

“3.20 Chapter 5 explains the status of the Aviation Policy Framework and its interaction with existing planning guidance and policies. Land-use planning and management is one of the elements of the ICAO [International Civil Aviation Organization] balanced approach which should be explored when tackling noise problems at an airport. In line with the Government’s noise policy, the Government’s National Planning Policy Framework (NPPF) says that planning policies and decisions should aim to avoid a situation where noise gives rise to

significant adverse impacts on health and quality of life as a result of new development, and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

3.21 The NPPF expects local planning policies and decisions to ensure that new development is appropriate for its location and the effects of pollution – including noise – on health, the natural environment or general amenity are taken into account. This does not rule out noise-sensitive development in locations that experience aircraft noise. In the same way that some people consider themselves annoyed by aircraft noise even though they live some distance from an airport in locations where aircraft are at relatively high altitudes, other people living closer to an airport seem to be tolerant of aircraft noise and may choose to live closer to the airport to be near to employment or to benefit from the travel opportunities.

3.22 There can also be other good economic or social reasons for noise-sensitive developments to be located in such areas. However, reflecting Government noise policy, the NPPF is quite clear that the planning system should prevent new development being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Local planning authorities therefore have a responsibility to ensure that the land use element of the balanced approach is implemented in the context of their local plan policies, including any on noise. People considering moving to an area which may be affected by existing aircraft noise also have a responsibility to inform themselves of the likely impacts before moving to the area, and airport operators should ensure that all necessary information to inform such decisions is easily accessible.”

- 6.18 The APF recognises that the aviation industry brings significant benefits to the national and local economy, but that there are potentially costs associated with its local environmental impacts, which are borne by those living around an airport. These include noise, air quality and other local environmental impacts. It is recognised that noise is the primary concern of local communities near airports and that the extent to which noise is a source of tension between airports and local communities will vary depending on factors such as the location of an airport. The APF makes the point that a balance needs to be struck between the potentially negative impacts of noise on health and amenity and the positive economic impacts of flights. As a general principle the Government expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows.
- 6.19 In this case it must be remembered that any noise impacts must be seen in the context of the currently wholly unfettered (in terms of planning controls) flying rights at the site.

- 6.20 The NPPF/PPG now, together, form the framework for consideration of noise in assessing planning applications (as opposed to the previous provisions of policy SQ6).
- 6.21 Local Planning Authority's decision taking should take account of the acoustic environment and consider whether or not a significant adverse effect is occurring or likely to occur or whether or not an adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved. The NPPG advises that as noise is a complex technical issue it may be appropriate to seek experienced specialist assistance when applying the policy of the Noise Policy Statement for England (NPSE). The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. These include the source and level of the noise and the time of day at which it occurs, the frequency and pattern of occurrence of the noise, the character of the noise and that of the local area. When proposed developments could include activities that would be covered by the licensing regime Local Planning Authorities should consider whether the potential for adverse noise impacts will be addressed through licensing controls.
- 6.22 What NPSE also indicates is that:

“There is a need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors.

What do the aims of the Noise Policy Statement for England mean?

2.19 There are several key phrases within the NPSE aims and these are discussed below.

“Significant adverse” and “adverse”

2.20 There are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected.

2.21 Extending these concepts for the purpose of this NPSE leads to the concept of a significant observed adverse effect level.

SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

2.22 It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.”

6.23 The NPPG identifies that one way of mitigating the adverse effects of noise would be through planning conditions to restrict activities allowed on the site at certain times etc.

6.24 Most recently (December 2014) a government response was issued to recent media reports about noise complaints. This advised that clear guidance has been issued to Councils that the local character of a place should be taken into account during noise disputes, whilst ensuring councils still have powers to tackle new noise pollution that was not previously present. This is a key factor in the assessment of this case for, as mentioned above, the implications of the proposed runway surfacing are not to be judged in terms of development *de novo* but rather in the context of historic flying rights that are not currently subject to any planning controls. Therefore the Council sought some detailed specialist consultancy advice on aviation noise to assess the proposal in the context of the planning history and the aspirations of NPPF/PPG and NPSE. Following extensive discussions between the TMBC consultant and those acting for the applicant a further Noise Report was submitted early in March (dated February 2015) updating and overcoming some weaknesses in the noise modelling in earlier versions of the studies. This has now been assessed by TMBC’s consultant who is satisfied with the study and its results. The target is to ensure that flights occasioned by the newly hardened runway do not increase the noise impact on any neighbouring residences in the TMBC area and to do this the study models a 57dBA contour which relates to the APF criterion where the Government “*will continue to treat the 57dB L_{Aeq, 16h} noise contour as the average level of daytime aircraft noise marking the approximate on set of significant community annoyance.*” This might be considered to reflect the point of transition into SOAEL. The relevant noise contour is mapped from the modelling and it would appear that no dwelling in the TMBC

area is located in the zone beyond 57 dBA. Medway Council has obviously assessed the impact on the dwellings in their area before reaching a decision to grant permission for the application in their area.

- 6.25 Because of the orientation of the runway there are no dwellings in TMBC area that appear to be likely to be affected by noise above the 57 dBA level if practice, by virtue of approach routes or aircraft type, were unchanged from that actually incorporated into the latest noise study. However on Buckmore Park there are some potentially noise sensitive uses where noise creep between 57 and 60 dBA might be perceived to have an adverse effect. Use of an appropriate planning condition should effect adequate control to prevent the potential for such creep.
- 6.26 Also of relevance is the CAP 168 - Licensing of Aerodromes which is a Civil Aviation Authority (CAA) document which gives guidance to applicants and licence holders on the procedures for the issue, continuation or variation of an aerodrome licence. The document also describes the CAA's licensing requirements relating to operational management and the planning of aerodrome development.
- 6.27 The powers relating to the grant of an aerodrome licence are contained in the Air Navigation Order and should act consistently with the obligations in the UK under the Standards and Recommendations Practices (SARPs). The CAA is expected to implement such SARPs through its policy documents such as CAP 168.
- 6.28 CAP 168 makes reference to Runway End Safety Areas (RESA). These are designated areas at each end of the runway and are intended to minimise the risk of damage to an aeroplane where it overruns or undershoots a runway. CAP168 recommends the minimum requirement for a RESA depending on the classification of the runway. Aerodrome Licence holders are required to contact the CAA on these matters.
- 6.29 Department for Transport Circular 01/2010 – “Control of Development in Airport Public Safety Zones” identifies that the administration of PSZ policy will be carried out by the CAA. The decision on the need for a PSZ rests with the Department for Transport. Currently only the 30 largest aerodromes in the UK have PSZs. The Circular also contains guidance to Local Planning Authorities to enable them to decide planning applications and consider road proposals affecting land within PSZs.
- 6.30 As mentioned in the November 2014 report the operation and safeguarding procedures for pilots using Rochester Airport are matters that would continue to be covered under CAA requirements as they are at the present time. The CAA has confirmed that Rochester Airport does not have a Public Safety Zone. The criteria for having a PSZ is based on traffic movements (commercial, cargo and private) and the aircraft types that operate at the aerodrome.

6.31 It is understood that, to date, the CAA has not received a submission for approval for the proposed runway project. Should a submission be made to CAA it will be assessed for compliance against the applicable licensing criteria which is designed to ensure that the aerodrome is safe for use by aircraft. The assessment of the project does not take into account any planning application decisions as this is beyond their jurisdiction of the CAA as CAP168 points out.

6.32 The CAA has commented to TMBC:

"I spoke to the Senior Inspector and he provided the following comments "I'm not aware of any safety implications for residents in the airport's vicinity brought about by the closure of the cross wind grass runway (16/34). As the strongest winds we experience in this area are generally from the south west, they will favour the upgraded runway 20.

Pilot training processes and testing are conducted in accordance with the requirements of the EASA Aircrew Regulation which details what is needed for each licence. The Rules of the Air and in particular the Low Flying Rules dictate the minimum heights for certain exercises. Engine failure and stalling practice should not be conducted over urban areas because it would not be possible to land in a safe area in the event of an emergency..."

6.33 I am satisfied on the basis of these comments that in safety terms the introduction of a concrete runway does not introduce any further risks. Of course the cessation of the use of the crosswind runway does not, *in itself*, require any sort of planning decision or consideration.

6.34 The application has been considered in relation to the potential highways impacts on the nearby road network including M2. As the development concerned is limited in content (compared to the wider development opportunities reflected in the use of the wider site – see Medway Policies ED5 and T23) so the previously expressed concerns about the need to provide a full Transport Assessment have been addressed by clarification of the description of the development to indicate that it does not include the future development area. Both KCC Highways and the Highways Agency have concluded that the clarified proposals would not be likely to have any significant highway implications on the road network and that there would be little change in the overall context of traffic movements at the site. Parking will be provided within the site to the necessary standards.

6.35 One local resident has made a specific reference to a series of diagrams and graphs which are described as 'residential air movement impact analysis', which has been factored in to the case analysis.

6.36 It has been suggested, by a local person, that there may be some malicious behaviour taking place via email to distort opinion and comments on the application. It was implied that the views of those who may use the airport but who may not live locally had been encouraged to comment in support of the proposal. As mentioned in the November report it is not inappropriate for correspondents

remote from an application site to make comment on an application. As with all response commenting on the application it is not the weight of numbers of comments received that is relevant but the weight of the argument on material planning matters that must be taken into account. Nevertheless we are not aware of any possibly fraudulent emails being received in respect of these applications.

- 6.37 It has also been suggested by at least one local resident that the provisions of the Land Compensation Act 1973 may have some bearing as a material consideration in the Council's planning decisions. This legislation contains provisions relating to the payment of compensation by the operator of relevant infrastructure if the use of that infrastructure has a negative impact upon surrounding land values. My legal advice taken indicates that, even if this is a material planning consideration, the weight attributed to it would be low because the right to make any claim for compensation arises not from the grant of planning permission but the operation of the infrastructure and the provisions bear on the operator and not the LPA. It is not possible therefore to comment on any future claims made under the Land Compensation Act at this stage.
- 6.38 The decision on this application requires the balancing of a number of matters as described above. Inevitably this balancing act has to be performed in assessing the relevance of all of the material matters. In addition to the above, and bearing in mind the provisions of APF in identifying that that balancing process involves both economic factors as well as environmental factors, it should also be acknowledged that since the submission of the applications to both this Council and Medway Council, the Local Enterprise Panel, for Kent, Essex and East Sussex, has voted £4.4 million in favour of the runway project (but of course subject to the planning process), which clearly indicates that, at a sub-regional level, there is a belief in the economic merits of investment of a substantial sum in this project.
- 6.39 The main issues for consideration are the principle of the development, design and appearance, landscaping proposals and highway impact. Effects on ecology and impact on residential amenity in terms of noise, safety and the character of the area, including the AONB.
- 6.40 Rochester Airport is a long established aviation site that has been operational since the 1930s and most importantly since before the inception of the current regime of planning control in July 1948. The base datum for all planning judgements in this case is an unfettered flying regime, in all respects, with no limits on the number of flights, flying hours or aircraft types/sizes. The application seeks to rationalise operations at the airport to enable operational difficulties associated with sustained periods of heavy rain. At the current time it is understood that the existing grass runway can become waterlogged and unavailable for use by fixed wing aircraft.

- 6.41 The application proposes the closure of the grass cross-wind runway and the change of runway 02/20 from grass to hard paving, with additional hangars and replacement control tower. It should be noted that the applicant has indicated that the introduction of a hard paved runway would not result in “*moving into larger commercial aircraft operations as the runway length and width places a clear restriction on the size and type of aircraft that can use the site. Other constraints such as the size of fire service and cost of larger fire & rescue vehicles make it un-viable to take larger aircraft as the income generated would not cover the extra cost.*” This is likely, therefore, to militate against the use of turbofan powered executive jets or larger similarly powered planes as a runway length of 833m is not long enough for this type of aircraft to utilise. It has been indicated that the size and type of aircraft using the airport would not alter appreciably and, subject to satisfactory controls by way of planning conditions, the general principle of the proposed development is acceptable.
- 6.42 The proposed hangars and development at the site would have a generally functional appearance as would be expected in this type of facility in a location such as this. The buildings would be clustered together on one part of the site and would be largely screened from public vantage points outside of the site boundaries. The size and scale of the new buildings is considered to be appropriate in this location and there would be no conflict with the aims of policy CP24.
- 6.43 The application site does not fall within the AONB which is located between 0.4 and 0.6km to the west. This designated landscape area is separated from the airport by the M2 motorway and the route of High Speed 1.
- 6.44 Whilst it is appreciated that there is a physical separation it should be noted that as a result of the closure of runway 16/34, which is not in itself subject to any planning control, there would be an increase in the number of aircraft flying over the AONB on order to take off or land from the single direction runway. As a result this may have an effect on the character of the AONB and the overall visual impact of the AONB by virtue of overflying. Control over flight numbers, as anticipated by Medway Council and accepted by the applicant, will assist in limiting this impact (both on the AONB itself and the *immediately nearby* dwellings, which are mostly in Medway).
- 6.45 Notwithstanding the fact that the principle of the development, the design, appearance and landscape proposals are generally acceptable, it has been necessary for T & M to give detailed consideration to the noise and safety aspects associated with the proposals.
- 6.46 The balanced approach to aircraft noise management described above includes land use planning and management, noise abatement operational procedures (including the routes they follow to limit noise impacts) and operating restrictions

(including possible control of certain noisier types of aircraft from flying generally or at certain times).

- 6.47 The noise effects of the proposal have been assessed in terms of airborne aircraft noise and ground noise. Possible changes in noise levels will result from the concentration of all fixed wing flights on runway 02/20, which is due to some degree to the, uncontrollable, cessation of use of runway 16/34 and the change in the location of the helipad. This has been assessed above in the latest format agreed between this Council's consultant and the applicant's advisors.
- 6.48 There is currently no planning control exercisable over the number of flights using the site and no control that would prevent all flights from using the main runway only, for example through the abandonment of the use of the crosswind runway independently of whether an engineered runway is to be installed.
- 6.49 It is necessary to give weight to the fact that there is currently no PSZ associated with Rochester Airport but on the basis of CAA/DfT controls this appears appropriate for an airport such as this. The grant of planning permission on the basis of the current application would not obviate the need for the applicant to seek CAA/DfT involvement, quite separately, in safety controls in light of the runway changes. Whilst it is acknowledged that there is naturally some risk associated with flying from the site the hardened runway development, *per se*, does not warrant a presumption against the development.
- 6.50 As highlighted above the CAA is responsible for certifying aspects of the runway, aircraft and pilots through their own licencing provisions. The following comments were made by the CAA to TMBC:

"The aerodrome team focuses on making sure the licensed aerodrome complies with the regulations placed on it. This relates to the infrastructure and facilities that are provided by the aerodrome operator, together with the aerodrome operating procedures. There are several requirements to protect the surfaces around licensed aerodromes which are in place to ensure the environment remains safe for the aircraft to operate. Details of these can be found in CAP168, as mentioned above.

It is not unusual for aerodromes to only have one runway, the length and width of the runway will effect and dictate the size of aircraft that are able to use it under the conditions of the licence."

"Once an application has been received by the CAA under the CAP791 development approval process (which would normally follow once planning permission has been granted for the development), the positions and dimensions of the new runway will be confirmed. Any development will be assessed for compliance.

The CAA can only mandate RESA for runways which are required to have them in accordance with CAP168 which outlines RESA requirements at UK Aerodromes. Under the plans the CAA has been informed of, (a Code 2 visual runway), a RESA will not be required at Rochester.

It is incorrect that safety parameters for a concrete runway are significantly more stringent than for grass. Asphalt, tarmac or concrete yields a far better skid resistant and resilient surface than grass."

- 6.51 In response to the query that no CAA approval documents have been submitted with the application, it is understood that this is because the aerodrome operator has yet to submit a CAP791 Approval submission, which normally follows on from a planning permission. *"No work can commence until the necessary approval has been obtained from the CAA. A full set of working plans will be required with the CAP791 development submission and a full CAA compliant survey once the work is completed. This will identify any infringement and /or penetrations to the Obstacle Limitation Surfaces. As we have been notified that the hard runway will be laid on the existing 02/20 grass runway footprint, any "new" infringements or penetrations are highly unlikely."*
- 6.52 With regard to aircraft drop zones, it is stated that there are no CAA requirements to have any notified "drop zones" for stricken aircraft. Pilots are responsible for landing and positioning their aircraft in a safe area in the event of any malfunction requiring a landing and as in the present state of flying, that will be determined by the particular nature of any specific incident.
- 6.53 Mention has been made by third parties of planning matters surrounding flying arrangement and introduction of new runway infrastructure at Farnborough and Redhill aerodromes. Neither of those proposal are directly comparable to the proposal at Rochester, both because of the nature of the planning histories of those other sites but also, in the case of Redhill, the site lies within the Green Belt. The Secretary of State approved commercial aviation at Farnborough on appeal. At Redhill the SoS's Inspector refused permission because of impact on the Green Belt but that decision has been challenged in the Courts and at present a decision is awaited from the Supreme Court as to how an appeal re: the application of Green Belt policy may be resolved.
- 6.54 The balancing of all of these factors examined above lead me to the conclusion that, subject to the application of suitable safeguards in appropriate planning conditions, including many that parallel those applied by Medway Council, plus some related to potential impacts in the TMBC area, planning permission should be granted for these runway works and the erection of the new/replacement hangers.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Email re: bund dated 24.10.2014, Drawing 206.P/008 landscaped bund dated 24.10.2014, Letter dated 30.09.2014, Planning Statement dated 30.09.2014, Design and Access Statement dated 30.09.2014, Noise Assessment dated 30.09.2014, Drawing MASTERPLAN dated 30.09.2014, Flood Risk Assessment dated 30.09.2014, Ecological Assessment dated 30.09.2014, Drainage Statement dated 30.09.2014, Desk Study Assessment dated 30.09.2014, Tree Report dated 30.09.2014, Location Plan 206.P/001 dated 30.09.2014, Proposed Plans 206.P/002 dated 30.09.2014, Proposed Plans 206.P/003 dated 30.09.2014, Elevations 206.P/004 dated 30.09.2014, Proposed Plans 206.P/005 dated 30.09.2014, Proposed Plans 206.P/006 dated 30.09.2014, Demolition Plan 206.P/007 dated 30.09.2014, Drainage Layout 13H01-006 P3 dated 30.09.2014, Drainage Layout 13H01-007 P3 dated 30.09.2014, Details fencing dated 23.10.2014 subject to the following Draft Conditions (final wordings to be agreed with Director of Central Services):

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

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

2 No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until:

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

- 3 No development shall take place until details of the specification of the aviation fuel tanks, including any below ground pipe work and the bunding enclosing the fuel storage area have been submitted to and approved in writing by the Local Planning Authority. The fuel storage tanks and bunding shall be installed in accordance with the approved details and shall thereafter be retained in accordance with approved details.

Reason: In the interests of amenity and public safety.

- 4 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: In the interests of archaeological research.

- 5 The total number of aircraft movements at the site shall not exceed 38,000 per annum, except in the event of an emergency.

Reason: In the interests of the residential amenities of the occupants of the area.

- 6 The total number of aircraft movements on Saturdays and Sundays shall not exceed 350, with the exception of the following instances: emergencies, pilots returning their aircraft to the airport when such aircraft are kept (homed) at Rochester Airport and on occasions when the airport is staging pre-publicised public open days, which shall not exceed two in number in any given calendar year.

- 7 All aircraft movements shall be recorded in an official log book, in accordance with the statement on page 46 of the Planning Statement dated September 2014, which shall be kept available for inspection by the Local Planning Authority at all reasonable times.

Reason: In the interests of the residential amenities of the occupants of the area.

- 8 Aircraft movements shall only take place between the hours of 07.30 to 19.30 on Mondays to Fridays and 08.30 to 17.30 on Saturdays and Sundays and on Public and Bank holidays, with an evening extension to dusk or 21.00 whichever is the

earlier for aircraft kept by their pilots at the airport. Out of hours movements may also take place when required by the emergency services or military and on up to 100 times on a pre-arranged basis per annum.

Reason: In the interests of the residential amenities of the occupants of the area.

- 9 In any single day no more than two autogyros shall use Rochester Airport and their flying sessions shall be limited to :

a) One session between 07.30 to 13.30 on Mondays to Fridays and

b) One session between 13.30 to 19.30 on Mondays to Fridays

Reason: In the interests of the residential amenities of occupiers of properties in the area.

- 10 Save for emergencies, the types of aircraft using the site shall correspond with those set-out in the Planning Statement of September 2014 (Headings “Existing” and “Future” in Appendix B, page 46) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of the aural amenity of noise sensitive premises

- 11 Flight arrangements, including the mix of aircraft, shall ensure that the 57dBA noise contour as shown on “Figure F1: L_{AEQ 16H} Noise Contours (54 – 69 dB Threshold)” in the Environ Noise Report dated February 2015 is adhered to.

Reason: In the interest of the aural amenity of noise sensitive premises

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

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

Informatives:

- 1 You are reminded of the need to obtain all necessary licences from the Civil Aviation Authority in association with the development hereby approved.

- 2 In the interests of environmental protection the applicant may wish to review the fuels used by the aircraft to ensure they are the most sustainable and emissions-positive as possible.
- 3 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 4 Your attention is drawn to the comments of Kent Wildlife Trust in their letter dated 20.10.14 regarding a Biodiversity Management Plan.

