

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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West Malling (01732) 844522

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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](mailto:committee.services@tmbc.gov.uk)

8 July 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, 16th July, 2015 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

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To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 4 June 2015

**Decisions to be taken by the Committee**

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5. TM/15/01023/FL - Orchard Farm, Well Street, East Malling 13 - 24
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9. 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.

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**PART 2 - PRIVATE**

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11. Urgent Items

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

Any 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 M Parry-Waller (Chairman)  
Cllr D Lettington (Vice-Chairman)

Cllr M C Base  
Cllr Mrs S Bell  
Cllr T Bishop  
Cllr Mrs B A Brown  
Cllr T I B Cannon  
Cllr R W Dalton  
Cllr D A S Davis  
Cllr Mrs T Dean  
Cllr Mrs S M Hall

Cllr S M Hammond  
Cllr D Keeley  
Cllr S M King  
Cllr D Markham  
Cllr Mrs A S Oakley  
Cllr R V Roud  
Cllr A K Sullivan  
Cllr B W Walker  
Cllr T C Walker

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 3 PLANNING COMMITTEE

Thursday, 4th June, 2015

**Present:** Cllr M Parry-Waller (Chairman), Cllr D Lettington (Vice-Chairman), Cllr M C Base, Cllr Mrs S Bell, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs S M Hall, Cllr S M Hammond, Cllr D Keeley, Cllr S M King, Cllr D Markham, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan and Cllr T C Walker

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

Apologies for absence were received from Councillors T Bishop, Mrs T Dean and B W Walker

### PART 1 - PUBLIC

#### **AP3 15/33 DECLARATIONS OF INTEREST**

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

#### **AP3 15/34 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 23 April 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 15/35 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 15/36 TM/15/01023/FL - ORCHARD FARM, WELL STREET, EAST MALLING**

New access roadway from existing access roadway to serve 5 caravan pitches operated under caravan club licence and to provide access to existing septic tank at Orchard Farm, Well Street, East Malling.

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

[Speakers: Mr T Ward and Mr A Philpott, members of the public and Mr J Fuller, applicant]

**AP3 15/37 TM/15/00713/FL - 592 LONDON ROAD, DITTON**

Change of use from A1 (shop) to A5 (hot food takeaway) at 592 London Road, Ditton.

**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) Additional condition:

5. Prior to the commencement of the use hereby permitted, full details of the storage and screening of refuse shall be submitted to and approved by the Local Planning Authority and the approved details shall thereafter be implemented prior to the commencement of the use and maintained at all times thereafter.  
Reason: In the interests of residential amenity.

(2) Addition of informatives:

1. With regards to Condition 5, the applicant must make proper provisions to store refuse taking into account the need to prevent vermin from being attracted to the premises.
2. The applicant is asked to take all reasonable measures to ensure that odour and noise does not escape from the building by keeping doors and windows closed and relying on the ventilation system required to be installed prior to the commencement of the use as set out in Condition 2. For further advice and guidance regarding the measures to be taken to deal with the emission of odours, the applicant is advised to contact the Environmental Protection Team – [environmental.protection@tmbc.gov.uk](mailto:environmental.protection@tmbc.gov.uk)
3. The application is asked to take all measures to ensure that patrons of the business behave in an appropriate and neighbourly manner when visiting and leaving the premises in order to respect the surrounding residential properties.

4. The applicant should note that the Borough Council operates a Voluntary Litter Code in Ditton which requires businesses to have an appropriate business waste contract, keep the area around the business clear of litter and waste, provide a litter bin or sponsor a bin, ask customers if they need a bag (aimed at reducing packaging) and requesting that customers use bins provided. The applicant is strongly encouraged to sign up to this initiative and for further information on the scheme can contact the Borough Council's Environmental Projects Co-ordinator on 01732 876 295.

[Speakers: Mr P Dalton, Ditton Parish Council, Mr N Hussey, member of the public and Ms S Perfect on behalf of the applicant (Mr M Shakir)]

### **PART 2 - PRIVATE**

#### **AP3 15/38 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.30 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

#### Report of the Director of Planning, Housing & Environmental Health

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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#### **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

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<b>East Malling &amp; Larkfield</b> East Malling	<b>569023 156904</b>	<b>10 April 2015</b>	<b>TM/15/01023/FL</b>
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Proposal:	New access roadway from existing access roadway to serve 5 caravan pitches operated under caravan club licence and to provide access to and retain the existing septic tank
Location:	Orchard Farm Well Street East Malling West Malling Kent ME19 6JW
Applicant:	Mr John Fuller

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## **1. Description:**

- 1.1 Members will recall that this application was deferred from the June meeting of the Area 3 Planning Committee to allow a Members' Site Inspection to take place.
- 1.2 The Members' Site Inspection is due to be held on 10 July 2015 and any matters arising as a result of the Inspection will be reported as a Supplementary report.
- 1.3 A copy of my previous report is annexed for ease of information.

## **2. Consultees (received since 4 June 2015):**

- 2.1 An additional letter has been received raising objection on the basis of inadequate access for caravans and the absence of waste/rubbish storage and removal facilities.

## **3. Determining Issues:**

- 3.1 One issue raised by public speakers at the last Area 3 Planning Committee related to planning application TM/10/03441/FL which sought to erect a new agricultural building and widen an existing access. The proposed agricultural building was deemed unacceptable at that time as it was not demonstrated that a building of this size was necessary for agricultural purposes associated with the wider site. The widening of the access onto Well Street was also deemed to be unacceptable owing to its urbanising visual impact and the absence of any need for such widening to occur.
- 3.2 This historic application has no direct bearing on the current application under consideration. There has been no change to the existing access onto Well Street, and no changes to this arrangement are proposed. The appearance of the site when viewed from Well Street has not and would not change in any way, unlike the previous scheme considered in 2010. As such, there are no direct comparisons to be drawn between the 2010 case and the current planning application. Members will, of course, have the opportunity to view the situation from Well Street at the Members' Site Inspection should they wish to.

**4. Recommendation:**

- 4.1 **Grant Planning Permission** as detailed by Letter covering letter fm agent dated 25.03.2015, Letter Fm agent dated 10.04.2015, Supporting Information dated 10.04.2015, Location Plan dated 10.04.2015, Site Plan OF/15/1002 Proposed

Contact: Maria Brown

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**Report from 4 June 2015**


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**East Malling & Larkfield**                      **569023 156904**    **10 April 2015**                      **TM/15/01023/FL**  
 East Malling

Proposal:                      New access roadway from existing access roadway to serve 5 caravan pitches operated under caravan club licence and to provide access to existing septic tank  
 Location:                      Orchard Farm Well Street East Malling West Malling Kent ME19 6JW  
 Applicant:                      Mr John Fuller

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**1. Description:**

1.1 The planning application relates to the construction of a new access roadway. The roadway has been put in place to provide access to an existing septic tank. The application is retrospective. A Temporary Stop Notice was served by the Council on 1 May 2015 as a result of works commencing in advance of any planning permission having been granted.

**2. Reason for reporting to Committee:**

2.1 At the request of Councillor Oakley and former Councillor Woodger.

**3. The Site:**

3.1 The application site comprises the access roadway only. The application site does however lie within a wider complex all in the ownership of the applicant. The site of the access roadway lies to the north of an existing mobile home and ancillary buildings, and to the east of an existing stable block and sand school. A mature hedge exists to the north of the site.

3.2 The site lies to the south west of East Malling in the open countryside. The application site is accessed via an existing access roadway leading from Well Street.

**4. Planning History (relevant):**

TM/10/00502/FL            Refuse                                      19 August 2010

New agricultural building and access

TM/10/01011/FL            Application Withdrawn            8 February 2012

Change of use of land for stationing of two caravans for residential occupation with associated development (utility shed, hardstanding, amended access, access track and septic tank)

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TM/10/03441/FL      Refuse      25 March 2011

New agricultural building and access

TM/11/02655/FL      Granted at Appeal      26 March 2013

Change of use of land for stationing of two caravans for residential occupation with associated development (utility shed, hardstanding, amended access, access track and septic tank)

TM/11/03558/FL      Approved      14 June 2012

Construction of stables and outdoor sand manege

TM/13/01029/RD      Approved      16 December 2014

Details of surface water disposal, storage and disposal of manure, habitat assessment and landscaping and boundary treatment pursuant to conditions 3, 4, 7 and 9 of planning permission TM/11/03558/FL (construction of stables and outdoor sand manege)

TM/13/01885/RD      Approved      5 December 2013

Details of landscape proposals and landscape specification and management plan pursuant to the release of condition 5 (i) of appeal decision TM/11/02655/FL (Change of use of land for stationing of two caravans for residential occupation with associated development (utility shed, hardstanding, amended access, access track and septic tank)

TM/14/04147/FL      Application Withdrawn      7 April 2015

Erection of a detached outbuilding to accommodate a tool store, garage and kennel with office above

## 5. Consultees:

5.1 PC: It is understood the 5 caravan pitches do not require planning permission under the Caravan Club licence rules and are outside the land covered by the Appeal decision which has a condition precluding commercial development. It is noted the new drive is internal to the site to serve the septic tank and the above 5 pitches. The Parish Council agrees with local residents concerns about the lanes being unsuitable for caravans being brought along them and is frustrated the Caravan Club rules appear not to take access issues into account. It is felt this system of exemption needs review at national level. The Parish Council feels this development should not be taking place in this countryside location.

