

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

15 April 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, 23rd April, 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 19 March 2015

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10. Alleged Unauthorised Development 15/00131/WORKH - Invicta Works, Mill Street, East Malling 79 - 84
11. Urgent Items

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

Matters for consideration in Private

PART 2 - PRIVATE

12. 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.

13. Urgent Items

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

MEMBERSHIP

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, 19th March, 2015

Present: Cllr A K Sullivan (Chairman), Cllr R W Dalton (Vice-Chairman), Cllr J Atkins, Cllr J A L Balcombe, Cllr T Bishop, Cllr Mrs B A Brown, Cllr D A S Davis, Cllr D Keeley, Cllr 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 Mrs S Murray was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs J M Bellamy and P J Homewood

PART 1 - PUBLIC

AP3 15/10 DECLARATIONS OF INTEREST

Councillor Mrs Woodger declared an Other Significant Interest in the alleged unauthorised development (15/00037/COH) at Orchard Farm, Well Street, East Malling as she had on occasion used the facilities and looked after the owner's horses. She withdrew from the meeting during the discussion of this item.

AP3 15/11 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 8 January 2015 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP3 15/12 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 15/13 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 at Rochester Airport, Maidstone Road, Chatham.

The application was WITHDRAWN from this agenda to enable the implications of the proposed legal action against Medway Council to be fully assessed in relation to the Borough Council's consideration of its undetermined application.

AP3 15/14 TM/14/04151/RM - FORMER PETERS PIT AND PETERS WORKS SITE, HALL ROAD, WOULDHAM

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) at Former Peters Pit And Peters Works Site, Hall Road, Wouldham.

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:

- (1) the additional plan indicating the proposed play area to be sited on land adjoining the riverside walkway (paragraph 6.17 of the main report refers) being cited as an approved plan.
- (2) Officers to investigate the potential of an additional condition to be imposed requiring compliance with the terms of the restricted covenants described by the applicant prior to issuing the decision. [Subsequent conversations with the applicant indicated that this could be dealt with by an Unilateral Undertaking]

[Speakers: Mr T Fulwell – Wouldham Parish Council; Miss G Goode and Mr T Fulwell – members of the public and Mr C Hall - applicant]

AP3 15/15 TM/14/02831/FL - 206 BIRLING ROAD, SNODLAND

Demolition of existing and erection of one detached house and four detached bungalows and associated parking provision at 206 Birling Road, Snodland.

RESOLVED: That the application be DEFERRED for a Members' Site Inspection

AP3 15/16 TM/14/04275/FL - 22 HERON ROAD, LARKFIELD

Erection of a two storey attached dwelling at 22 Heron Road, Larkfield

RESOLVED: That the application be DEFERRED for a Members' Site Inspection

AP3 15/17 TM/14/03612/FL - SCARBOROUGH BUILDINGS, ROCHESTER ROAD, BURHAM

Extension to an existing agricultural building at Scarborough Buildings, Rochester Road, Burham.

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.

[Speakers: Mrs J Webster – member of the public and Mr D Wood – agent]

AP3 15/18 TM/14/03467/FL - 38A LARKFIELD ROAD, LARKFIELD

Change of use from office (B1) to an office (B1)/taxi control office (sui generis) at 38A Larkfield Road, Larkfield.

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

(1) The addition of an informative:

3. It is advised that the approved staff car parking area is demarcated either by the installation of signage or by the marking of bays in order to prevent general car parking from occurring within the taxi office spaces.

[Speaker: Mr S Mcguirk – applicant]

AP3 15/19 TM/14/02455/FL - UNIT 12, YEW TREE INDUSTRIAL ESTATE, MILL HALL, AYLESFORD

Change of use to the display and supply of specialist hydroponics equipment at Unit 12 Yew Tree Industrial Estate, Mill Hall, Aylesford.

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.

[Speakers: Mrs Bernasconi – member of the public and Mr T Palmer – applicant]

AP3 15/20 ALLEGED UNAUTHORISED DEVELOPMENT 15/00037/COH - ORCHARD FARM, WELL STREET, EAST MALLING

The report advised of the unauthorised erection of six floodlighting columns approximately 3m high around an outdoor sand school without the benefit of planning permission at Orchard Farm, Well Street, East Malling.

RESOLVED: That 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.

AP3 15/21 UPDATE ON UNAUTHORISED DEVELOPMENTS IN EAST MALLING

The main and supplementary reports of the Director of Planning, Housing and Environmental Health provided an update on the current situation regarding the works to the listed section of ragstone wall, the new section of ragstone wall and the fence at Ivy House Farm, Chapel Street, East Malling.

In addition, Members noted the current progress of the enforcement action, following the authorisation to serve enforcement notices for the works to the converted oast house and the extensions of the residential curtilage of the properties in Darcy Court at the area planning committee on 20 November 2014.

Members asked that officers revisit measurements of the boundary fence and assertions that land levels had been altered. Officers were also asked to discuss with the Conservation Officer how the junction between the altered boundary wall and the end pillar would technically work.

PART 2 - PRIVATE

AP3 15/22 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.00 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

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 nor the use commenced until all vehicle parking spaces shown on the submitted plan 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 use shall not be commenced, nor the premises occupied, until the area shown on the approved plan 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 premises 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.
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.

Contact: Hilary Johnson

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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.

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- 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.

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- 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 or telephone 03000 418181) in order to obtain the necessary Application Pack.

Contact: Hilary Johnson

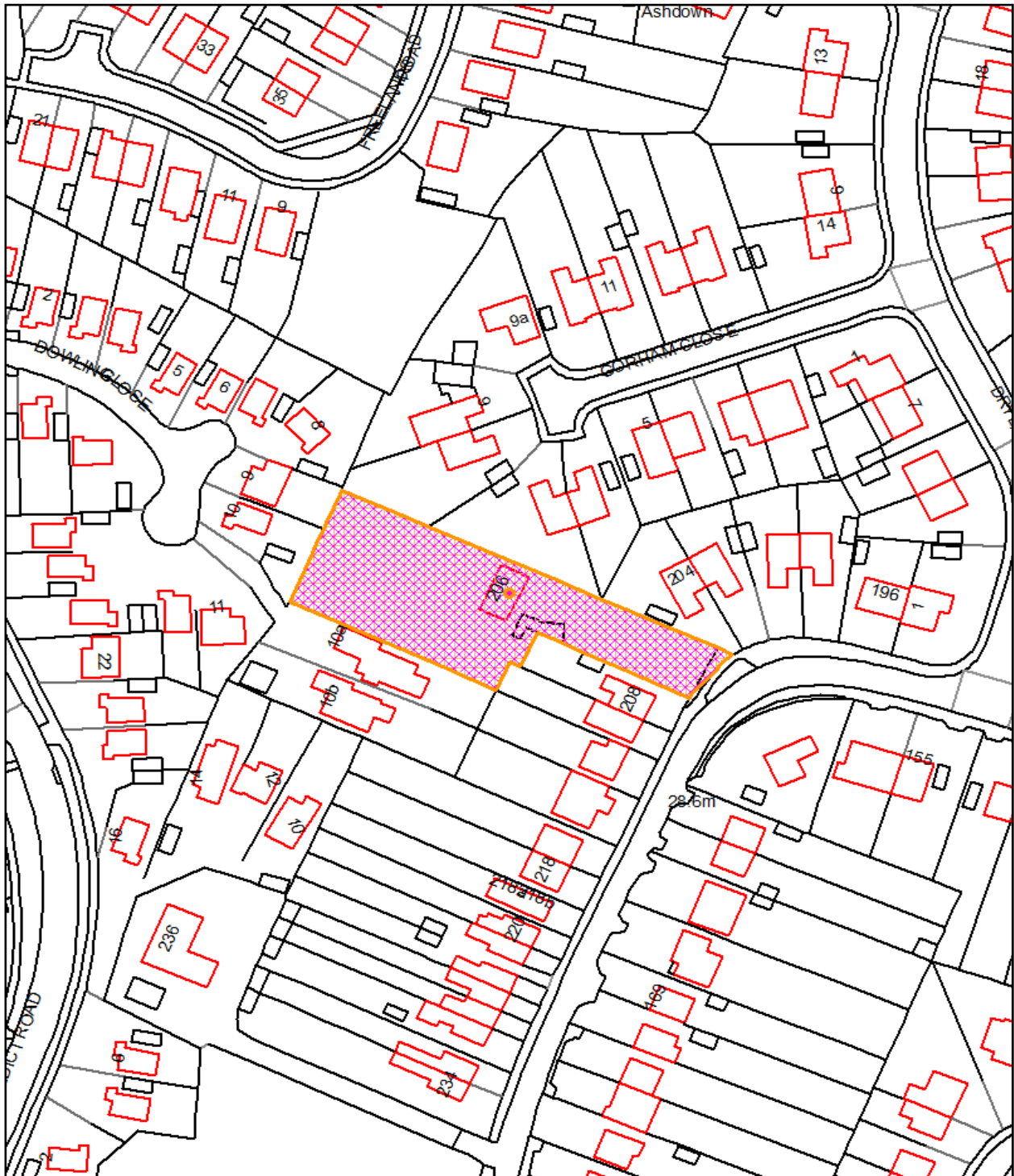
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TM/14/02831/FL