Contact: Hilary Johnson

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Report of 20 November 2014

Wouldham
Burham Eccles
Wouldham

570187 154367 30 September 2014

TM/14/03341/FL
TM/14/03594/CNA

Proposal:	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)
Location:	Rochester Airport Maidstone Road Chatham
Applicant:	Rochester Airport Ltd

1. Description:

- 1.1 This report is unusual in a number of ways. It covers two applications, the full application TM/14/03341/FL made to this Council and the formal consultation by Medway Council, as neighbouring Authority on application TM/14/03594/CNA (Medway reference MC/14/2914).
- 1.2 It is also important to note that the content of the applications is identical – but two applications are required as, while the vast majority of the application site lies within Medway Council area, a small section of the site lies within TMBC area.
- 1.3 Application TM/14/03341/FL is a hybrid application with full planning permission being sought for a number of changes to upgrade the existing airfield. These include, in (A):
 - the formation of a lit paved runway with parallel grass runway to replace 02/20. The new runway would be of an almost identical length to the current one, although its width would be reduced from 32m to 25m
 - formation of a parallel grassed runway for use by historic aircraft;
 - formation of a landscaped bund to run parallel with the runways and mark the boundary with any development to the north west;
 - re-siting of two existing helipads;
 - formation of a new 10m wide taxiway;
 - erection of two hangars (5 and 6);

-
- erection of a hub building with control tower and office/admin facilities;
 - car parking areas, fencing and gates, family viewing area and a memorial garden together with the removal of portable structures;
 - erection of a new hangar type building for MAPS use for the foreseeable future.
- 1.4 The second part of the application (B) is an outline proposal which identifies part of the site for future development, if /when it is required, in order to build in flexibility and allow for future developments in aviation. There is no time frame for development on this part of the site.
- 1.5 Other elements have been included that do not appear to require planning permission but are mentioned for the sake of completeness. These include the creation of a parallel grass runway for use by historic aircraft, the refurbishment of hangar 3 and the minor refurbishment of hangar 4.
- 1.6 The applicants' agent has identified several operational elements which include a limit of 40,000 aircraft movements per annum and a reduction in weekday hours from 24 hours to 0730-1930. There would also be a reduction in weekend and Bank Holiday hours from 24 hour operations to 0830-1730. Home based aircraft would retain the right to use the airport until dusk or 2100 hours.
- 1.7 Runway lighting would remain as existing, although replaced with all other lighting on site being designed to be low level and compatible with aircraft safety.
- 1.8 The second application TM/14/03594/CNA (Medway reference MC/14/2914) is a consultation by Medway Council which is required as the application site crosses the boundary between the two Authorities and is identical to that described above.
- 2. Reason for reporting to Committee:**
- 2.1 This is a locally significant project that has attracted significant interest amongst residents within both TMBC and Medway.
- 2.2 The application is being reported to Committee at this stage in order that the views of TMBC can be made known to Medway before the application is determined by their Committee. It is possible that the Medway Council consideration could take place as early as December 2014 but possibly January 2015. Inevitably, in order to meet a reporting timetable that would facilitate TMBC passing its comments to Medway in the above time frame, some aspects of this report are yet to be finalised.
- 2.3 In particular, as the proposal relates to aircraft movements over the Council's area, TMBC has instructed specialist consultants to assess the aircraft noise implications of the project. The findings of that investigation will be critical to the

consideration of the matters in hand and will be presented in a Supplementary Report along with recommendations as to the determination of the Borough Council's position on the cases.

3. The Site:

- 3.1 The application site is located on the south western edge of the Medway towns and is under the ownership of Medway Council. It is stated that since 2000 the site has been leased to Rochester Airport Ltd (RAL) although the last lease expired in January 2014. Following extensive discussions and adoption of a Master Plan by Medway Council, RAL has now been granted a further 25 year lease. TMBC was engaged in the preparation of the Master Plan by way of officer level, Duty to Co-operate and working. Such technical working does not commit TMBC to any view on the current applications.
- 3.2 The majority of the project/application site falls within the Medway Council area with the exception of two small areas on the western side that fall within the Tonbridge and Malling Borough. As a result two identical applications have been submitted, one to each Authority with Medway being the lead determining Authority.
- 3.3 The two parts of the site that fall within TMBC area include part of the area which is reserved for future development (not within these applications) and the southern tip of one runway (within the application sites).
- 3.4 The site can be reached from several points leading from Maidstone Road (A229), Rochester Road, Laker Road and Marconi Way. The site is adjoined by retail and hotel development fronting Maidstone Road and also the Medway Innovation Centre, BAE Systems complex of industrial buildings. To the south of the site is the Woolmans Wood Caravan Park.
- 3.5 The airport site comprises a cluster of buildings and structures positioned towards the southern end of the site including hangars, workshops, café, portacabins and the control tower.
- 3.6 The airport currently has two cross wind grass runways, 16/34 and a lit and drained 02R/20L with a parallel relief runway 02L/20R. Runway 02/20 extends to some 830m in length and has a width of 32m. It is stated that the current use of these runways is split approximately 70% on vehicle runway 02/20 and 30% on 16/34. The airport is used by leisure flyers, for pilot training, emergency services, very light cargo traffic, surveys for utility companies, MoD and aerial photography. Due to the length and type of the runway and its surface the use is self-limiting in terms of the types of aircraft able to use the airport.
- 3.7 It is stated by the applicant that the airport currently handles some 32,000 movements per annum although this number will fluctuate according to weather and economic conditions. There are currently no restrictions on the number of

daily flights and on a busy day the applicant asserts that this could reach 400-500 movements. There are currently no planning restrictions on the days or hours of operation. Emergency services and the military are able to use the airport 24 hours a day. At present, there is no clearly defined "airside" or "landside" so that staff within the various buildings have to pass close to the end of runway 16/34 in order to access hangars, car parking and other buildings.

4. Planning History:

TM/75/10668/FUL	Application Not Proceeded With	20 August 1975
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Access to hardstanding parking area for lorries at Rochester Airport.

TM/06/02286/A10	Approved	2 January 2007
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Article 10 Consultation by Medway Council for Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for outline application for demolition of hangar 1 and disused buildings and construction of a innovation centre with access road and parking (revised application)

TM/06/02292/A10	Application Withdrawn	28 September 2006
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Article 10 Consultation by Medway Council for Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for the creation of an all movement signalised junction with access road and car park and signage (revised application)

TM/06/03166/A10	Approved	2 January 2007
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Article 10 Consultation by Medway Council for Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for formation of a deceleration lane and slip road and improvements to the on Maidstone Road

TM/06/03236/A10	No Objection	2 January 2007
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Consultation under Article 10 by Medway Council in respect of Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for outline application for demolition of hangar 1 and disused buildings and construction of a innovation centre with access road and parking (revised application)

TM/07/02997/A10	Approved	30 November 2007
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Article 10 Consultation by Medway Council for reserved matters (namely design, external appearance and landscaping) for innovation centre incorporating a variation to condition 16 of MC2006/1254 to allow for building works to commence prior to the completion of highway improvements works and variation of condition 17 of MC2006/1254 to vary height limit from 12m to 13 m.

TM/08/01537/A10 Approved

25 June 2008

Article 10 Consultation by Medway Council for revised access involving internal rearrangement of 132 space car park and associated plant and incorporating stand-by generator and chiller

5. Consultees (focussed on TM/14/03341/FL):

- 5.1 Burham PC: Would not like to see an increase in the number of flights over Burham or larger noisier aircraft using the new runway. Airport to close and become a business park providing more employment for Medway and the surrounding area.
- 5.2 Aylesford PC: No objection.
- 5.3 Wouldham PC: Supports the application.
- 5.4 KCC Highways: The current proposals subject to this application would not be likely to have any significant implications on the highway. The future development however of land currently used for runway 16/34 will require a transport assessment, should that be proposed in detail in due course.
- 5.4.1 The application includes the identification of the future development site and seeks outline permission for this. If this means the land can be developed thus generating significant levels of traffic, the details of this and the effects arising from this should be considered at this stage in a transport assessment.
- 5.5 Highways Agency: Directs that planning permission not be granted for a specific period expiring on 11th December 2014. The reason for this direction is that there is insufficient information presently available to the Secretary of State to ensure that the neighbouring trunk roads continue to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on these roads.
- 5.6 Environment Agency: Object to the application on the grounds that there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. The site is an extremely sensitive setting overlying a principle aquifer and in an SPZ of a public water abstraction point. There is no information on pollution control measures, fuel storage and re-fuelling areas or management of any de-icer equipment. There is no site contamination report indicating where previous pollution could have occurred, how this was addressed in the past or still requires to be addressed. The applicant should therefore provide information to satisfactorily demonstrate how these matters can be overcome.
- 5.7 Natural England: Having reviewed the application and in particular noise and visual impact, Natural England does not wish to comment on this development. The proposal relates to the Kent Downs Area of Outstanding Natural Beauty and it

is recommended that the advice of the AONB partnership organisation is sought regarding any impact upon the wider landscape setting.

- 5.8 Kent Downs AONB Unit: No response received at the time of preparing the report.
- 5.9 Kent Wildlife Trust: The application is the product of a fundamental review of operations and development at the airport at the start of a new lease period. It represents an excellent opportunity to consider how this extensive open area of land could be adapted and its habitats managed to achieve a significant enhancement of local biodiversity.
- 5.10 The ecological scoping survey report recommends a series of measures to achieve this goal and those that do not conflict with operational procedures are supported. The Trust is keen to see the implementation of the works to the pill box, broadening the native floral composition of the amenity grassland and adopting a Biodiversity Management Plan to steer the continuing maintenance of the grassland and other key habitat features. It is recommended that these measures are implemented by way of planning conditions. It is also considered that the applicants should be asked to consider the use of green/brown roofs to the buildings. A condition is recommended to prevent an increase in the number of flights into and out of the airport in any one year.
- 5.11 Kent Fire and Rescue Services: Confirm that the means of access is considered satisfactory.
- 5.12 KCC Heritage: No response received at the time of preparing this report.
- 5.13 Private Reps: To date representations have been received from 14 individuals, some living in Kent and some from other parts of the country including Maidenhead, Northamptonshire, Cheltenham and Farningham. A variety of comments have been received both for and against the application.

5.13.1 ***Support for the proposal***

- Asset to the economy and leisure facilities and the area generally.
- Haven for wildlife.
- Hard runway will help take off and reduce noise and provide improved accessibility.
- Useful training facility for pilots.
- Air traffic will be distributed more evenly over the year to the benefit of flying schools.
- Restrictions on the numbers and days/times of operation.

- Other airports in Kent have been lost in recent years.
- Airport is well placed to provide an essential emergency service to North Kent and the surrounding area.

5.13.2 ***Against the proposal***

- Noise associated with helicopters, gyrocopters, microlights and night flights by emergency services.
- Masterplan is biased and not impartial.
- Waste of ratepayers money.
- Commercialisation of airport.
- Lack of Environmental Impact Assessment.
- Suggested cap on flight numbers will be exceeded.
- Increase in air/light and noise pollution to the detriment of the residents quality of life.
- The single direction runways will concentrate all air traffic over a highly populated area including several schools and nursing homes.
- Availability of runway for more and heavier aircraft.
- Recent development in the area has resulted in a reduction in the amount of space available for an emergency drop zone.

5.13.3 Various other matters have been raised about the procedures followed by Medway through the production of a Masterplan and the EIA screening opinion. This does not have any bearing on the consideration of these applications.

5.13.4 Reference has also been made to the operation of the airport in terms of safety standards as identified by the Civil Aviation Authority. In its document CAP 168 "Licensing of Aerodromes" (February 2014) the Civil Aviation Authority indicates that "*A proposal to use land as an aerodrome may be the subject to the requirements of the Town and Country Planning Acts and applicants are advised to consult the Local Planning Authority before embarking on any such project. The application for planning permission and the request for the aerodrome licence are not interdependent and are made separately.*"

6. Determining Issues:

- 6.1 The applications must both be determined in accordance with the provisions of the relevant Development Plan, either that which covers the TMBC area or that which applies in Medway. However, one further key consideration is whether such development plans have been superseded or updated by the provisions of national policy, in these cases, The National Planning Policy Framework (NPPF).
- 6.2 NPPF provides the national policy context for determining planning applications. Amongst its aims the NPPF states that the planning system should do everything to support economic growth and should not act as an impediment for sustainable economic growth and should support existing business sectors. Planning authorities should seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Emphasis is also placed on conserving and enhancing the natural environment and minimising impacts on biodiversity.
- 6.3 The Tonbridge and Malling Core Strategy was adopted some time before the NPPF was published. Relevant policies are CP1, CP7 (development affecting an AONB) in so far as the part of the site in TMBC area is *quite close* to the AONB boundary which is on the southern side of M2 and planes from the site will take-off directly over the AONB boundary) , CP24 (standard of development). Also relevant are MDE DPD policy SQ6 (the impact of noise), NE3 (impact of development on Biodiversity) and SQ4 (air quality). (Both of the these latter policies are to be considered in light of the approach now adopted in NPPF.) There is no site specific policy relating to airfield related development in any TMBC planning policy.
- 6.4 In Medway there is a section in the Adopted Medway Local Plan 2003 which deals with the airfield. The adopted policy reads:

“POLICY S11: ROCHESTER AIRFIELD

Rochester Airfield, as defined on the proposals map, is allocated for a high quality business, science and technology development comprising Class B1, B2 and B8 uses.

A development brief, approved by the council, will guide Development”

- 6.5 Medway Council will need to consider the application that they deal with carefully to assess the proposal in light of this policy.
- 6.6 By way of background information the applicants have advised that two submissions were made for an Environmental Impact Assessment (EIA) “Screening Opinion” for the proposed works, or project, to Medway Council. After

the first submission a decision was reached that an EIA was necessary due to the characteristics of the site and the project and the need to identify any significant effects on nearby sensitive areas. This decision was reached following submissions made by Natural England (NE) and KCC. The concerns expressed by NE/KCC (as to whether EIA is required – not whether the proposal is acceptable) were addressed in more detail and a second screening submission was made. In August 2014, Medway Council issued a further “Screening Opinion” to the effect that, subject to certain constraints on flying practice, no Environmental Impact Assessment would be necessary. It is believed that there may be a challenge to this latest “Screening Opinion” by way of an approach to the Secretary of State. TMBC has received no formal notice of such a challenge and must rely on the later of the two “Screening Opinions”.

- 6.7 It is understood that Rochester Airport was first established in 1933 and has been fully operational as a General Aviation flying site ever since. Medway Council has worked for several years to identify a financially viable way to protect the airport and provide greater access for aviation and heritage/leisure uses. A full Statement of Community Involvement was prepared by Medway Council in January 2012 and summarises work to that date. A Master Plan was prepared and was the subject of further public consultation and adopted in January 2014. It is understood that the planning application follows on from feedback from the above consultations in the context of the Masterplan preparation.
- 6.8 In support of the proposal several documents have been submitted. These include a noise report, flood risk assessment, ecological appraisal, drainage design statement, desk based archaeological assessment, tree survey and arboricultural report. In determining the applications the project as a whole will be considered but the recommendations will inevitably have to reflect the parts of the site that fall within the relevant Council areas and the nature of the application in each.
- 6.9 Neither application, in respect of the runway improvements etc, appears to be supported by a specific and express policy aimed at promoting, facilitating or encouraging a proposal of the character of the overall project the subject of the applications. Nevertheless, the use of the site for flying is historically well established. So, the key is whether the new works, especially the hard surfacing and realignment of the runway (mostly in Medway and a small portion in TMBC area) will bring about different impacts from the current position and if so whether these impacts are or are not acceptable. The outline portion (B) of the proposals appears to be in broad compliance with Policy S11 of the Medway Local Plan 2003.
- 6.10 Noise - This Council has appointed a specialist independent Noise Consultant to assess the submitted Noise Report which seeks to clarify noise impacts from the overall project (which is facilitated by the small part of the hard runway that is proposed with the Borough). It is important that, should the flying facilities be enhanced, the noise climate remains acceptable having particular regard to

residential amenity with the Borough. This is a vital consideration because once a pattern of flying is committed by a planning permission then there is no residual power to control aircraft noise. Abatement Notice procedure, for instance, is not possible in respect of aircraft noise. The results of this independent noise assessment will be reported in a Supplementary Report.

- 6.11 Lighting - Where illumination is needed adjacent to the aircraft buildings, high output floodlights will be used and directed at the ground using appropriate light reflections to control the spread of illumination. Low energy LED lights would be used to illuminate fixed aircraft ground routes. The level of illumination for buildings will be in accordance with CIBSE (Chartered Institute of Building Services Engineers) Lighting Guide and the level of illumination for aircraft manoeuvring areas will be in accordance with CAA CAP 168. In this respect the major impacts relate to that part of the project that lies in Medway Council area and Medway must satisfy itself that its assessment of the proposal reflects the position set-out on NPPF and Planning Practice Guidance. Further comment as to the potential visual impact in TMBC area will be provided in a Supplementary Report.
- 6.12 Site operation safety - The issue of safety in association with the operation of the airport has been raised by some residents. The submitted documents suggest that safety will be improved by the construction of a paved runway. The airport will continue to be licensed by the CAA and operate in accordance with their requirements – CAA document CAP168 deals extensively with safety (over 420 pages). Although the operation of the airport is not a matter that can be controlled by a planning permission, the applicants' agent has stated that the airport will continue to be subject to the scrutiny of and continuous assessment by the CAA.
- 6.13 Visual impact - The physical changes to the site will include the repositioning of the café, public viewing area and memorial garden. In addition, the positioning of the new control tower and re-cladding of the hangars should not materially harm the visual qualities of the area. The application site does not fall within the AONB, is located between 0.4 to 0.6km to the west of the airport and is separated from it by the M2 motorway and the HS1 route. It is considered that views across the airport will not be affected by the proposed development and there should be no harm to the character of the nearby AONB.
- 6.14 The existing vegetation will remain unaffected by the development. Low shrubs are proposed in the public access areas around the car parking to the hub and café/restaurant, public viewing area and memorial garden.
- 6.15 A low grassed bund will be provided from material excavated from the site works to the north west of runway 02-20, which would delineate the boundary from the area of the site to be developed by Medway Council in the future. For operational reasons the bund would be restricted in height and no extra material would be imported in to the site.

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- 6.16 On the face of it, and bearing in mind the current facilities at and around the Rochester Airport site and also bearing in mind the implications of Medway policy S11 I do not consider that the detailed elements or the outline proposals give rise to overriding concern in terms of visual impact.
- 6.17 Ecology - From an ecological point of view Kent Wildlife Trust has suggested a number of measures that could be implemented to enhance biodiversity at the site. These measures are welcomed and would need to be covered by safeguarding conditions.
- 6.18 Highways - The application has been considered in relation to the provision of parking and the impact upon the associated highway network. It is noted that the Highways Agency (responsible for traffic in relation to M2) has issued a Direction that planning permission should not be granted until after 11th December as they consider that a Transport Assessment is required in association with the outline proposal for part of the site. It is stated that this information is required in order to assess the impact of future development on the site. The KCC Highways has noted that the proposals would not be likely to have any significant highway implications on Kent roads (Medway Council is a highways authority in its own right) and that there would be little change in the overall context of traffic movements at the site. Parking will be provided within the site to vehicle standards. The future redevelopment of the land currently used for runway 16/34 will however require a transport assessment and this will need to be dealt with before a planning decision can be made by either Tonbridge and Malling Borough or Medway Councils.
- 6.19 Archaeology - At the time of preparing the report no response had been received from the KCC Archaeological Officer in respect of the part of the site in TMBC area. Any comments received will be included in the supplementary report. It is entirely conceivable that defence related
- 6.20 The Environment Agency has commented on the application in terms of the risk to controlled waters, ground water protection and land contamination. It is necessary for satisfactory information to be provided to demonstrate that the risks to controlled waters have been fully understood and can be addressed through appropriate measures. At the present time, an objection is raised by the Environment Agency as insufficient information has been submitted to demonstrate that the level of risk posed by this proposal is acceptable and the application has failed to provide assurance that the risks of potential pollution are understood. These matters will need to be brought to the attention of the applicants. My own officers agree that in light of the previous use of all parts of the site a full assessment of potential contamination is appropriate.
- 6.21 It is clear that Rochester Airport is an asset to the local area and provides recreational activities, heritage links and local employment. It also serves utility companies, the police and air ambulance and so is of benefit to the wider

community. The proposed redevelopment of the airport site will result in significant visual improvement throughout the whole site and will upgrade the disparate and largely unsightly, poor quality and temporary structures.

- 6.22 It is understood that the Medway Council produced Masterplan for the airport sets out a strong case for its redevelopment in terms of policy S11 and economic benefits to the wider Medway area, albeit that the Masterplan carries only very limited weight at this time. The proposed development will allow for an improved operation notwithstanding the loss of the crosswind runway. The scale and nature of the proposals will be appropriate to the size of the airport. However because of the general effects of the airport flying proposals in particular it is necessary to consider the more specific impact of the development on the small sections of the land that fall within the Tonbridge and Malling Borough. It is noted that only a tiny section of the southern end of runway 01/20 and the aircraft holding area falls within TMBC area. This section of the runway lies adjacent to Rochester Road and close to the M2 with warehouse premises to the north. There are very few residential properties in the vicinity of this part of the airport site that fall within TMBC area.
- 6.23 The potential future development to the north-west of the operational site (which subject to the outline portion of this application) will undoubtedly add to employment opportunities for the area. However, such proposals will require careful and detailed consideration and in the absence of a greater level of information concerning the potential types of use and the amount of development intended it is not possible to comment in more detail at this stage on this aspect of the submission. Crucially, KHS have requested in their representations that a TA is required in order to make an informed judgement as to the acceptability of the principle of such development which I consider to be an entirely reasonable request in these circumstances.

7. Recommendations:

Further details of the investigation of matters identified above, and in particular an assessment of the impact of aircraft noise on the TMBC area, together with detailed Recommendations will be provided in a Supplementary Report.

Contact: Hilary Johnson

SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 20 November 2014

Wouldham TM/14/03341/FL
Burham Eccles TM/14/03594/CNA
Wouldham

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) land to the east of hangars 5 and 6 at Rochester Airport Maidstone Road Chatham for Rochester Airport Ltd

Since the main Agenda was published a number of matters have arisen including matters of clarification, queries made to the applicant and representations received. As a result revised Recommendations are set out below but essentially application **TM/14/03341/FL is WITHDRAWN FROM THIS AGENDA** and will be reported to Committee at the appropriate time (when there will be a full opportunity for public speaking). However, there is a recommendation in respect of **comments to be made to Medway Council in respect of TM/14/03594/CNA**. The matters described below will form part of both the Borough Council's consideration of TM/14/03441/FL in due course and also the matters to be raised with Medway Council in respect of TM/14/03594/CAN.

KCC Archaeology: Archaeological and historical background: The proposed development site lies in an area of archaeological and historical interest relating to past discoveries of ancient archaeological remains in the general vicinity and arising from the site's more recent use as an airfield.

Past archaeological discoveries to the south and west of the site have revealed evidence for archaeological activity of prehistoric and Romano-British date. These remains include a Roman inhumation to the south of the airfield. The burial comprised a skeleton accompanied by grave goods, including two vases. It is possible that further evidence for prehistoric and Romano-British activity may extend into the site in question.

Rochester Airfield was itself established in the 1930s, initially developed by Rochester Council, the airfield was quickly taken over by Shorts Brothers who began flying from the site in c. 1934-35. The site was used for test-flights, a flying school and also hosted civilian flights to Southend.

