

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

30 September 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, 8th October, 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

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

12. Urgent Items

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

MEMBERSHIP

Cllr 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, 16th July, 2015

Present: Cllr M Parry-Waller (Chairman), Cllr D Lettington (Vice-Chairman), Cllr M C Base, 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 and Cllr T C Walker

Councillor H S Rogers was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell and B W Walker

PART 1 - PUBLIC

AP3 15/39 DECLARATIONS OF INTEREST

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

AP3 15/40 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 4 June 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 15/41 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 15/42 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 and retain the existing septic tank at Orchard Farm, Well Street, East Malling.

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) Addition of condition:

1. If at any time the access track and/or septic tank are no longer required for their intended purposes they shall be removed as soon as is reasonably practical and the land restored to its former condition.

(2) Addition of informative:

1. The applicant is reminded that the grant of planning permission does not purport to convey any approval or consent or license which may be required under separate Legislation. Further advice on such matters should be sought where applicable from the Environment Agency, the Environment Protection Team or Building Control of Tonbridge and Malling Borough Council.

[Speakers: Mr A Philpott and Mr A Ward (prepared written statement read by Mr A Philpott) – members of the public and Mr J Fuller – applicant]

AP3 15/43 TM/15/00494/FL - FORMER BRIDGEWOOD SERVICE STATION AND WORKSHOP, 459 MAIDSTONE ROAD, CHATHAM

Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings at Former Bridgewood Service Station and Workshop, 459 Maidstone Road, Chatham

Members expressed concern regarding parking provision on any new developments and were assured that Officers remained mindful of these issues.

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) Amendment to conditions:

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. The scheme shall include details of the ongoing management and maintenance of the communal areas of landscaping. 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 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: In the interests of protecting the character and amenities of the locality.

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: To enable the Local Planning Authority to regulate the use of the dwellings on the site as houses in multiple occupation.

(2) Addition of condition:

17. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no windows or similar openings shall be constructed in any elevations or roof slope 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 regular and control any such further development in the interests of amenity and privacy of adjoining property.

[Speaker: Mr M Maier – agent]

AP3 15/44 TM/14/01342/FL - FORMER WATER TREATMENT PLANT, EAST STREET, SNODLAND

New paper bailing plant on former water treatment works at Former Water Treatment Plant, East Street, Snodland

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

AP3 15/45 TM/15/01431/FL - DENE HALL, 269 MALLING ROAD, SNODLAND

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 at Dene Hall, 269 Malling Road, Snodland

RESOLVED: That the application be REFUSED for the following reason:

- (1) The development by virtue of its height and lack of articulation would result in a building that would appear overbearing to the surrounding properties and incongruous to the general character of the street scene and the wider locality. The development is, therefore, contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment – Development Plan Document 2010 and paragraphs 17, 56 and 60 of the National Planning Policy Framework (2012).

[Speakers: Miss A Moloney – Snodland Town Council and Mr K Wise – agent]

PART 2 - PRIVATE**AP3 15/46 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.50 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

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

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

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way
SDC	Sevenoaks District Council

SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

East Malling & Larkfield **569740 155884** **29 January 2015** **TM/15/00307/FL**
East Malling

Proposal: Change of use of land to extend existing static holiday log cabin (caravan) site with ancillary bases, roads, decking, verandas, lighting and drainage (resubmission of TM/14/03074/FL)
Location: Heath Park 45 The Heath East Malling West Malling Kent ME19 6JN
Applicant: Mr Garry Haffenden

1. Description:

- 1.1 Planning permission is sought for an extension to the Heath Park holiday park to increase the number of log cabin units by 5. The application also includes the construction of the ancillary bases, internal access road, lighting and drainage provision. Associated decking and verandas are proposed to each unit.
- 1.2 Members will recall that planning permission was originally granted in August 2012 for a static holiday log cabin (caravan) site comprising 10 units. A subsequent permission was granted in May 2013 to allow for an increase in the width of the units, and in May 2014 for the retention and introduction of steps and verandas to each of the units.
- 1.3 Members will also be aware that a similar application to extend the Park by 8 units was submitted under TM/14/03074/FL. That application was due to be heard at the APC3 in January 2015 but was withdrawn by the applicant prior to the meeting.
- 1.4 The site has been the subject of a planning enforcement investigation. Concerns were raised regarding the occupation of the units. As Members are aware the units can only be occupied as holiday accommodation and not as permanent residential dwellings. The investigation has found no evidence to suggest a breach of planning permission is occurring at the site.

2. Reason for reporting to Committee:

- 2.1 Owing to the controversial planning history connected to the site.

3. The Site:

- 3.1 The site lies within the open countryside to the south of East Malling village. All the site boundaries are of mature trees and shrubs. The layout and landscaping permitted in 2011 have been undertaken. The entrance signage, gates and bin store have been erected.