5.2 Private Reps: 20 + site notice/0X/4R/0S. 4 letters from residents raising the following objections:



- The Secretary of State excluded any commercial activities from taking place at the site, which would include the site being used under a Caravan Club agreement/Certified Location. The Council and local residents have already been put through the expense of an appeal and all further applications for commercial activities should be rejected.
- The Caravan Club rules require safe access for caravans and motor caravans. The surrounding roadways are narrow with uneven surfaces and are therefore unsuitable for large vehicles. Additional traffic would be hazardous to road safety, cause lengthy delays and reduce the quietness of the surrounding lanes. Are TMBC or KCC consulted by the Caravan Club? This will devalue the area to its residents and prospective buyers.
- The septic tank is already in use and must therefore already be accessible. If not this questions the approval already in place for the existing drainage facilities.
- The consultation has been insufficient.

## **6. Determining Issues:**

- 6.1 This planning application seeks to regulate the existing access roadway which has been constructed using recycled aggregate and roadstone. The application states that the reasons for the access roadway are twofold. The access roadway will provide vehicle access to the existing septic tank. This will facilitate maintenance and emptying. Secondly, it would provide access to land intended to be used for the stationing of up to 5 touring caravans operated as a Caravan Club Certified location, which in itself comprises permitted development and does not require planning permission, a matter I will return to in more detail later within this report.
- 6.2 The key factor in the determination of this case centres on the physical impact of the access track on the countryside. In countryside locations such as this, the NPPF requires decision making to recognise the intrinsic character and beauty of the countryside. In addition, policy CP14 of the TMBCS seeks to restrict development in order to preserve the open nature and character of the countryside.
- 6.3 The roadway has been constructed of recycled aggregate and roadstone which is similar in nature to many other similar roadways and tracks constructed on agricultural land. The site is extensively screened by mature planting and is also shielded from direct public view by the existing stables to the north west and the mobile home to the south. The site can be glimpsed from the east along Stickens Lane, but the roadway itself, given its minor extent and nature combined with the topography of the land, is not readily visible. Consequently the development has a negligible visual impact and does not compromise the open nature or character of the countryside in any way. The application therefore accords with the aims of the NPPF and CP14.

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- 6.4 A number of objections have been received from local residents in connection with this application. They are concerned that the use of the site as a Caravan Club Certified location constitutes a commercial activity and therefore breaches the terms of the planning permission granted on appeal in March 2013 for a change of use of land for the stationing of two caravans for residential occupation with associated hardstanding, access, septic tank and utility shed. Condition 3 of that planning permission prohibits any commercial activity at the site to which the appeal related other than the keeping of horses and other items related to the farrier business. The condition controlling the adjacent land therefore has no material bearing on the consideration of this case despite the fact that the land lies within the same ownership. As I have explained, the use of land for the stationing of up to 5 touring caravans operated as a Caravan Club Certified location is permitted development and cannot be the subject of a planning application.
- 6.5 I am aware that a very small portion of the new access roadway lies within the previous application site for the mobile home, the subject of the earlier appeal decision. This does not mean that the entire roadway is controlled by the previous planning condition preventing commercial activity. The development requires planning permission solely because it is an engineering operation in its own right. The fact that caravans may pass over a small portion of the earlier appeal site has no bearing on the determination of this current application and is not a material planning consideration.
- 6.6 It has been brought to my attention that the existing septic tank is in a different location to that permitted by the Inspector at appeal under planning reference TM/11/02655/FL and the subsequent reserved detail application TM/13/01885/RD. Again, this does not have any direct bearing on the determination of the current application; this issue is currently being investigated and any further information in this regard will be reported as a supplementary matter.
- 6.7 Local residents are also concerned about the impact of the touring caravans on the local highway network. However, as I have explained earlier within this report the use of adjacent land for such purposes does not form part of the current application; indeed the use of land for the stationing of up to 5 touring caravans operated as a Caravan Club Certified site does not require the submission of a planning application at all. I would reiterate again that such a use falls beyond the control of the planning system and does not form part of the current application. The development currently before Members for determination cannot therefore be considered in respect of this issue.
- 6.8 I am keenly aware of the concerns of local residents. However the objections raised to the application do not constitute material planning considerations that can have any bearing on the determination of the application for the roadway itself, which has, in my view, a negligible impact on the landscape and thus accords with national and local planning policy. Consequently, I recommend that planning permission is granted.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details:  
Letter covering letter fm agent dated 25.03.2015, Letter Fm agent dated 10.04.2015, Supporting Information dated 10.04.2015, Location Plan dated 10.04.2015, Site Plan OF/15/1002 Proposed dated 25.03.2015.

Contact: Maria Brown

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**SUPPLEMENTARY REPORTS**

AREA 3 PLANNING COMMITTEE

DATED 4 June 2015

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**East Malling & Larkfield TM/15/01023/FL  
East Malling****New access roadway from existing access roadway to serve 5 caravan pitches operated under caravan club licence and to provide access to and retain the existing septic tank at Orchard Farm Well Street East Malling West Malling Kent ME19 6JW for Mr John Fuller**

It should be noted that Councillor Roud has also requested the application be heard at the Area 3 Planning Committee.

Private Reps: 10 additional letters of objection have been received since the publication of the main report. Objectors raise the following issues:

- The volume and size of traffic using the surrounding, single track lanes, some designated as Quiet Lanes, in addition to the towing of caravans will result in hazardous road conditions. This is contrary to the conditions of a Caravan Club certified location – in terms of access and refuse disposal.
- Adverse impact on the countryside resulting from increased traffic, noise, pollution, erosion of roadside banks and light and noise pollution from the caravans.
- The removal of vegetation and creation of areas of hardstanding will increase surface water run-off and lead to localised flooding
- The use of the driveway for commercial purposes clearly breaks the previous planning permission.
- The relocated septic tank will require planning permission and is clearly for a commercial need which constitutes an extension into the countryside and is therefore contrary to Policy CP14. The application does not put forward any justification for the proposal.
- The Caravan Club rules prevent the disposal of chemical waste via the use of a septic tank. This will prevent the issuing of a Caravan Club licence.

DPHEH:

The planning application description has now been amended to include the retention of the septic tank. The application description now reads:

**New access roadway from existing access roadway to serve 5 caravan pitches operated under caravan club licence and to provide access to and retain the existing septic tank**

Planning permission for the retention of the existing septic tank was granted by the Inspector at Appeal under planning reference TM/11/02655/FL. The principle of this means of foul water disposal has therefore been established. It is understood that a larger septic tank was re-located to the north of the original position. However this relocation has not resulted in any adverse visual impact. I note the comments made about the septic tank being required in connection with the caravan club pitches but for the reasons set out in the main report, this is not a material planning consideration in this case.

**RECOMMENDATION REMAINS UNCHANGED**

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**TM/15/01023/FL**

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

New access roadway from existing access roadway to serve 5 caravan pitches operated under caravan club licence and to provide access to and retain the existing septic tank

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**Aylesford**                                  **574706 163073**    **24 February 2015**    **TM/15/00494/FL**  
Aylesford North And  
Walderslade

Proposal:                                  Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings  
Location:                                  Former Bridgewood Service Station And Workshop 459 Maidstone Road Chatham Kent ME5 9RX  
Applicant:                                  Mr Tilak Raj Bassi

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**1. Description:**

1.1 Full planning permission is sought for the construction of nine residential units to include six flats and three two storey dwelling houses. The proposed flats are arranged in two blocks; a two storey block of four situated perpendicular to the highway; and two flats to the rear of the site arranged in a two storey building running parallel to the highway. The houses would be arranged in a terrace to the north eastern part of the site and would be of a full two storey form. All of the properties would have off road parking bays (2 spaces per unit) to the frontages and a number of visitor bays would be situated on the new access road situated to the south east of the site. It is also proposed to install bin stores and landscaped areas throughout the site.

**2. Reason for reporting to Committee:**

2.1 Due to the high level of public interest.

**3. The Site:**

3.1 The application site comprises the land formerly occupied by Bridgewood Service Station which has now been demolished. The site slopes gently up from north to south and has a detached single storey dwelling to both sides. The wider street scene is characterised by predominantly single storey dwellings to the north and two storey dwellings south of the site. To the north east part of the site is an existing building which has been used as a car repair workshop (in a B2 use class) although is currently unoccupied. To the west of the site are the M2 motorway and the A229. The application site is situated within the built confines of Bluebell Hill village. The local landscape is of no special designations.