In the Second World War Shorts Brothers had a factory at the airfield which was used for the production of Stirling Bombers. Whilst no operational squadrons were based there a number of planes made emergency landings at Rochester. Although not an

operational military airfield, the Rochester site was an important manufacturing site and as such was bombed on a number of occasions. Anti-aircraft defences were installed at the site and there were a number of air-raid shelters to provide accommodation for factory workers. A number of buildings relating to Short's use of the site survive, including hangers, air-raid shelters and other ancillary buildings. Of particular note is Hangar 3, built in 1939, for No. 23 Elementary and Reserve Flying Training School. I welcome the proposals to retain this building as part of the airport redevelopment.

Recommendations: The submitted Archaeological Desk-Based Assessment concludes that the site has a "...low to moderate possibility that archaeological remains of regional significance could be extant within the proposed development area. There is a moderate to high possibility that archaeology relating to the Second World War may be uncovered, especially in the northwest part of the site earmarked for future development" and I would agree with this conclusion.

The Desk-Based Assessment goes on to make recommendations for actions required to mitigate the impact of the development works on the site's historical and archaeological interest. The recommended works include historic building recording, archaeological monitoring, evaluation and investigation. Such works could be secured through the inclusion of suitable planning conditions as part of any forthcoming planning consent.

Planning policy considerations

Paragraph 6.2 of the main report references the Medway Council produced Masterplan for the Airport, and its association with policy S11 of their adopted plan. It has now been established that this is no longer correct, so to clarify, policy S11 IS NOT A SAVED POLICY. It can, therefore play no part in the consideration of either planning application. However it must be noted that the Saved Policies of the Medway Local Plan 2003 includes an aviation related policy (T23).

An extract from the Medway Local Plan is set out below, including the policy text:

"The local plan is proposing to develop a science and business park at Rochester Airfield which would result in the closure of one of the main runways. However, with the appropriate investment in the remaining runway and other aviation related facilities within the airport, the level of activity could increase. Policy T23 therefore sets out the criteria against which any future proposals for aviation related development will be measured. Such criteria would also apply to any proposals for new general aviation facilities within the plan area.

POLICY T23: AVIATION RELATED DEVELOPMENT

Development proposals at or affecting Rochester Airport and any proposed new aerodromes, will be considered against the following criteria:

(i) compatibility with existing or potential aviation operations;

(ii) the scale and nature of the proposed development, taking account of the existing amount of activity on the site;

(iii) the economic and employment benefits of the development;

(iv) the proposals for a science and technology park at Rochester Airport in policies S11 and ED5;

(v) the impact upon residential and other noise sensitive properties;

(vi) traffic generation;

(vii) other environmental and social impacts; and

(viii) accessibility from the urban area of Medway.”

Other factors

By way of an update to Members on the current position in respect of the planning application for determination by TMBC, I can advise that since publication of the main Agenda, we have received some initial and detailed feedback from our independent noise consultant which identifies that a number of matters have emerged in his initial assessment that require further clarification in respect of matters of both appropriate noise policy considerations and application of noise testing/projection methodology. The technical points raised with the applicant have also been shared with Medway Council's case officer. The responses to these points will be referred to our independent noise consultants and the assessment on noise matters will form a key factor in the report that is eventually prepared for TMBC Committee on TM/14/03441/FL.

The applicant's agent has now clarified that the outline element of the application relates only to the area to the east of hangars 5 and 6. It was possible that, on one reading of the proposal description and accompanying documents, the land that currently forms part of runway 16/34 was also included in the applications – but this is not the case. An amended plan has been received with revised red and blue lines around the relevant pieces of land. The description of the planning application has also been amended so that it makes it clear that outline permission is sought on land east of hangars 5 and thus the proposal is a hybrid application. In association with the proposals for these two Rochester Airport applications various procedural matters have been raised by those making comment on the applications and which they believe should be viewed as material considerations in the determination of the applications. These are outlined below and should be drawn to the attention of Medway Council. Where appropriate they will also be addressed in the subsequent report to APC3.

Application status

Mention has been made, by some parties, of the status of the full planning application. It has been implied that the application should be considered as a Nationally Significant

Infrastructure Project (NSIP) which would fall to be dealt with by the Planning Inspectorate and not the LPA. In planning terms whilst this application is of local significance, it is a conventional planning application to be decided by the relevant Local Planning Authority. It does not meet the relevant *statutorily defined criteria* to be treated as an NSIP.

Environmental Impact Assessment

It is understood from Medway Council that a local resident has contacted the DCLG regarding the validity of Medway Council's Environmental Impact Assessment (EIA) screening opinion of 2nd September 2014. To date, TMBC has not seen any formal papers relating to such a challenge and are not aware of any response from the DCLG team. Any feedback that is received from Medway will be reported to the Committee members when application TM/14/03341/FL is considered by APC3, along with any relevant legal guidance.

Rochester Airport Options Study

Reference has been made to the Rochester Airport Options Study (August 2012), commissioned by Medway Council's Asset and Property Services and produced by TPS which outlined options for the future of Rochester Airport. This document examined potential aerodrome layouts to enhance the viability of Rochester Airport through the implementation of a paved runway and the release of land for commercial development by the closure of one of the airports existing main runways. This report includes details about capital expenditure associated with the options for the runway, aerodrome safeguarding and airport planning criteria. This document includes aspirations and compares options for the possible changes to the runways. This document was not submitted in support of the current application and would appear to carry little weight with regard to the current application before Medway for determination.

Runway operational matters

The proposed paved runway is not considered by some residents to be Civil Aviation Authority (CAA) compliant, as no approval documents have been provided by the applicants. Reference has also been made to other aspects of aerodrome safeguarding as outlined by CAA requirements, including Runway End Safety Areas (RESA), Obstacle Limitation Surfaces (OLS) and Emergency Landing Zones.

The operation and safeguarding procedures for pilots using Rochester Airport are matters that would be continue to be covered under CAA requirements, as they are at the present time. See paragraph 5.13 of the main report.

Cost

The cost of the proposed works to the airport is disputed and it is considered that the overall cost would be considerably higher than that referred to in the application documents. The cost of the proposals is not a matter that can be taken into account in

the determination of this planning application in absence of any evidence that the cost would prevent delivery of the proposal.

Malicious emails

A neighbour is of the opinion that there may be some malicious behaviour taking place to distort public opinion and comments on the application. It is implied that the views of those who may use the airport but who may not live locally have been encouraged. It is argued that such action would give the impression that there may be a higher level of support and that this may be an attempt to deceive others to wrongly misrepresent themselves.

Background investigations are taking place but it is not, as a matter of principle, inappropriate for correspondents remote from an application site to make comment on an application. In any event it is not the weight of numbers of comments that is relevant but the weight of argument on material planning matters that must be taken into account. This will be dealt with in the further report if necessary.

Land Compensation Act

It has been suggested by at least one local correspondent that the provisions of the Land Compensation Act 1973 may have some bearing as a material consideration in the Councils' planning decisions. This legislation contains provisions relating to the payment of compensation by the operator of relevant infrastructure if the use of that infrastructure has a negative impact upon surrounding land values. Legal advice has been taken and it is thought unlikely that this would be a material planning consideration. Even if it were material, the weight to be attributed to such considerations would be low.

Noise

The technical matters raised with the Agent thus far are set out on the attached letter/note. Once a detailed response is received it will be assessed by the TMBC consultant and if necessary further matters may need to be raised. The matters surrounding noise factor will have a significant bearing as to the timing of the report back on TM/14/03341/FL

One factor that TMBC will need further information upon is the clarification of the full range of Aircraft types, both fixed wing and rotary wing, that are physically able to utilise a runway of the type/size and configuration proposed.

A further matter relates to the likely effect of noise/disturbance of testing "dead engine" skills as the proposed scheme would only allow this to take place south of the airport (in terms of impact on TMBC) whereas at present does not need to occur on the same flight-path.

Representations

A number of representations have been received raising issues along the lines mentioned above. These and any other representations received subsequently will be dealt with in the substantive report in due course.

REVISED RECOMMENDATIONS**TM/14/03341/FL****APPLICATION WITHDRAWN FROM AGENDA****TM/14/03594/CNA**

In light of the issues identified above, the following recommendation is put forward in respect of this Authority's formal consultation response to Medway Council:

REVISED RECOMMENDATION:

The 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 above.

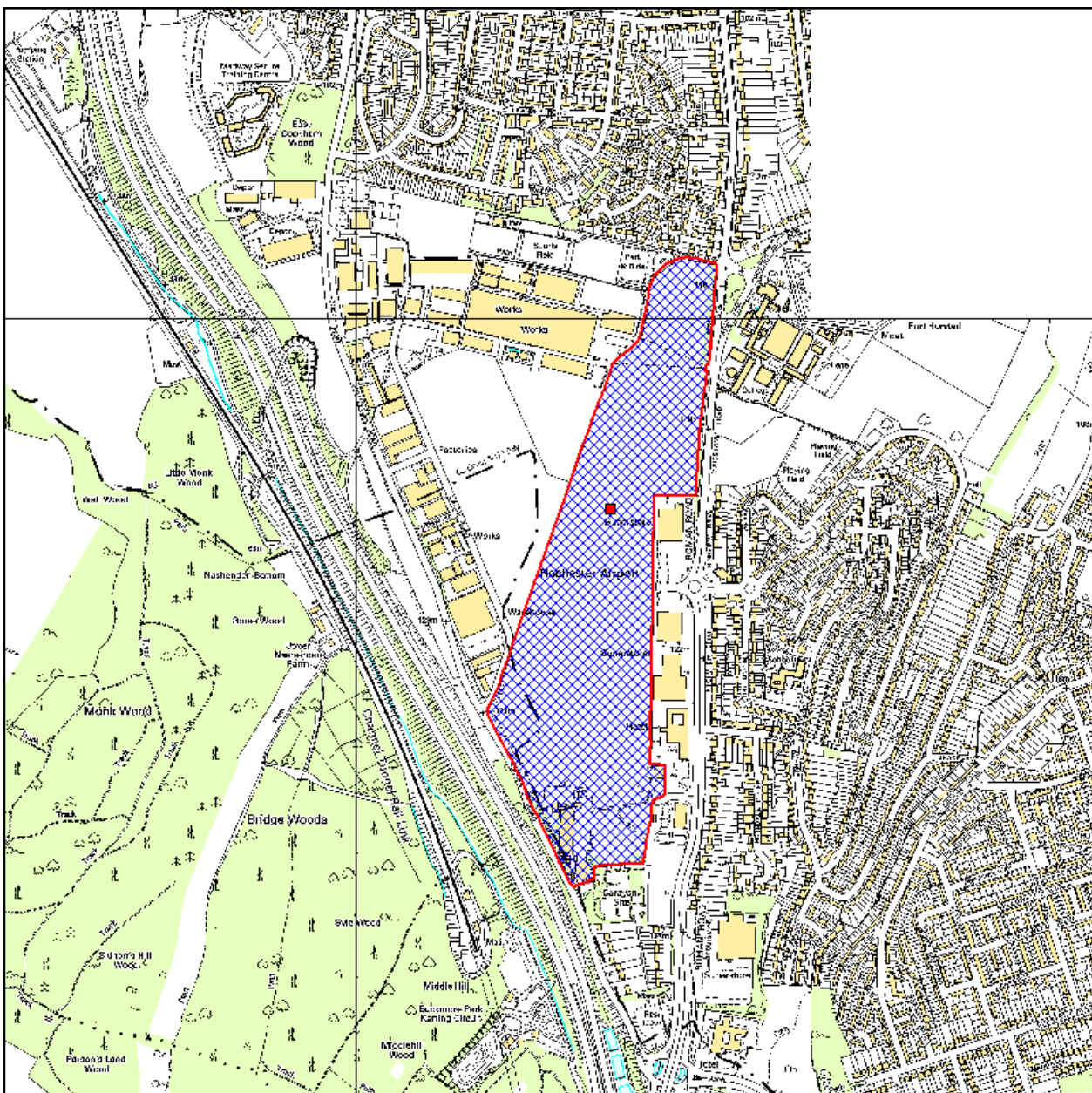
The Borough Council reserves the right to provide further formal comments to Medway Council on the receipt of the above information, or information from any other sources, that may arise in the interim period up to the next report on TM/14/03341/FL.

TM/14/03341/FL

Rochester Airport Maidstone Road Chatham

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

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Wouldham **571728 163098** **11 December 2014** **TM/14/04151/RM**
Burham Eccles
Wouldham

Proposal: Reserved matters application for phase 1 being appearance, landscaping, layout and scale pursuant to outline application TM/05/00989/OAEA (Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works)

Location: Former Peters Pit And Peters Works Site Hall Road Wouldham Rochester Kent

Applicant: Trenport (Peters Village) Limited

1. Description:

- 1.1 This application seeks the approval of reserved matters concerning the layout, scale, appearance and landscaping of the development now known as Peters Village which have been submitted pursuant to condition 1 imposed on outline planning permission TM/05/00989/OAEA (outline planning permission for formation of development platforms and creation of new community including residential development – 1000 units, mixed use village centre (including A1, A3 and B1 use), community facilities, primary school and associated highway works).
- 1.2 Members will be aware that the development of Peters Village has been a long standing strategic proposal which the Borough Council has supported. It constitutes the development of brownfield land and has long been seen as a good opportunity to create a new community with associated infrastructure, including major highway improvements and, importantly, a major contribution to the Borough's housing stock, including affordable homes. The overall project has been assisted by Government advanced funding through the Local Infrastructure Fund and substantial investment is now being made in the Medway bridge, other road works and site preparation. It is most encouraging that after many years in preparation this key site is now progressing as envisaged by the current and previous Development Plans.
- 1.3 This submission provides details of the layout, scale, appearance and landscaping of the first 152 residential units. Condition 11 of the outline planning permission states that the maximum number of units that can be occupied prior to the Medway Valley crossing being opened to vehicular traffic is 150. This is also the maximum number of market units that can be occupied prior to the provision of the requisite affordable housing units being provided.
- 1.4 The submission also seeks to address the following conditions imposed upon the outline planning permission insofar as they relate to Phase 1 of the development:

- Condition 5 which requires the details to show land reserved for parking or garaging in accordance with the adopted KCC standards;
- Condition 12 which requires the details to show a scheme for the storage and screening of refuse;
- Condition 13 which requires the details to be accompanied by a scheme of landscaping and boundary treatment.

1.5 The supporting information submitted indicates that the layout and design of Phase 1 has been informed by the following:

- The approved details of the riverside walkway and on site roads;
- The existence and location of utilities including a water main which traverses north-south across the site, corridors for surface water outfalls to the river, and the location of electricity substations;
- The approved development parameters which define areas of developed and undeveloped land and the maximum permissible heights of buildings, which was established by the previously submitted Masterplan and is controlled by Condition 8.

1.6 The accommodation schedule is set out as follows: 28 x 2-bed apartments; 16 x 2 bed houses; 75 x 3 bed houses and 33 x 4 bed houses.

1.7 This phase comprises entirely market housing, consistent with the legal agreement entered into at the time of the outline planning permission being granted which allows for the first 150 units occupied being market housing.

1.8 In the area defined as Phase 1, the planning permission allows for buildings up to 5 storeys on the riverside, up to 4 storeys on land between the spine road and the riverside corridor and up to 2.5 storeys on that part of the land parcel to the east of the spine road. Condition 9 stated that 5 storey buildings should only be used at key corners and vistas.

2. Reason for reporting to Committee:

2.1 Given the local significance of the development.

3. The Site:

3.1 Construction work to deliver Peters Village and the Medway Valley Crossing recommenced in 2014. Works currently in progress include the construction of a new stretch of Court Road and road improvements to the south between the site and the A229 at Kits Coty. In accordance with the conditions imposed on the outline planning permission, this work must be completed prior to the construction of dwellings.

- 3.2 On-site works are also currently progressing with the necessary service provision being installed, reprofiling of the land and construction of a new river wall. The construction of on-site roads and works to deliver the new bridge have also commenced. The temporary diversion of Public Rights of Way within the site has been undertaken and I understand that an application to make permanent diversions and create new PROW (including a new bridleway along the riverfront) is presently with the Secretary of State for determination.
- 3.3 The area of Phase 1 is at the southern end of the Peter's Village development and will form the gateway of the site from the south. The majority of the land is within the area formerly occupied by Peter's Cement Works, and latterly a number of industrial occupiers.
- 3.4 The site area of Phase 1 is 4.99 hectares and is located predominately to the west and partly to the east of the proposed main spine road through the development, which runs broadly north-south (approved under planning permission TM/07/02143/RM).
- 3.5 The southern boundary of the site is formed by the southern extent of the wider development, beyond which is agricultural land.
- 3.6 To the west, Phase 1 is bounded by the wide swathe of the riverside walkway which includes a footpath and segregated bridleway. The details of these areas have also been approved by planning permission TM/07/02143/RM and no changes to this area are proposed by this application.
- 3.7 To the north and east are areas of land that will be developed as later phases of the wider development, apart from at the southern end where the development abuts the SSSI.

4. Planning History (relevant):

TM/05/00989/OAEA Grant With Conditions 10 May 2006

Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

TM/06/03315/RD Approved 5 December 2006

Details of phasing of the development submitted pursuant to condition 2 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

TM/06/03364/RD Approved 6 December 2006

Details of strategies for public open space, children's play areas and public formal playing pitches submitted pursuant to conditions 20 and 21 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

TM/06/03795/RD Approved 30 January 2007

Details of ecological mitigation strategy submitted pursuant to condition 35 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

TM/07/00270/RD Approved 12 December 2007

Details of site investigations and remediation strategy submitted pursuant to condition 6 of planning permission TM/05/00989/OAEA (Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works) and to condition 8 of planning permission TM/05/00990/FLEA (Construction of a single carriageway road crossing incorporating segregated pedestrian and cycle way)

TM/07/00436/RD Approved 13 November 2007

Details of footpath, cycleway and bridleway strategy submitted pursuant to condition 26 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

TM/07/00804/RD Approved 16 May 2007

Details of Archaeology submitted pursuant to condition 31 of planning permission TM/05/00989/OAEA (Formation of development platforms and creation of new community) and condition 9 of planning permission TM/05/00990/FLEA (Construction of a single carriageway road crossing incorporating segregated pedestrian and cycle way)

TM/07/02048/RD Approved 24 September 2007

Details of foul and surface water drainage strategy submitted pursuant to condition 7 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

TM/07/02143/RM Approved 15 August 2008

Reserved matters of development platforms, main on-site road network, landscaping and public open spaces submitted pursuant to conditions 1, 13, 14, 20 and 21 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1, A3 and B1 use), community facilities and primary school and associated highways works

TM/07/03042/RM Approved 15 August 2008

Reserved matters application for the construction of Greenway Link between Peters Village and Wouldham including provision of segregated footway/cycleway submitted pursuant to conditions 1 and 27 of planning consent TM/05/00989/OAEA (Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works)

TM/07/03045/RM Approved 14 August 2008

Reserved matters application for the construction of new and improvements to existing highways between Peters Village and the junction of Rochester Road and Pilgrims Way submitted pursuant to conditions 1 and 26 of planning consent TM/05/00989/OAEA (Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works)

TM/07/03779/RD Approved 13 December 2007

Details of retention, interpretation and management programme for chalk faces submitted pursuant to condition 22 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

TM/07/04389/RD Approved 25 February 2008

Details of piling submitted pursuant to condition 30 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

TM/07/04473/FL Approved 7 August 2008

Additional infrastructure and associated landscaping as part of the new construction and improvements to existing rights of way between Peters Village and the junction of Rochester Road/Pilgrims Way

TM/08/02503/RD Approved 21 October 2008

Details of archaeological management submitted pursuant to condition 33 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

TM/13/03948/FL Approved 7 March 2014

Additional Infrastructure Improvements and associated landscaping as part of the construction of new and improvements to existing rights of way between Peters Village residential development and the junction of Rochester Road and Pilgrims Way (re-submission of planning permission TM/07/04473/FL)

TM/14/03387/RD Approved 22 December 2014

Further details of site investigation works and remediation strategy submitted pursuant to condition 6 of planning permission TM/05/00989/OAEA and condition 8 of planning permission TM/05/00990/FLEA

TM/15/00533/RD Pending Consideration

Details of Travel Plan pursuant to condition 37 of planning permission TM/05/00989/OAEA (Formation of development platforms and creation of new community including residential development, mixed use village centre (including A1, A3 and B1 use) community facilities and primary school and associated highways works)

5. Consultees:

5.1 Wouldham PC: WPC has concerns with the amount of parking for phase 1. It feels that there are insufficient spaces with only 36 visitor's spaces for 152 houses. WPC approves of the narrower roads to encourage slower speeds but feels this must be accompanied by adequate parking otherwise the roads will become blocked by parked vehicles.

5.1.1 WPC has concerns with the 2 space tandem parking spaces. Although it appreciates that the minimum standards have just been met, WPC feels that from personal experience on dealing with parking issues in the Pilgrims Reach development (Oldfield Drive), people will not use both spaces to park 2 cars in tandem. This in turn will lead to more on-street parking which will cause access problems on the narrow inner roads.

5.1.2 WPC has concerns regarding what are the sewerage arrangements for phase 1 but understands that the applicant is not required to submit these details as part of this submission.

5.1.3 WPC is pleased with the overall layout of phase 1 and was pleased to note the height of the properties.

Additional Comments:

- 5.1.4 Wouldham Parish Council would like to make the following comments on the additional information received on the above application.
- 5.1.5 Wouldham Parish Council is concerned that Trenport has classed this development as suburban. WPC believes the correct class should be suburban edge/village/rural and would like confirmation from TMBC on this.
- 5.1.6 With regard to the parking WPC has concerns about the size of the parking spaces. It is inevitable that there will be people parking work vehicles overnight so the size of the parking spaces needs to allow for this.
- 5.1.7 WPC still has concerns regarding the tandem parking arrangements and note that the applicant has not provided any further information regarding this.
- 5.1.8 WPC are happy with the arrangements for the car ports and the mix of housing for phase 1.
- 5.1.9 WPC are happy with a toddler play area by the riverside footpath area although it would like to suggest 2 further areas which the applicant may like to consider (plan has been provided)
- 5.2 Burham PC: Originally commented that they had no observations to make. Subsequently, the following representations were received: 'Parking will be a problem on site. Four bed houses with only two parking spaces so that a lot of the visitor parking will be in permanent use.'
- 5.3 KCC PROW: Comments made regarding the processes needed by which to divert PROW.
- 5.4 Medway Council: No objections.
- 5.5 Private Reps: 237 + site + press notice/0X/5R/0S. 5 letters of objection received from 2 contributors, making the following objections and observations:
- Concerned that the elderly and disabled will not be sufficiently catered for with the development;
 - There are no 1-bed dwellings to be provided within this phase of the development when there is a need for this type of accommodation, particularly to accommodate the elderly and young adults living with their parents;
 - Concerned about the way in which parking is to be provided – many of the spaces are not independently accessible – large number of car ports with parking in front, blocking access. Inadequate parking would result in increased on street parking which would become a major problem very quickly;

- Pleased to see a southern gateway to ensure users of MR15 can easily access MR10 – hope a similar “northern gateway” is planned for bridleway users crossing the Greenway to access the riverside bridleway;
- Question the way in which parking provision has been calculated, using the suburban location rather than village;
- Lack of independently accessible parking spaces;
- Agree car port design enhances visual amenity but objects to the phrase ‘urban design’ for a village in a rural area;
- Car ports and parking spaces should be suitable for works vans;
- Pleased the main playing field and associated play equipment will be available by mid-2016 and sure the new residents will appreciate the provision of local toddler play areas near the riverside, so this will be achieved too;
- This is a village, not a suburban location;
- Majority of neighbour disputes are caused by poor parking design, this needs to be avoided within Peters Village;
- Access roads are very narrow which will cause a problem if residents park on street;
- Needs to be more parking than the minimum offered.