4. Planning History (relevant):

TM/10/02303/FL Approved 14 December 2010

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

TM/11/02493/FL Approved 31 August 2012

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

TM/12/03819/FL Approved 7 May 2013

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

TM/14/00289/FL Approved 19 May 2014

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

TM/14/03074/FL Application Withdrawn 5 January 2015

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

5. Consultees:

5.1 PC: No objection on the basis of the revised plans showing a reduction in the number of lodges as shown including a landscaping scheme and the retention of the 'green' area at the south end of the site. We also ask that all the previous conditions be applied for the purposes of consistency.

5.2 KCC (H+T): No objection

5.3 Private Reps: 33 + site notice/0X/0R/0S: No responses

6. Determining Issues:

6.1 The creation of Heath Park as a static holiday log cabin (caravan) site was established through the grant of planning permission (TM/11/02493/FL) in August 2012 as it was considered to reflect the principles laid out in paragraph 28 of the NPPF 2012. This seeks to support economic growth in rural areas, to promote a strong rural economy and offers support for the sustainable growth and expansion of all types of business and enterprise in rural areas. It makes specific reference

to rural tourism and leisure developments which respect the character of the countryside. The current planning application before Members proposes the expansion of the existing rural tourist enterprise which is, in principle, acceptable when considering the requirements of paragraph 28 of the NPPF. The key determining factor therefore, in this instance, is whether the proposed expansion respects the character of the countryside.

- 6.2 The requirement to respect the character of the countryside is also reflected in policy CP14 of the TMBCS. The use of the site as a holiday log cabin (caravan) site was deemed to accord with policy CP14 as being development for which a rural location is essential. However, the policy also states that whilst in some cases development in the countryside can be beneficial and sustainable it needs to be appropriate to the character of the countryside.
- 6.3 Similarly, policy DC5 of the MDE DPD promotes the general principle of providing for new tourism and leisure facilities in the rural areas. The original change of use at Heath Park was found to accord with the policy. Again, the policy states that such in principle support must not, either individually or cumulatively, detract from the character of the area in which they are located.
- 6.4 The permitted ten units are sited in two parallel lines of five stretching southwards on either side of the entrance gates. A grassed amenity area with shrub planting has been created in front of the entrance gates, which has contributed to the creation of an appropriate setting within the countryside. This, in addition to the trees and shrubs that form the site boundaries, gives the impression of log cabins fitting naturally into their rural setting. The siting of the units to either side of the site maintains a view of the mature trees to the south. This has allowed the existing facility to retain the rural character of both the site and its setting in the wider countryside.
- 6.5 The scheme submitted under TM/14/03074/FL sought to add an additional unit to the existing parallel line to the west, two additional units to the parallel line to the east and a further five units at right angles to the rear of the site. Although the application was withdrawn prior to the meeting, the Committee Report recommended refusal on the basis that the additional units, particularly those at the rear, would have a detrimental impact on the character of the site and the wider countryside. In response the applicant has submitted the current amended application.
- 6.6 The current scheme proposes an additional 5 units – a reduction from the 8 previously sought. The intention is to provide holiday log cabins (caravans) to match the existing units in terms of size and appearance. Two additional units are proposed to extend the existing parallel line to the west and three additional units are proposed to extend the existing parallel line to the east. Two additional amenity grassed areas are proposed with Beech and Dog Rose hedges. A parking space is proposed for each unit together with 6 additional spaces. The

scheme also includes an additional bin store. The existing trees to the rear site boundary are to be retained with additional hedge planting and a Field Maple and two Scots Pine trees.

6.7 With the above policy context in mind (set out in paragraphs 6.1, 6.2 and 6.3), I consider that the specific siting of the 5 additional units proposed would ensure that the character of the site and wider countryside would not be harmed. Specifically, the addition of two units to the west and three units to the east will have minimal impact on the countryside when viewed from the site entrance at The Heath. Similarly the existing boundaries of mature trees provide screening which prevents views of the existing and the proposed additional units.

6.8 In light of the above assessment, I consider that the proposed development meets the requirements of the NPPF and LDF and as such the following recommendation is put forward.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 29.01.2015, Design and Access Statement dated 29.01.2015, Location Plan dated 29.01.2015, Site Plan 14/1192/01 Proposed dated 29.01.2015, Proposed Plans and Elevations 14/1192/02 Lodges 11 _ 13 dated 29.01.2015, Proposed Plans and Elevations 14/1192/03 Lodges 12,14 _ 15 dated 29.01.2015, subject to the following:

Conditions:

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

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

2. All materials used externally shall accord with the approved plans and match the external appearance of the existing/permitted holiday log cabins (caravans).