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 The application was deferred from APC3 on 19 March 2015 in order for Members to undertake a site inspection to assess the potential impacts of the proposed development. The Members' Site Inspection is scheduled to take place on 20 April 2015. A copy of my March report is annexed for ease of information.

2. Consultees (since 19 March 2015):

2.1 None received.

3. Determining Issues:

3.1 Any further issues concerning the planning application arising from the Members' Site Inspection, beyond those discussed in my March report, will be reported as supplementary information.

4. Recommendation:

5. Grant Planning Permission in accordance with the following submitted details: Proposed Plans and Elevations 1140.12A and sections received 09.03.2015, 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, 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.

- 5 The approved development shall be carried out in such a manner as to avoid damage to the existing trees as shown on drawing number 1140.12A, including their root systems, and other planting to be retained by observing the following:

(a) All trees to be preserved shall be protected during any operation on site by temporary fencing. Such tree protection measures shall remain throughout the period of construction

(b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;

(d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

(e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and 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@tmhc.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

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Report of 19 March 2015

**East Malling &
Larkfield**
Larkfield South

569930 158412 23 December 2014 TM/14/04275/FL

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.

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- 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.

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- 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

SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 19 March 2015

**East Malling & Larkfield TM/14/04275/FL
Larkfield South****Erection of a two storey attached dwelling at 22 Heron Road Larkfield Aylesford
Kent ME20 6JF for Mr & Mrs F Price**

An amended site plan has been received to show the retention of a mature tree in the rear garden area of the proposed dwelling. In addition, supplementary information has been received to demonstrate that the area to the side of the on block garage is in the ownership of the applicants. The existing site therefore has a garage parking space along with a space to the side of the garage. The proposed development would retain these existing spaces and create two additional spaces on the proposed driveway area.

PC: Consider a site inspection is needed so that Members can see on the ground how the house would fit into the street scene. They feel that paragraph 6.5 of the report onwards and what is said about the general layout of this estate with its open plan character is relevant and can really only be seen on the ground.

Private Reps: 3 additional letters received supporting the PC's request that a site inspection be carried out, with one letter suggesting the applicants should be there as they do not appear to live in Larkfield.

DPHEH: The issue of openness has been fully considered in the committee report.

The additional details clarifying the parking situation further improve the proposed off road car parking provision which was previously considered to be acceptable.

Drawing number 1140.12 received 23.12.14 has been superseded by amended drawing number 1140.12A.

**RECOMMENDATION REMAINS UNCHANGED subject to amending the above
drawing numbers and the addition of a condition requiring the retention of the
tree in the rear garden as follows**

The approved development shall be carried out in such a manner as to avoid damage to the existing trees as shown on drawing number 1140.12A, including their root systems, and other planting to be retained by observing the following:

- (a) All trees to be preserved shall be protected during any operation on site by temporary fencing. Such tree protection measures shall remain throughout the period of construction

- (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

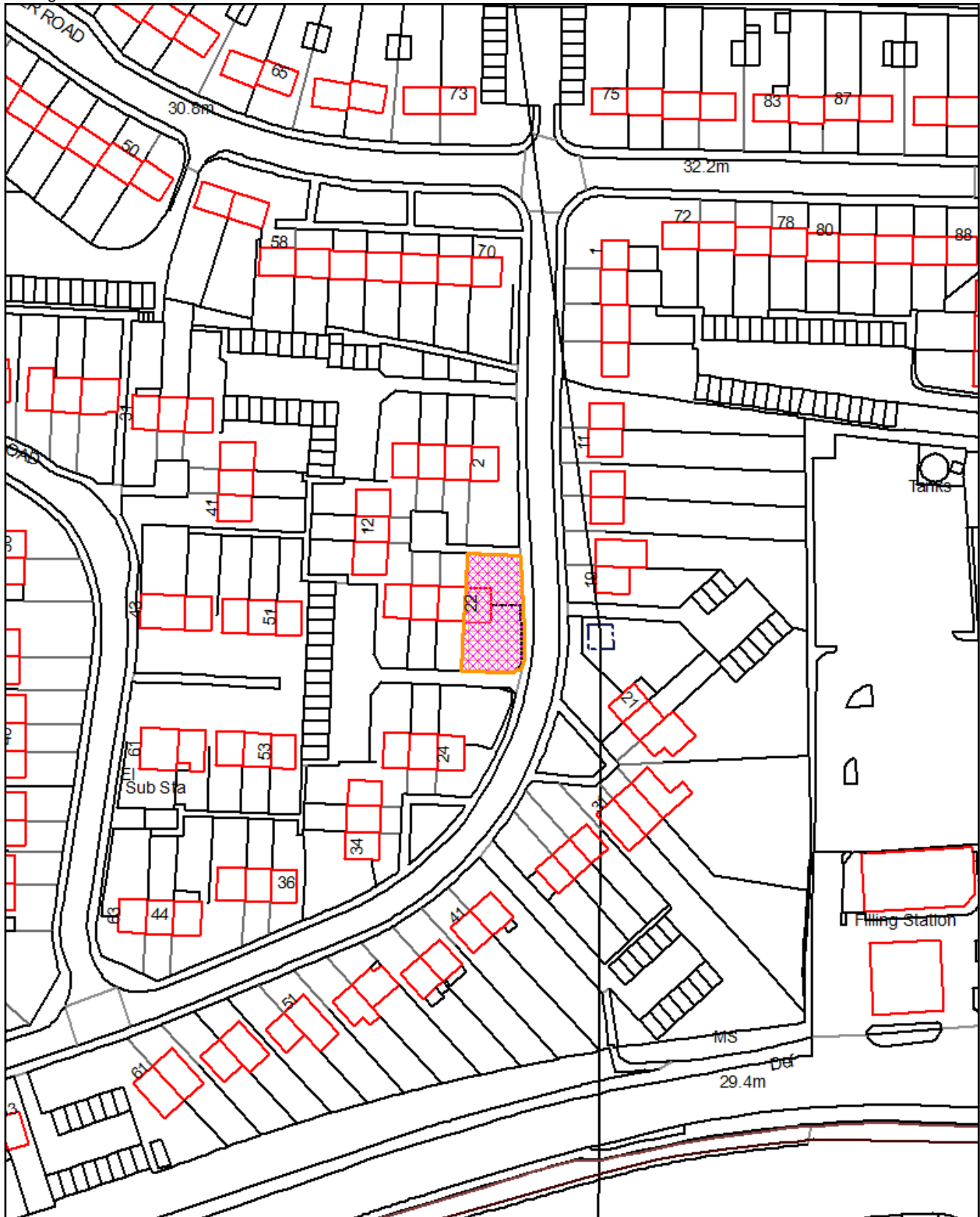
Reason: To protect and enhance the appearance and character of the site and locality.