6. Determining Issues:

6.1 One of the core principles contained within the NPPF centres on the need to always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Similarly, TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;

- the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.2 This initial phase is formed as two parcels within the southern area of the wider Village. It has been informed by the need to positively address the river frontage and the main arterial spine roads, as well as the parkland and adjacent SSSI. It forms a key gateway to the overall development from the south. The main spine road will bisect this phase of the development, forming a riverside area to the west and a 'parkland' area to the east. Secondary access roads are proposed to lead from the spine road into the development areas, formed as narrow lane type streets, which have the result of creating small development blocks and strong street frontages, forming a strong sense of place.
- 6.3 The layout positively responds to the river frontage by providing taller buildings in the form of apartments and town houses, the principle of which was accepted through the outline planning permission. One of the central streets within this parcel of the development is described as a "boulevard", which would serve to create a vista from the spine road and a strong visual connection with the river frontage.
- 6.4 The area to the east of the spine road is proposed to be less densely developed in order to take into account the parkland setting beyond which is a positive response to the immediate surroundings of the site and should be welcomed.
- 6.5 One of the key concerns raised during the course of this application in connection with the proposed layout of Phase 1 relates to the level of parking provision to serve the development. Concerns have been raised in respect of the overall amount of parking to serve the development and the particular form this will take (including the use of car barns and tandem parking spaces).
- 6.6 Policy CP2 of the TMBCS requires new development to be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres. Since the original submission and following some fruitful discussions with the applicant, amended plans have been submitted which increase the amount of allocated parking to accord with IGN3: Residential Parking which has been adopted for DC purposes. As Members will be aware IGN3 does not count garages in its calculation of parking provision to serve residential developments and this approach has been endorsed by TMBC. It does however accept the use of open fronted car ports or car barns in all locations, subject to good design. The guidance notes that parking spaces are best provided side by side or in another independently accessible form although tandem parking arrangements within new residential developments such as this are not precluded.
- 6.7 A question has been raised regarding the categorisation of this site for the purposes of applying the adopted parking standards, particularly whether the site should be defined as 'suburban' or 'village' for these purposes. There is nothing contained within IGN3 that defines the term 'suburban' compared to 'suburban

edge/village/rural' and consequently there is a judgement to be made based on the specific locational characteristics of the site. Clearly, the categories in IG3 seek to reflect the propensity to own or use private cars dependent on the accessibility of day-to-day facilities and the availability of alternative forms of transport. Whilst the development is set in a semi-rural context, in terms of accessibility and public transport it will, in locational terms, be more akin to a 'suburban' rather than a 'rural' development. On-site facilities, including the primary school and local retail and medical facilities, will reduce the need to use the private car. In any event, and I will return to this later, whatever categorisation is felt to be appropriate the number of spaces now provided is satisfactory.

- 6.8 The overall design quality of the scheme must also be taken into account when considering levels of parking provision and how it is designed into schemes such as this. Replacing tandem parking with 'side by side' arrangements across the entire site would result in a very loose knit grain with significant gaps between buildings. This would adversely affect the resultant built environment, in contrast with the proposed design where a greater sense of enclosure and continuous frontage is created as a fundamental design approach. Additionally, a requirement for 'side by side' parking across the Phase would significantly reduce effective use of the site and previously developed land, contrary to core planning principles of the NPPF. Notwithstanding this position, it is of course necessary to remember that the delivery of 1000 units does assume a range of densities through different character areas within the development, with this riverside area being the highest. Of course, alternative parking arrangements – with the possibility of a greater proportion of 'side-by-side' parking - could form part of detailed design solutions in the later phases where assumed densities are lower, without compromising the overall units across the development as a whole or the design quality of the scheme. Each individual Phase will need to be assessed on its own merits in this regard.
- 6.9 Notwithstanding these important considerations, the applicants have positively responded to the local concern in this regard and have taken the opportunity to re-evaluate the overall level of parking, including the level of tandem spaces proposed, across Phase 1 to establish whether any opportunities exist to reconfigure the layouts of individual plots where appropriate to do so, having regard to the wider implications for the aesthetics of the development. As a result, amended plans have recently been submitted which allow for the inclusion of a total of 11 further parking spaces. Three of these are on-plot at plots 71, 87, and 151, which are all 4-bed units, giving each of these units 3 spaces in total (2 side by side plus a car port). The additional spaces can be acceptably provided in respect of these specific plots, given the configuration of the layout, without introducing large and unsightly gaps in the street scene. A further 8 spaces are provided as flexible communal/visitor spaces on street. These have been specifically 'designed in' to the streetscape between areas of verge/landscaping. The scheme now therefore provides 44 such communal spaces either on-street or in parking courts.

- 6.10 These amendments bring the total parking provision across Phase 1 to 313 spaces. This exceeds IGN3 standards by 15 if the 'Suburban' edge/village/rural were to be applied (as suggested by some local residents) or an excess of 61 spaces if the 'Suburban' standard were to apply. In either case, the level of parking required by IGN3 would be exceeded by some margin and is therefore considered to be acceptable.
- 6.11 In addition, the plans have been amended to remove gates at the rear of car ports where there is another parking space behind, with the second space now located effectively outside of the garden fence. I consider that this alteration will allow for a more useable form of car parking and will encourage the use of on-plot parking.
- 6.12 The applicants have also advised that each property will be bound by a management regime imposed as a covenant through the Management Company. This will further prevent changes to properties such as the enclosure of car ports and will be a tool for effectively ensuring no loss of on-plot parking. The applicant has provided a supporting document which summarises the estate wide covenants, stating that it is intended that the estate rent charge deed will impose various covenants on the owners of the various units, allowing Trenport/ManCo to enforce the covenants direct against the owners of those units. Examples of the form of covenants that are proposed, insofar as they relate to parking, include the following:
- To prevent any occupier or visitor infringing any parking covenants.
 - Not to park any vehicle, caravan, trailer, boat or vehicle of any kind on any part of the rent charge land except that Authorised Vehicles may be parked on driveways, any vehicle, caravan, trailer, boat may be parked in a garage. An Authorised Vehicle would be defined to be a private motor vehicle or motorcycle or a commercial vehicle which commercial vehicle is no more than 4.8 metres long or 2.4 metres wide or 2 metres high.
 - Commercial vehicles (which are not Authorised Vehicles) may only be parked if delivering or collecting goods or temporarily attending as part of a bonafide service or maintenance operation.
 - No vehicle may be parked on or otherwise obstruct any shared accessway adjacent or nearby properties so as to obstruct its use by others.
 - Not to park on Estate Roads except in designated areas.
 - Not to use any carport or car barn as habitable space or otherwise than to house vehicles.
 - Not to use any garage (provided in addition to ING 3 parking requirements) as habitable space or otherwise than to house vehicles or for storage.

[DPHEH: There are no garage spaces proposed within Phase 1 of the development.]

- 6.13 Whilst such covenants are not enforceable in their own right through the planning system, the applicant has advised that in the event of any breach of the rent charge covenants by the owner of a unit, Trenport/ManCo would be entitled to enforce those covenants direct against the owner of the unit under the rent charge mechanism. Whilst I would recommend a planning condition be imposed to ensure the car ports remain open fronted, and conditions already exist as part of the outline planning permission in order to retain parking layouts more generally, I consider that the restrictions proposed by the applicant will contribute significantly to the robustness of the level of control that can be afforded across the site.
- 6.14 Concern has also been raised regarding the width of the estate roads within Phase 1, with reference made that these are too narrow to allow for the safe flow of traffic particularly if on-street parking occurs. In my view, the provision of visitor and communal spaces across the Phase will ensure that more general on street parking should not prove problematic. Furthermore, it is a commonly held principle of design that narrowing roads actually restricts on-street parking as drivers will seek to park in locations where their cars are not at risk i.e. the designated spaces provided, even if that means they will have to walk further to their destination. Additionally, the use of appropriately designed bollards will prevent people parking on verges.
- 6.15 Turning to the scale and appearance of the development, the scheme comprises a mix of house sizes, predominately 2 and 2.5 storey houses, interspersed with 3 storey houses, principally along the main arterial road and riverside. Two 4 storey apartment blocks of apartments are proposed along the western river frontage. This provides visual variety across the Phase whilst ensuring suitable amounts of integration.
- 6.16 Brickwork and tiles are intended to be the predominant building material in order to create a sense of cohesion across the development but render, tile hanging and boarding are also to be used to create some visual variety and interest, which is appropriate here.
- 6.17 The proposed landscaping across the site has been carefully considered and will provide a positive contribution to the character and appearance of the development. Concern was raised regarding the absence of any designated open space within Phase 1. It must be recognised that the significant, strategic elements of public open space will be delivered through future phases, including specifically the central playing fields, including equipped play areas, which will be provided by mid-2016. Notwithstanding this, the applicants have responded positively to the particular concern regarding this Phase by reviewing the provision of local toddler play areas (LAPS) and believe it would be possible to provide some facilities in the

riverside area without impacting upon the proposed public rights of way. Further detail on this is expected shortly and will be reported as a Supplementary matter.

- 6.18 I acknowledge that Wouldham PC, although welcoming the inclusion of the facilities described above, have suggested two further areas that could be utilised as additional play space. It is my view that these suggested areas, which lie just to the east of the main spine road, and to the northern end of the site, are very small in overall area and would not contribute significantly to the offer of designated play space across the development. Furthermore, they would be located in close proximity to residential properties and the estate roads, which is not necessarily appropriate for such uses. As such, the proposed layout cannot be considered as unacceptable without these smaller pockets of play space.
- 6.19 Objection has been raised regarding the mix of units across the development, particularly that the absence of 1 bed units within this Phase is not meeting an identified need in the area. Again, I would stress that this is one Phase of a much larger overall residential development. Later phases will undoubtedly contain alternative mixes of housing types to respond wholly to the housing need of the area, and these will be assessed as they come forward having due regard to the Phases that have come before, including the mix proposed by this application. Additionally, it should be recognised that this Phase will provide for a good number of 3 and 4 bed family units, another important element of housing need generally across the Borough, which should be welcomed.
- 6.20 Wouldham PC continues to have concerns regarding the absence of any information setting out the layout of the sewerage network to serve this Phase. Although I can appreciate this concern, this is beyond the level of detail to be expected to form part of a reserved matters submission such as this. There is no requirement for the applicant to provide this level of detail as part of their planning application.
- 6.21 I consider that the physical form of the residential development proposed by this application is a good example of contemporary design, appropriately arranged and detailed. The suggested palette of materials to be utilised is appropriate here and would contribute to a high quality environment reflecting the 'gateway' status of the southern end of the site. I therefore recommend that planning permission be granted subject to the imposition of conditions controlling the car ports and future management of car parking.

7. Recommendation:

- 7.1 **Grant Planning Permission** subject to the following:

Conditions:

- 1 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995

(including any Order revoking or re-enacting that Order, with or without modification) no doors or other means of enclosing the car ports hereby approved shall be installed to the front elevation of the car ports.

Reason: Enclosure of the car ports could reduce their use for vehicle parking and development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

Informative:

- 1 The applicant is reminded of the fact that the WSP Ground Remediation Method Statement needs to suitably reflect the level of private garden space to be provided across this Phase particularly in light of the need to fully comply with condition 6 of planning permission TM/05/00989/OAEA and condition 8 of planning permission TM/05/00990/FLEA which necessitates the submission of further information in due course.

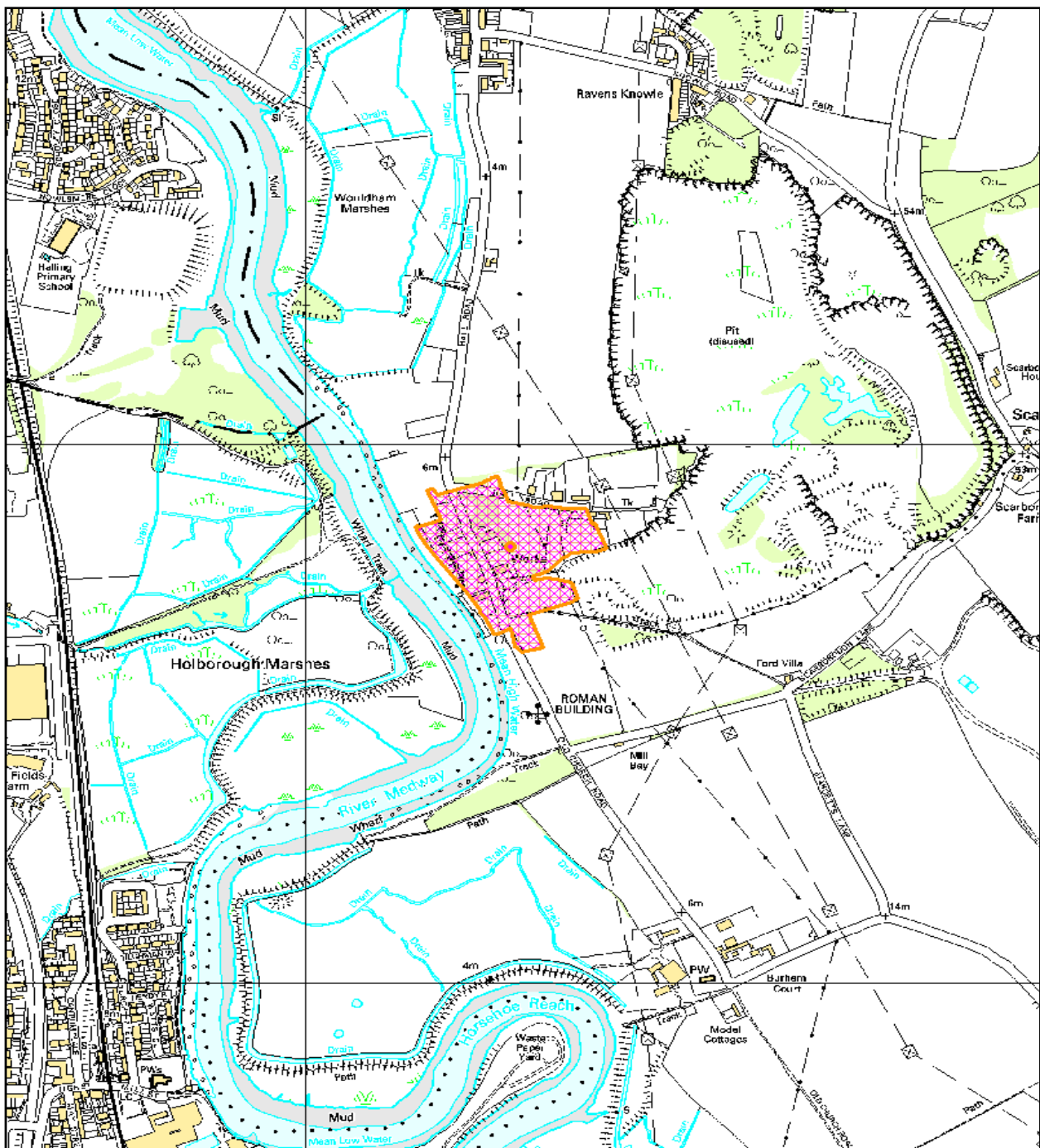
Contact: Emma Keefe

TM/14/04151/RM

Former Peters Pit And Peters Works Site Hall Road Wouldham Rochester Kent

Reserved matters application for phase 1 being appearance, landscaping, layout and scale pursuant to outline application TM/05/00989/OAEA (Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works)

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Snodland **569552 161439** **15 December 2014** **TM/14/02831/FL**
Snodland West

Proposal: Demolition of existing and erection of one detached house and four detached bungalows and associated parking provision
Location: 206 Birling Road Snodland Kent ME6 5ET
Applicant: Clarendon Homes

1. Description:

- 1.1 Planning permission is sought for the demolition of number 206, the erection of one detached house towards the front of the plot and four detached bungalows in a courtyard style layout, with associated parking provision (total of 5 units) further into the site. Access would be via a single drive running along the northern boundary of the plot.
- 1.2 The application has been amended since first submitted by reducing the total no. of units proposed in order to respond to various concerns and issues raised.
- 1.3 Three of the four bungalows are shown as having two en suite bedrooms and a room described as a study, which could of course be used as a third bedroom. The fourth bungalow does not include a study. The detached house is shown as having four bedrooms. Each of the properties would be provided with two off street parking places adjacent to the plot.
- 1.4 Each property would have a designated refuse storage area within its curtilage. A communal bin collection point would be provided adjacent to the rear of the garden of the detached house, for use on refuse collection days.
- 1.5 A planting plan has been provided showing a mix of trees, mixed native hedging and shrubs around and within the boundaries of the site, to provide some screening and privacy. Tree and Bat surveys have been submitted in support of the proposal. Whilst some non protected trees have already been removed from the site some are shown as being retained. Original references to new oak trees have been deleted as some neighbours felt these would grow too tall for the site and result in overshadowing. A number of bat and bird boxes would be introduced around the site.
- 1.6 In association with the proposed realigned access into the site it is proposed to remove two of the hawthorn trees positioned on highway land. The largest and best of the trees would be retained and a new semi-mature tree is proposed to the west of the access.
- 1.7 The proposed dwellings would be constructed in sustainable materials and would be built to Code for Sustainable Homes Level 4.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillors Maloney and Keeley and due to a high level of public interest.

3. The Site:

- 3.1 Number 206 Birling Road is a detached two storey house set back from the road frontage and occupying a large plot within the urban confines. The property is reached via a driveway leading from a bend in the road, being separated from the highway by a small area of grass verge within which are three trees and a telegraph pole. Number 206 is set back beyond the rear garden of the neighbouring house to the south, number 208, and close to the northern boundary of the plot. A single width garage is positioned adjacent to the southern boundary. Within the plot at the time of submitting the application were various ornamental and fruit trees and shrubs. The boundary treatment comprised a mix of panel fencing, open wood mesh fence and vegetation.
- 3.2 The site slopes down at the rear towards properties in the relatively recent development of Dowling Close, which is set at a lower level. The two properties adjoining the rear garden of the application site are numbers 9 and 10 Dowling Close, each of which has a small rear garden. The level of the rear garden of number 206 lies approximately at the same height as the top of the first floor level of numbers 9 & 10 Dowling Close. At the time the application was submitted a mature leylandii hedge was growing close to but not along the boundary between number 206 and the properties in Dowling Close.
- 3.3 The northern boundary of the site is adjoined by bungalows in Gorham Close. The bungalows on the southern side of the Close occupy a more elevated level than those on the northern side. These Gorham Close properties adjoining the application site occupy relatively small and irregular shaped plots.
- 3.4 To the south the site is adjoined by the more recent development of two houses, numbers 10a and 10b Dowling Close, both accessed from a private drive situated at the end of the cul de sac. Most of the surrounding properties occupy small or modestly sized plots with the exception of some of the older dwellings in Birling Road.
- 3.5 Number 208 Birling Road, which adjoins the front part of the application site on the southern side, comprises a two storey semi-detached house with a flat roofed single width garage on the northern side. Properties in the nearby stretch of Birling Road are generally larger in size and many have converted the front garden areas to parking spaces. The western side of this part of the road also incorporates some designated on street parking spaces so that, in places, the carriageway is only wide enough for one vehicle to pass.

4. Planning History (relevant):

TM/49/10214/OLD	grant with conditions	28 November 1949
Preliminary application for dwelling house.		
TM/50/10285/OLD	grant with conditions	23 March 1950
Dwelling house.		
TM/52/10256/OLD	grant with conditions	23 October 1952
Dwelling House (Amended Design).		
TM/54/10521/OLD	grant with conditions	18 February 1954
Garage and store.		
TM/64/10817/OLD	Refuse	22 January 1964
Erection of a dwelling.		
TM/68/10764/OLD	grant with conditions	22 August 1968
Outline application for a bungalow.		
TM/72/11316/OLD	grant with conditions	10 March 1972
Outline application for bungalow.		
TM/73/11250/OLD	grant with conditions	11 May 1973
Replace two fencing panels 9' 0ins high.		
TM/78/10945/FUL	grant with conditions	23 February 1978
Erection of single storey extension to front.		

5. Consultees:

- 5.1 TC: Original Submission: The plans are wrong and misleading. The development is overbearing with 6 dwellings. The area is open plan with large plots – the development would be intense and overbearing. Concerns regarding sight lines,

impact on road changes and loss of parking on Birling Road. Request the application is heard at Committee.