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

3. The maximum number of log cabins (caravans) to be located at the site shall be no more than 15.

Reason: The siting of more than 15 log cabins (caravans) would lead to an over intensification of the use of the site which could potentially have an adverse impact upon the wider character of the countryside.

4. (i) The log cabins (caravans) shall be occupied for holiday purposes only and no trade or business shall be carried on from the site;
- (ii) the log cabins (caravans) shall not be occupied as a person's sole, or main place of residence;
- (iii) the caravan site licence holder or his/her nominated person shall maintain an up-to-date register of the names of all owners/occupiers of individual log cabin (caravans) on the site, their arrival and departure dates and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The occupation of the log cabin (caravans) for permanent residential occupation which would constitute an inappropriate land use in the countryside.

5. The use hereby permitted shall only be carried out, and the site shall be operated, by the occupiers of 260 Watringbury Road.

Reason: To ensure the continuing relationship between the host dwelling and the application site in order to provide adequate management supervision for the site to ensure that neither the levels of adjacent residential amenity nor the character of the wider area suffer from an adverse impact.

6. Notwithstanding any of the provisions of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 the site shall not be used for the accommodation of touring caravans.

Reason: This would lead to an over intensification of the use of the site which would potentially have an adverse impact upon the wider character of the countryside.

7. Notwithstanding any of the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 the site shall not be used for the pitching of tents.

Reason: This would lead to an over intensification of the use of the site which would potentially have an adverse impact upon the wider character of the countryside.

8. The proposal for landscaping shown on the submitted layout shall be implemented in the first planting season following the first use of the site pursuant to this planning permission. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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

9. The log cabins (caravans) hereby approved shall not exceed 13m in length and 6m in width and shall be externally finished to resemble a log cabin/chalet.

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

10. The log cabins (caravans) hereby approved shall limited to a maximum of 2 bedrooms.

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

11. The vehicle parking spaces shown on the submitted plans shall be provided and permanently retained prior to the use of the site.

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

Informatives

1. An application to vary the existing caravan site licence will be required under the Caravan Sites and Control of Development Act 1960. An application form may be obtained from the Council's Environmental Health and Housing Service. Conditions will be attached to the licence to protect the health and safety of the site users and visitors.
2. The applicant is advised that light has been added into the list of statutory nuisance under the Environmental Protection Act 1990. It is thus in the applicant's own best interests to ensure that the lighting does not unduly affect neighbours and is maintained as such.
3. During the construction/installation phase the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours, Saturday 08:00 to 13:00 hours with no working on Sundays, Bank Holidays or Public Holidays.
4. The applicant is advised of the need to maintain adequate vision splays. A splay of 2m x 43m is recommended which should be maintained with no obstruction over 900mm.