TM/14/04275/FL

22 Heron Road Larkfield Aylesford Kent ME20 6JF

Erection of a two storey attached dwelling

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East Malling & Larkfield **569697 155516** **6 January 2015** **TM/14/04280/FL**
East Malling

Proposal: Retention of two garden sheds and pergola
Location: 340 Watringbury Road East Malling West Malling Kent ME19
6JH
Applicant: Mrs Susan Kolien

1. Description:

1.1 The application is retrospective and proposes the retention of two garden sheds and a pergola. It is understood from the applicant that the sheds have been in place for at least 3 years having been erected by the previous owner. Aerial photographs taken in 2012 would support this.

2. Reason for reporting to Committee:

2.1 Given the retrospective nature of the development.

3. The Site:

3.1 The site lies in the open countryside to the south of East Malling village and to the east of Kings Hill. The site comprises part of a former farm complex known as Heath Farm. The development is accessed from Watringbury Road. The dwelling is part of the converted former oast house located in the north of Heath Farm.

4. Planning History (relevant):

TM/08/00950/FL Approved 15 September 2008

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

TM/09/03081/FL Approved 11 May 2010

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

TM/10/00854/RD Approved

12 November 2010

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

TM/10/03023/RD Approved

17 December 2010

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

5. Consultees:

5.1 PC: Comments awaited.

5.2 Private Reps: 3 + site notice/0X/0R/0S.

5.3 EMCG: Whilst we acknowledge that the original development site fell within CP14 and was quite rightly judged to have satisfied the criteria of that policy, it appears that TMBC are now faced with a dilemma due to individual homeowners seeking permission or retrospective permission for garden structures that are obviously for the sole enjoyment of the home owners, but appear to fall foul of CP14. We believe all the structures are of good design and for the purposes intended and sensibly sited and in particular the rear garden of 354 is huge and easily accommodates the two proposed buildings without adverse effect upon the surrounding locality. We agree that if the buildings were for commercial use or could be converted for permanent residential use or if further buildings were erected in the gardens, it would be a different matter. Is there no way a bit of common sense could prevail and a way found to approve these applications? Could they not be re-evaluated under Class E Part 1 Schedule 2 of the Town and Country Planning Act as the buildings are sited in residential gardens as opposed to open countryside?

6. Determining Issues:

6.1 The redevelopment of Heath Farm formed part of the outline planning permission for the Phase 2 Kings Hill development. The Supporting Statement submitted as part of TM/02/03429/OA made specific reference to the re-use of the Heath Farm oast houses and farm house complex. The Statement proposed eight residential

units not exceeding the existing farm complex footprint of 1,011m². The full planning permission for the redevelopment was approved in accordance with these requirements. Permitted development rights for outbuildings and garden structures were removed as a condition of the permission for redevelopment. The reason for removing these rights was that the development was in a rural area that was viewed as acceptable due to it being the reuse of a previously developed site and it was considered that there was a need to retain an element of control on the further domestication of the site. It was not imposed to ensure that there were no outbuildings constructed at any point in the future.

- 6.2 The principal consideration in determining this proposal is, therefore, whether the outbuildings and pergola have had an adverse impact on the character of the complex and its rural setting.
- 6.3 Policy CP14 of the TMBCS 2007 seeks to restrict development in the countryside. The policy does however allow for appropriate extensions to existing dwellings, including appropriate ancillary domestic structures.
- 6.4 In addition, although the redevelopment of Heath Farm predates policy DC1 of the MDE DPD; this policy relates to the re-use of existing rural buildings and is a material consideration now. Section 3 of this policy makes specific reference to subsequent proposals relating to sites such as this where rural buildings have been converted to residential accommodation. It states that planning permission to erect ancillary buildings will not normally be granted. 340 Watringbury Road forms part of the converted oast building and as such, the development of the sheds is contrary to this policy. The underlying purpose of this policy is to ensure the character of converted rural buildings are not diluted or subject to incremental development that has an unacceptable suburbanising impact on the rural environment.
- 6.5 More generally, policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. This aim is also reflected in paragraph 58 of the NPPF 2012 which seeks to ensure that development will respond to local character and history and reflect the identity of local surroundings.
- 6.6 The overriding question is, therefore, whether the sheds and pergola in situ are of a form, scale or position that causes harm to the rural character of the converted rural building or the wider countryside to justify a refusal of planning permission.
- 6.7 The aims of the original farmyard re-development was to retain the layout of the original farm complex - the farmhouse and farm buildings being grouped together to echo the original character. I appreciate that the re-development has inevitably altered the original character. The introduction of entrance gates, fencing and other domestic paraphernalia as approved as part of the original scheme for

residential development has already greatly altered the appearance and ambiance of Heath Farm. As I have explained, the permitted development rights to erect domestic outbuildings were removed at the time planning permission was granted for the redevelopment of this site. However, the removal of these permitted development rights does not necessarily preclude all further such development at Heath Farm but seeks to ensure that any additional development could be considered formally by the Council.

- 6.8 The separation distance between the existing dwelling and the existing garden room is some 23m but this has resulted in the sheds being positioned close to the rear boundary of the garden. The ridge height of the sheds is just 2.23m and their combined floor area only amounts to 8.64m². They are standard sheds, domestic in appearance and scale, typical of the sort of development one would associate with any dwelling, be that urban, suburban or rural. The pergola is a simple open structure, approximately 2.5m tall and situated between the two sheds. The pergola narrows to the rear to create a focal point at the rear of the garden. This feature is typically used for growing climbing plants etc. and as with the sheds is a feature that could be expected to be found in a domestic garden in any location.
- 6.9 It is acknowledged that the sheds are ancillary buildings serving a converted rural building meaning that they do not strictly accord with the requirements of policy DC1 of the MDE DPD. However, owing to their size and siting, the sheds have no unacceptable impact on the character of the converted rural building or the wider locality. The sheds are sited within the clearly defined residential curtilage and have no unacceptable impact on the character of the wider countryside. With regard to Policy CP14 the structures are considered appropriate as although not strictly speaking an extension to the existing dwelling given the separation, they represent the typical small scale type of domestic structure that could be expected to be found in a residential garden.
- 6.10 It is noted that a trellis fence and an area of paving have been added to garden landscaping. These works are, however, permitted development as the rights for these have not been removed under the original permission. The trellis fence and paving therefore do not form part of this planning application.
- 6.11 In light of the above assessment, I consider that the development meets the requirements of the NPPF and LDF and is therefore acceptable. The following recommendation is therefore put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details:
Letter dated 23.12.2014, Letter dated 06.01.2015, Location Plan dated 23.12.2014
Photograph SHEDS dated 06.01.2015 and subject to the following:

Condition

1. The sheds hereby approved shall be used for a purpose incidental to the enjoyment of the related dwellinghouse only. The sheds shall not be occupied as a separate residential unit or used for the operation of any trade or business purpose.