- 5.1.1 Amended Plans: The plans are wrong and misleading. The development is overbearing with 5 dwellings. The area is open plan with large plots – the development is of an inappropriate density and not in keeping with the Snodland Character appraisal. Concerns regarding sight lines, impact on road changes and loss of parking on Birling Road. Increased traffic and access on a dangerous bend. Proximity of boundary and steepness of bank in relation to properties in Gorham Close. Request the application is heard at Committee
- 5.2 KCC (Highways): Original Submission: The site is in a suburban context where minimum car parking standards apply. The proposal meets these requirements although an additional unallocated area (visitor parking space) will need to be provided. Also the site plan will need to show the pedestrian visibility and check the extent of the highway. A more central refuse collection point is recommended and the views of the Fire Service should be sought. A site turning swept path should be supplied. KHS confirm that there has been no record of injury crashes in the last 9 years.
- 5.2.1 Amended Plans: The reduction in plot numbers and provision of turning space is noted. KHS consider the provision of visitor parking, pedestrian visibility splays, centrally located refuse collection point and forward visibility are considered satisfactory and no objection is raised to the proposal as it now stands. Planning conditions are recommended.
- 5.2.2 The proposed car parking meets the required standard and is therefore acceptable. The foliage at nos. 21, 16, 2 and 15 is not considered to compromise visibility. In response to concerns raised by neighbours it has been stated that there is no evidence based indication that this proposal will lead to an increase in crashes or introduce personal injury crashes where the access joins the road.
- 5.3 KFRS: Standard comments have been made in respect of the distance for a fire appliance to travel to reach the furthest point of each dwelling, the road width and that of any pinch points and the need for adequate turning facilities in any dead end route.
- 5.4 NE: Original Comments: Contacted by a member of the public regarding the evidence of bats at the site. As bats are a protected species a survey is recommended prior to a decision being made.
- 5.4.1 Additional Comments: NE is satisfied that the proposal being carried out in accordance with the submitted details will not damage or destroy the interesting features of the SSSIs. Subsequent responses have been received which refer to the advice offered on 08.01.15.

5.5 Private Reps: Original Submission: 29 + site notice/0X/21R/0S: Letters of objection received on the following grounds:

- The layout, density and failure to use the topography of the site to minimise the impact on adjacent residents. Out of character with the density of the area. The types of dwellings proposed are inappropriate, bungalows would be better. Overdevelopment – the scale of development is too great for the plot size. It is ‘garden grabbing’.
- Adverse impact on residential amenity resulting from noise, pollution, smells from bin storage, lighting, loss of light and privacy and overlooking. The distances between the existing and proposed dwellings are too small.
- Adverse impact on highway safety – 6 dwellings using a single driveway, the access on a blind bend, already busy and congested roads, proposed parking spaces are inadequate and will increase on street parking, a regular scene of accidents and near misses, close to a large primary school, new tree planting will reduce visibility.
- The plans are inaccurate and do not show the outbuilding and extensions of the existing dwellings.
- Inadequate access for a fire engine and other emergency vehicles.
- Adverse impact on natural charm and country feel of The Groves and Dowling Close. Loss of trees and associated amenity and visual value.
- Could worsen the existing water pressure and impact on the underground water table.
- The development will reduce the security of existing dwellings by providing easier access to the rear.
- Reduction in property values.
- The doctors’ surgeries are at full capacity and the library and bank are under threat of closure. Amenities in the area already over stretched.
- Bats are at the site and this has been brought to the attention of the Kent Bat Association and the Bat Conservation Trust.
- Disturbance during construction.
- Restrict the Developer’s advertising signage.

5.5.2 Amended Submission: 17 letters received from 14 households raising objections on the following grounds:

- Previous comments still stand.
- Plot 5 is now extremely close to our boundary and a screening fence as high as possible is needed. The loss of the conifer hedge and window will reduce our privacy, especially if the house is extended. The construction of this plot might damage our property and the noise of building works will cause distress.
- Many objectors are pleased to see the new design is more in keeping and welcome the change to bungalows however concerns remain - the impact on highway safety, too high a density, loss of privacy, nuisance from bin stores, drainage problems, light pollution, size of gardens and impact on the character of the wider area.
- Pleased to see the change to bungalows but still concerned about the proposed planting, particularly the proposed oaks and whitebeam on the boundary. These will reduce light and may cause problems later. Similarly will the leylandii hedge be maintained? Need to retain the existing laurel hedge.
- Concerns over dust and general disturbance during demolition.
- Concern about later extensions to the proposed dwellings.
- Limited access for the emergency services.
- The plans are still inaccurate in terms of the levels of the adjoining residential properties.

6. Determining Issues:

- 6.1 The NPPF promotes the delivery of a wide choice of high quality homes. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Similarly Policy CP15 of the TMBCS seeks to ensure that new housing is permitted on sites which accord with the sustainability principles established in CP1 and the settlement hierarchy defined in Policies CP11 (urban), CP12 (Rural Service Centres) and CP13 (rural settlements).
- 6.2 The site lies within the confines of Snodland in a predominantly residential area. The site is located within easy reach of local services and wider transport links and is therefore in a sustainable location. The application therefore accords with the NPPF and Policy CP11 and is, in principle, acceptable for residential development.
- 6.3 However the application must also be determined with regard to Policy SQ1 of the MDE DPD and Policy CP24 of the TMBCS. Policy SQ1 requires development to reflect local distinctiveness and protect, conserve and where possible enhance local character. Policy CP24 seeks to ensure that all development is well designed and respects the site and its surroundings. These aims are echoed in

paragraph 58 of the NPPF 2012 which seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive.

- 6.4 The Snodland Character Area supplementary planning document refers to the area in which the site is located as being mixed in both age and type of building, predominantly in brown brick and tile with some render and weatherboard. The adjoining area to the west of the application site is characterised by clusters of culs de sac.
- 6.5 There would be no harm arising from the demolition of number 206 which, although of pleasing appearance, is of no particular architectural significance. The proposed dwellings would be positioned on modestly sized plots which would be similar to those of some of the surrounding properties. It is not considered that the overall appearance of the development would be overly cramped or harmful to the existing character of the area.
- 6.6 The scale of the development proposed for the site has been reduced in both the number of units and the size of the dwellings since the original submission, in direct response to local concern raised and as a result of officer negotiation. The current arrangement of one dwelling and four bungalows represents a general character of development that would not be out of place in this part of Snodland.
- 6.7 With these considerations in mind, the scheme does not amount to an overdevelopment of the site which would be detrimental to the general character or amenity of the locality.
- 6.8 The construction of a two storey house towards the site frontage would be in keeping with the nature of development along Birling Road and would not appear out of keeping with the visual amenities of the street scene. The inclusion of single storey dwellings within the rear part of the site will ensure that the bulk of built form is limited and will ensure the retention of an open outlook from the surrounding neighbouring properties that have been built up around the boundaries of the garden of number 206. Should Members be minded to grant planning permission, I consider conditions will be required to ensure that no further windows will be introduced into any elevation of any of the dwellings and that no alterations will be carried out to alter or enlarge the roof space. These conditions are necessary to ensure that no enlargement of the dwellings takes place without planning permission that could otherwise result in the potential for overlooking and loss of privacy to occur and thus dilute the careful way in which the development has been designed and laid out.
- 6.9 The dwellings have been designed so that they are positioned to provide some garden space for the occupants whilst retaining the privacy of the amenity areas of the adjoining properties. The separation distances between the proposed units and those bordering the site vary between 9-12m with the exception of numbers

10b Dowling Close and 208 Birling Road which are in closer proximity. There should therefore be no direct overlooking from the single storey bungalows towards the adjacent houses due to the use of existing or new boundary treatment of sufficient height. Notwithstanding the above it is considered necessary to recommend that a condition is attached withdrawing Permitted Development rights for extensions, outbuildings, roof alterations and porches to prevent further enlargement of the dwellings and increased proximity to neighbouring occupants.

- 6.10 It is appreciated that the proposed bungalow at plot 5 would be situated at a higher level than the houses in Dowling Close. A new hedge of mixed native species is proposed along this boundary which should in time create an effective screen. A fence of a suitable height along the western boundary of the site adjacent to the bungalow on plot 5 should be installed in the interests of privacy protection and retained until such time as the hedge has become established. This can be controlled by planning condition.
- 6.11 It is recognised that the development of this urban garden area for residential purposes will lead to a change in outlook from neighbouring houses and the introduction of lighting into an area that is currently unlit amenity space. The changes to outlook and level of illumination would not be at such an unusually high level or unexpected within the urban confines such as to justify withholding consent.
- 6.12 The form and layout of the latest arrangement is therefore found to be acceptable in terms of the current character of the area and the impact upon the existing residential amenities of adjoining occupants.
- 6.13 The landscaping scheme has been the subject of discussion and subsequent amendment during the assessment of this planning application. In its current form it contributes to an acceptable standard of development in visual terms and ensures that there would not be an unduly harmful impact upon the residential amenities of the surrounding properties. The proposed landscaping plan initially showed the introduction of some oak trees, which the neighbours were concerned would grow to be too large in close proximity to their houses and would, in their view, lead to high levels of overshadowing. The applicant has had regard to those concerns and as a result the landscaping arrangements have been amended so that only smaller trees of more suitable species would be introduced within the site.
- 6.14 Some unprotected trees and shrubs have been removed and others of no particular merit would also be taken down in association with the development. It is not thought that any trees at the site are considered to be worthy of formal protection. The mature leylandii hedge close to the rear boundary of the site could be removed at any time without the need for planning permission.
- 6.15 Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic

generated by the development can adequately be served by the highway network. Development will not be permitted which would involve the increased use of an existing access onto the primary or secondary road network where this would result in an increased risk of crashes or traffic delays. In addition the policy highlights that proposals should comply with parking standards.

- 6.16 A highway assessment has been carried in relation to IGN3 which covers residential parking standards. This encourages independently accessible parking places and discourages the use of tandem parking layouts. Garages are no longer included as parking spaces. One and two bedroom houses in suburban locations require 1 parking space whilst three bedroom houses require 1.5 spaces and four bedroom houses require two spaces. The scheme proposes two independently accessible vehicle parking spaces for each unit. The level of on-site parking provision is therefore acceptable.
- 6.17 In terms of KCC highway standards it is noted that the parking provision and manoeuvring space within the site meets County standards and is acceptable. KCCHT confirm that there has been no record of injury crashes on Birling Road between St Katherine's Lane and Hollow Lane for at least the last 9 years. In addition, there is no evidence based indication that this proposal will lead to an increase in accidents on the bend of Birling Road due to additional vehicle activity resulting from the development. The associated traffic movements associated with four additional residential units are unlikely to have any unacceptable adverse impact on highway safety. It is not considered that the vegetation to the front of the site will compromise visibility when exiting the drive way.
- 6.18 Concerns have been expressed by neighbours about inadequate access for emergency vehicles including fire engines. The Kent Fire & Rescue Service has outlined their requirements for access for a fire appliance. The access will also require compliance under Part B 5 of the Building Regulations. The requirements are achievable; however further details regarding the construction of the access road will be required prior to the development commencing. This can be secured by planning condition linked to landscaping and boundary treatments.
- 6.19 With regard to nature conservation, Natural England has advised that the application is in close proximity to the Halling to Trottiscliffe Escarpment Site of Special Scientific Interest (SSSI) and Holborough to Burham Marshes SSSI. The Halling to Trottiscliffe Escarpment forms part of the North Downs Woodlands Special Area of Conservation (SAC). If undertaken in strict accordance with the details submitted, the proposals are unlikely to have a significant effect on the features of interest for which the North Downs Woodlands SAC has been classified. In addition Natural England has advised that, if the development is carried out in accordance with the details of the application as submitted, the proposals will not damage or destroy the interests of the two SSSIs.

- 6.20 It is understood from neighbours that bats are present at the site and that this has been brought to the attention of the Kent Bat Association and the Bat Conservation Trust. As protected species it will be necessary for the developers to follow the advice of Natural England in the event that bats are found to be present. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The applicant's agent has amended the plans to show the provision of bat and bird boxes within the site as well as log piles for insects. These matters can be suitably addressed by planning condition.
- 6.21 Neighbours and the Parish Council have made reference to the plans not being accurate. The applicants' agent has confirmed that the plans and sections have been surveyed and are as accurate as possible given access limitations. There is nothing to suggest the plans give a false representation of the site or its surroundings.
- 6.22 The site is not identified as an area for potential land contamination. Nevertheless it is appropriate to impose a suitable planning condition requiring suitable remediation works should any contaminants be discovered during construction.
- 6.23 The concerns about noise, dust and disturbance during the construction period are noted. In the event that there is damage to neighbouring land and property then this would be a matter to be resolved between the parties concerned. Informatives can be added to remind the applicants only to carry out demolition and construction during acceptable working hours.
- 6.24 The location of the communal refuse collection area is considered to be acceptable to serve a development of this size and character and of a similar style that has been successfully used in various similar residential development schemes across the Borough.
- 6.25 Neighbours have made reference to water pressure and the level of water tables in the area. Whilst these are not directly controlled under planning legislation it would be necessary, in the event that planning permission is granted, for the applicants to carry out any development in accordance with the relevant building control drainage legislation.
- 6.26 I note the comments made by objectors regarding the security of the surrounding area. However, as this is a small scale residential scheme within a residential area, I do not consider matters of security to be compromised. I am also aware of comment regarding the capacity of local doctors' surgeries, libraries and other amenities. Given the limited nature and scale of the proposed development any increase in demand would be absorbed by existing facilities. Contributions cannot be sought to resolve existing shortfalls in provision.
- 6.27 The creation of additional dwellings within the confines of the urban settlement is acceptable and meets the requirements of CP11 of the TMBCS. The type and

design of the dwellings are acceptable, with the developer having had careful regard to the above outlined policy context. The concerns of local residents are acknowledged, particularly regarding the impact on highway safety and residential amenity. However the application has been amended to achieve a high standard of design and would meet the aims of policy CP24 of the TMBCS and paragraph 58 of the NPPF. I therefore recommend the application be approved subject to the following conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Sections 2014-158(P) 100 B dated 07.01.2015, Photograph VIEWS OF SURROUNDING PROPERTIES dated 18.08.2014, Tree Report dated 09.02.2015, Sections 2014-158 (P) 100 C dated 09.02.2015, Floor Plan 2014-158 (P) 002 C dated 09.02.2015, Roof Plan 2014-158 (P) 002.01 A dated 09.02.2015, Planning Statement REVISED dated 15.12.2014, Design and Access Statement REVISED dated 15.12.2014, Drawing C1000 (P1) site lines dated 15.12.2014, Drawing C1001 (P2) swept path analysis dated 15.12.2014, Bat Survey 1 dated 15.12.2014, Bat Survey 1 (2) dated 15.12.2014, Sections 2014-158(P) 100 a dated 15.12.2014, Proposed Plans and Elevations 2014-158 (P) 007 dated 15.12.2014, Proposed Plans and Elevations 2014-158 (P) 006 dated 15.12.2014, Proposed Plans and Elevations 2014-158 (P) 005 A dated 15.12.2014, Proposed Plans and Elevations 2014-158 (P) 004 dated 15.12.2014, Proposed Plans and Elevations 2014-158 (P) 003 dated 15.12.2014, Proposed Plans and Elevations 2014-158 (P) 002 B dated 15.12.2014, Location Plan 2014-158-(P) 001 A dated 15.12.2014, Site Plan 2014-158(P) 002.01 showing roof plan dated 15.12.2014, Email dated 06.02.2015, Planting Plan 2201/14/B/3B dated 06.02.2015, subject to the following:

Conditions

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

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

- 2 No development shall take place until written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 3 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

- 4 Notwithstanding the provision of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevation of the buildings other than as hereby approved, without the prior written consent of the Local Planning Authority.

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

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof the buildings without the prior written consent of the Local Planning Authority.

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

- 6 The existing dwelling shall be demolished within one month of the commencement of the development hereby permitted, if not demolished previously, and all arisings therefrom shall be removed from the site.

Reason: To prevent the overdevelopment of the site.

- 7 Prior to the commencement of development a scheme of landscaping and boundary treatment which shall include all fencing details, including the provision of a privacy screen along the site boundary of Plot 5, shall be submitted to and approved by the Local Planning Authority.

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

- 8 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

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

- 9 Prior to the first occupation of the dwellings hereby approved, the refuse storage area shall be provided in the location identified and shall be retained in this position at all times.

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

- 10 The dwellings shall not be occupied until all vehicle parking spaces shown on the approved plans have been provided, surfaced and drained. Thereafter the area shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 11 The dwellings shall not be occupied until the area shown on the approved plans as vehicle parking, loading and off-loading and turning space has been surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

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

- 12 The dwellings shall not be occupied until the cycle parking facilities for each plot have been provided on site. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved parking area.

Reason: In the interests of highway safety.

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

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

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

Reasons: In the interests of amenity and public safety.

- 14 The nature conservation measures contained within the Bat Survey received 15.12.14 shall be implemented in accordance with the approved timetable and retained at all times.

Reason: In the interest of nature conservation.

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

Reason: In order to allow the Local Planning Authority to control any such future development in the interests of residential amenity.

- 16 Prior to the commencement of development full details of the access road shall be submitted to and approved by the Local Planning Authority. The access to be provided in accordance with the approved plans and retained thereafter.

Reason: To ensure adequate access to the development hereby approved.

Informatives

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 Surface water shall not discharge onto the highway.
- 3 In the interests of good neighbourliness, the applicant is advised to not undertake demolition or construction works or deliveries outside the hours of 08:00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council,

Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

- 4 The use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is recommended that bonfires are not held at the site.
- 5 Tonbridge and Malling Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 6 The Local Planning Authority supports the Kent Fire Brigades wish to reduce the severity of property fires and the number of resulting injuries by the use of private sprinkler systems in all new buildings and extensions.
- 7 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 8 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highways Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 9 Planning permission does not convey any approval for alterations to the vehicle crossing, highway trees or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council-Highways and transportation ([web;www.kent.gov.uk/roads-and-transport.aspx](http://www.kent.gov.uk/roads-and-transport.aspx) or telephone 03000 418181) in order to obtain the necessary Application Pack.

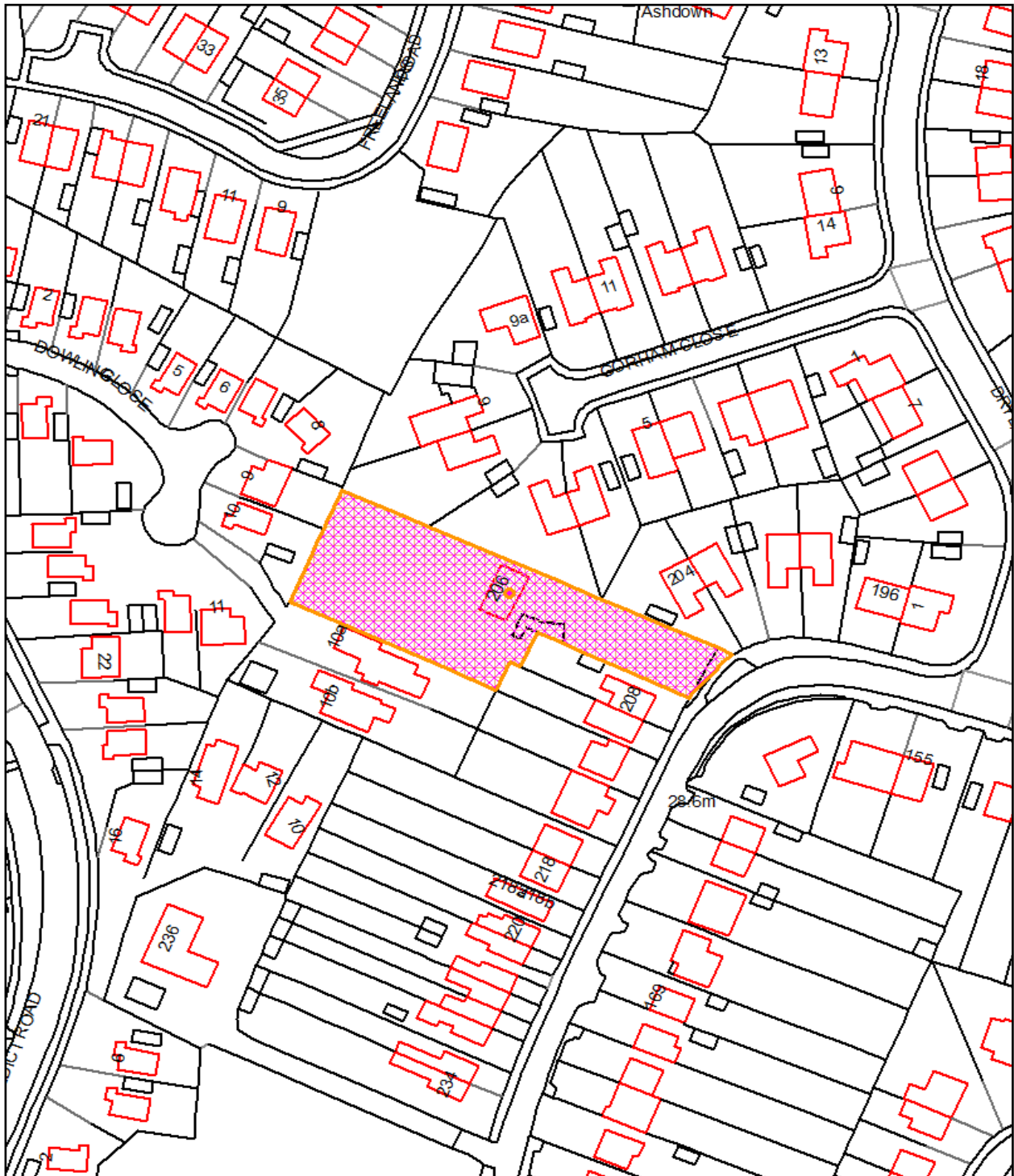
Contact: Hilary Johnson

TM/14/02831/FL

206 Birling Road Snodland Kent ME6 5ET

Demolition of existing and erection of one detached house and four detached bungalows and associated parking provision

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East Malling & Larkfield **569930 158412** **23 December 2014** **TM/14/04275/FL**
Larkfield South

Proposal: Erection of a two storey attached dwelling
Location: 22 Heron Road Larkfield Aylesford Kent ME20 6JF
Applicant: Mr & Mrs F Price

1. Description:

1.1 Planning permission is sought for the erection of a two storey dwelling to be attached to the side elevation of 22 Heron Road. The proposed dwelling would sit perpendicular to the public highway in line with the row of terraces to which it would be joined. The dwelling would be served by one off road car parking space to the front which would be located on the proposed driveway. This new driveway would also provide a parking space for the existing dwelling at 22 Heron Road.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Oakley due to the high level of local public interest.

3. The Site:

3.1 22 Heron Road is a two storey dwelling sitting in a row of terraces that run perpendicular to the public highway which is located to the east of the site. The proposed dwelling would be situated on an area of garden which is located to the east of the existing dwelling, positioned between the dwelling and the highway. This land is currently fenced off from the road by 1.8 metre high closed board fencing which runs along the footpath edge. The front of the site has a dropped kerb providing access to the front garden area which is mainly laid to grass and surrounded by a hedgerow. The only car parking to serve the existing dwelling is in an on-block garage situated 57 metres walking distance to the north west.

3.2 The application site is located within the urban confines of Larkfield; the local landscape is of no special designations.