**4. Planning History (relevant):**

TM/04/02324/FL	Refuse	17 December 2004
	Appeal Dismissed	
Demolition of existing service station and erection of 12 no. 2 bedroomed flats with ancillary parking		

TM/13/02561/FL

Approved

14 March 2014

Erection of 5 no. new dwellings with associated landscaping and formation of new access road to dwellings

**5. Consultees:**

5.1 PC: Raise no objections.

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

5.3 Environment Agency: Raise no objections subject to conditions.

5.4 NHS: Requirement for contributions towards the provision of enhanced facilities.

5.5 KCC Economic Regeneration: Requirement for contributions towards enhanced community facilities.

5.6 Private Reps: 9/0X/17R+petition/0S. Objections centre on the following issues:

- Concern about asbestos from the demolition of the existing building
- Impact upon privacy of the neighbours
- Concern with regard to maintenance of boundary fencing
- Lack of parking
- Scale of development
- Flats are out of character with the local area
- Increase in traffic in the local area
- Over development of the site
- Bungalows/family housing would be more in character with the local area
- Not sufficient space for bins within the development.

**6. Determining Issues:**

6.1 The core principles contained within the NPPF seek to proactively promote development to provide a good quality choice of homes and to encourage the effective use of previously developed land which is not of high environmental value. 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. Policy CP13 is specifically related to new development within the

confines of the rural settlements of which Bluebell Hill is one. This policy requires that any development is appropriate to the scale and character of the settlement.

- 6.2 The application site is a disused former petrol filling station which has been demolished, leaving an empty and overgrown site which adds little to the appearance of the locality. The site is located within the built confines of Blue Bell Hill village, in an established residential area. Although the Council seeks to be supportive of the retention of business premises within the Borough, the petrol filling station and B2 unfettered usage of the site has the potential to cause significant noise and disturbance for neighbouring residential properties if brought back into use. The partial redevelopment of the site has previously been considered to be acceptable as reflected in the grant of planning permission for 5 dwellings on part of the site. The proposal seeks to create a comprehensive redevelopment of the site as a whole, including the former petrol filling station and the B2 unit. As such, the broad principle of developing this site for residential purposes is supported.
- 6.3 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.
- 6.4 The application site is located on a part of Maidstone Road which is now a cul-de-sac, with the cutting for the M2 on one side. The dwellings on the same side of the road as the site are mostly bungalows and chalet style dwellings although there are two detached two storey houses and a pair of semi-detached two storey houses towards the end of the cul-de-sac. All of the properties are of varied design and appearance which leads to a mixed character in the local area.
- 6.5 The development proposes the construction of a total of 9 units comprising 6 flats and 3 houses. The dwellings would be constructed across the entirety of the site with a new access created to the south western corner. All of the dwellings would be well spaced and would have sizeable garden areas and parking provision. This would allow for a spaciousness to be created throughout the site and prevent a sense of overdevelopment. The dwellings would be set back from the road which would also allow for an area of landscaping to be planted along the site frontage. This would soften the appearance of the dwellings from the road and decrease their dominance within the street scene.
- 6.6 The proposed buildings would be of a two storey form which would reflect the scale of other dwellings within the wider locality and would prevent them from being overly prominent or incongruous. The proposed building on the site frontage which would accommodate four flats would run at an angle to the public highway.
- 6.7 As with the previously permitted development of five dwellings, the current proposal seeks permission for a small enclave of dwellings of a simple and

modern design. This design would not mirror the appearance of any of the other dwellings within the immediate locality and would not reflect the prevailing pattern of local development whereby all dwellings directly front the public highway. However, the development would allow for a visual cohesion across the site itself, creating a small development of individual character. Given the mixed appearance of properties more generally in the local area, and the size of the development proposed it is able to create an individual character of its own. Whilst the proposed dwellings would not front the public highway in the same way as other properties on Maidstone Road, or mirror them in design terms, it is considered that the proposed development would not significantly erode the established character of the locality and would in fact bring back into use a derelict piece of land which in visual terms should be welcomed.

- 6.8 The application site is situated between two residential neighbours, no. 455 to the north and no. 467 to the south. With regard to the residential amenity of these properties no. 467 would have the site access adjacent to its northern boundary and 4 visitor parking spaces. The new dwellings proposed to the rear of the site would be approximately 35m from the rear elevation of no. 467. Given this separation distance, the general topography of the site, and the angle of outlook from the new dwellings it is not considered that the new dwellings would result in a loss of residential amenity and privacy that would be harmful to the occupants of no. 467. The separating distance would also mean that the proposed dwellings would not perceivably or actually over dominate no. 467. No adverse impact would therefore be caused to the residential amenity of this neighbouring dwelling.
- 6.9 With regard to the residential amenity of no. 455 to the north of the site, this dwelling sits at a lower level than the application site. The proposed development would feature a pedestrian access along the southern boundary of 455. The nearest residential development proposed to no. 455 would be a two storey block of four flats. These flats would be approximately 36m from the side elevation of no. 455 and also separated by the communal garden area for the flats. Whilst it is acknowledged that the application site is higher than the neighbouring property it is considered that, due to the separation distance, the flats would not appear overbearing or lead to a significant loss of light or privacy to no. 455. The site layout is such that the flats would not result in an unacceptable level of overlooking of no. 455. The terrace of three houses proposed to the rear of the site would not result in an unacceptable loss of privacy to no. 455 due to the angle of outlook from the new dwellings. In order to protect privacy and minimise outlook into the immediate rear garden of no. 455 from the front elevation of the end terrace house, it is considered appropriate that the nearest window to the boundary should be obscure glazed. This window serves a bathroom and its glazing can be controlled by condition. The other window on the front elevation of unit 9 would serve a bedroom. This window would be positioned at such an angle to the neighbour that overlooking would not be able to occur. There are no windows proposed to the side elevation of unit 9.

- 6.10 The proposed dwellings would be located towards the end of the garden area of no. 455, slightly away from the shared boundary and at an angle to the dwelling house. It is acknowledged that the application site sits on higher ground than no. 455 to the north. The distance of the development however from the neighbour and its most private garden area would mean that the proposed dwellings would not be unacceptably overbearing. In order to ensure that no ground raising would be able to occur which may unacceptably impact upon the relationship between the new dwellings and the neighbour, a condition requiring slab levels to be submitted would be imposed upon any planning permission.
- 6.11 To the rear of the site are properties which front onto Hallsfield Road. These neighbours are situated 95 metres from the application site. No adverse impact would be caused to their residential amenity through overlooking or by the development being overbearing to them.
- 6.12 An existing car repair building is located within the north eastern portion of the application site. The building and the land surrounding it have a lawful unfettered B2 use. This use, along with the position of the building itself in relation to the proposed garden area of Units 5 and 6, would have a detrimental impact upon the residential amenity of future occupants of the site through noise and disturbance as well as the building being overbearing to Unit 4 if the site was only part developed. In order to overcome these concerns it would be reasonable to require the B2 unit be demolished and the resulting spoil be removed from the site prior to the first occupation of the residential development.
- 6.13 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.
- 6.14 The development proposes the provision of two car parking spaces to serve each dwelling. This would be sufficient provision to serve the residential development and accords with the requirements of IGN3. Maidstone Road is restricted by double yellow lines and therefore it would not be possible for car parking to spill out of the site onto the public highway. The future use of the units for houses in multiple occupation would be likely to result in substantial pressure for parking in the development, especially given the lack of available on road parking. Although there is no indication within the submission that this would happen or is the intention of the developer, in order to ensure there is sufficient parking to serve the development in this instance, it is considered reasonable to remove normal permitted development rights for the conversion of dwellings to houses in multiple occupation.
- 6.15 KCC Highways has raised no objections to the proposed development in terms of site access and layout. The site accesses onto Maidstone Road which is a cul-de-sac and where vehicle speeds should be low. There would be good visibility

from the access road for both vehicles and pedestrians. Concern has been raised with regard to the increase in traffic associated with the proposed use. The construction of nine units would result in traffic movements; however, the lawful use of the site is as a petrol filling station/B2 unit which could result in considerable traffic movements if used to its full potential. The proposed development would therefore not result in a harmful increase in traffic movements over and above the lawful use of the site.

- 6.16 As there are issues with on road car parking in the locality, planning conditions relating to the parking of construction vehicles and space for delivery vehicles should be imposed in order to ensure adequate highway safety during the period of construction. As such, subject to these conditions, there would be no adverse impact caused to highway safety.
- 6.17 The application site has been laid out with bin stores inside the development for residents to keep their bins in a tidy manner. It would be necessary for the bins to be walked to the edge of the highway on bin collection day, however, the visual benefits of setting the stores back into the site would outweigh the need for residents in needing to wheel their bins to the site entrance and this is not an uncommon requirement of developments of this scale and nature in any case.
- 6.18 Due to the former use of the site there is potential for contamination to have occurred historically. The site was decommissioned when the buildings on the site were demolished and at this time the fuel storage tanks were removed; however, no remediation works were carried out. The submitted contamination report identifies that elevated levels of hydrocarbons were found within the ground. This contamination report was originally commissioned for a commercial end use and therefore the site specific target levels derived in the risk assessment are not relevant to the proposed residential development. In light of this, it is necessary for the site to be reassessed with the proposed end use with residential gardens in mind. This can be controlled by way of a planning condition should Members be minded to grant planning permission.
- 6.19 Requests for financial contributions have been received from the NHS and KCC Economic development. Since the time of the original submission the number of dwellings has been reduced to 9 and the development therefore no longer meets the threshold for such contributions.
- 6.20 Neighbours have raised issue with regard to the potential for asbestos in the existing building. This is not a material planning consideration as the control of asbestos is regulated by the Health and Safety Executive. However, it would be prudent to draw this matter to the attention of the applicant by way of an Informative.
- 6.21 Taking into account the above, the proposed development would represent an acceptable re-use of a currently unused site. Subject to conditions, the development would not have a detrimental impact upon the visual or residential

amenity of the locality, would not have a harmful impact upon highway safety and would resolve contamination issues. As such, the development would comply with development plan policy and I recommend that planning permission is granted