Reason: In the interests of the general residential amenity.

Contact: Maria Brown

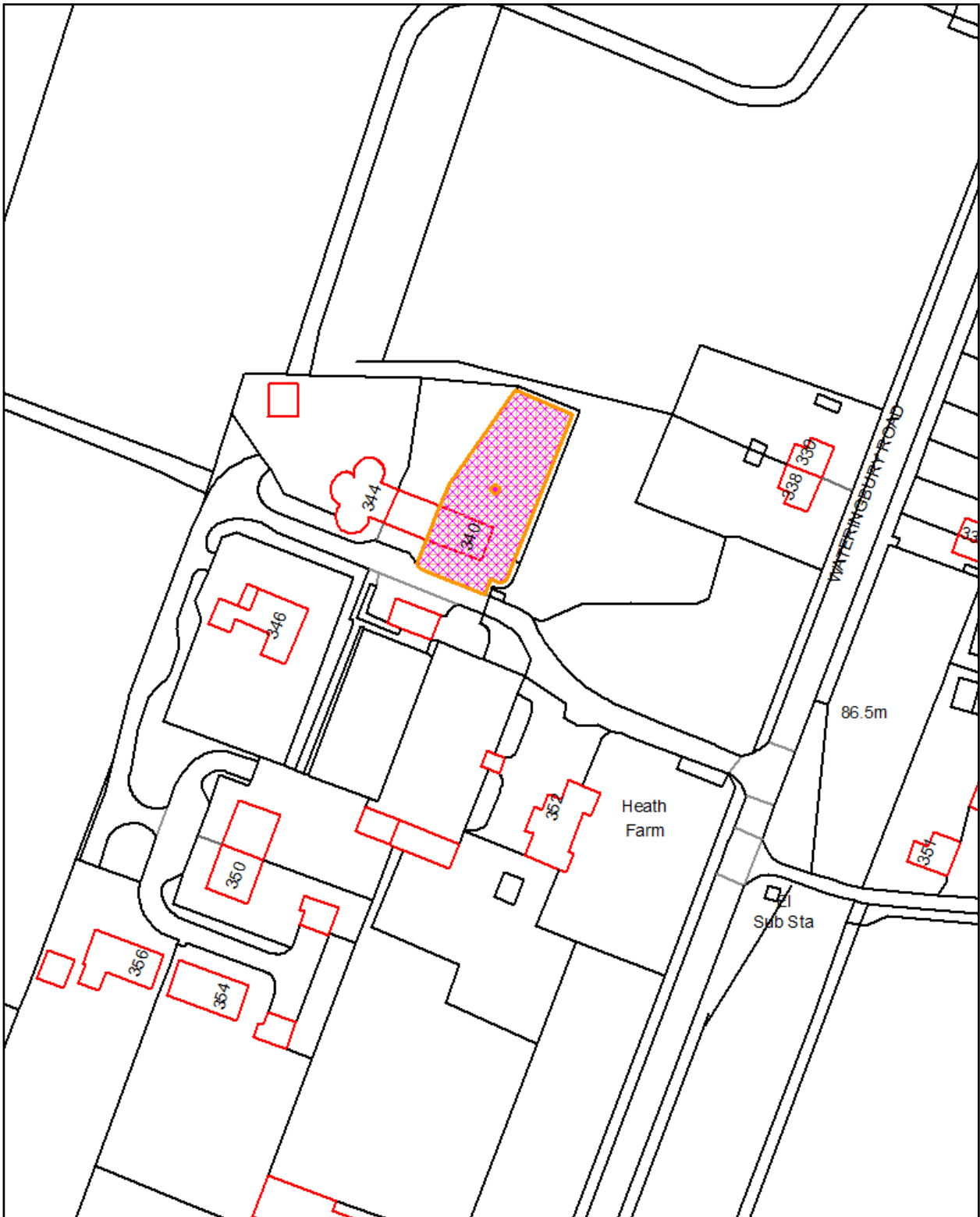
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TM/14/04280/FL

340 Wateringbury Road East Malling West Malling Kent ME19 6JH

Retention of two garden sheds and pergola

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TM/10/03023/RD

Approved

17 December 2010

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

5. Consultees:

5.1 PC: Comments awaited.

5.2 EMCG: Whilst we acknowledge that the original development site fell within CP14 and was quite rightly judged to have satisfied the criteria of that policy, it appears that TMBC are now faced with a dilemma due to individual homeowners seeking permission or retrospective permission for garden structures that are obviously for the sole enjoyment of the home owners, but appear to fall foul of CP14. We believe all the structures are of good design and for the purposes intended and sensibly sited and in particular the rear garden of 354 is huge and easily accommodates the two proposed buildings without adverse effect upon the surrounding locality. We agree that if the buildings were for commercial use or could be converted for permanent residential use or if further buildings were erected in the gardens, it would be a different matter. Is there no way a bit of common sense could prevail and a way found to approve these applications? Could they not be re-evaluated under Class E Part 1 Schedule 2 of the Town and Country Planning Act as the buildings are sited in residential gardens as opposed to open countryside?

5.3 Private Reps: 3/0X/0R/0S + site notice: No response.

6. Determining Issues:

6.1 The redevelopment of Heath Farm formed part of the outline planning permission for the Phase 2 Kings Hill development. The Supporting Statement submitted as part of TM/02/03429/OA made specific reference to the re-use of the Heath Farm oast houses and farm house complex. The Statement proposed eight residential units not exceeding the existing farm complex footprint of 1,011m². The full planning permission for the redevelopment was approved in accordance with these requirements. Permitted development rights for outbuildings and garden structures were removed as a condition of the permission for redevelopment. The reason for removing these rights was that the development was in a rural area that was viewed as acceptable due to it being the reuse of a previously developed site and it was considered that there was a need to retain an element of control on the further domestication of the site. It was not imposed to ensure that there were no outbuildings constructed at any point in the future.

- 6.2 The principal consideration in determining this proposal is therefore whether the garden room has had an adverse impact on the character of the complex and its rural setting.
- 6.3 Policy CP14 of the TMBCS 2007 seeks to restrict development in the countryside. The policy does however allow for appropriate extensions to existing dwellings, including appropriate ancillary domestic structures.
- 6.4 In addition, although the redevelopment of Heath Farm predates policy DC1 of the MDE DPD; this policy relates to the re-use of existing rural buildings and is a material consideration now. Section 3 of this policy makes specific reference to subsequent proposals relating to sites such as this where rural buildings have been converted to residential accommodation. It states that planning permission to erect ancillary buildings will not normally be granted. 342 Wateringbury Road forms part of the converted oast building and as such, the development of the garden room is contrary to this policy. The underlying purpose of this policy is to ensure the character of converted rural buildings are not diluted or subject to incremental development that has an unacceptable suburbanising impact on the rural environment.
- 6.5 More generally, policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. This aim is also reflected in paragraph 58 of the NPPF 2012 which seeks to ensure that development will respond to local character and history and reflect the identity of local surroundings.
- 6.6 The overriding question is therefore whether the garden room in situ is of a form, scale or position that causes harm to the rural character of the converted rural building or the wider countryside to justify a refusal of planning permission.
- 6.7 The aims of the original farm yard re-development was to retain the layout of the original farm complex - the farmhouse and farm buildings being grouped together to echo the original character. I appreciate that the re-development has inevitably altered the original character. The introduction of entrance gates, fencing and other domestic paraphernalia as approved as part of the original scheme for residential development has already greatly altered the appearance and ambience of Heath Farm. As I have explained, the permitted development rights to erect domestic outbuildings were removed at the time planning permission was granted for the redevelopment of this site. However, the removal of these permitted development rights does not necessarily preclude all further such development at Heath Farm but seeks to ensure that any additional development could be considered formally by the Council.
- 6.8 The separation distance between the host dwelling and the garden room is some 20m. The height of the garden room is 2.44m and the floor area 23.5m². The garden room is modern in design although of a style often found in this type of outbuilding. It is acknowledged that the garden room is larger than the average