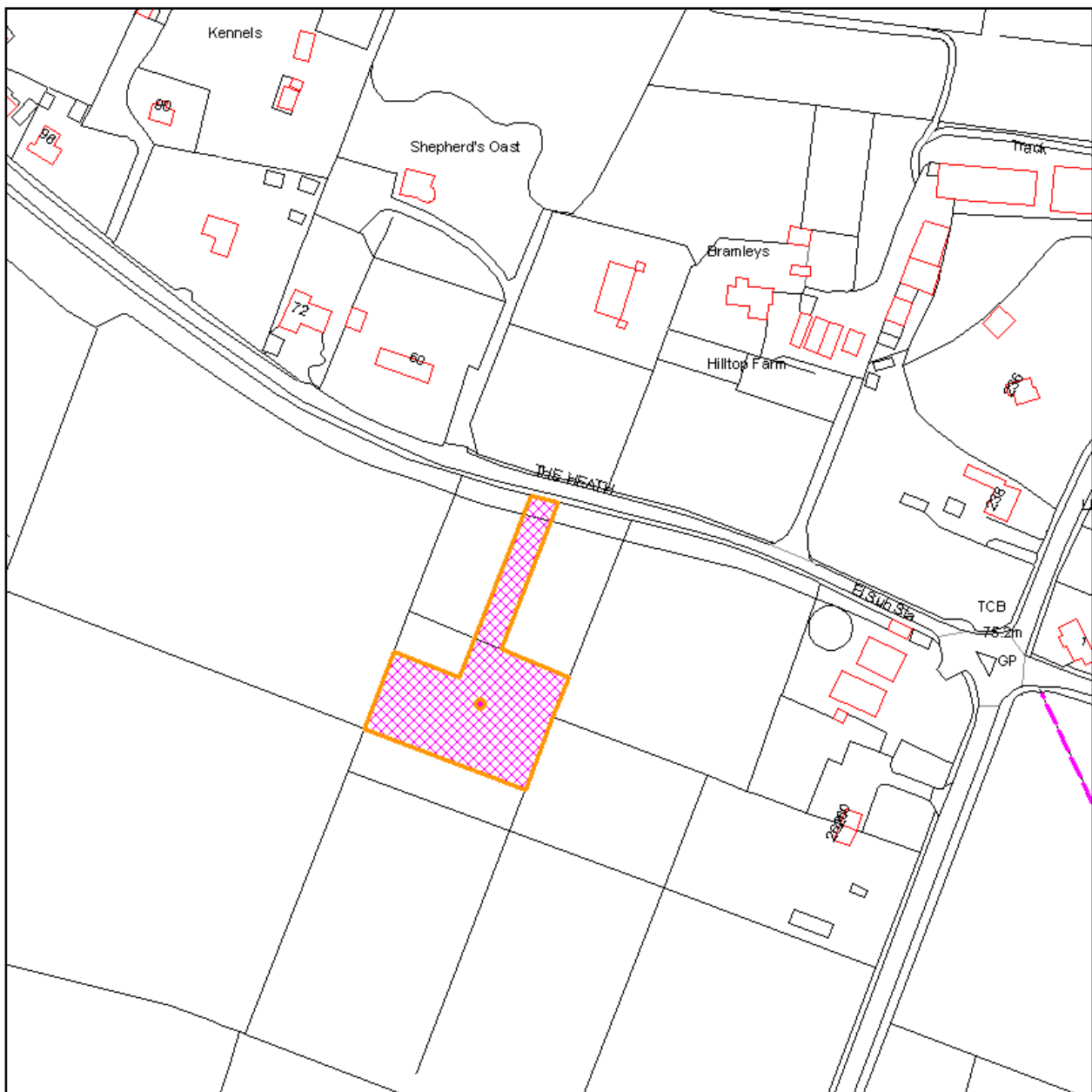
Contact: Maria Brown

TM/15/00307/FL

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

Change of use of land to extend existing static holiday log cabin (caravan) site with ancillary bases, roads, decking, verandas, lighting and drainage (resubmission of TM/14/03074/FL)

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**East Malling &
Larkfield**
East Malling

570390 156579 6 March 2015

TM/15/00547/FL

Proposal: Erection of 4 no. residential dwellings and associated access,
parking and landscaping on land located at Rocks Farm, The
Rocks Road, East Malling

Location: 92 The Rocks Road And Rocks Farm East Malling West
Malling Kent ME19 6AU

Applicant: Croudace Portland

1. Description:

- 1.1 Full planning permission is sought for the demolition of an existing large agricultural barn and detached bungalow and the construction of four detached residential dwellings with associated gardens, hardstanding and garaging for parking, and landscaping works.
- 1.2 The application was originally submitted for the construction of five houses and a new access road to the east. Following discussions the proposal has been reduced to four detached houses and the new vehicular access has been deleted from the proposal.
- 1.3 The houses themselves are five bedroom two storey houses in generous plots. Each house is of an individual design and a varied palette of materials. The applicant has stated that the design of the development would have the character of an informal farmstead, with a larger manor/farmhouse within the centre, and more subordinate properties to either side. The buildings have been designed to respond positively to the local vernacular with features such as exposed rafter feet, chimneys and brick plinths provided upon them to provide a suitable high quality finish to the properties. This would create a traditional and rural character that would be appropriate in response to both the countryside within which it would sit, but also the adjacent Conservation Area.
- 1.4 The density of the development is low to retain much of the open feel of the existing site, with the more public northern area having a good level of soft landscaping and a less formal area to the south to soften the development in long distance views.
- 1.5 The development would be accessed via the existing entrance between 88 The Rocks Road and Rocks Oast. Each property would be served by a double garage or car barn and, including driveways, have parking for four cars.

2. Reason for reporting to Committee:

- 2.1 Due to the level of public interest.

3. The Site:

- 3.1 The application site extends to a total area of approximately 1.3 hectares, the majority of which is in an agricultural use. The site has some buildings and structures located upon it, particularly to the northern side with extensive areas of hardstanding, a large agricultural barn and some polytunnels. To the north west is a bungalow and associated residential garden which is in the ownership of the East Malling Trust who currently farm the land.
- 3.2 The site is accessed by way of two access roads: one to the north west which runs to the side of Rocks Oast and which also forms part of a public footpath; and one which runs between The Old Coach House and 132-136 The Rocks Road. Both accesses are single track and are shared with the residential neighbours.
- 3.3 To the north of the site are residential dwellings which line the edge of The Rocks Road. Some of these properties are Listed Buildings including Rocks Farmhouse and 132-136 The Rocks Road. The East Malling Conservation Area also wraps around the northern side of the site, linking to the main East Malling village. The dwellings to the north face both towards the main road but also towards the application site; they are also set back from the highway by a range of distances which creates a non-linear form to the street scene and no clear rhythm.
- 3.4 To the south of the application site is open countryside which drops into a valley before rising up towards a ridge on the opposite side of the valley.
- 3.5 The application site is located outside of the built confines of East Malling village and therefore in the countryside for development plan purposes.