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 05.05.2015, Proposed Plans and Elevations 4748-71 dated 05.05.2015, Proposed Plans and Elevations 4748-72 dated 05.05.2015, Proposed Plans 4748-73 dated 05.05.2015, Street Scenes 4748-74 dated 05.05.2015, Location Plan 4748-76 dated 05.05.2015, Email Fm agent dated 21.05.2015, Letter Fm acoustic consultant dated 21.05.2015, Noise Assessment dated 21.05.2015, Email Fm agent dated 21.05.2015, Site Plan 4748-70A Proposed dated 21.05.2015, Email Fm agent dated 11.05.2015, Section 4748-77 dated 11.05.2015, Email Fm agent dated 24.02.2015, Design and Access Statement dated 13.02.2015, Environmental Assessment dated 13.02.2015, Assessment Site specific risk dated 13.02.2015, Environmental Survey dated 13.02.2015, Report A,B \_C Pitting investigation dated 13.02.2015, Existing Site Plan 4748-55 dated 13.02.2015, Proposed Plans and Elevations 4748-57 Bin \_ cycle store dated 13.02.2015, Location Plan 4748-58 dated 24.02.2015, and subject to the following conditions:

**Conditions:**

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

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

- 2 Written details including source/manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out only using the approved external materials.

Reason: In the interests of visual amenity.

- 3 The buildings hereby permitted shall be finished in a colour, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The approved colour scheme shall be fully implemented before the development is occupied and thereafter maintained.

Reason: In the interests of visual amenity.

- 4 The area shown on the drawing number 4748-70A as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority

before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of 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,

- 5 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 including details of fencing and walling. 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 existing building

- 6 Before any works are carried out the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall only be carried out in accordance with the approved details.
1. Details of any flues, grilles and vents to be installed including location, dimensions, colour and material.
  2. Details of electricity and gas meter boxes and any external pipe work including their location on the buildings.

Reason: In order to protect the visual amenity of the locality and to maintain the high quality design.

- 7 Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.



- 8 The access details shown on the approved plans shall be completed prior to the use of the site being commenced and the access shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety.

- 9 Prior to the first occupation of the development hereby approved the building to the north east of the application site in a B2 use shall be dismantled and removed from the site in its entirety.

Reason: In order to protect the residential amenity of the future occupants of the new dwellings from noise and disturbance.

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

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

- 11 No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms having windows that will be exposed to a level of

noise in accordance with BS8233: have been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30 dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, and 35 dB, 16-hr (day) in living rooms and 40 dB LAeq, 16-hr (day) in kitchens/dining rooms with windows at least partially open. The noise levels for gardens and other outdoor spaces should not exceed 55 dB LAeq, 1-hour. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: In the interests of the residential amenity of future occupants.

- 12 The bathroom window on the front elevation of unit 9 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the unit to which the window(s) relate is occupied and shall be retained thereafter in perpetuity.

Reason: To minimise the effect of overlooking onto adjoining property

- 13 Prior to the development hereby approved commencing details of the slab levels of the proposed buildings and the finished levels of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of visual and residential amenity.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Class L of Part 3 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality

- 15 No piling or any other foundation designs using penetrative methods shall occur on the site without the prior written consent of the Local Planning Authority.

Reason: To prevent pollution of controlled waters.

- 16 The development hereby permitted shall not be occupied until the highways improvements including the reinstatement of the pavement along the site frontage and the installation of a vehicle crossover type have been carried out and brought into use.

Reason: In the interest of highway safety

#### Informatives

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to

Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

- 2 The applicant is reminded that the existing building may contain asbestos and therefore advice should be sought from the Health and Safety Executive regarding its safe removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

Contact: Robin Gilbert

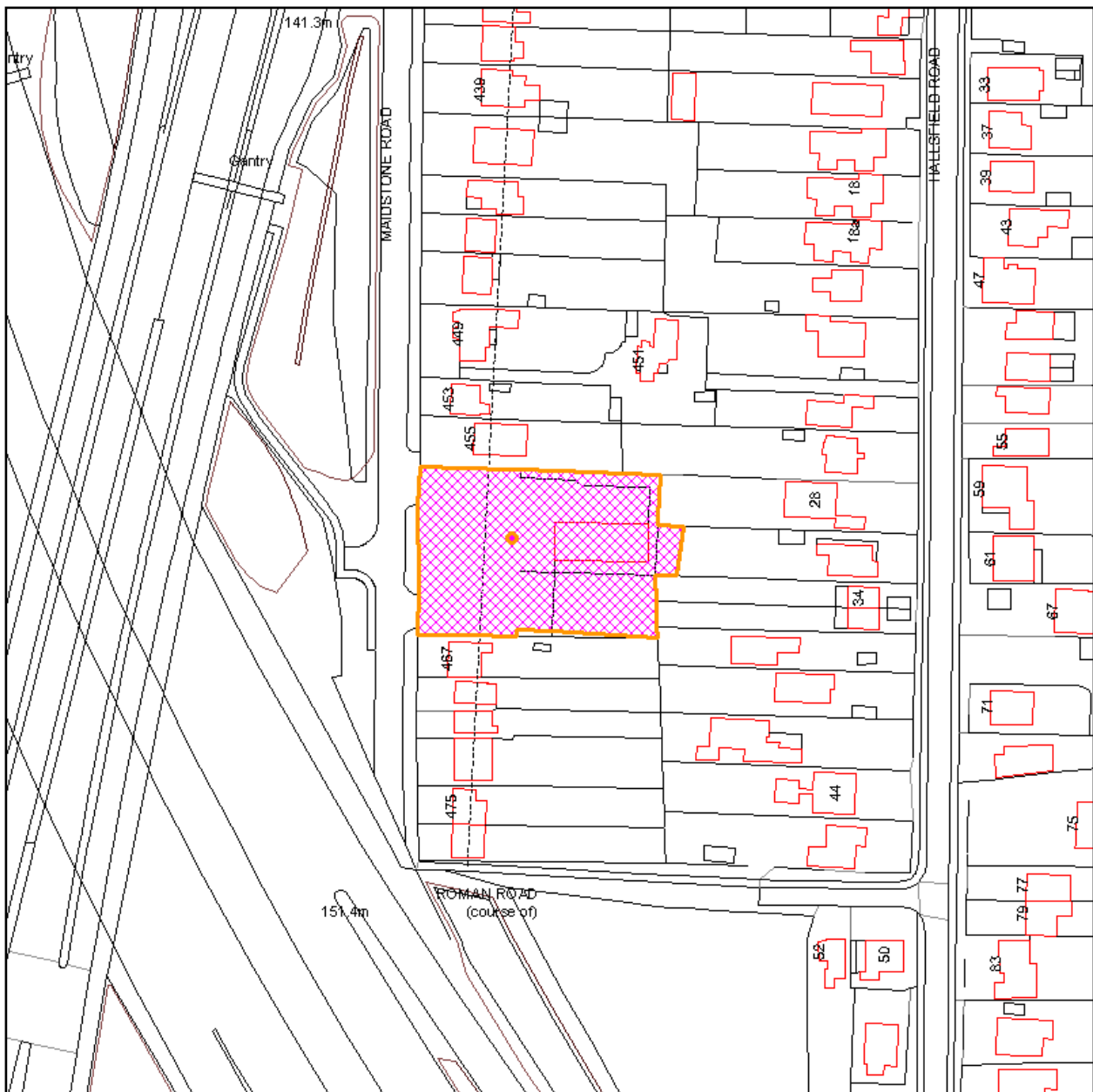
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**TM/15/00494/FL**

Former Bridgewood Service Station And Workshop 459 Maidstone Road Chatham Kent ME5 9RX

Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings

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<b>Snodland</b> Snodland East	<b>570644 161587</b>	<b>30 April 2014</b>	<b>TM/14/01342/FL</b>
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Proposal:	New paper bailing plant on former water treatment works
Location:	Former Water Treatment Plant East Street Snodland Kent
Applicant:	Smurfit Kappa UK Ltd

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## **1. Description:**

- 1.1 Full planning permission is sought for the erection of a new industrial building to house a paper bailing plant. The building would measure 10.5 metres high to its ridge, constructed of precast concrete on the northern and eastern elevations and brick clad on the western and southern elevations at lower level and with a grey metal cladding to the upper levels and roof. In association with the main building a porta cabin type office would also be provided as well as two weighbridges serving incoming traffic.
- 1.2 The entire bailing process is proposed to be carried out inside the building with the external area to be used for bale storage and for the parking and turning of lorries associated with the use. As such, this land would remain laid to hardstanding as existing on the site with the exception of the area to be used as a weighbridge.
- 1.3 The proposed development would process a total of up to 20,000 tonnes of paper per annum with an average input of 80 tonnes of paper and cardboard for recycling per day. This would be delivered to the site in approximately 10 vehicle movements per hour during off peak times.
- 1.4 It is also proposed to provide an additional off road parking area to serve the use and provide parking for the residents of May Street on land to the west of the site. This would involve the creation of five extra spaces, increasing the number for residents from 18 to 23. These works would not require physical alteration to the land other than demarcating the parking bays. A 1.2m wide footpath would also be provided on the south eastern side of East Street to improve pedestrian access.
- 1.5 It is also important to note that the development proposes alterations to Brook Street to better accommodate lorry movements, and installing lining to the road on East Street. These works are controlled by KCC Highways and the developer would need to enter into a separate agreement with the highway authority to carry out this aspect of the development.
- 1.6 As background to this proposal, it has been highlighted that the applicants are currently constructing a new paper mill with associated works on the site of their existing mill on the eastern side of the railway line. At the present time paper and cardboard are delivered loose to the paper mill and stored on site before being recycled and used in the paper making process. As part of the new paper making process however, the recycled paper will need to be provided in a baled form for

use in the new machine. It is stated that the new facility is required for the efficient conversion of recycled paper for the new mill process.