garden shed, being approximately 6.93m in length and 3.4m side, but its design with a flat roof limits its overall mass when viewed from the surrounding area. The impact of the garden room is also mitigated by the close boarded fence that forms the boundary to the site and also the tree belt to the rear of the site. The impact of the building is further reduced by it being set at an angle to the host dwelling by virtue of the angle of rear boundary. Neither neighbouring property therefore faces a full elevation of the building.

- 6.9 It is acknowledged that the garden room is an ancillary building serving a converted rural building meaning that it does not strictly accord with the requirements of policy DC1 of the MDE DPD. However, owing to its size and siting, the garden building has no unacceptable impact on the character of the converted rural building or the wider locality. The garden room is set into the corner of the garden within the clearly defined residential curtilage and have no unacceptable impact on the character of the wider countryside. With regard to Policy CP14 the structure is considered appropriate as although not strictly speaking an extension to the existing dwelling given the separation, it represents a relatively small scale high quality type of domestic structure that could be expected to be found in a residential garden.
- 6.10 The garden room, owing to its size and siting, does not have an unacceptable impact on the character of Heath Park. The siting of the garden room within the clearly defined residential curtilage has no unacceptable impact on the character of the wider countryside and I therefore recommend that the application be approved.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Photograph SIDE AND FRONT dated 27.01.2015, Photograph SIDE AND FRONT dated 27.01.2015, Photograph REAR VIEW dated 27.01.2015, Photograph REAR VIEW dated 27.01.2015, Location Plan dated 27.01.2015, subject to:

Condition

1. The garden room/outbuilding hereby permitted shall be used for a purpose incidental to the enjoyment of the related dwellinghouse only. The garden room/outbuilding shall not be occupied as a separate residential unit or used for the operation of any trade or business purpose.

Reason: In the interests of the general residential amenity.

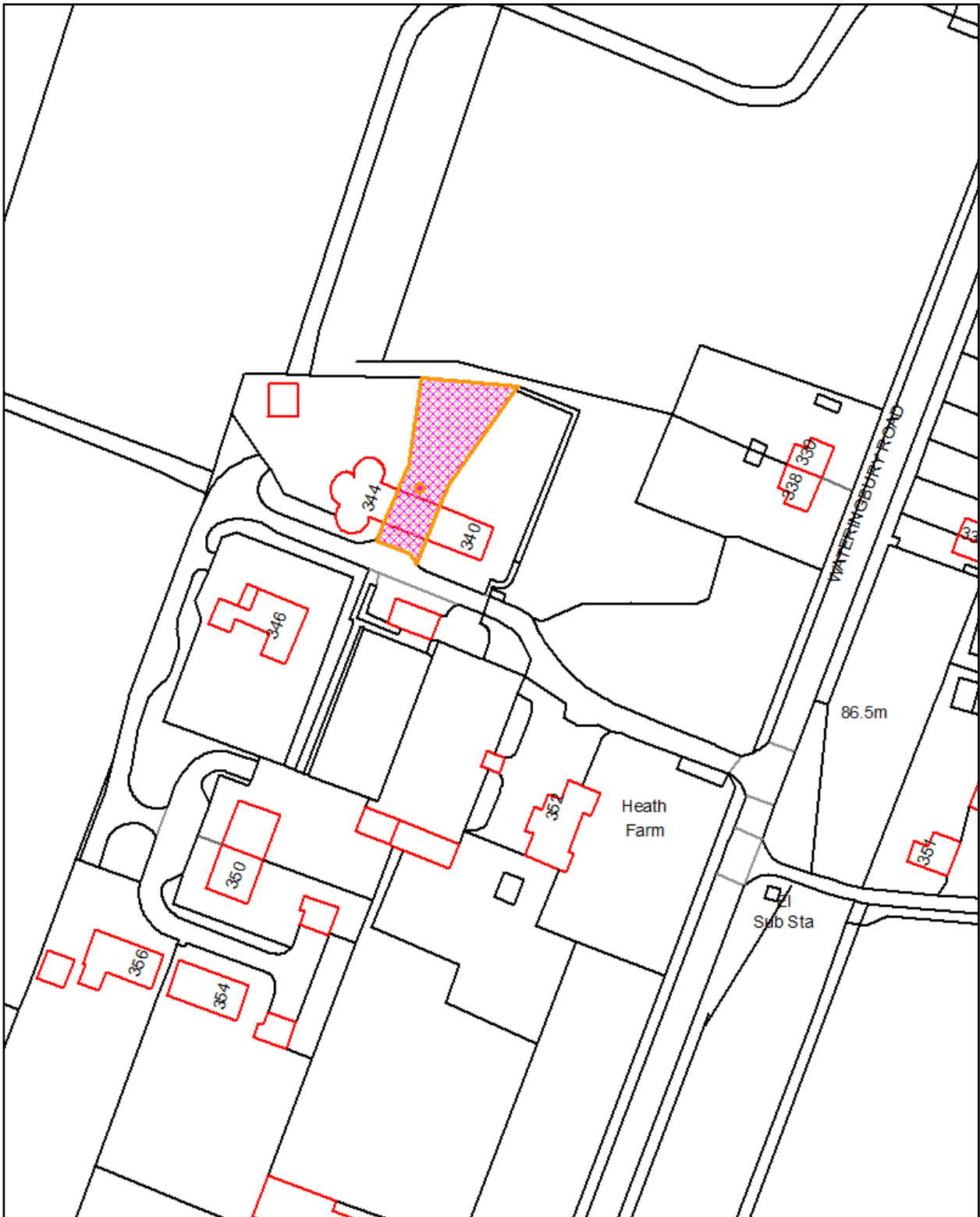
Contact: Maria Brown

TM/15/00273/FL

342 Wateringbury Road East Malling West Malling Kent ME19 6JH

Retention of existing single storey garden room

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

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

1. Description:

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

“The outbuilding by virtue of its size and siting does not constitute an appropriate extension to an existing dwelling and will result in a negative impact on the character of the open countryside. The application is therefore contrary to Policies CP14 and CP24 of the Tonbridge and Malling Core Strategy 2007 and paragraph 58 of the National Planning Policy Framework 2012.”
- 1.4 The present scheme seeks to erect two smaller outbuildings rather than a single outbuilding. Members may also recall that the current application was due to be heard at APC3 in January 2015. This application was withdrawn from the agenda by the applicant prior to the meeting, but after publication of the Committee Agenda following receipt of comments from the applicants’ agent regarding inaccuracies in the published report. These have now been investigated and this report addresses the issues.

1.5 For clarity, the creation of the ornamental pond will involve excavation works which would constitute an engineering operation meaning that this would amount to operational development requiring planning permission. It, therefore, forms part of the application to be determined. However, the erection of the proposed ragstone wall is considered to fall within Class A (Minor Operations) of Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This means that this element of the works alone constitutes permitted development and does not form part of the current application for determination. As such, the ragstone wall forms no further part in the assessment that follows.