4. Planning History (relevant):

TM/57/10728/OLD grant with conditions 4 July 1957

Bungalow for farmer.

5. Consultees:

- 5.1.1 PC: (Original submission) Concerns regarding loss of trees and that all development must occupy the site area of the old buildings on site. Concerns also regarding the through road to this eastern end of the Rocks Road.
- 5.1.2 Whilst some development on the site of the barn and bungalow may be acceptable the proposed buildings would be of a scale that will detract from the local views for residents when viewed from the south.
- 5.1.3 The PC appreciate the properties are well designed but are considered to be too large for this location.

5.1.4 Should be a site inspection give the nature of the proposals.

5.1.5 Comments awaited on current plans.

5.2 KCC PROW: Public Right of Way MR107 should not affect the development. However due to possible conflict between footpath users and construction traffic during the construction phase, a safe access should be retained for walkers.

5.3 KCC Heritage: No objections subject to conditions and informatives.

5.4 EMCG: Object to the application on the grounds that it:

- Adversely affects the views in and out of the CA.
- Causes an adverse impact on the local character by exceeding the existing footprint area and contravenes Policy CP14.
- Fails to respect the identity of the local surroundings.
- Causes substantial harm and loss of significance to the existing designated listed heritage asset.
- Loses too much top quality agricultural land, when there is no overriding need in this location.

5.5 Natural England: No objection

5.6 Private Reps: 22 + Site and Press Notice 0X/35R/0S. 35 letters of objection raising the following issues:

- Contravenes TMBC Development Plan and NPPF.
- Buildings too large and dominate surrounding listed buildings significantly altering the character of this part of East Malling bordering on open countryside.
- Buildings do not respect the context of the surroundings.
- Land is top agricultural land and should not be built on.
- Would block existing accesses and turning rights.
- Would set a precedent for further development.
- Impact of construction traffic on PROW and The Rocks Road.
- Should be retained and run properly as a farm.
- Too close to listed buildings.

- Unacceptable 'greenfield' development.
- No need for housing.
- The local community has not been involved contrary to NPPF policy and very disrespectful.
- Development should be restricted to the existing built footprint.
- The trees on the site should be retained rather than be removed.
- Area needs more affordable homes, not large 5 bedroom houses.
- Would only exacerbate existing traffic problems.
- Development should not be allowed just to support East Malling Research Centre.
- New access unacceptable due to impact on adjacent properties.
- No need for new access.
- Access too narrow.
- Impact on footpath and other private lanes.
- Construction traffic should use new access only.

9 further objections received on the first revised plans:

- Original comments still stand.
- Re-sited garages, if anything, are more detrimental to the character of the area.
- Further tree loss is unacceptable.
- Description of semi-natural woodland/meadow is misleading. Existing trees in the area have been planted so could not be semi-natural.
- Do not alter the fact the proposal is unacceptable and should be refused.

Comments awaited on current plans.

6. Determining Issues:

- 6.1 The NPPF has a presumption in favour of sustainable development which is described as the golden thread running through the decision making process. Sustainable development is three pronged, it ensures that development

contributes to building a strong, responsive and competitive economy; supports strong, vibrant and healthy communities; and contributes to protecting and enhancing the natural, built and historic environment. Housing applications should be considered in the context of the presumption in favour of sustainable development with good design featuring as a key aspect, indivisible from good planning, allowing development to positively contribute to making places better for people.

- 6.2 Following on from this, policy CP1 of the TMBCS (2007) (hereafter referred to as “the Core Strategy”) is entitled “Sustainable Development” and states that the principles of sustainability underpin all of the detailed policies contained within the Core Strategy “meeting the needs of the present without compromising the ability of future generations to meet their own needs”. Policy CP1 requires that all proposals for new development must result in a high quality sustainable environment. The quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and where possible enhanced.
- 6.3 Policy CP11 of the Core Strategy seeks new development to be concentrated within the urban confines where there is the greatest potential re-use of previously developed land as this offers the greatest opportunity to minimise need to travel by being located close to services, jobs and public transport. Policy CP13 is specifically related to new development within the confines of the rural settlements, of which East Malling is one.
- 6.4 The application site is located outside of the built confines of East Malling and therefore policy CP14 is a relevant planning consideration. Policy CP14 restricts new development in the countryside with various exceptions including the one for one replacement of an existing dwelling or conversion of an existing building for a residential use.
- 6.5 In assessing planning applications, determination should be in accordance with an up to date development plan unless material considerations indicate otherwise. Although the Council’s development plan was produced before the publication of the NPPF it is up to date insofar as it follows the general thrust of current central government policy. However, as an exception to this, since 2012 the government has sought to relax control on the conversion of rural buildings to residential uses. This was firstly born out in the wording of the NPPF which sought to support the principle of the conversion of any rural building to a residential use, and followed by changes to the General Permitted Development Order to allow the conversion of rural buildings by way of a prior notification rather than requiring a full planning application.
- 6.6 Although the current application does not relate to the conversion of the existing rural building, the acceptability of the development should be considered in this context. It should also be noted that prior notification allows for the conversion of