4. Planning History (relevant):

TM/61/10760/OLD grant with conditions 19 July 1961

Outline application for residential development.

TM/63/10754/OLD grant with conditions 10 December 1963

Erection of 203 dwellings, garages and estate road, as amended by letter dated the 6th March, 1963.

TM/65/10721/OLD grant with conditions 15 February 1965

203 Dwellings with garages and estate roads.

TM/74/11491/OLD Application Withdrawn 7 April 1953

Development for Housing Purposes. Superseded by MK/4/52/294.

TM/80/11273/FUL grant with conditions 25 June 1980

Garage to side and conservatory to rear.

TM/06/01621/FL Refuse 18 August 2006

Single storey extension to side

TM/06/03169/FL Grant With Conditions 15 November 2006

Single storey side extension

5. Consultees:

5.1 PC: Raise objection for the following reasons:

- It would worsen the on-street parking in Heron Road which is already single lane when cars are parked there.
- A new separate end of terrace dwelling would be detrimental to the street scene.
- The development would be detrimental to the residential amenity of existing properties.
- The proposed parking in the garage may not be used as this is distant from the application site and many people use the garages for storage.
- The hedgerow which runs along the edge of the footpath adjacent to the square should be retained to prevent the path or square being used for parking.
- Previous applications to extend number 22 have been refused due to the impact upon the openness of the square, and the impact upon the terrace. The estate was designed with these areas not having direct road frontages, trying to provide a sense of spaciousness. The new house would erode the layout.

- If officers feel the application should be approved, a site inspection is needed to appreciate the position on the ground.

5.2 KCC (Highways): Raise no objection subject to conditions.

5.3 Private Reps: 8/0X/7R/0S. The reasons for objections are as follows:

- The development would allow for a new family to move into the local area which would increase parking pressure on the local roads which is already reduced to a single track.
- The road sweeper can already only operate up the centre of the road.
- An application was previously refused for an extension to the dwelling for highway safety reasons due to the extension blocking visibility.
- There have already been crashes outside of the property due to parked cars.
- Disbelief that the trees and hedging would be retained.
- Impact upon the neighbours during construction periods - concern where materials would be stored and construction traffic impacts.
- Concern that not enough neighbours were consulted on the application, in particular on lower Heron Road.
- Parking adjacent to the existing garage should not be allowed.
- Neighbouring dwellings have previously had issues of sewage backing up, the proposed development would add to these problems.
- There is not enough space on the site for the new dwelling and parking.

6. Determining Issues:

6.1 The NPPF has a presumption in favour of sustainable development which is described as the golden thread running through the decision making process. Sustainable development is three pronged: it ensures that development contributes to building a strong, responsive and competitive economy; supports strong, vibrant and healthy communities; and contributes to protecting and enhancing the natural, built and historic environment. Housing applications should be considered in the context of the presumption in favour of sustainable development with good design featuring as a key aspect, indivisible from good planning, allowing development to positively contribute to making places better for people.

6.2 Following on from this, policy CP1 of the TMBCS requires that all proposals for new development must result in a high quality sustainable environment. The

quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and where possible enhanced.

- 6.3 Policy CP11 of the TMBCS seeks new development to be concentrated within the urban confines where there is the greatest potential re-use of previously developed land as this offers the greatest opportunity to minimise need to travel by being located close to services, jobs and public transport. The application site is located within the urban confines of Larkfield and is in close proximity to public transport and pedestrian links. The site is therefore located in a sustainable location where there is no objection to the principle of the proposed development.
- 6.4 Policies CP24 of the TMBCS and SQ1 of the MDE DPD seek to ensure that all development is of a high quality design, and to protect, conserve and where possible enhance the character and distinctiveness of the local area. This includes the distinctive setting of and relationship between the pattern of the settlement, roads and the landscape, urban form and important views.
- 6.5 The application site is currently an area of garden land which sits between the side elevation of 22 Heron Road and the public highway. This land is currently fenced off by 1.8 metre high closed board fencing and, as such, whilst there is a visual openness above the fence line, there is a sense of enclosure to the land at a pedestrian level. The land itself, as it is located behind a wooden fence, adds little to the visual appearance of the street scene. In general terms, there is spaciousness to the street scene which is brought about by the fact that dwellings are not built up to the edge of the public highway. This is highlighted in the Medway Gap Character Area Appraisal. Section F3, which refers to the Birds Estate, details the local housing as being generally set behind landscaped front gardens, with the majority of front gardens remaining open plan. In some areas of the development forms of enclosure are more prevalent than others; however the majority of the area retains its open plan character. There are examples in the locality where some limited infill has already occurred such as at 54A Heron Road. This has generally retained the character of the street scene outlined above and crucially was present at the time of the CAA which was adopted in February 2012.
- 6.6 The development proposes the construction of a two storey dwelling to be attached to the side of 22 Heron Road, continuing the line of the existing terrace. The dwelling has been designed to appear as an extension to the existing dwelling, with a lower ridge line and set back from the front elevation. This would allow it to appear more subservient to the terrace as a whole and reduce the cumulative massing of the built development in the row of dwellings. The proposed dwelling would match in materials to the existing property allowing for a visual cohesion between the older and modern development and preventing the dwelling from appearing visually incongruous within the street scene. As such, the property has been well designed to integrate into the terrace.

- 6.7 The spaciousness of the street scene is an important factor in determining the character of the local area. Several of the objection letters have raised the issue that a single storey extension has previously been refused on the site due to the impact upon the character of the local area. The extension which was the subject of refusal was of a substantial scale, significantly greater than the width of the existing property and extending deeper into the garden area. A subsequent application was granted for the erection of a side extension with a similar footprint area to that of the proposed dwelling. This was considered to be situated sufficiently far from the highway to prevent harm being caused to the character of the street scene.
- 6.8 The proposed dwelling would have a two storey form which would have some impact upon the perceived spaciousness at first floor level. However, the dwelling would be set away from the boundary with the public highway, 2 metres from the footpath and 4 metres from the road. The general spacing between dwellings and the highway along Heron Road is not uniform; the partial erosion of this spaciousness would therefore not undermine the overriding rhythm to the street scene. The spaciousness would be retained by the fact that the dwelling would not be built to the edge of the highway. An adverse impact would not be caused to the character and appearance of the street scene as a result of the proposed development.
- 6.9 The proposed landscaping shown on the submitted site plans and floor plans seeks to relocate the existing boundary fence further from the public highway, with a landscaping strip between the fence and the footpath. It is also proposed to plant hedging to the front of the dwelling to break up the hardstanding and demarcate the proposed parking bays. These elements would soften the appearance of the development in the street scene. A condition requiring landscaping details to be submitted prior to the occupation of the development would secure provision and retention of these features in the longer term.
- 6.10 The closest neighbour to be impacted by the proposed development is 22 Heron Road itself. This neighbour would have no windows which would look directly onto the application site and, as the proposed dwelling would largely sit in line with the existing dwelling, it would not be overbearing to the adjoining neighbour. The proposed and existing dwellings would overlook one another's gardens at an oblique angle; this relationship is common for residential areas and would not be detrimental to the residential amenity of the occupants of either dwelling.
- 6.11 Paragraph 32 of the NPPF requires decision making to take account of a safe and suitable access to the site being achieved for all people; and improvements that can be taken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 32 clearly states that development should only be prevented where the residual cumulative impacts of development are severe. Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where

the traffic generated by the development can adequately be served by the highway network.

- 6.12 22 Heron Road currently only has parking provision in an on-block garage. The proposal seeks to retain this existing garage and install a new blocked paved hardstanding area to the front of the dwelling to provide one parking space to serve the existing house at 22 Heron Road and one space to serve the new dwelling, indicatively detailed as 22a Heron Road.
- 6.13 Interim Guidance Note 3 (IGN3) is the Council's adopted parking standard and requires two bedroom dwellings in suburban areas such as this to be provided with 1 off road car parking space. The proposed development would provide one parking space on the driveway for the new dwelling which would comply with the requirements of IGN3. In addition, the proposal would improve the parking situation for 22 Heron Road by installing an additional parking space on the driveway for this property, plus retaining their existing garage parking space, meaning that there would in fact be an increase in the parking provision to serve the existing dwelling.
- 6.14 Letters of objection raise concern with regard to highway safety through both additional parking on the highway and blocking of visibility. It is acknowledged that due to the general lack of parking provision locally parking on the road can be problematic. However, as outlined previously the development would comply with the Council's adopted parking standards and therefore would not result in additional pressure to park on the public highway. No detriment would therefore be caused to highway safety over and above the existing situation.
- 6.15 In terms of highway visibility, the proposed dwelling would be situated on an area of garden but this land is already fenced off from the road by 1.8 metre high fencing. As such, from within a car there is no visibility around the corner or over the brow of the hill due to the height of the fence. The proposed dwelling would be situated inside the fence line and slightly away from the boundary with the highway. The proposed dwelling would therefore not result in any additional blocking of visibility from vehicles using the public highway.
- 6.16 In light of the above assessment, I conclude that the proposal is acceptable in light of the requirements of the NPPF in terms of the principle of the proposed development given its location within the urban confines. It also accords with policies CP1, CP11 and CP24 of the TMBCS and policies SQ1 and SQ8 of the MDE DPD. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 23.12.2014, Location Plan 1140.01 dated 23.12.2014, Existing Site Plan 1140.10 and roof plan dated 23.12.2014, Existing Plans and Elevations 1140.11 and sections dated 23.12.2014, Proposed Plans

and Elevations 1140.12 and sections dated 23.12.2014, Site Plan 1140.13 proposed and roof plan dated 23.12.2014 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. No development shall take place until written details and samples of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the existing building and wider locality.

3. The use shall not be commenced, nor the premises occupied, until the area shown on drawing number 1140.12 as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

4. Prior to the first occupation of the development hereby permitted a scheme of landscaping and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

Informatives

- 1 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained.
- 2 During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 07:30 hours- 18:30 hours; Saturday 08:00- 13:00 hours; with no such work on Sundays or Public Holidays.
- 3 The disposal of demolition waste by incineration is contrary to Waste Management Legislation and is likely to lead to justified complaints from local residents. I would thus recommend that bonfires not be had on the site.
- 4 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 5 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

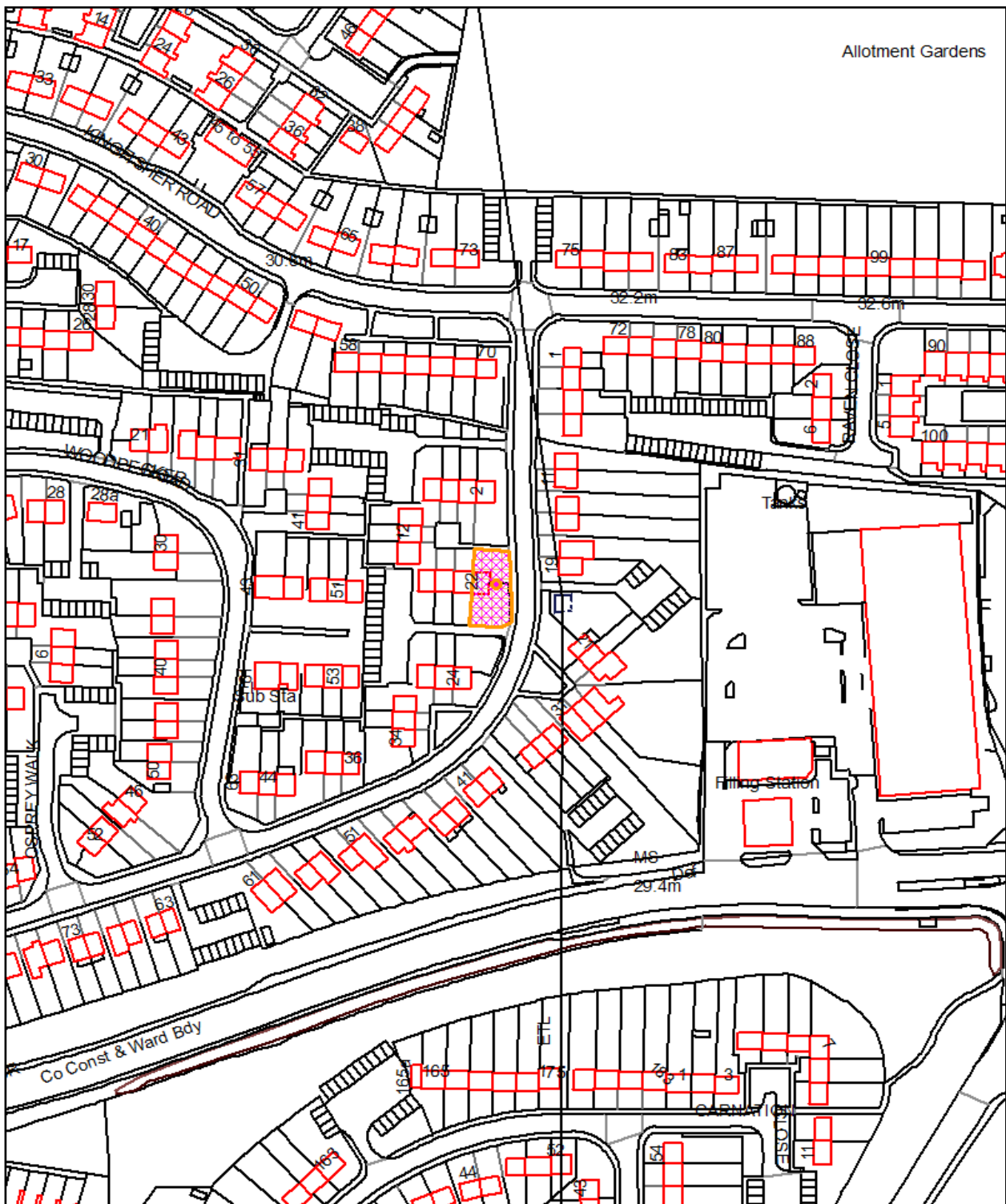
Contact: Kathryn Holland

TM/14/04275/FL

22 Heron Road Larkfield Aylesford Kent ME20 6JF

Erection of a two storey attached dwelling

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Burham **572226 162979** **19 January 2015** **TM/14/03612/FL**
Burham Eccles
Wouldham

Proposal: Extension to an existing agricultural building
Location: Scarborough Buildings Rochester Road Burham Rochester
 Kent
Applicant: N & D Attwood

1. Description:

- 1.1 Planning permission is sought for the erection of an extension to the existing agricultural building at Scarborough Farm buildings. The development would effectively double the size of the existing building by the installation of an 8.3m high, 18.3m wide and 18.3m long addition. The building is proposed to be used for the storage and maintenance of farm machinery which is used on the various areas of the agricultural holding belonging to the applicant.
- 1.2 The extension is proposed to match in appearance to the existing building, being constructed of green metal steel sheeting and with a grey fibre cement corrugated roof.

2. Reason for reporting to Committee:

- 2.1 At the request of the Councillor Davis due to the level of local public interest.

3. The Site:

- 3.1 The application site forms part of a large agricultural holding extending over 73 hectares. The site currently houses two modern portal framed barns, one of which is the subject of the current application. This building measures 18.3m x 18.3m with an eaves height of 6.3m and a ridge height of 8.3m.
- 3.2 The application site is located on the North Downs and therefore the land to the north of the site slopes relatively steeply up from south west to north east, albeit the building itself is located on a comparatively flat area of land level with Rochester Road. To the south east Rochester Road rises to a ridge approximately 200 metres from the application site, resulting in long range views.
- 3.3 The site is bounded by a hedgerow and a converted former agricultural barn and is accessed from either of two accesses, one to the north west and one to the south east of The Barn (the converted agricultural building) which fronts onto Rochester Road. The farmyard area wraps around the residential curtilage of The Barn and extends to the northern side of the two existing barns on the site.

3.4 The site is located outside the confines of Burham village and therefore in the countryside for development plan purposes. This rural landscape is designated as being an Area of Outstanding Natural Beauty and Strategic Gap.

4. Planning History (relevant):

TM/14/02227/AGN Requires Permission 24 July 2014

Extension of existing agricultural building

5. Consultees:

5.1 Wouldham PC: No comments.

5.2 Burham PC: Original comments: Whilst Burham Parish Council have no actual observations to make on the above application, concerns have been expressed that movement of machinery could cause traffic problems in the narrow roads within the village of Burham.

Additional Comments:

5.2.1 Both positions have some negative aspects, but position B seem to have more impact on our village in the number of traffic movements to create a base so we believe position A would be preferable.

5.3 KCC (H+T): Raise no objections as the extension is for the storage of existing agricultural machinery and equipment and is not expected to generate any additional traffic movements.

5.4 Private Reps: 4 + Site Notice/0X/5R/0S raising the following points:

- The extension would have an impact upon the historic interest of Scarborough as an historic hamlet.
- If the extension was reduced in size/placed behind the existing buildings it would be less of a “carbuncle”.
- If one of the barns hadn’t been let to someone else would the extension be necessary?
- The practical use of the space may take on a more industrial role.
- The development is to improve the location of the storage of farm equipment, moving it from the other side of the Medway but the farm was this way when the land was bought and will be improved by the new Medway crossing being built.

- Concern over the amount of development at Peters Village and the further harm new development would cause.
- The building would be too intrusive.
- Lorries and other vehicles would block the east entry drive which would prevent access to the neighbouring property at The Barn.
- The development would increase traffic on the eastern drive which a neighbour at The Barn is responsible for the repair of.
- The development would block views from The Barn to the AONB.
- All three neighbours are not happy to see the application go through.
- The application is a change of use from storage to industrial which would create a harmful level of noise and disturbance to the neighbour.
- Access should be from the western driveway alone to prevent damage to the eastern access.
- The two existing buildings were constructed for the storage of grain and replacing 4 old storage units which exist on the adjacent property and which are under a “strict preservation order”; the development would make way for further development on the site.
- The planting and landscaping would not disguise the building in any way.
- Planning permission has been refused previously for porches on The Barn.
- Concern with regard to traffic both removing earth and when the building is in use for storing farm equipment, its movement to and from the site.
- The development would result in traffic problems from farm equipment and buses passing one another.

6. Determining Issues:

- 6.1 The NPPF along with policy CP1 of the TMBCS (2007) and policy CC1 of the MDE DPD (2010) place sustainability at the heart of decision making, ensuring that new development does not cause irrevocable harm to the environment and balancing this against the need to support a strong, competitive economy and protect the social welfare of existing and future residents. Policies CP1 and CP24 of the TMBCS 2007 and Policy SQ1 of the MDE DPD require high quality design which reflects the local distinctiveness of the area and respect the site and its surroundings in terms of materials, siting, character and appearance.

- 6.2 Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In addition, planning should promote the development and diversification of agricultural and other land-based rural businesses. The application site is located outside the built confines of Burham Village and therefore is in the countryside for development plan purposes. Policy CP14 of the TMBCS seeks to prevent the incursion of built development within such areas in order to protect the character and appearance of the countryside. The policy states that development in the countryside will be restricted to (amongst others) development that is necessary for the purposes of agriculture or forestry.
- 6.3 The applicant has provided information relating to the agricultural holdings in their ownership along with details of the farm machinery currently in their ownership which is to be stored in the building. The applicants are long established farmers, farming a large area of land, a total of over 1012 hectares across 6 sites. Scarborough Farm is one of the smaller holdings extending to 60 hectares in comparison to the two larger farms at Boxley which extend to 355 hectares and 330 hectares respectively. The majority of the farms have grain storage capacity and the applicant states that when these stores are not in use the farm machinery is kept in the buildings. It is proposed that for operational reasons the farm machinery is moved to Scarborough Farm in order that it can be stored in a secure fashion year round. This machinery is large in size, requiring extensive floor area and height. With this supporting information in mind and given the policy context set out above at paragraphs 6.1 and 6.2, I consider that the proposed extension is therefore necessary for the purposes of agriculture and has been designed appropriately to suit this use. In light of this, the development is acceptable in principle.
- 6.4 The application site is located in a visually sensitive landscape in that the local area is designated as being part of the Strategic Gap between Medway and Maidstone, and within the Kent Downs AONB. The application site is also situated in a visually prominent location due to its position in a valley and the associated long range views from the ridges of the adjacent valley sides. The proposed development would double the size of the existing building in order to provide a significantly larger and more dominant building within the landscape.
- 6.5 Paragraph 115 of the NPPF requires that great weight is afforded to ensuring that new development would not detract from the character and appearance of this nationally designated landscape. Policy CP7 of the TMBCS states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of such areas except where such development is of national interest (subject to certain criteria) or the development is essential to meet local social or economic needs. The site is also located within the Strategic Gap between Medway and Maidstone. The purpose of the Strategic Gap is to provide a physical break and maintain the separate identities of the major urban areas and surrounding rural villages. Policy CP5 of the TMBCS requires that new

development in the Strategic Gap only be permitted where it can be justified by special circumstances.

- 6.6 The extension would be attached to an existing agricultural building located within an established and historic farmyard. The building is of a modern agricultural form but would not appear out of character with the rural setting in which it would be located. The extension has been designed to match exactly with the existing building to which it would be attached in terms of form, scale, design and materials, allowing it to visually integrate with the existing built development on the site. The visual impact should also be balanced against the agricultural need for such a building as it is central government policy to be supportive of the principle of new agricultural development. As highlighted above the agricultural need has been established which weighs in favour of the development.
- 6.7 I acknowledge that the applicant has provided a plan indicating an alternative location for the proposed extension, being to the north east side of the building (position B) rather than the location of the proposed development to the south east (position A). The applicant has explained that 'Position B' would result in the need to cut into the hillside to the north east of the building, requiring extensive engineering operations, additional cost and more vehicular movements during the construction period. In visual terms, I appreciate that this alternative location would have a lesser impact than the proposed position (although it would extend the farmyard into the field to the north east) and I note that some of the objection letters received have expressed a preference for this alternative location. However, that is not what is proposed by this application and the applicant has already explained that he is not willing to amend the location of the extension. I must stress that it does not automatically follow that simply because one location is *preferred* by some, the other is automatically deemed to be harmful. Similarly, planning permission cannot be refused on the grounds that an alternative location might be preferred. As such, it is the proposal in its current form that must be determined and, crucially, the extension in its proposed position would not appear out of scale with the type of agricultural building usually found in the rural landscape and is not considered to be harmful. The visual impact should also be balanced against the agricultural need for such a building as it is central government policy to be supportive of the principle of new agricultural development. As highlighted above, the agricultural need has been established which weighs in favour of the development.
- 6.8 Historic maps show that the farmyard was more extensive than in its current form with more buildings on the site and extending across a greater area. Concerns regarding impact upon the historic environment are therefore relatively unjustified as the buildings would respect the original layout of the farmstead which was clustered on the northern side of Rochester Road.
- 6.9 There are residential neighbours in close proximity to the application site: The Barn situated 25 metres to the west and Hall and Scarborough Cottages 70

metres to the north west of the site. The proposed development would not be highly visible from Hall and Scarborough Cottages as they have a front view of the existing barn (western side) and the proposed extension would be situated to the rear (eastern side). In any case, they are situated 70 metres from the proposed development and therefore would not be detrimentally impacted in terms of the development being overbearing to them.