**2. Reason for reporting to Committee:**

2.1 High level of public interest and receipt of a petition.

**3. The Site:**

3.1 The application site is a former water treatment works which has most recently been used as a car parking area and is in the ownership of Snodland Paper Mill. The site is accessed from East Street which is a small road located to the north and which in turn is accessed from Brook Street which sits to the west. To the east is a railway line which effectively separates the site from the main paper mill, although there is a pedestrian link under the railway line. To the south is a watercourse which supplies water to the paper mill from Leybourne Lakes; this watercourse cuts under the railway line in several places. The western boundary directly adjoins the industrial buildings occupied by Fleet Paper which fronts onto Brook Street.

3.2 The site is located on the boundary between the industrial and residential areas of Snodland with residential properties to the north of East Street, and industrial premises situated to the south, east and north. There is a Conservation Area which bounds the north eastern side of the proposed car parking area, encompassing All Saints Church located on Mill Street. The application site is also located in flood zones 2 and 3.

**4. Planning History (relevant):**

TM/06/02146/OA

Application Not  
Proceeded With

6 October 2014

Outline Application for the redevelopment of redundant industrial area to provide a range of industrial units of varying sizes including starter units class B1

**5. Consultees:**

5.1 Parish Council: No objection.

5.2 KCC (H+T): Detailed comments have been made including the need for highway improvements to take place at the junction between East Street and Brook Street. These would include a pedestrian link, road widening, car parking provision and would need to be secured by a Section 278 Highway Agreement.

5.3 Environment Agency: Raise no objection subject to various conditions being imposed concerning groundwater and contaminated land, foul and surface water drainage, flood risk and fuel storage.



- 5.4 Network Rail: Notes that as the site lies adjacent to the Network Rail boundary and its operational infrastructure, the applicants should contact its Asset Protection team regarding construction, piling, drainage, lighting , fencing etc.
- 5.5 Natural England: Initially raised concerns about potential impacts of pollution from the proposals on the nearby Holborough to Burham Marshes SSSI via contaminated groundwater and surface water run-off and discharge. It is noted that the applicants have indicated that these issues will be addressed through a Phase 3 Site Investigation and that the risk of construction will be addressed through the Construction Environmental Management Plan which will deal with any mitigation measures and during operation will be controlled under the site's existing Environmental Permit. Natural England is satisfied that the potential risk of pollution to the SSSI resulting from the proposals can be sufficiently minimised through appropriately worded planning conditions to secure the above measures.
- 5.6 LIMDB: Generally supports the Environment Agency's recommendation to make details of drainage the subject of a condition. It is also considered that existing drainage arrangements should be established and that runoff should be reduced by 50%. The EA guidance should be followed in respect of pollution prevention and control.
- 5.7 Kent Fire & Rescue: Confirm that the means of access is considered satisfactory.
- 5.8 Private Reps: 39 + site notice and press notice/0X/5R/0S. 4 letters of objection and a petition signed by 26 residents representing 17 households:
- Address of the site is wrong/misleading.
  - Increase in traffic congestion, likely to result in lorry stacking in Brook Street.
  - Increase in parking problems which already exist in May Street and East Street. Suggestion that the Smurfitt Kappa site could be used for overflow residents parking.
  - Increased noise, vibration and pollution from lorry movements, both within the site and entering and leaving, particularly as the lorries will be in low gear. Conflicting information within the application relating to the number of lorry movements.
  - Increased disturbance to residential amenity, particularly the proposed starting hour of 6am – this should be later e.g. 8am.
  - Design of the building is unsightly.
  - Inappropriate siting of an industrial use in a residential area.
  - Loss of property values.

**6. Determining Issues:**

- 6.1 Paragraph 18 of the NPPF highlights the key emphasis that central Government places upon economic growth and development. Paragraph 19 states that planning should operate to encourage and not act as an impediment to sustainable growth, with significant weight to be placed on the need to support economic growth through the planning system.
- 6.2 The application site is located within the urban confines of Snodland town. Policy CP11 of the TMBCS seeks to concentrate new development within the built confines of urban areas and to seek to promote the re-use of previously developed land.
- 6.3 The application site is not overtly protected for employment purposes by development plan policy but is surrounded by industrial land to the west, south and east, all of which is allocated for such purposes. This includes the paper mill site to the east which is in the same ownership as the application site. The development seeks to enhance the existing paper mill facilities by providing a paper bailing facility which is required as part of the enhancement and redevelopment of the paper mill and the changes to the paper machine processes. This development would therefore actively support economic development in the local area for a well-established business, which should be encouraged. The site is located in the built confines of Snodland town and would allow for the redevelopment of existing brownfield land. These factors all weigh in favour of the principle of the development but must be balanced against the other material considerations.
- 6.4 Policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD require high quality design which reflects the local distinctiveness of the area and respects the site and its surroundings in terms of materials, siting, character and appearance.
- 6.5 The application proposes the erection of one industrial building on the eastern part of the application site. The proposed building would have a height of 10.5 metres to the ridge and have a footprint area of 2147 sq. metres. The building would therefore be large in size and scale; however, when considered in relation to the overall size of the site in which it would be situated and its location in relation to surrounding large industrial buildings, it would not result in an overdevelopment of the application site, or appear as a visually incongruous feature within the local context.
- 6.6 The majority of the site would remain as hardstanding which is of the same appearance as the existing site, with the exception of the weighbridges which would be small low level features which would not be highly visible within the street scene. The weighbridges are a necessity for the operation of the business from the site, and due to their minimal visual impact, would be acceptable.

- 6.7 It is also proposed to store bales of paper externally on the site in a relatively small area to the south. The outside storage would be in close proximity to large industrial buildings and therefore visually would not appear as overly dominant within the street scene. In light of the scale of buildings in the local area, I do not consider it necessary to restrict the height of external storage in this instance.
- 6.8 There is a Conservation Area situated to the north east of the application site, adjoining the area which is proposed to be used for car parking. 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 the adjacent 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. The significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.
- 6.9 The proposed building would be located a considerable distance from the Conservation Area boundary and therefore would not adversely impact upon its setting, being visually read in relation to the existing industrial development rather than the more historic areas surrounding All Saints Church. The proposed car park would be the part of the site most directly related to the Conservation Area but this would not cause any harm to its setting in visual terms.
- 6.10 Development plan policy along with the NPPF requires that all new development does not result in harm to the residential amenities of neighbouring properties in order to allow for an environmental and social sustainability. The application site is largely bounded by industrial development to the east, west and south. The closest residential neighbours to the site are located to the north on May Street and to the north west on Brook Street. The proposed building is located far enough away from the neighbouring dwellings to prevent the structure itself being overbearing to the residential properties. The main potential for impact in this regard would arise from noise and disturbance from industrial processing within the building and from the vehicular movements to and from the site.
- 6.11 It is understood that vehicles entering the site will be weighed on arrival and before leaving on two separate weighbridges. The vehicles will circulate around the building in a clockwise one way system. All vehicles will be supervised from a portacabin type building close to the entrance and a compulsory "call before arriving" system will be used so that drivers request permission to arrive on site. Vehicles will not be allowed to arrive unannounced to prevent vehicles having to pass in East Street. This level of considered management will, in my view, minimise disturbance for the local area.
- 6.12 In support of the proposal a Noise Assessment was carried out using baseline noise conditions and the predicted noise levels of the proposed building. The results indicate that noise levels from the activity within the site and from vehicles

accessing the site will be negligible in May Street and will have only a marginal impact upon receptors in Brook Street. The assessment also indicates that predicted noise levels from increased traffic flows on the local road network will be negligible. The assessment concludes that the development would be acceptable in terms of the NPPF and NPSE.