2. Reason for reporting to Committee:

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

3. The Site:

3.1 The site lies in the open countryside to the south of East Malling village and to the east of Kings Hill. The site comprises part of a former farm complex known as Heath Farm. The development is accessed from Wateringbury Road. The dwelling was a new build utilising the footprint of the original farm buildings. The dwelling is detached with a large rear garden. The existing dwelling is not a Listed Building nor does Heath Farm lie within a CA or an AONB

4. Planning History:

TM/08/00950/FL Approved 15 September 2008

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

TM/09/03081/FL Approved 11 May 2010

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

TM/10/00854/RD Approved 12 November 2010

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

TM/10/03023/RD

Approved

17 December 2010

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

TM/13/03492/FL

Application Withdrawn

29 April 2014

Detached gymnasium and music room for use ancillary to main house

5. Consultees:

5.1 PC: *Original comments:*

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

Additional comments

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

5.2 EMCG: Whilst we acknowledge that the original development site fell within CP14 and was quite rightly judged to have satisfied the criteria of that policy, it appears that TMBC are now faced with a dilemma due to individual homeowners seeking permission or retrospective permission for garden structures that are obviously for the sole enjoyment of the home owners, but appear to fall foul of CP14. We believe all the structures are of good design and for the purposes intended and sensibly sited and in particular the rear garden of 354 is huge and easily accommodates the two proposed buildings without adverse effect upon the surrounding locality. We agree that if the buildings were for commercial use or could be converted for permanent residential use or if further buildings were

erected in the gardens, it would be a different matter. Is there no way a bit of common sense could prevail and a way found to approve these applications? Could they not be re-evaluated under Class E Part 1 Schedule 2 of the Town and Country Planning Act as the buildings are sited in residential gardens as opposed to open countryside?

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

- The existing poplar trees provided natural screening from the caravan storage site, however infill trees have been removed and pollarded in contravention of restrictive covenants. Screening can be achieved by replacement planting.
- Why are the buildings proposed to be located at the end of the garden, this is not appropriate siting, and why is a segregating wall between the new structures and the house proposed? Is this a further attempt at back garden development?
- The buildings are permanent structures, again in brick and tile and although disguised as two buildings the overall footprint has little changed from the original application. The previous recommendation for refusal still applies in order to preserve the character of the development.
- The nature of the application has not changed since the previous recommendation for refusal under TM/13/03492/FL. Despite the separation of the building this will remain a significant development in the countryside and is therefore considered inappropriate. The proposed amendments do not overcome the harm that the building will cause.
- Due to the scale and bulk of the proposed development it cannot be considered an appropriate extension and is therefore contrary to policies CP14 and CP24 of the TMBCS and paragraph 58 of the NPPF 2012. The application is also contrary to the original aims of the redevelopment in removing Class E permitted development rights.
- Each building is 23' x 16' = 368' square. The buildings combined = 736' square which is as large as the footprint of two four bedroom houses on the Heath Farm development, and larger than the communal building serving the tennis court. The original redevelopment of Heath Farm restricted the footprint to 1011m² – this leaves no room for additional buildings to be built.
- The application could constitute a precedent as multiple developments at Heath Farm will have an irreversible detriment on other residents and the countryside. Such applications could lead to a change of use for living purposes or as a separate dwelling house to which there would be strong objection.

- Concern about potential disruption during construction, particularly delivery of materials on the narrow and shared roads.

2 letters of support commenting:

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

6. Determining Issues:

- 6.1 The redevelopment of Heath Farm formed part of the outline planning permission for the Phase 2 Kings Hill development. The Supporting Statement submitted as part of TM/02/03429/OA made specific reference to the re-use of the Heath Farm oast houses and farm house complex. The Statement proposed eight residential units not exceeding the existing farm complex footprint of 1,011m². The full planning permission for the redevelopment was approved in accordance with these requirements. Permitted development rights for outbuildings and garden structures were removed as a condition of the permission for redevelopment. The reason for removing these rights was that the development was in a rural area that was viewed as acceptable due to it being the reuse of a previously developed site and it was considered that there was a need to retain an element of control on the further domestication of the site. It was not imposed to ensure that there were no outbuildings constructed at any point in the future.
- 6.2 The principal consideration in determining this proposal is, therefore, whether the two outbuildings, pergolas and pond would have an adverse impact on the character of the complex and its rural setting.
- 6.3 The redevelopment of Heath Farm predates policy DC1 of the MDE DPD 2010; this policy relates to the re-use of existing rural buildings although Section 3 makes specific reference to subsequent proposals relating to sites such as this where rural buildings have been converted to residential accommodation. It states that planning permission to erect ancillary buildings will not normally be granted, the underlying reason being to ensure the character of the development is not diluted or subject to incremental development that has an unacceptable suburbanising impact on the rural environment. It must be noted, however, that Policy DC1 relates to converted rural buildings. The host dwelling, although forming part of the Heath Farm redevelopment is not a converted rural building but

a new build. Whilst it could be interpreted that the host dwelling, albeit new build, was designed to mirror the existing farm complex it could not be considered to be a converted rural building under policy DC1.

- 6.4 The prevailing character of the existing development and the impact of the proposed works in general on that character would though be a material consideration. The proposal should be considered with regard to Policy CP24 of the TMBCS. This policy seeks to ensure that all development is well designed and respects the site and its surroundings. This aim is also reflected in paragraph 58 of the NPPF 2012 which seeks to ensure that development will respond to local character and history and reflect the identity of local surroundings
- 6.5 Policy CP14 of the TMBCS 2007 seeks to restrict development in the countryside although it does allow for appropriate extensions to existing dwellings. Consequently a significant factor in determining the application is whether the proposed outbuildings can be considered as appropriate extensions to the existing dwelling. The distance between the host dwelling and the proposed outbuildings is considerable – some 45m at its nearest point. The outbuildings cannot, therefore, reasonably be said to be an adjunct to the dwellinghouse.
- 6.6 The outbuildings are proposed to be sited at the end of the rear garden, a significant distance from the main group of dwellings. The applicant's justification for the proposed siting is that the outbuildings should be considered in relation to the wider development, not just the immediate setting of Heath Farm. A commercial site used for the open storage of caravans is to the south, immediately adjacent to the application site but separated by a single line of tall Poplar trees with a close boarded fence beyond. There is also scattered residential development to the east of the application site accessed from Wateringbury Road. The applicant asserts that the proposed outbuildings should be considered in the context of this wider development pattern, rather than their relationship with Heath Farm. The applicant contends that if viewed in this context the impact of the proposed outbuildings on the character of the open countryside would be minimal.
- 6.7 Whilst there may be some merit in this argument, I do not agree that this outweighs the potential adverse impact of the proposal. The large rear gardens of the plots to the southern end of the Heath Farm development were proposed to reflect the original agricultural character of the area and give the impression of open paddocks. The open storage of caravans to the south, whilst covering a large area, is not visually intrusive due to the height of the items stored. The residential development on the west side of Wateringbury Road relates to the piecemeal linear development that characterises this road. In general no development extends back from the road beyond the existing eastern boundary of the application site.