- 6.10 The Barn is situated to the south west of the application site with a garden to the eastern side of the dwelling. The proposed development would be visible from the dwelling house and garden area of this neighbouring dwelling. Although the end of the garden of The Barn would be in line with part of the proposed extension, in order to protect residential amenity it is the role of the planning system to protect the most private residential garden only. As a general guide, the most private part of a garden would be that within the first 6 metres of the house where it is most likely residents would sit outside and spend most of their time. The proposed extension would be situated 20 metres from this area. In light of the distance between the house and garden and the proposed development it would not result in an unacceptably oppressive or over dominant structure and would not be detrimental to the residential amenity of the occupants of The Barn. It is acknowledged that the development would change views from the windows and garden of this neighbour onto the wider countryside; however this is not a material planning consideration.
- 6.11 Occupants of neighbouring properties have raised concern about the noise and disturbance which would be caused from the proposed industrial use. The development does not propose an industrial car or vehicle repair use; to use the building in such a way in the future would require planning permission for a change of use. The development proposes the repair and maintenance of farm equipment: this would be ancillary to the larger agricultural use on the holding belonging to the applicant, and it would not allow for any vehicles to be brought to the site and repaired on a commercial basis. Although vehicle maintenance even of farm equipment owned by the farmer is likely to cause some noise and disturbance, this use could occur from the two existing buildings on the site without the requirement for an application for planning permission. The proposed development would not exacerbate this existing lawful situation.
- 6.12 The proposed development does not seek to alter accesses to the site; although one neighbour has requested that all new traffic uses the westerly access due to the fact that they are responsible for the maintenance of the eastern access, this is a private civil matter. In addition, there would be no highway safety justification for placing such a restriction on any planning permission granted.
- 6.13 The development seeks to move farm equipment for storage, repair and maintenance onto the application site. As stated above, there would be no restrictions upon the existing farm equipment being moved onto the application site without the requirement for planning permission. The development would

allow the machinery to be stored inside a building but would not create additional traffic movements to/from the site over and above the existing lawful situation. KCC Highways has raised no objections to the application on this basis and therefore there would be no detriment caused to highway safety.

- 6.14 Other matters which have been raised by the neighbours include blocking of the accesses through lorries parking, the need for the extension due to the fact that another building on the site is let out, and that other development such as porches have been refused on residential dwellings in the locality. Again, these are not material planning considerations.
- 6.15 With regard to the need for the building, the applicant has stated that the other building on the site was let for a period of one season to another local farmer. The Council has no control to prevent the buildings being let to other farmers for agricultural uses. The applicants have provided evidence to demonstrate the need for the new extension to the building.
- 6.16 Finally, it is noted that other development to residential dwellings may have been refused. Each application is required to be considered on its own merits and extensions to dwellings must respect the character and appearance of the individual buildings. This is not a material consideration in the determination of the current application.
- 6.17 In light of the above assessment, I conclude that the proposal is acceptable in light of the requirements of the NPPF in terms of the principle of the proposed development given its location within Strategic Gap and AONB and the specific detail of the proposed development in terms of its impact on the rural landscape and the locality generally. It also accords with policies CP1, CP5, and CP24 of the TMBCS and policies SQ1 and SQ8 of the MDE DPD. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter received 01.12.2014, Design and Access Statement received 22.10.2014, Letter Fm Agent DTD 21.10.14 received 22.10.2014, Location Plan 2412/2 A received 22.10.2014, Proposed Plans and Elevations 2412/3 received 22.10.2014, Letter Fm agent DTD 16.1.15 received 19.01.2015, Site Layout 2412/3 received 19.01.2015, Design and Access Statement Addendum received 19.01.2015, Location Plan 2412/2 A received 19.01.2015, Proposed Plans and Elevations 2412/3 A received 19.01.2015, 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 match those of the existing building.

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

3. No external lighting shall be installed on the hereby approved extension without the prior written approval of the Local Planning Authority. If any external lighting is proposed then details must include a layout plan with beam orientation and a schedule of equipment including luminaire type, mounting height, aiming angles and luminaire profiles.

Reason: In the interests of rural and residential amenity.

4. Should the agricultural use of the buildings within the unit permanently cease within ten years from the date on which the development was substantially completed, then unless agreed otherwise in writing by the Local Planning Authority, the buildings shall be removed from the land and the land restored to the condition before the development took place, or to such as condition as may have been agreed in writing by the Local Planning Authority, within 6 months from the date at which any buildings cease to be required / used.

Reason: In the interests of protecting the character and appearance of the countryside by preventing the proliferation of unnecessary buildings in the countryside and in accordance with policies.

5. The building hereby approved shall not be used for the accommodation of livestock except in the following circumstances:

Accommodation for quarantine requirements

An emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm.

In the case of animals normally kept out of doors, they require temporary accommodation due to ill health, giving birth or to provide shelter against extreme weather conditions.

Reason: In the interests of the amenity of surrounding residential properties.

6. The storage and maintenance of farm machinery hereby permitted shall only be ancillary to the main farming enterprise and shall not be used for separate vehicle repairs.

Reason: In the interests of the residential amenity of surrounding residential properties.

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

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of the environment and in the interests of highway safety.

Contact: Kathryn Holland

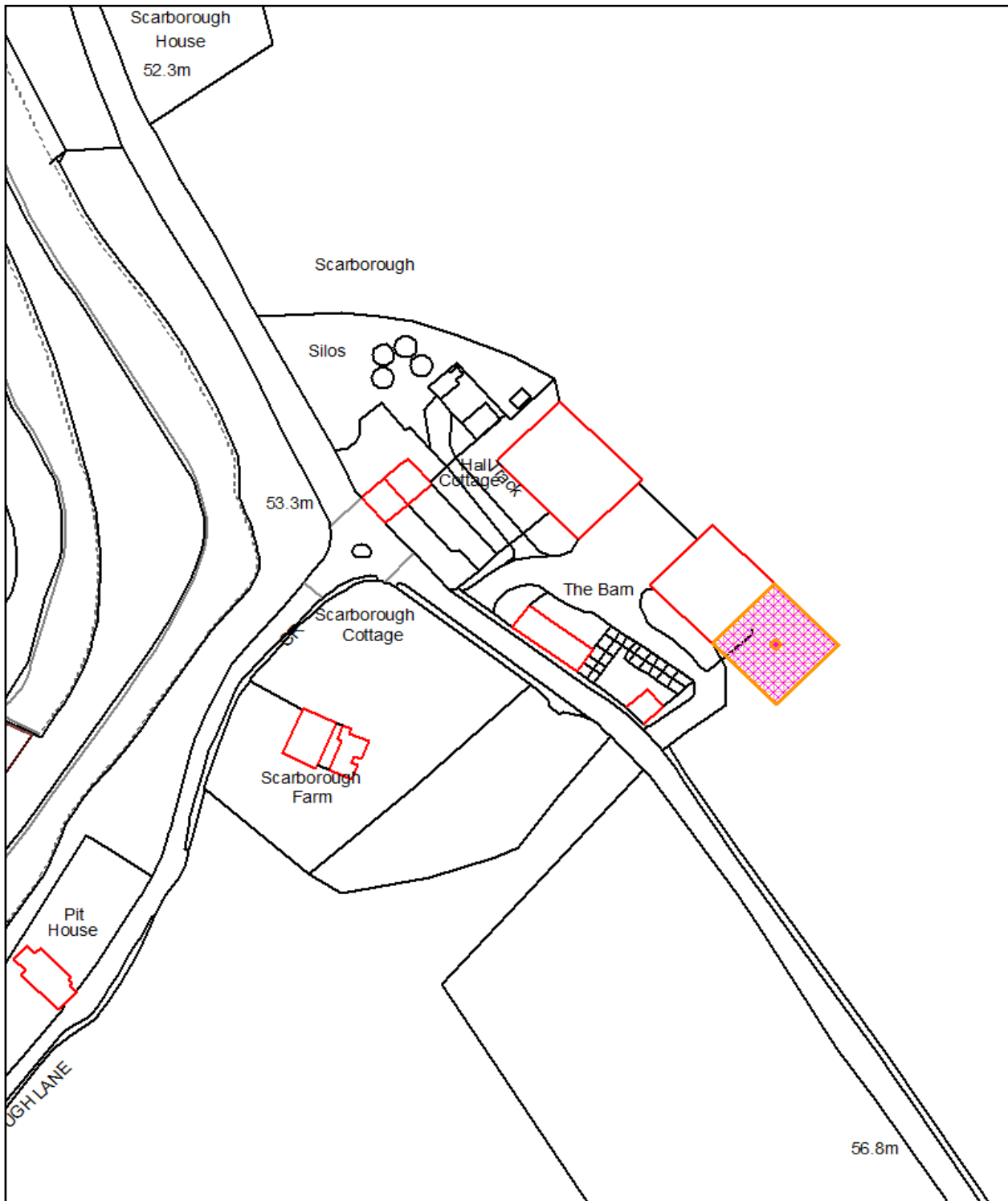
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TM/14/03612/FL

Scarborough Buildings Rochester Road Burham Rochester Kent

Extension to an existing agricultural building

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East Malling & Larkfield **570517 158428** **27 November 2014** **TM/14/03467/FL**
Larkfield South

Proposal: Change of use from office (B1) to an office (B1)/taxi control office (sui generis)
Location: 38A Larkfield Road Larkfield Aylesford Kent ME20 6BJ
Applicant: Place2Place Cars Ltd

1. Description:

1.1 Retrospective planning permission is sought for the change of use of the office (B1 use) at first floor level to a flexible use of a taxi office (sui generis use) and office (B1 use). It is proposed to use two vehicle parking spaces in the existing car park serving the units fronting onto London Road for the taxi office. This application is retrospective as the use has been occurring at the premises since July 2014.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Oakley due to the high level of local objection.

3. The Site:

3.1 The taxi office the subject of this application is located on the first floor of a detached building constructed in the 1970's; at ground floor level there is a dentist surgery. The building as a whole is of a two storey form, constructed of yellow brick and with a flat roof. The building is set back from the public highway behind a grassed lawn area; the taxi office is accessed from the rear of the building through the private car park serving units fronting onto London Road. The application site includes two car parking spaces within the private car park which the applicant states have been allocated to his business.

3.2 The site is situated in an area of mixed character; commercial premises are situated to the south of the application site fronting onto the London Road. These premises include three banks and an accountancy office. To the north, east, west and south west are residential dwellings. Due to this mixed character the local area is busy with vehicular traffic entering the private car to the south of the site and using Larkfield Road. There are on road parking restrictions in the form of double yellow lines in order to safeguard highway safety as on road car parking is also in high demand.

3.3 The local area is of no special landscape designations.

4. Planning History (relevant):

4.1 There is no relevant planning history associated with this application.

5. Consultees:

5.1 PC: Raise objection to the application for the following reasons: Original comments:

- The Council has no objection to the taxi control office but it is not clear how many taxis will visit the office - question whether the 2 spaces are for the employees operating the office only;
- The existing car park is very busy and can cause significant congestion, the PC are anxious the situation is not made worse and therefore the actual number of staff cars and taxis needs to be quantified.

5.1.2 Further comments:

- Appreciate confirmation that only two staff are continuously employed in the office and these two spaces should be defined in any planning approval but have concern that the uncontrolled private car park will be used for parking taxis and other vehicles associated with the proposed use.

5.2 KCC (Highways): No objections.

5.3 Private reps: 14/1X/12R/0S. A petition has also been received. Objections received raise the following points:

- There is an average of six taxis parked in the car park and on the road.
- Gridlock from the higher volume of traffic coming and going.
- Littering from cigarette butts.
- Noise from the use of the premises in the quieter periods when the windows are left open.
- Vehicles are parked on the double yellow lines and in dangerous positions.
- Parking is even more in demand since the closure of Natwest in Snodland.
- Danger to pedestrians from the parked taxis.
- Lack of contact from the local PCSO to deal with the parking issues and associated verbal abuse residents receive.
- Noise from operators making/receiving calls throughout the night.
- Noise and disturbance from taxis turning around in the night time in the close.

- No formal notice has been displayed outside of the premises and therefore the application is being handled underhandedly - questioning the neutrality of TMBC officers.
- There is a very short comment time on the application.
- The business operates outside of the hours they have specified in their application.
- Vehicles are left parked in the road for hours at a time and not just to drop of paperwork/use the toilet.

6. Determining Issues:

- 6.1 Policy CP1 of the TMBCS requires that all proposals for new development must result in a high quality sustainable environment. The quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and where possible enhanced.
- 6.2 Paragraph 17 of the NPPF states that the overarching roles of the planning system are to proactively drive and support sustainable economic development to deliver homes, businesses and industrial units and to promote mixed use developments. Paragraph 19 advises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth; and that planning should operate to encourage and not act as an impediment to sustainable growth. It directs that significant weight should be placed on the need to support economic growth through the planning system.
- 6.3 The proposed development would allow the re-use of a long established existing commercial premises for a new commercial use. The taxi business itself has been operational in the Borough for some time and has moved premises into the application property. The site is located in a sustainable location in terms of access for office staff, being located within the urban area and on a main bus route. The development would support the economic development of a small established local business which is located in a sustainable location and therefore would be acceptable in principle.
- 6.4 There are no external changes proposed to the building and therefore no adverse impact would be caused to the visual amenity of the locality as a result of the proposed development.
- 6.5 The application site is located in an area which is of mixed character, with busy commercial premises to the south and residential dwellings to the east, north, west and south west. There are currently a significant number of pedestrian and vehicular movements associated with the car parking area serving the commercial premises fronting onto the London Road. Three of these units are banks which attract high levels of activity. In addition, there is a dentist surgery on the ground

floor of the application property which similarly attracts high levels of pedestrian and vehicular activity. Traffic movements often spill out onto Larkfield Road with vehicles parking on the public highway outside the car park due to the limited amount of off road car parking which serves all of the surrounding commercial premises. Although none of the units have hours of use controlled by way of planning condition, the nature of the uses means that any noise and disturbance is restricted to the weekday day time periods.

- 6.6 The taxi use seeks planning permission to be operational twenty four hours a day, seven days a week including Public and Bank Holidays. Notwithstanding this, I understand that in practice the taxis only run overnight (i.e. past midnight) on Fridays and Saturdays. On all days, past the hour of midnight there is one member of staff acting as a “night watchman” to monitor trips and to act as a point of contact. During the weekdays there are three staff in the office on Monday to Friday between 07:00 and 16:00 and two staff on weekend days. On Tuesdays to Saturdays there are two staff who work between 16:00 and 23:59. All of the staff are office based administrators and therefore there are no comings and goings associated with this activity. They would therefore create no more noise and disturbance than the lawful office use which is not restricted by any planning conditions controlling hours of use.
- 6.7 The taxis are controlled by a computerised system to the driver’s PDA’s and not radio equipment. This would prevent the operation of the company from resulting in noise and disturbance from voice communication between the drivers and the office.
- 6.8 At present it is possible that taxi drivers may visit the office during the evening and night time periods, although they do not collect customers from this location. The reason for visiting the premises is solely to drop off paperwork and to use the toilet facilities. As the taxis operate overnight when there may not be access to such facilities it would be reasonable to allow them to visit the office to do so. Such visits would be expected to be infrequent and create a low level of noise. Although it would not be possible to control by condition drivers in such circumstances parking in the rear car park, an informative would be attached to any permission directing them to do so where possible. This would reduce the impact of the drivers visiting the premises on the residential amenity of the neighbouring dwellings.
- 6.9 In light of the above, given the specific operation of the taxi business outlined within the operational statement, the frequency of visitation by taxi drivers and the existing unrestricted lawful use of the site, the development would not have such an adverse impact upon the residential amenity of the neighbours as to warrant refusal of this application on the basis of noise and disturbance.
- 6.10 The taxi office use is proposed to have two designated car parking spaces within the existing private car park to serve as spaces for the office staff. It is not

proposed for taxis to operate directly from the taxi office but rather for drivers to receive messages whilst on the road direct to their personal devices. The supporting statement with the application does advise that taxis drivers do visit the office on occasion to drop of paperwork and use the toilet facilities.

- 6.11 There is no designated parking controlled by planning condition to serve the lawful office use and no limitations on the hours of use. The office use would require the provision of four parking spaces under the KCC vehicle parking standards adopted by the Council. The lack of parking to serve the office could result in significant highway parking issues throughout the day and night time period. Under these parking standards the Sui Generis taxi use would require 1 parking space per 2 members of staff and 1 space per 4 registered vehicles. The applicant states that there are 4 full time members of staff and two part time, but that the maximum number of office staff on the premises at any one time is three. The provision of two spaces for office staff use would therefore be sufficient to serve the use.
- 6.12 The applicant states that customers are not collected from the premises which reduces the need for taxis to visit the site. It is acknowledged that the local area is busy with vehicular traffic due to the three banks which are located in the parade of shops fronting onto London Road. The operational statement submitted by the applicant states that there are only limited circumstances in which the taxis would need to visit the office. It would be reasonable to condition both the retention of the parking detailed in the application and ongoing compliance with the operational statement. As a result, this use would not place significant demand on local parking.
- 6.13 A large amount of local concern has been raised with regard to the impact of taxis parking on the public highway and parking in a dangerous manner. There are local on road parking restrictions in the form of double yellow lines which prevent parking on the public highway in designated areas which are deemed to be detrimental to highway safety. The Council has no powers to prevent taxis parking on the public highway. In addition, the taxis are able to use the private car park which is located to the south of the site as the Council once again has no control over parking in this area.
- 6.14 Issues of parking have worsened since the time the premises and the neighbouring parade of shops were permitted due to the increases in car ownership. This application is unable to address or improve upon any of these historic localised parking issues. However, the grant of planning permission does offer the opportunity to better control the lawful unfettered B1 use. It is also important to note that the new permitted development rights afforded by Schedule 2, Part 2 of the GPDO would allow the lawful B1 use to be changed to uses such as a hotel, shop, restaurant/cafe, various financial and professional services (including betting shop), dwelling houses, and various assembly and leisure uses without the requirement for an application for planning permission. This would

have a significantly greater impact upon parking and highway safety than the specific proposed use.

- 6.15 Other issues have been raised by local residents including litter from cigarette butts being left outside the premises and questioning the consultation process and the neutrality of Council officers. With regard to the litter this has occurred on private premises and is unlikely to amount to a Statutory Nuisance. No site notice was displayed for this application as the Development Management Procedure Order (DMPO) requires the Local Planning Authority (LPA) to either display a site notice or by serving notice on any adjoining land owner or occupier and allowing for a 21 day response period. In this case the latter consultation procedure was undertaken and 21 days given. There is no requirement for the LPA to re-consult with these adjoining land owners/occupiers or any person who has an interest in the application once additional information is received. In this case, due to the level of local concern, it was decided to contact interested parties to inform them of the additional information. With regard to the neutrality of Council officers, the application is being determined in public by the Planning Committee.
- 6.16 In light of the above assessment, I conclude that the proposal is acceptable in light of the requirements of the NPPF in terms of the principle of the proposed development given its location within the urban confines. It also accords with policy CP1 of the TMBCS and policies SQ1 and SQ8 of the MDE DPD. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter Fm Applicant dated 16.01.2015, Certificate B dated 27.11.2014, Letter Fm Applicant dated 27.11.2014, Site Plan Existing dated 27.11.2014, Location Plan dated 27.11.2014, Block Plan dated 27.11.2014, Details Of ancillary rights dated 27.11.2014, Existing Floor Plans dated 27.11.2014, subject to the following:

Conditions:

- 1 Within 1 month of the date of this permission the area shown on the submitted layout as vehicle parking space shall be provided. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 2 No customers or patrons may be collected from the application site at any time.

Reason: To limit noise and disturbance to the neighbouring properties through taxis visiting the site in the interests of residential amenity.

- 3 The use hereby approved shall be carried out strictly in accordance with the operational statement received 16th January 2015 and shall not be varied without the prior written consent of the Local Planning Authority.

Reason: To limit noise and disturbance to the neighbouring properties through taxis visiting the site in the interests of residential amenity.

- 4 The premises/site shall be used for either an office (B1) use or a taxi office (Sui Generis) use and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order.

Reason: In order to preserve the amenity of the locality.

- 5 Taxis shall not be operated from the premises outside the hours of 0700-23:59 Monday- Friday 00:00- 23:59 Saturday and 00:00- 23:59 on Sundays and Bank and Public Holidays.

Reason: In the interests of the residential amenity of nearby dwellings.

Informatives

- 1 The applicant is advised that when taxis visit the taxi office outside of the hours of 0900-1700 they park in the car park to the south of the office rather than parking on the public highway which would cause noise and disturbance to local residents.
- 2 The applicant is requested to ensure staff act in an appropriately neighbourly manner at all times.