- 6.13 In addition, changes have been made to the hours of operation requested by the applicants in order to protect residential amenity. It should be borne in mind that the residential properties in this area are sited in close proximity to a large established paper milling business where a certain level of activity and noise would be expected. Notwithstanding this, it is considered that an acceptable standard of residential amenity will be secured in this location. Conditions can be attached to a planning permission restricting hours of use and the operation of the proposed use.
- 6.14 The NPPF states that planning decisions should take into account improvements that can be undertaken within the transport network that cost effectively limits the significant impacts of a development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Policy SQ8 of the MDE DPD states that development will only be permitted where it would not significantly harm highway safety and where traffic generated by the development can be adequately served by the highway network.
- 6.15 The application site is located on East Street, a small road which is restricted by vehicles parking along the highway edge. The application site itself is large in size and offers the opportunity for the provision of a significant amount of off road car parking. This parking area serves both the existing mill site and the new development as well as providing additional off road car parking for the residents of May Street. This parking provision has been identified and justified within the submitted Transport Statement and offers some opportunity to improve the parking situation for existing local residents. This would prevent harm from being caused to highway safety through vehicles parking on the public highway.
- 6.16 There have been discussions between the applicant and KCC (H+T) regarding improvements to East Street that would enable it to more easily accommodate the additional traffic movements arising from the proposed development. These include improvement works to the junction between East Street and Brook Street, a widening at the eastern end of East Street, a pedestrian link, parking restrictions, and dropped crossing and tactile paving where appropriate. These works will require a S.278 agreement between the applicant and KCC (H+T) and a planning condition requiring completion of the works prior to the commencement of the use should be imposed on any planning permission granted.
- 6.17 The submitted Transport Statement also proposes that HGV movements between the existing site and the proposed building plant shall consist of left turns out of and right turns into East Street from Brook Road, with five trips a day between the

application site and the mill. The junction has been designed to make this a preference and the journeys between the two sites would naturally direct lorry movements in this way and again this should be required by planning condition.

- 6.18 Similarly the Transport Statement states that the Mill site operates a shift pattern which allows for the spread of traffic movements throughout the day and minimises conflicts with traditional peak periods. Although there would not be a significant highway safety impact should this change, KCC (H+T) has requested that they are notified should this shift pattern change, which can be suggested to the applicant by way of an Informative but this is not a matter that could be controlled by imposition of planning condition.
- 6.19 The Transport Statement also states that lorries will not be scheduled to arrive at East Street during the peak hours. During off peak hours it is proposed that 10 vehicles per hour would be expected to exit East Street. It would not be possible for lorries to turn into East Street if there was a car waiting to exit. As such, lorries would need to wait in Brook Street to wait for any queue of cars to clear. During the off peak hours, the risk of articulated lorries being required to wait for more than one car would be minimal.
- 6.20 A local business has raised concern with regard to the loss of parking to serve their unit at 2 East Street as a result of the proposed highway works. The off road parking for 2 East Street is limited which means that a large amount of staff park on the public highway. Although the development would remove on road parking opportunity for this business, this is not in the control of the Local Planning Authority. The development would not result in the loss of any area reserved for parking to serve 2 East Street and therefore would not result in additional pressure to park on the public highway.
- 6.21 The concerns of the neighbours have been given very careful consideration, in particular the impact upon existing amenities in terms of vehicle activity and noise. As highlighted above, the highway aspects of this proposal have been the subject of detailed consideration and amendments have taken place to ensure a satisfactory situation for drivers accessing the site as well as pedestrians in the vicinity and the provision of additional parking spaces for residents.
- 6.22 A Flood Risk Assessment has confirmed that the site is partly within Flood Zones 2 and 3, but that the risk of flooding from fluvial and tidal sources is low and no additional mitigation measures are required. The proposed development will not cause an increase in flood risk within the site and it will not impact elsewhere. The EA has indicated that it would not raise objections provided that various conditions are imposed covering ground water contamination, drainage etc. This information is not required prior to the application being determined, but without these conditions the development would pose an unacceptable risk to the environment. The conditions requested by the EA are reflected in the recommendation that follows.

- 6.23 During the consideration of the application concern has been expressed regarding the potential for bats being present on site. As a result, further work has been carried out by the applicant to establish the presence of bats. Bat emergence surveys were carried out in May and June of this year which show that although bats forage across the site, no bats were actually found to be roosting there. The report states that there is no reason not to demolish the building that exists on the site. In the event that bats are found at the site during the demolition process then work should cease so that full evaluation can be carried out by a licensed bat surveyor. This matter would need to be covered by an appropriately worded condition. Any further feedback received from Natural England or Kent Wildlife Trust on the matter of bats will be reported as a supplementary matter.
- 6.24 In support of the application an Environmental Preliminary Risk Assessment was submitted. This reviewed all historical uses of the site, including use as a gas works and water treatment plant for the adjoining paper mill. It is likely that residual contamination remains in the soil beneath these features and therefore a full intrusive investigation is required together with details of any mitigation measures. This matter can be covered by a safeguarding condition.
- 6.25 In conclusion, the location of this site, in close proximity to the main Paper Mill buildings, is ideal from a business point of view and will greatly assist in the employment opportunities that the business brings to the local economy. Additionally, this application has however been the subject of detailed consideration and negotiation to ensure acceptability in all respects and, subject to the imposition of various conditions, I consider that the proposed development is acceptable in all respects. 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 10.04.2014, Noise Assessment dated 10.04.2014, Report Road Safety Audit dated 10.04.2014, Environmental Assessment dated 10.04.2014, Flood Risk Assessment dated 10.04.2014, Transport Statement dated 10.04.2014, Ecological Assessment dated 10.04.2014, Location Plan 14/00101 01 dated 10.04.2014, Existing Site Plan 14/00101 02 dated 10.04.2014, Site Layout 14/00101 03A dated 29.10.2014, Elevations 14/00101 04A dated 29.10.2014, Email Fm Agent DTD 29.10.14 dated 29.10.2014, Other Additional Information dated 29.10.2014, Noise Assessment dated 29.10.2014, Letter dated 01.12.2014, Drawing C1002 P3 proposed junction engine dated 10.12.2014, Ecological Update dated 31.3.2015, Bat Emergence Survey Report dated 30.6.2015 subject to the following:

**Conditions:**

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

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

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

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

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

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

- 4 No development shall be commenced until:

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

- 5 The business shall not be carried on outside the hours of 07.00 - to 18.00 Mondays to Fridays and 08.00 to 15.00 Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 6 The development shall be operated and managed in accordance with the Transport Statement referenced 13376 Rev A unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 7 The use of the building hereby permitted shall not be commenced until such time that the highway improvement works as detailed in the Transport Statement referenced 13376 Rev A and shown on drawing number 13376 C1002 P3 have been completed and are fully operational.

Reason: In the interests of highway safety.

- 8 Prior to the commencement of the development hereby approved, details of the foundation methods to be used in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of amenity and public safety.

- 9 Prior to the commencement of the development hereby approved, details of the foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In order to protect controlled waters.

- 10 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to the oil, fuel or chemical and water.

Reason: In the interests of pollution control.



- 11 If during the demolition works bats are found to be roosting within the building then all work should cease, to enable a licensed bat surveyor to access the site and survey the situation. Any identified mitigation measures should be carried out concurrently with the development, to the satisfaction of the Local Planning Authority.

Reason: In the interests of nature conservation.

- 12 No development shall take place until details of finished floor levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 13 No external lighting shall be installed in connection with the building hereby approved without the prior approval of the Local Planning Authority.

Reason: In the interest of the amenity of the area.

#### **Informatives**

- 1 You are advised of the need to enter into a Section 278 Agreement with the Highway Authority regarding the road and footway widening proposals and to establish the associated proposed off site traffic management measures, as outlined in the email from Kent County Council Highways and Transportation letter dated 5.1.2015 and the submitted Transport Statement.
- 2 You are advised to notify Kent County Council Highways & Transportation of any alterations to the shift patterns as detailed in the Transport Statement.