- 6.8 For this reason I disagree with the view of the applicant and I remain of the opinion that the proposed siting should be considered primarily within the context of the existing dwelling and its immediate setting within Heath Farm. The aims of the original farmyard re-development was to retain the layout of the original farm complex - the farmhouse and farm buildings being grouped together to echo the original character. I appreciate that the re-development has inevitably altered the original character. The introduction of entrance gates, fencing and other domestic paraphernalia has already greatly altered the appearance and ambiance of Heath Farm. However I remain of the opinion that the introduction of additional structures at such a distance from the original cluster of buildings fails to reflect the identity of the local surroundings and is therefore contrary to paragraph 58 of the NPPF and policy CP24 of the TMBCS.
- 6.9 It should be noted that the previous planning application (which was withdrawn prior to determination) originally proposed a single outbuilding with a footprint of approximately 116sq.m and a ridge height of 5.1m (subsequently amended to propose a footprint of 98sq.m and a ridge height of 4.8m). The current application proposes two outbuildings of 35sq.m each and ridge heights of 4.2m. Although I appreciate that this represents a reduction in overall size from the earlier (withdrawn) scheme, the proposed outbuildings are still both substantial in scale and of a size and design which will have a clear suburbanising impact on the countryside and the character of the Heath Farm development. This is exacerbated further by the proposed pergolas. Whilst I am aware that these are of a standard design in their own right, when viewed cumulatively with the outbuildings they accentuate the detrimental impact of the proposed development. I appreciate the applicant has stated that the siting of the outbuildings and pergola have been proposed to shield the view of the adjacent caravan site. In my view, however, this is not an overriding justification for the development.
- 6.10 The original planning permission for the re-development of Heath Farm removed the permitted development rights for householders to erect domestic outbuildings. This was intended to retain the character of the development. The removal of permitted development rights was not, however, necessarily intended to preclude all further development at Heath Farm but to ensure that any additional development could be considered by the Council in light of the prevailing policies at the time of determination. Notwithstanding the current proposal does not comply with the requirements of Class E as the proposed ridge height exceeds 4m. This means that the outbuildings could not otherwise be erected under permitted development, if those rights remained in place. I remain, however, of the opinion that the erection of small, suitable sited and designed, domestic outbuildings may be acceptable at Heath Farm. The current application does not propose such a scheme.

- 6.11 The separation distance between the existing dwelling and the proposed outbuildings is over 40m and this renders the application unacceptable. The siting fails to respect the design aims of the original redevelopment and leads to a dispersed development, suburban in appearance, which increases the impact on the countryside.
- 6.12 Members will note that the view being taken on these outbuildings is different from the previous two cases in the vicinity which appear elsewhere on this Agenda. It is considered that whilst those applications related to modest outbuildings of an appropriate size, design and siting it is contended that the two outbuildings and the pergolas proposed under this submission are considerably greater in all dimensions which results in an altogether different conclusion concerning their impact. The application site is considerably more open than that of either of the previous applications with the development set prominently into the centre of the plot. There has been no attempt to reduce the impact of the buildings by positioning them against an existing feature or relate them to the original house to mitigate their impact on the open character of this part of the development.
- 6.13 The overall size and massing of the proposed outbuildings, having a ridge height of 4.2m and a combined floor area of 70m², renders the application unacceptable. The height and floor area of the proposed outbuildings is greater than would usually be expected for domestic outbuildings and as such would have a detrimental impact on the rural character of the site and its surroundings. I reiterate that the erection of suitably sited and designed outbuildings may be acceptable at Heath Farm but this proposal does not represent such a scheme. The current proposal is contrary to policies CP14 and CP24 of the TMBCS and paragraph 58 of the NPPF and I therefore recommend that planning permission be refused.

7. Recommendation:

7.1 Refuse Planning Permission for the following reason:

- 1 The proposed development, by virtue of its specific siting, overall size and detailed design, would fail to respect the site and its surroundings as it would result in an incremental suburbanising impact on the Heath Farm development to the detriment of the rural character of the site and its surroundings and the rural amenities of the wider locality. As such the proposed development is contrary to paragraph 58 of the National Planning Policy Framework 2012 and Policies CP14 and CP24 of the Tonbridge and Malling Core Strategy 2007.

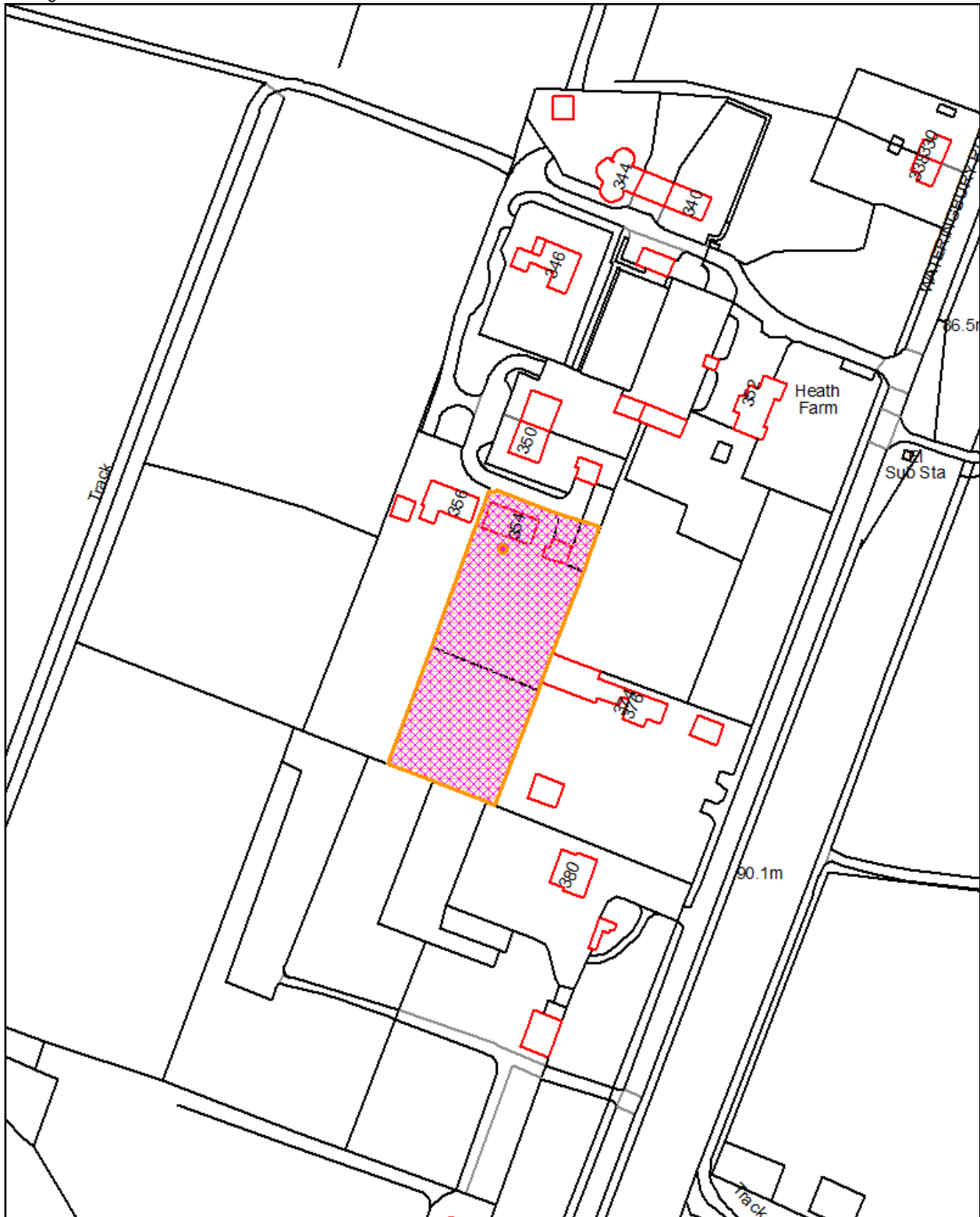
Contact: Maria Brown

TM/14/03017/FL

354 Wateringbury Road East Malling West Malling Kent ME19 6JH

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

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Alleged Unauthorised Development

**East Malling &
Larkfield**

15/00131/WORKH

569502 157314

East Malling

Location:

Invicta Works Mill Street East Malling West Malling Kent

1. Purpose of Report:

- 1.1 To report unauthorised works undertaken to erect a brick wall to the south eastern boundary of the converted oast building and the construction of 1.8 metre fences around the southern and western boundaries.