Contact: Kathryn Holland

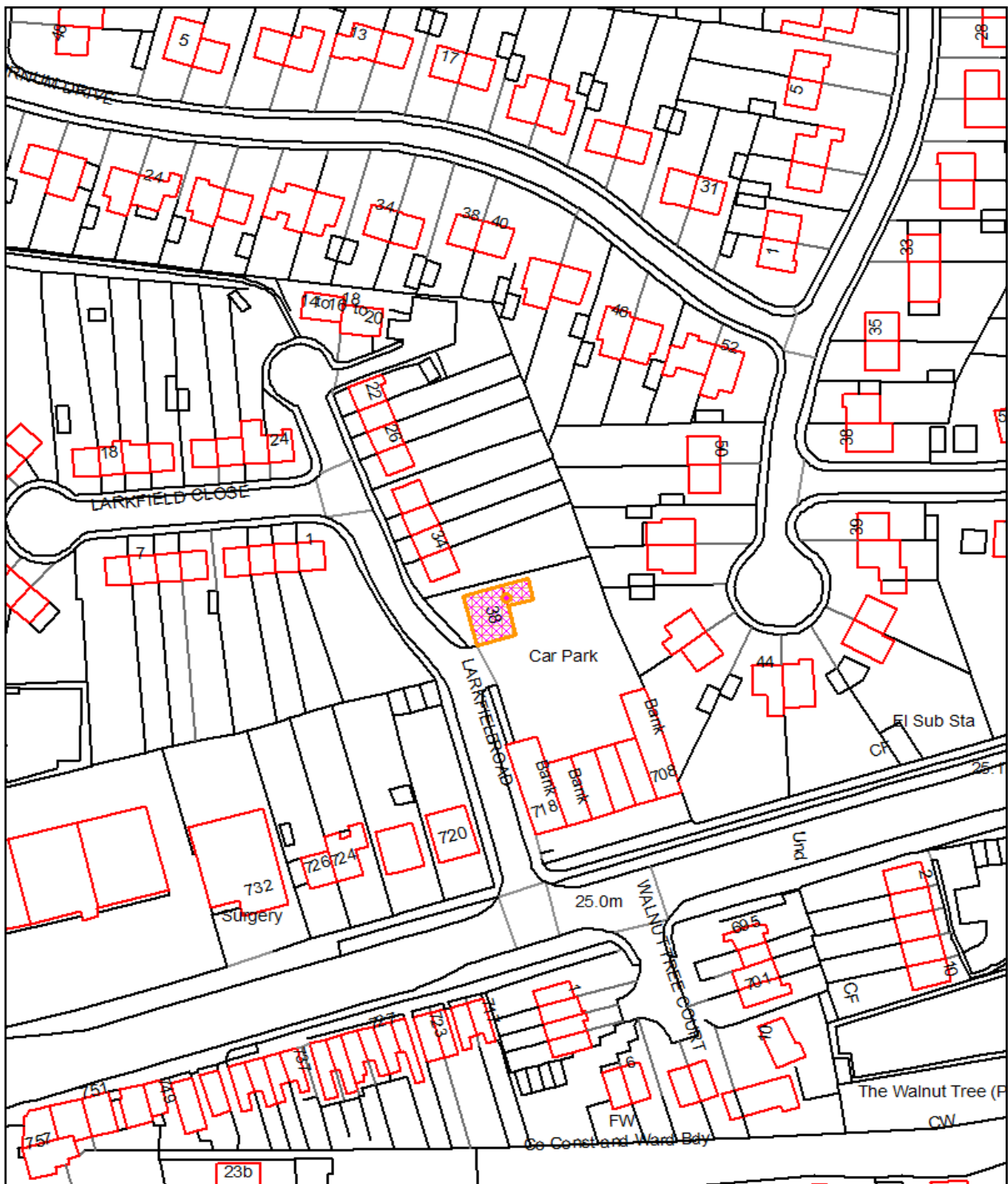
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TM/14/03467/FL

38A Larkfield Road Larkfield Aylesford Kent ME20 6BJ

Change of use from office (B1) to an office (B1)/taxi control office (sui generis)

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Aylesford	571922 158818	15 July 2014	TM/14/02455/FL
Aylesford			

Proposal:	Change of use to the display and supply of specialist hydroponics equipment
Location:	Unit 12 Yew Tree Industrial Estate Mill Hall Aylesford Kent ME20 7ET
Applicant:	Motoliner/3CH

1. Description:

1.1 This application seeks retrospective planning permission for the change of use of an existing industrial unit to the display and supply of specialist hydroponics equipment. The application seeks permission to operate the use between the hours of 09.00 and 18.00 on weekdays and Saturdays, but with no working on Sundays or Public or Bank Holidays.

1.2 The application does not include any physical works to the existing building. The applicant specialises in selling hydroponic equipment – an eco-friendly irrigation system whose customers include florists, greengrocers, farms and educational institutions. The application states that the operation has been trading from the application site for the last 5 years. Although much of the business transactions are conducted electronically the unit does provide a display area and limited retail sales, primarily trade sales.

1.3 Planning permission was granted in 1984 for the creation of 12 light industrial units, unit 12 being the subject of this application. Planning permission was granted with a number of planning conditions, planning condition (iv) relating to hours of operation:

“No work shall be carried out within the buildings hereby permitted or within the curtilage of the site otherwise than between 7.00 am – 6 pm Mondays to Fridays and 7.00 am to 1.00 pm Saturdays, and no working shall take place on Sundays or Bank Holidays unless permission is previously obtained in writing from the Borough Planning Authority to a specific variance in these times”

“Reason: In order to maintain the amenities of the area and in particular the amenities as enjoyed by residential properties in the vicinity.”

2. Reason for reporting to Committee:

2.1 At the request of Councillor Balcombe due to the close proximity of residential dwellings to Yew Tree Industrial Estate.

3. The Site:

- 3.1 Yew Tree Industrial Estate lies to the north of Station Road and the railway, and to the south of the river. The site is accessed via Mill Hall. The unit is one of 12 units set in two blocks facing one another across a central vehicle parking area. Two terraces of residential dwellings lie immediately to the east and west of the industrial estate.

4. Planning History (relevant):

TM/84/10087/FUL grant with conditions 3 December 1984

12 light industrial units in two blocks with access and car parking including rear access 55, 57, 59 and 61, Mill Hall

TM/93/00072/FL refuse 28 February 1994

removal of condition 4 of permission TM/84/0883 to allow use of premises after the hours 6pm Monday to Friday and after 1 pm Saturdays and between 5 pm and 11 pm on Sundays

TM/02/03573/FL Refuse 24 January 2003

Change of use from B1 to B8 Use and variation of Condition (iv) of permission TM/84/0883 to allow operations to take place between the hours of 06.30 to 19.00 Mondays to Fridays and 06.30 to 13.00 on Saturdays

5. Consultees:

- 5.1 Aylesford PC: Original submission: No objection.

Aylesford PC: Amended plans: No objection to the display and supply of specialist hydroponics equipment to personal callers but object to any extension of opening hours beyond 1pm on a Saturday

- 5.2 Private Reps: 10 + site notice/0X/5R/0S: 5 letters received from one household raising the following objections:

- We have human rights to have a family life of some description.
- If this application is granted it will lead the way for the other 11 units to submit applications to extend their hours.
- The operators were fully aware of the working restrictions, they feel as they are paying high rates they are entitled to work whatever hours they want to, to the detriment of the residents.

- Other units work outside their restricted hours so we only have family time 1 and a half days a week – from (supposedly) 1pm on Saturday until Monday 7am.
- History of breaches being investigated (copy letter from Tracey Crouch MP and TMBC).
- Mr Palmer owns more than one unit which is a breach of planning condition (xv).
- Noise – the closing of the metal shutters, the extra volume of traffic causing nuisance by revving engines and speeding, abuse from drivers when they are told the Unit is closed.

6. Determining Issues:

- 6.1 Planning permission was granted in 1984 for the erection of 12 small units designed for light industrial use meaning that the current use of Unit 12 for the display and supply of specialist equipment constitutes a change of use for which retrospective planning permission is required.
- 6.2 In addition, planning condition (iv) of the original consent limits the hours of operation to 07.00 to 18.00 on weekdays and 07.00 to 13.00 on Saturdays with no working on Sundays or Bank Holidays. The use falls mostly within the operating hours permitted in 1984 but does operate beyond those by opening between the hours of 13.00 to 18.00 on Saturdays.
- 6.3 The site lies within an established industrial estate but it is not land safeguarded for employment use. Despite the element of retail involved with this specific use, it does not rely on footfall as a High Street location would offer. Customers tend to visit specifically, although this falls short of being by appointment only. Whilst I am of the opinion that a range of alternative retail uses may not be appropriate in such a location, I do not consider that the use of the building for the use specified would be detrimental to the operation of the wider industrial estate. There is, therefore, no objection to the principle of the change of use. Any alternative uses, whether they are retail or other, would require formal planning permission in their own right.
- 6.4 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. The policy does not support development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement. Similarly Policy SQ1 of the MDE DPD requires proposals to protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.5 The proposed change of use does not involve any physical alterations to the unit that would affect its external appearance or its physical relationship with the nearby neighbours. Additionally, it does not involve industrial or manufacturing

processes and will not therefore generate any dust, smell, vibration or other emissions. The application states that the only associated noise is the raising and lowering of the metal shutter doors at the opening and closing times. It is acknowledged that the use generates traffic movements but these are likely to be less than the permitted light industrial use of the unit. The application states that the average number of customers/visitors to the unit is 7 per day. The change of use therefore generates significantly reduced levels of noise and disturbance than that of the permitted light industrial use.

- 6.6 One of the reasons of objection raised by local residents is that the restriction on operating hours was established in 1984. I am aware that a planning application to extend the operating hours at the estate was refused in 1993. However this application related to Sunday evening operating. I am also aware that a further planning application to extend the operating hours was refused in 2002. However, this application related to early morning operation and a change of use to B8 (storage and distribution). In contrast, the current application seeks to extend the operating hours to include Saturday afternoons only, and the application relates to a single unit operating for a limited use as described above. For these reasons, the previous planning history concerning the refusal of planning permission is not directly comparable to the current application. Crucially, these specific circumstances involving a very specific, limited use for the times set out above would not cause harm to residential amenity.
- 6.7 The objectors have raised concern on the basis that the current application, if permitted, would encourage other units at the estate to submit similar applications. Members will be aware that the operators of other units are able, at any time, to submit similar applications and that each would be judged on its own merits at the time of application, having regard to the prevailing planning policies in effect at the relevant time and when considering the location and proposed use of the unit in question, and the precise nature of the operating hours being sought.
- 6.8 Reference has also been made to other alleged breaches of planning conditions. Officers are involved in ongoing investigations regarding the alleged breaches of conditions controlling operating hours at other units on Yew Tree Industrial Estate. These investigations are ongoing but, as a result of the very specific nature of the use and particular hours of operation proposed by this application, there are no direct implications arising from those investigations on the outcome of this current planning application that might prevent determination at this time.
- 6.9 Representations have made specific reference to the applicant's breach of planning condition (xv) of TM/84/883. This condition states that "*no amalgamation or enlargement of any of the industrial units hereby permitted, or the occupation of more than one unit by a single firm, business or operator, shall take place without the prior permission in writing of the Borough Planning Authority.*" Their assertion is that the applicant owns more than one unit on the estate. I understand that this is the case. However the planning condition does not relate to land ownership but

to the operation and occupation of the units. The only breach of the condition would arise if the applicant amalgamated the two units within his ownership into a single unit and there is no evidence to suggest this has taken place. Unit 12 is the subject of the current application and seeks to retain its existing use whereas Unit 11 is operated by Maidstone Motoline Ltd for motorcycle repairs.

6.10 With the above considerations in mind and in the absence of any demonstrable harm to local residential amenity arising from the change of use and increased opening hours combined, I recommend that planning permission be granted.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Planning Statement dated 15.07.2014, Location Plan dated 15.07.2014, Email dated 04.09.2014. subject to the following:

Conditions

1 The business shall not be carried on outside the hours of 07.00 to 18.00 Mondays to Saturdays with no working on Sundays or Public or Bank Holidays.

Reason: To avoid unreasonable disturbance to adjacent residential amenity.

2 The use hereby permitted shall be for the display and supply of specialist hydroponics equipment as detailed in the Planning Statement received 15.07.2014. The unit shall not be used for any other purpose and the operating hours hereby permitted relate only to the use of the unit for the display and supply of specialist hydroponics equipment and are not applicable to any other use.

Reason: To avoid unreasonable disturbance to adjacent residential amenity.

Informative:

1 The applicant is reminded that any future alteration to the use of Unit 12 or the operating hours, other than those hereby permitted, will first require the benefit of planning permission.

Contact: Maria Brown

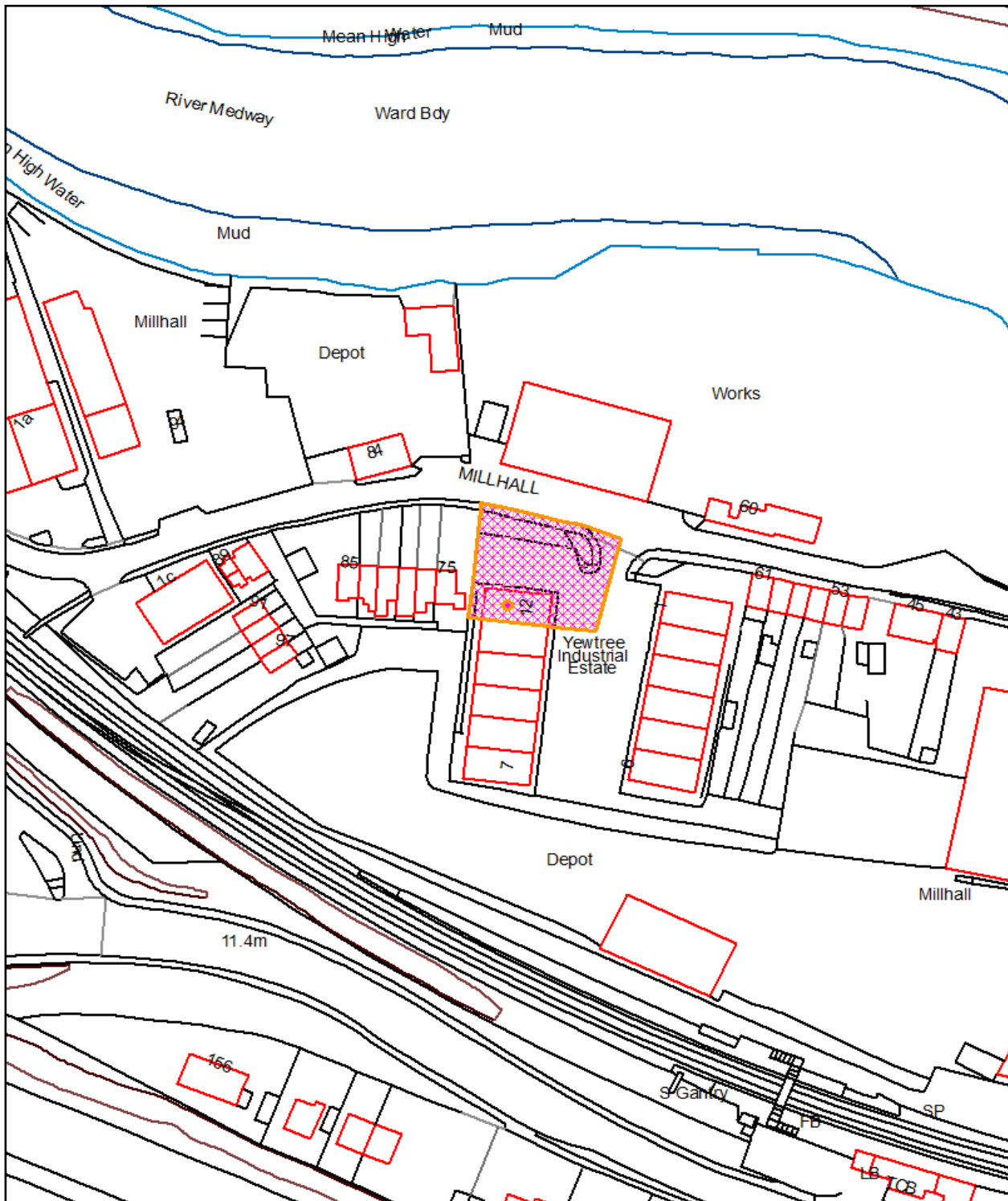
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TM/14/02455/FL

Unit 12 Yew Tree Industrial Estate Mill Hall Aylesford Kent ME20 7ET

Change of use to the display and supply of specialist hydroponics equipment

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Alleged Unauthorised Development

**East Malling &
Larkfield**
East Malling

15/00037/COH

569127 156972

Location: Orchard Farm Well Street East Malling West Malling Kent
ME19 6JW

1. Purpose of Report:

- 1.1 To report the unauthorised erection of six floodlighting columns which are approximately 3m high around an outdoor sand school without the benefit of planning permission.

2. The Site:

- 2.1 The site is predominantly open grassland that slopes down towards the north. The land was previously laid to orchard; however the trees have since been removed to create open grazing land. The wider area is characterised by areas of orchard and open grassland. To the east of the site is a belt of conifers that separate the site from the adjacent mobile home which is subject to a separate application TM/11/02655/FL which is still pending consideration.

3. Planning History (relevant):

- 3.1 There is a long planning history connected to this site but the most relevant in this case is:

TM/11/03558/FL

Construction of stables and outdoor sand school
Approved 19 April 2012.

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the erection of six floodlights around an outdoor sand school.

5. Determining Issues:

- 5.1 It is accepted that the use of the site for private equestrian purposes including the provision of stables and sand school has been established through the grant of planning permission TM/11/03558/FL. However, it does not follow that the introduction of associated development will automatically be acceptable. Instead, such development must be assessed against the relevant governing policies.

- 5.2 The site lies outside the village confines of East Malling where development must be assessed against the criteria set out in policy CP14 of the TMBCS. The policy does allow development within the countryside but this is restricted to allow for (amongst others) open recreation uses together with associated essential built infrastructure, where appropriate. Generally, policy CP24 sets out requirements for any new development, and states that new development must be well designed and of a high quality and must be designed to respect the site and its surroundings. More specifically, policy DC4 of the MDE DPD relates to equestrian related development, stating that planning permission will be granted for such development provided a number of criteria are met including a requirement that there would be no adverse impact on amenity and environmental quality or residential or other sensitive uses due to (inter alia) lighting.
- 5.3 The floodlights have an intrusive impact on the rural landscape and cause visual harm to the rural amenities of the locality, to the detriment of the general environmental quality of the area, contrary to the requirements of the policies outlined above.
- 5.4 Furthermore, as recognised in the MDE DPD, insensitive artificial lighting can have a harmful impact on the appearance of the countryside and the sky at night. It is noted that the floodlights consist of metal (possibly scaffold) poles attached by brackets to the perimeter fencing of the sand school with a small headlamp attached at the top. It is possible for equestrian based facilities to be served by floodlights which are appropriate in scale and design as the lights can be specifically designed and angled to concentrate light and avoid any light spill. The way in which these lights have been installed does not allow for this, which contributes to the impact on the rural amenities of the locality when the lights are switched on. The owner of the site has indicated on an informal, verbal basis that he intends to remove the floodlights by the end of March 2015 but in order to ensure that we can secure this position, in light of the harm caused by the floodlights, we are requesting that the Committee endorses the serving of an Enforcement Notice should they not be removed at the end of March as suggested by the applicant.
- 5.5 For the above reason I feel it is appropriate to take enforcement action should the owner not remove the unauthorised development by 31 March 2015.

6. Recommendation:

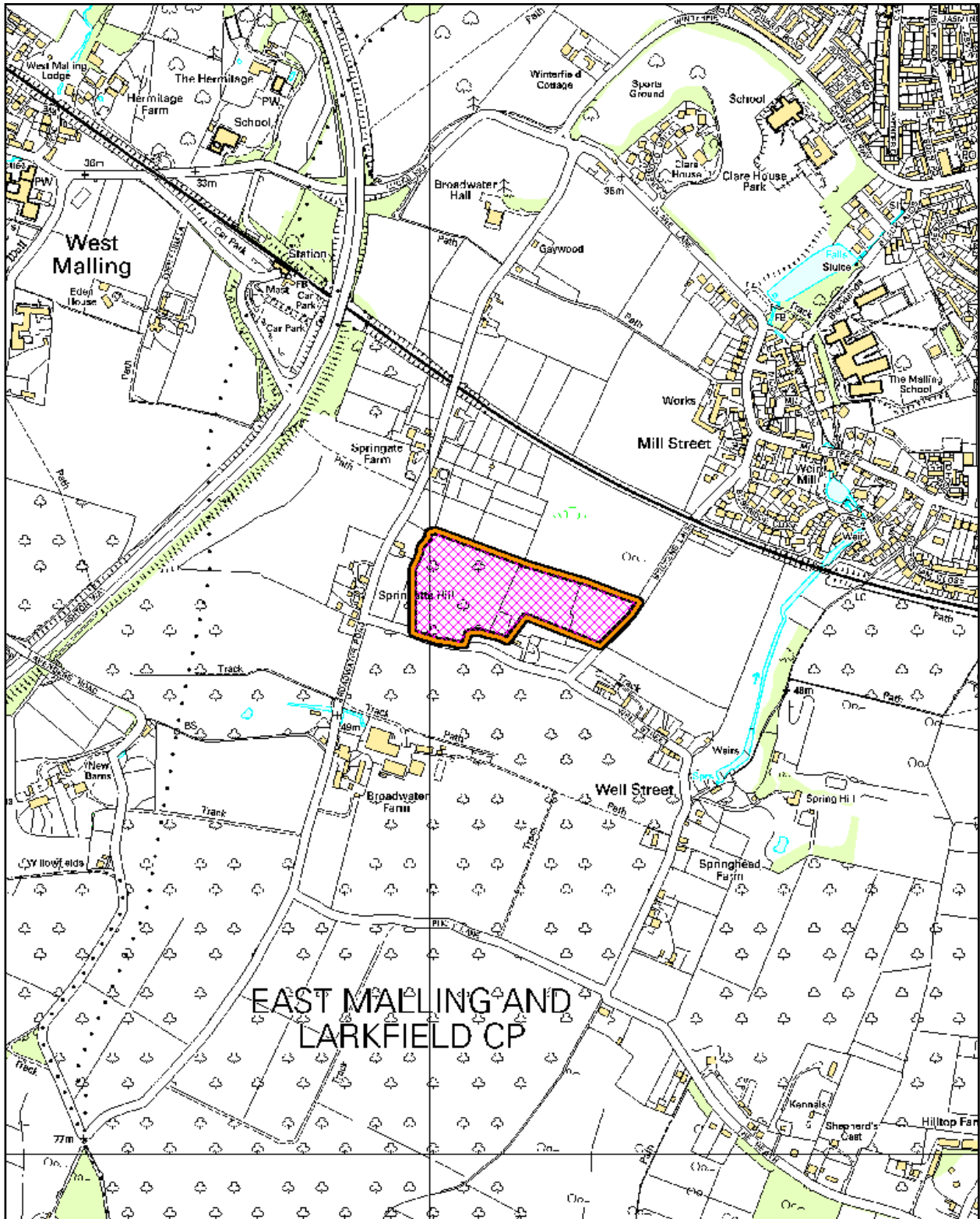
- 6.1 An Enforcement Notice BE ISSUED, the detailed wording of which to be agreed with the Director of Central Services to require the removal of the floodlights from the perimeter of the sand school.

Contact: Richard Edmonds

15/00037/COH

Orchard Farm Well Street East Malling West Malling Kent ME19 6JW

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