Contact: Hilary Johnson

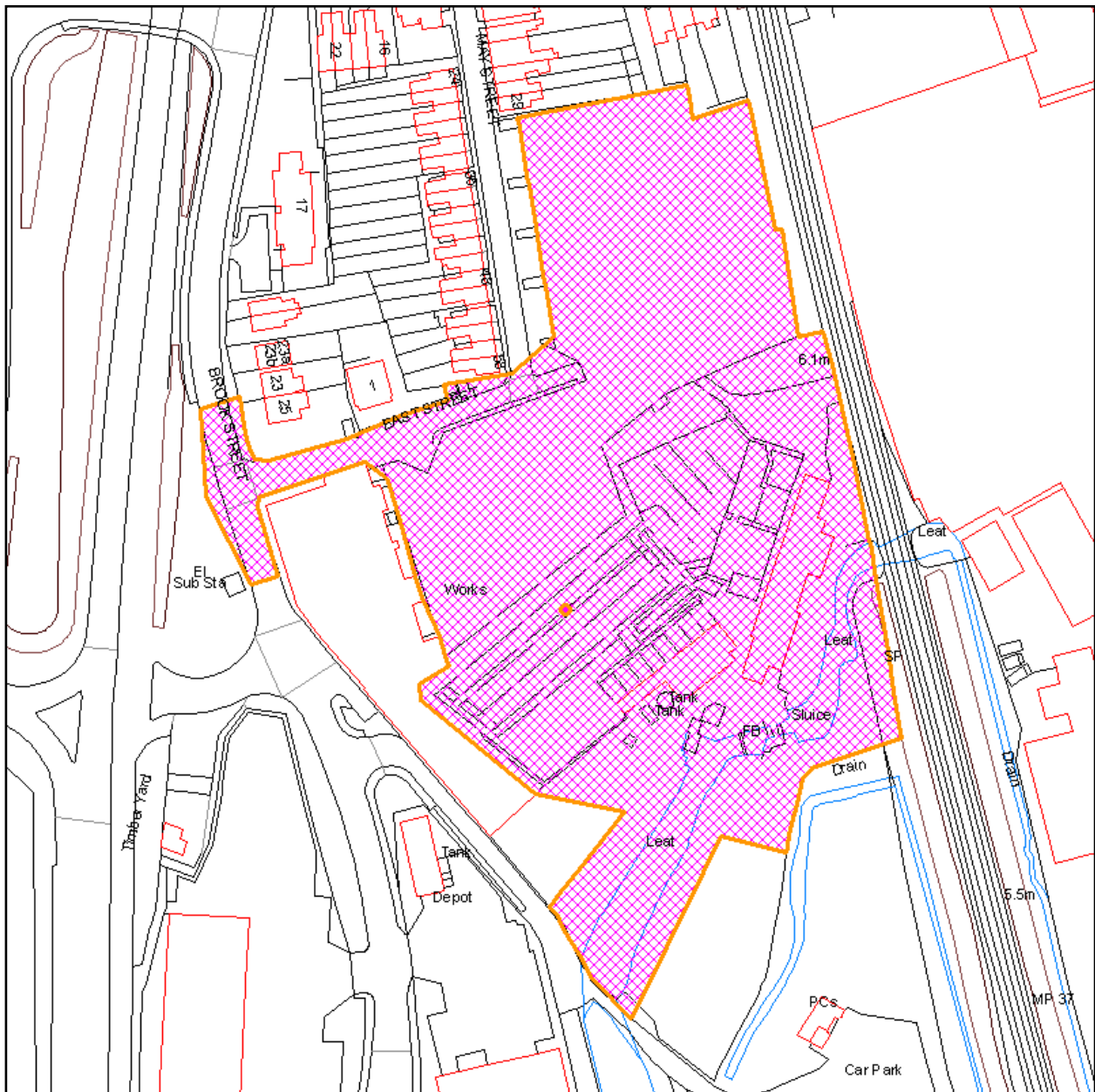
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**TM/14/01342/FL**

Former Water Treatment Plant East Street Snodland Kent

New paper bailing plant on former water treatment works

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**Snodland**                              **569859 160591**    **7 May 2015**                              **TM/15/01431/FL**  
Snodland East And  
Ham Hill

Proposal:                              Demolition of an existing detached house and garage and the erection of a block of 8 no. single bedroomed flats with associated parking and amenity facilities  
Location:                              Dene Hall 269 Malling Road Snodland Kent ME6 5LE  
Applicant:                              Mr G Dunne

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## **1. Description:**

- 1.1 It is proposed to demolish the detached two storey dwelling on the site, known as Dene Hall, together with a double garage and to erect a block of 8 x 1 bedroom flats with associated parking and amenity facilities. Three units would be provided on each of the ground and first floors with a further two on the second floor. The proposed building would be positioned parallel with the southern boundary and would be 2.5 stories in height. The second floor units would be accommodated within the roof space, served by a mix of dormers and roof lights.
- 1.2 The building would have a maximum height at ridge level of 8.8m with an eaves height of 5.4m. The slab level of Dene Hall is currently set below that of Malling Road. The slab level of the new building will however be set "at grade" rather than set at a lower level to the highway.
- 1.3 The proposed residential development will be served by a vehicular access that would be slightly re-positioned to the west, close to the junction with Malling Road. A total of 8 parking spaces (one for each unit) would be provided. Five of these would be aligned at right angles to the eastern boundary of the site, with the remaining three at a slight angle to the west of the access, in front of the building. Some landscaping is shown along the southern and north western boundaries of the site.

## **2. Reason for reporting to Committee:**

- 2.1 At the request of Cllr David Lettington.

## **3. The Site:**

- 3.1 The application site lies within the built confines of Snodland, on the junction of Malling Road and Brook Lane, opposite the Freemasons Public House. To the south west of the site lies the Ham Hill Petrol Filling Station. The site contains a detached two storey dwelling house with separate double garage. The site falls away to the rear of the site backing onto the residential properties in Lakeside. The site contains a number of conifer trees fronting onto Malling Road. Vehicular access to the site is from Brook Lane and a large hardstanding area lies in front of the garage.

3.2 The buildings in the local area are either large detached structures such as the petrol filling station, the Britannia Windows oastbarns or the 2.5 storey Freemasons Arms. The residential properties in Lakeside and a section of Brook Lane, up to the junction with Lakeside, comprise blocks of terraced properties and are either 2, 2.5 or 3 storey houses. There is however one pair of two storey semi-detached dwellings in Lakeside behind the application site.

**4. Planning History (relevant):**

TM/07/00547/FL      Refuse      10 May 2007  
   Appeal Dismissed

Demolition of existing dwelling and garage and erection of a purpose built block containing 9no. one bedroom flats with associated parking and amenity areas

TM/08/00074/FL      Refuse      17 April 2008  
   Appeal Allowed

Demolition of existing house and garage and erection of a block of 8no. apartments

**5. Consultees:**

5.1 Town Council: Object due to overdevelopment and overbearing impact on properties to the side and rear. There are concerns regarding the ridge height, dangerous access, insufficient visitor parking, substandard accommodation and the need for extended acoustic measures.

5.2 KCC (H+T): Consider the new access to be of sufficient width and would be provided with good visibility. It is not expected that these proposals would lead to a significant increase in traffic accessing the site. There are no recorded crashes close to the existing junction with Brook Lane. For these reasons no objections are raised.

5.3 Private Representations + Site Notice 18/0X/4R/2S.

For:

- Existing building is derelict and the proposal will improve the area.
- Flats will be an asset for those looking for small scale accommodation

Against:

- Dene Hall should be brought back into use as a family home.
- A flat development is out of keeping with the village feel of Snodland and the building will be an eyesore.

- 8 flats are excessive. There is no need for further flats.
- Proposal will add to parking problems in the area.
- Brook Lane is already parked up by residents and pub visitors.
- One space/flat is insufficient. No spaces are provided for visitors.
- Concerns about safety at the vehicle entrance onto Malling Road, near a bus stop used by children. There should be a pedestrian crossing.

## **6. Determining Issues:**

- 6.1 This application is considered in relation to the following Core Strategy policies and relevant paragraphs of the NPPF. These include policy CP1 (sustainability), CP11 (development within the built confines of Snodland), CP24 (standard of development). Relevant policies from the MDE DPD include SQ1 (high quality design), and SQ8 (Highway safety).
- 6.2 In summary these policies recognise that new development can be accommodated within the built settlement confines of Snodland and the re-use of previously developed land should be promoted. High quality design is encouraged which should reflect the local distinctiveness of the area and respect the site and its surroundings in terms of materials, siting and appearance. New development should not result in harm to residential amenities of neighbouring properties and should not significantly harm highway safety.
- 6.3 In addition to the policy context it is necessary to have regard to the recent planning history for this site, including two previous appeal decisions and a similar approval for 8 flats in 2008. This planning history forms a key material planning consideration in the assessment of this case and is outlined as follows:
- 6.4 Planning application TM/07/00547/FL proposed the demolition of Dene Hall and the erection of a block of 9 x 1 bedroom flats with parking. The application was refused on the grounds that the building would create an undesirable form of development harmful to the character of the area, would represent a prominent feature in Malling Road and would involve the provision of parking places in close proximity to the neighbouring property resulting in noise disturbance.
- 6.5 This application was the subject of an appeal where the Inspector concluded that the development was unacceptable because the siting, size and scale of the building would represent a bulky and excessively dominant form of development out of keeping with its surroundings. Additionally the noise and disturbance arising from the use of the car park would have given rise to unacceptable nuisance to neighbouring residents. The appeal was dismissed.

- 6.6 A second application was submitted under TM/08/00074/FL, this time to erect a block of 8 x 1 bedroom flats with parking. This was refused for similar reasons to the 2007 application and was also subject of an appeal.
- 6.7 In this case, the Inspector noted that the building would be set back from the road frontage, the overall roof height would be minimised and some articulation would be incorporated into the design of the elevations. The Inspector did not regard the appearance, scale or massing of the building as being incongruous or excessive in bulk for this site and noted that the area lacked any discernible uniformity in design. For these reasons the Inspector concluded that the introduction of this development would not cause any material harm to the character and appearance of the area or that the block would appear unduly out of place or dominant and the appeal was allowed.
- 6.8 Given the above planning history it is necessary to consider the differences between the current application for 8 flats and the scheme allowed at appeal, also for 8 units.
- 6.9 The building the subject of the current application is described by the applicant as displaying strong elements of the Kentish vernacular with a significant amount of design detailing and articulation. The building has been designed with gables and pitched roof dormer windows. The use of brick with timber weatherboarding to the first floor is welcomed and renders the overall design of the building acceptable within its wider setting.
- 6.10 The 2008 scheme involved setting the building deep into the ground, requiring a significant reduction in site levels with associated drainage and viability issues. The current application seeks to construct a building "at grade" rather than setting the entire structure down below prevailing ground level. Similarly the proposed maximum height of the building would be 8.8m, compared to the existing house which is around 8.4m. Whilst the proposed building would be marginally greater in height than that permitted in 2008 and also the existing building, it is not considered that this would make a noticeable difference to the visual amenities of the locality.
- 6.11 The building would be set back from the highway and would respect the building line of the adjoining row of houses in Brook Lane. There is a row of non-indigenous conifer trees along the western boundary, but it is proposed to replace these with more appropriate native planting. This can be secured by a planning condition.
- 6.12 IGN3 states that within sustainable urban locations one space for a one bedroomed flat is considered to represent an acceptable level of parking. The current proposal would provide a total of 8 spaces which therefore meets the identified standards. Confirmation has also been received that the re-positioned vehicle access meets adopted standards and would have adequate vision splays.