2. The Site:

- 2.1 The site lies to the west of Mill Street at the western edge of the village. It is located within the Mill Street Conservation Area and comprises predominantly new build dwellings set back from Mill Street and also includes the conversion of the Invicta Works building which now comprises four apartments. The site is bordered to the south and the west by an area of agricultural land with a public right of way running to the north of the site.

3. Alleged Unauthorised Development:

- 3.1 Without the benefit of planning permission the erection of a brick wall to the south eastern boundary of the converted oast house and the construction of fences to the southern and western boundaries.

4. Determining Issues:

- 4.1 Planning permission was granted on 19 January 2007 for the redevelopment of the site to include the conversion of the former works building to provide four apartments, 9 terraced dwellings and 7 flats under application reference TM/06/02433/FL.

- 4.2 Condition 19 of the planning permission required that,

'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.'

4.3 Condition 20 of the planning permission stated that,

'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 H of Part 1 and Classes A and C of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.'

- 4.4 The scheme of landscaping and boundary treatment was subsequently submitted to and approved under reserved details application TM/08/03540/RD. The approved landscaping scheme proposed hedging to be planted around the perimeter of the converted oast building.
- 4.5 Rather than planting the boundary hedging as approved, a substantial brick wall has been constructed along the south eastern boundary of the converted oast building. The wall is of a red brick construction, is 1.65 metres in height and has been built directly adjacent to the entrance road to the development.
- 4.6 In addition to the brick wall, various types of boundary fence have been constructed, again in place of the approved hedging having been planted. The fence running along the south western boundary is a 1.8 metre high horizontal 'hit and miss' style fencing with a convex trellis on top. The fence running along the north west boundary is a 1.8 metre high standard close boarded fence.
- 4.7 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
- 4.8 Paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case an adjacent curtilage listed wall and the Conservation Area). Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.

- 4.9 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 4.10 The wall is located in a prominent position within the development, which lies within the Conservation Area. It is also located within close proximity to the curtilage listed ragstone wall that forms part of the boundary with 165 Mill Street. It is considered that the wall by virtue of its size and scale, and its stark domestic appearance is visually unacceptable in this location and significantly detracts from the character and appearance of the Mill Street Conservation Area and the rural locality more generally.
- 4.11 Similarly, the fencing, by virtue of its height, position and appearance is visually unacceptable in this location and significantly detracts from the character and appearance of the Mill Street Conservation Area and the rural locality more generally.
- 4.12 For these reasons in its current form the development as built is in conflict with paragraphs 131 of the National Planning Policy Framework 2012, Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policies DC1 and SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010. As such I believe that it is expedient to take enforcement action to require:
- The removal of the brick wall and boundary fencing
 - The planting of the boundary hedging as shown on the approved landscaping scheme.

5. Recommendation:

- 5.1 An Enforcement Notice **BE ISSUED**, to seek the removal of the unauthorised wall and fences, the detailed wording of which to be agreed with the Director of Central Services.

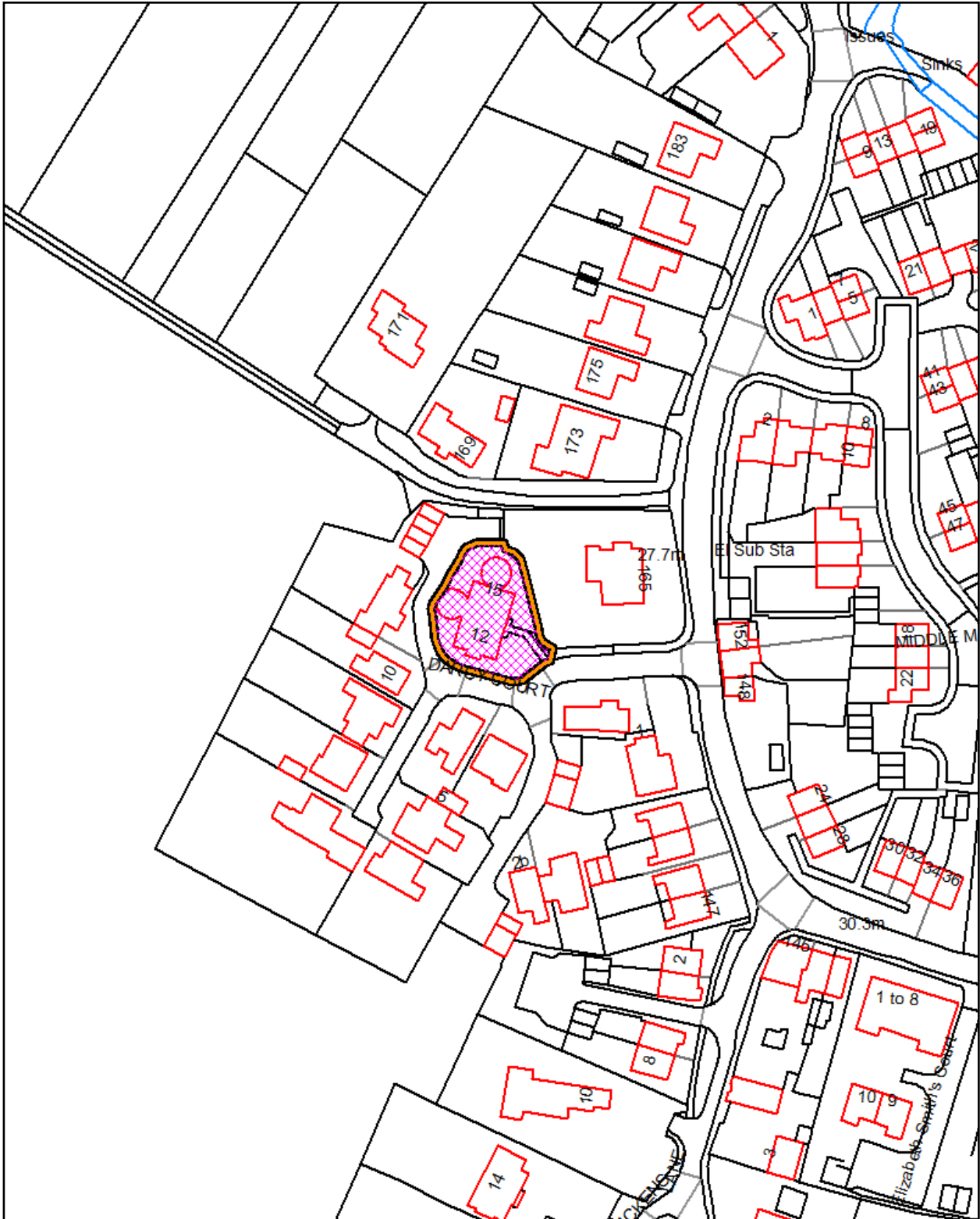
Contact: Paul Batchelor

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15/00131/WORKH

Invicta Works Mill Street East Malling West Malling Kent

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