agricultural buildings into three dwellings. Further, as highlighted above, the NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development with a presumption in favour of sustainable development which should be seen as a golden thread running through decision taking.

- 6.7 The application site is situated in a sustainable location, directly adjacent to the East Malling village confines and within easy walking distance of East Malling train station and the village centre facilities.
- 6.8 Policies CP24 of the Core Strategy and SQ1 of the MDEDPD 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.
- 6.9 The development would not have an adverse impact on the general character of this part of East Malling or on the setting of the adjacent Conservation Area. The development has been laid out in such a way as to not be visually intrusive, with only glimpses of the buildings being able to be seen in views through to the site from the public domain and the Conservation Area. The general topography of the site, and also the breaking up of the built form of the proposed dwellings, would ensure that views through the area and into the village from the surrounding countryside would be maintained. The comments from local residents regarding the impact on the setting of their properties and also the loss of their rural outlook are noted. It is considered though that whilst there would be a change it would not be so detrimental to the character of the area as to warrant refusing the planning application.
- 6.10 The amended scheme has reduced the size of the development from five dwellings to four and has also reduced the scale of some of the garage buildings by changing them to 'barn style' structures. The reduction in the number of units has also had the benefit of reducing the amount of development and increasing the openness of the development overall.
- 6.11 The application site is bounded to the northern side by residential dwellings. The site is proposed to be laid out with an access road situated between the new and the existing dwellings. The proposed dwellings would be located a minimum of 22 metres from the existing which would prevent a harmful level of overlooking from occurring between the two. This separating distance in conjunction with the separation between the proposed dwellings would also mean that the development would not be unacceptably overbearing upon the neighbouring dwellings.
- 6.12 The proposed new access road would run along the front and rear gardens of the existing residential dwellings to the north. Due to the tranquillity of the local rural area, vehicular movements would be audible from the residential neighbours. The

existing lawful use of the site is an unfettered agricultural use, and therefore could attract significant vehicular movements including heavy farm machinery and staff visiting to work on the land. The existing access roads run in close proximity to the residential neighbours and the lawful use therefore has the potential to cause significant noise and disturbance to them.

- 6.13 Policy SQ8 of the MDEDPD 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 application site makes provision for ample car parking to serve the proposed new dwellings, all of which would have their own driveway and garages. This would provide space both for the residents and their visitors to park and would prevent additional pressure to park on the public highway.
- 6.15 At present the site is served by two accesses. It is proposed that the small lane which runs between The Old Coach House and 132-136 The Rocks Road shall be blocked with a bollard to restrict vehicular access to the site. The single lane access road which runs to the side of Rocks Oast, which also forms part of the public footpath, would be used as the vehicular access for the dwellings.
- 6.16 The development would result in traffic movements to and from the site associated with the residential use; however, it is important to note that there would only be three additional dwelling houses as one property would be a replacement for an existing dwelling. The traffic movements associated with the proposed residential development would be relatively small scale. The submitted transport assessment identifies this as 30 two way daily trips, and the equivalent to one vehicle movement every 20 minutes during peak hours.
- 6.17 The existing lawful use of the site is for agricultural purposes and has been long established, with no restrictions on numbers of movements or size of vehicles accessing the site at all times of the day. The submitted transport statement advises that various vehicles visit the site throughout the year including employees private vehicles, 4x4's, and heavy farm machinery. Although no analysis has been carried out with regard to the existing movements, and they may well have been light in recent years, there is no restriction on the agricultural use intensifying in the short or long term. This is a material consideration when assessing the traffic impact.
- 6.18 It is noted that the removal of the proposed access to the south of Rosemary Cottage will result in all traffic using the access by Rocks Oast. This access, although narrow, is suitable for the level of traffic that would be generated by the proposal. Tracking diagrams submitted with the revised plans indicate that a refuse freighter would be able to service the site through this access. Concerns have been raised regarding the fact this access is shared by a public footpath. It is considered though that as this access is currently used by vehicles visiting the

site it would not be justifiable to refuse planning permission for this reason. Concerns regarding vehicle movements during the construction process could be addressed through a construction management plan. This could be sought and controlled by planning condition.