A number of conditions and informatives have been recommended to cover the highway aspects of the proposal.

- 6.13 Neighbours have also made reference to the lack of need for a block of flats in this location. The Council endeavours to provide a range of house types across the Borough to meet anticipated need. Demand is not determined by the planning system; however there is a Borough- wide need for this type of unit. The Council's SHMA 2014 identifies a need to focus on smaller units within the market sector (1 and 2 bedrooms) in the Medway Gap area, given the aging demographic as well as higher pricing levels and significant levels of under occupation. This development accords with this desire.
- 6.14 There has also been a request for a pedestrian crossing in Malling Road. Whilst such a facility may be of benefit for residents in the area, such provision would not be reasonably related to the development in question and could therefore not be required of the developer.
- 6.15 In association with the application a Noise Impact Assessment was carried out to evaluate the impact of noise on the site, which is primarily from the adjacent road network. The report suggests a series of mitigation measures to ensure that acceptable internal noise levels can be achieved inside the relevant rooms of the proposed development. It is agreed that mitigation measures will be required in relation to glazing, construction and ventilation. Specific details will however be required of the proposed acoustically screened mechanical ventilation system to be used. Noise insulation measures are incorporated between sensitive uses, such as bedrooms and the communal areas of the development, and this would be secured through the Building Regulations.
- 6.16 A block of 8 flats has previously been viewed by a Planning Inspector as an acceptable form of redevelopment for this site and this forms an important material planning consideration. Whilst there has been a change in the policy context with the introduction of the NPPF there remains a presumption in favour of sustainable development and, moreover, a strong emphasis placed on the need to provide housing, with a clear focus on concentrating such provision on previously developed land.
- 6.17 It is also acknowledged that there has been a change to the visual appearance of the proposed building, its slab level and height. Notwithstanding these alterations the site remains capable of accommodating a 2.5 storey building without resulting in overdevelopment or an overbearing impact. The design would be appropriate in this location and the building would not stand out as a dominant or obtrusive feature in Malling Road.
- 6.18 In conclusion the proposal would provide an acceptable solution to the previously accepted principle of a block of flats on this site. The standard of accommodation to be provided would be satisfactory, subject to the imposition of safeguarding conditions. It is therefore recommended that planning permission is granted.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 17.06.2015, Proposed Elevations KWTP/157 03 dated 17.06.2015, Design and Access Statement dated 26.05.2015, Letter dated 30.04.2015, Noise Assessment dated 30.04.2015, Email dated 07.05.2015, Design and Access Statement dated 07.05.2015, Location Plan dated 07.05.2015, Proposed Plans and Elevations KWTP/157/01 dated 07.05.2015, Block Plan dated 30.04.2015, Topographical Survey SOS-TOPO-101 01 dated 30.04.2015, subject to the following conditions:

**Conditions:**

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

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

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

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

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

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

4. No development shall be commenced until:

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

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

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

6. The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

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

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

8. 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 of the building 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.

9. The first floor windows on the east elevation shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the rooms are occupied and shall be retained thereafter.

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

10. The bottom cill of the first floor windows and roof lights in the south elevation shall be a minimum of 1.8m above the internal floor level. This work shall be effected before the rooms are occupied and shall be retained thereafter. (R003)

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

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

Reason: In the interests of amenity and privacy.

12. The noise mitigation measures proposed within the Baseline Noise Assessment dated November 2006 shall be implemented prior to first occupation of the dwelling to which it relates and shall be retained and maintained at all times thereafter.

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

13. The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

14. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter. (R004)

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

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

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

16. The premises shall not be occupied until the existing vehicular access to the site has been closed permanently.

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

### **Informatives**

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of injuries by the use of sprinkler systems in all new buildings and extensions.

3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
4. 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 limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
5. You are advised to discuss issues concerning the installation of noise insulation between sensitive uses (such as bedrooms) and the communal areas of the proposal, (in particular the stairwells and bedrooms adjacent to kitchen/lounges), with your Building Control consultant.
6. 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 0730-1830 hours, Saturday 0800 to 1300 hours, with no such work on Sundays or Public and Bank Holidays.
7. 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 therefore recommended that bonfires are not held at the site.

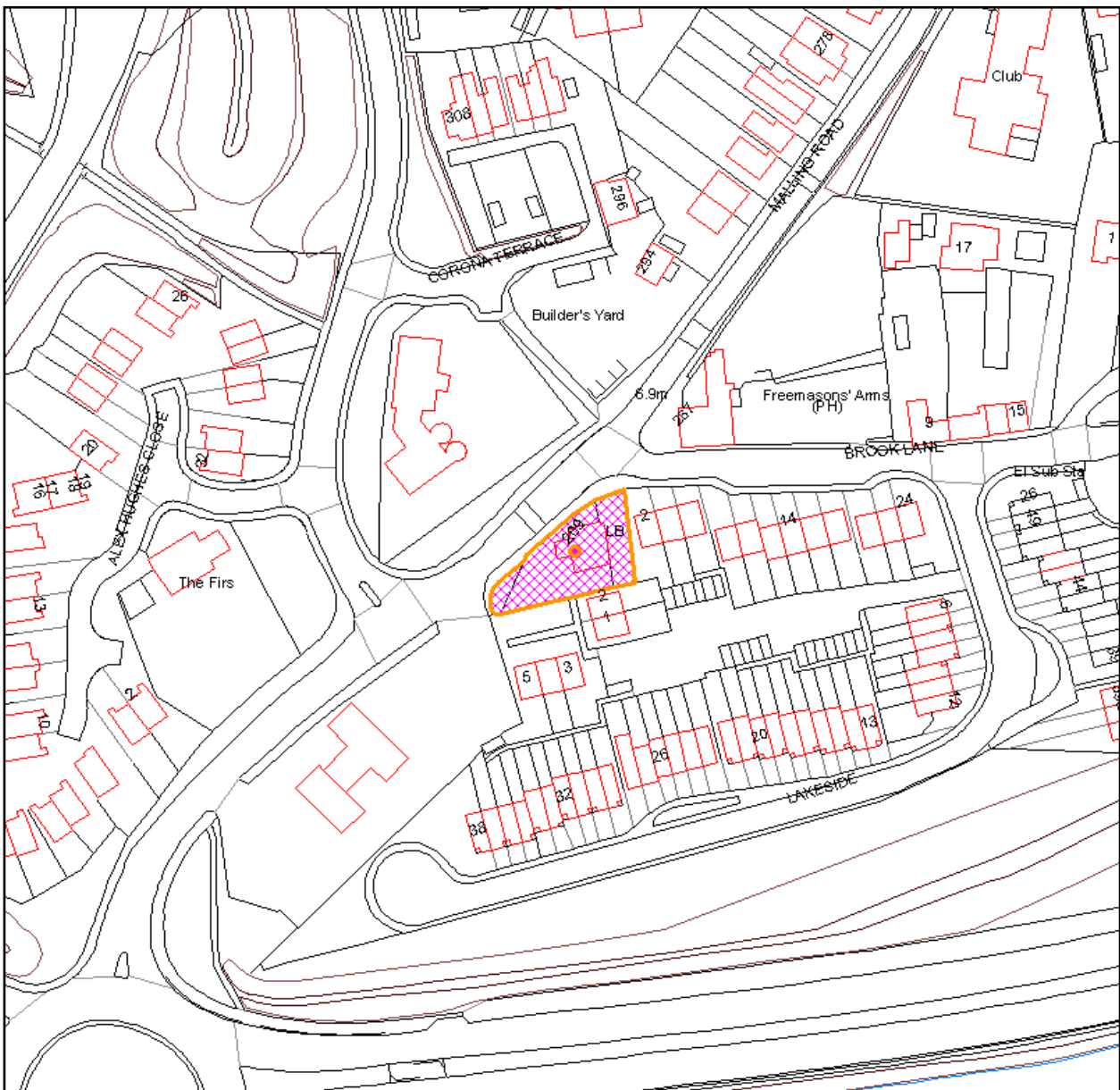
Contact: Hilary Johnson

**TM/15/01431/FL**

Dene Hall 269 Malling Road Snodland Kent ME6 5LE

Demolition of an existing detached house and garage and the erection of a block of 8no. single bedroomed flats with associated parking and amenity facilities

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# Agenda Item 10

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

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

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