- 6.19 It is therefore considered that the development would lead to a potential betterment to the traffic movements in the village by removing agricultural traffic.
- 6.20 The size of the site would normally trigger the provision of affordable housing. Policy CP17 of the TMBCS 2007 relates to the provision of Affordable Housing. CP17 (2) states that in the rural area affordable housing will be sought on all sites of 5 dwellings or above or 0.16ha or above, at a level of 40% of the number of dwellings in any scheme. The current landowner, East Malling Trust, is both a local employer and provider of social housing. The Trust holds 36 residential properties, some of which are let at a market rent and some retained for student and seasonal work occupation. The remaining 22 properties are let to local people, being past and present employees of the Trust, on a subsidised rental basis. If the Trust were no longer able to provide this housing then the tenants are likely to be in need of alternative affordable housing. In this particular set of circumstances I consider that it would not be appropriate to make provision on site or seek off site contributions. It would be counterproductive to seek affordable housing contributions as this would merely limit the ability of the Trust to recycle funds to provide wider support for the Trust.
- 6.21 Overall it is considered that on balance the development is acceptable as it would not materially harm the overall character and setting of the surrounding properties and wider conservation area.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 17.09.2015, Site Layout 21970A/12 V proposed dated 17.09.2015, Sections 21970A/200F proposed dated 17.09.2015, Artist's Impression 21970A_300D dated 17.09.2015, Artist's Impression 21970A_301D dated 17.09.2015, Artist's Impression 21970A_302C dated 17.09.2015, Photographs 21970_303C dated 17.09.2015, Proposed Plans and Elevations 21970A/502F dated 17.09.2015, Proposed Elevations 21970A/503F dated 17.09.2015, Proposed Plans and Elevations 21970A/504F dated 17.09.2015, Proposed Elevations 21970A/505G dated 17.09.2015, Proposed Plans and Elevations 21970A/506F dated 17.09.2015, Proposed Elevations 21970A/507F dated 17.09.2015, Proposed Plans and Elevations 21970A/508E dated 17.09.2015, Proposed Elevations 21970A/509F dated 17.09.2015, Proposed Plans and Elevations 21970A/510 D dated 17.09.2015, Proposed Plans and Elevations 21970A/511 D dated 17.09.2015, Other dated 17.09.2015, Other Planning Addendum dated 17.09.2015, Tree Protection Plan CTC1495-OTPP dated 17.09.2015, Tree Removal Plan CTC1495-TRP dated 17.09.2015, Report

REPTILE SURVEY dated 19.02.2015, Bat Survey dated 19.02.2015, Location Plan 21970A/05 B dated 19.02.2015, Design and Access Statement dated 19.02.2015, Other DRAWING REGISTER dated 19.02.2015, Existing Plans 30881/2001/003 dated 19.02.2015, Planning Layout 30881/2001/004 dated 19.02.2015, Site Survey A90 SHEET 5 dated 19.02.2015, Site Survey A90 SHEET 3 dated 19.02.2015, Assessment ARBORICULTURAL dated 19.02.2015, Method Statement ARBORICULTURAL dated 19.02.2015, Environmental Assessment dated 19.02.2015, Other DELIVERY STRATEGY dated 19.02.2015, Assessment ARBORICULTURAL dated 19.02.2015, Method Statement ARBORICULTURAL dated 19.02.2015, Drainage Layout 30881/2001/004 dated 19.02.2015, Planning Statement dated 19.02.2015, Transport Statement dated 19.02.2015, Flood Risk Assessment dated 19.02.2015, Site Layout 21970A/12 dated 06.03.2015, Artist's Impression 21970A 300 A dated 14.04.2015, Artist's Impression 21970A 301 A dated 14.04.2015, Artist's Impression 21970A 302 A dated 14.04.2015,

Conditions / Reasons

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

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

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

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

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

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

4. The 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.

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

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

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

Reason: To enable the Local Planning Authority to regulate development within this countryside location.

7. 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

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

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

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

Reason: In the interests of amenity and public safety.

9. Prior to the development hereby approved commencing details of a Construction Management Plan, including details of the control of the movement of vehicles, 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 protecting access rights along the existing public right of way

10. No part of the development hereby approved shall be occupied until full details of a scheme for managing and maintaining the shared areas of open space have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details in perpetuity.

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

Informatives

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
2. The granting of this permission does not purport to convey any legal right to block or impede any private right of way which may cross the application site without any consent which may be required from the beneficiaries of that right of way.
3. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to

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

4. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
5. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
6. The development involves demolition and, owing to the likelihood of the buildings containing or being constructed of asbestos, the applicant should contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

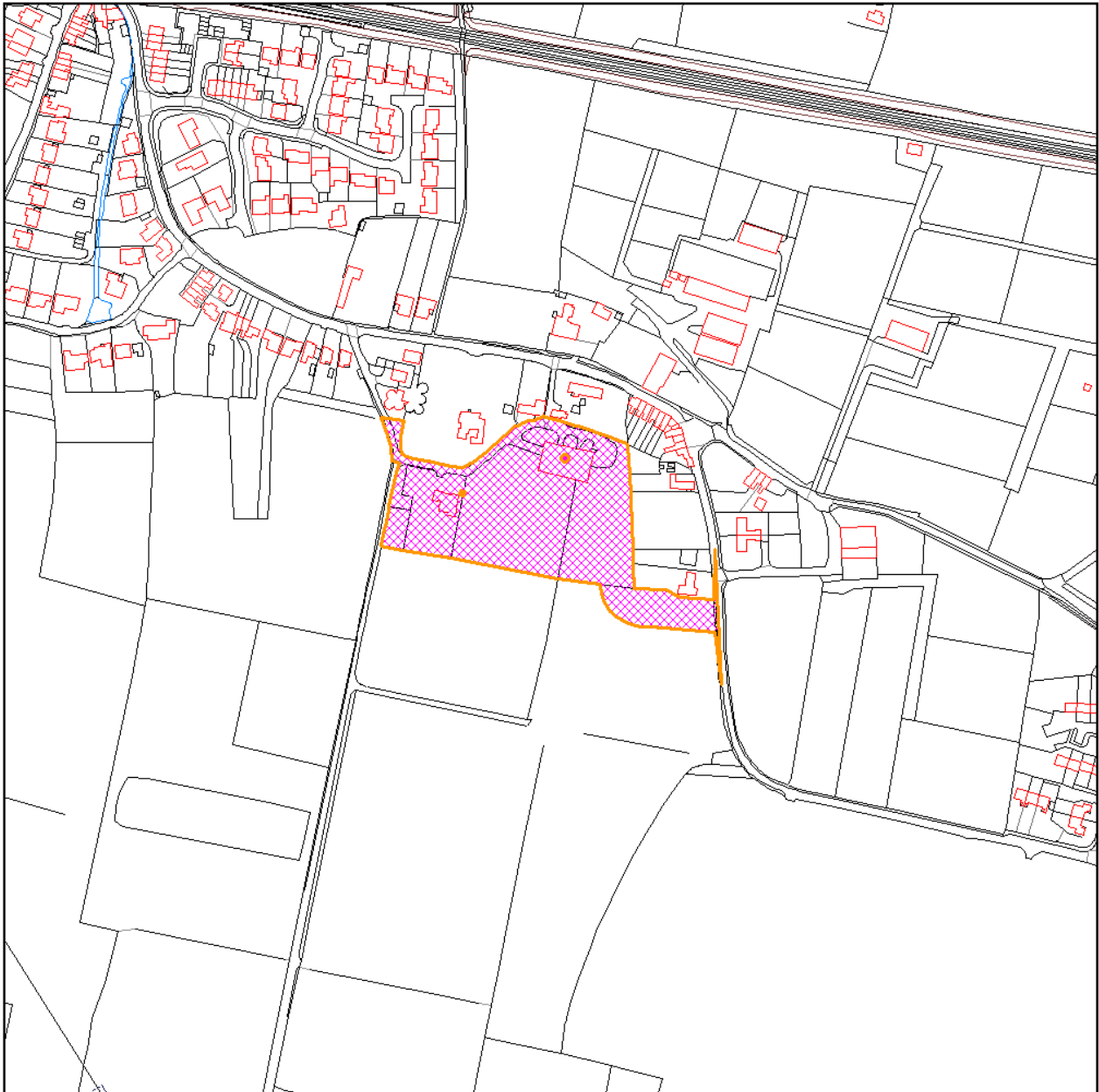
Contact: Robin Gilbert

TM/15/00547/FL

92 The Rocks Road And Rocks Farm East Malling West Malling Kent ME19 6AU

Erection of 4 no. residential dwellings and associated access, parking and landscaping on land located at Rocks Farm, The Rocks Road, East Malling

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Ditton **570650 158327** **6 August 2015** **TM/15/02456/FL**
Ditton

Proposal: Temporary 5 year change of use of part of the car park to car wash and valeting use
Location: The Walnut Tree 10 Bradbourne Lane Ditton Aylesford Kent ME20 6PA
Applicant: Mr Bedri Dedushi

1. Description:

- 1.1 The proposal seeks approval for a temporary change of use of part of the car park which serves the Tandoori Palace restaurant to a car wash and valeting use. The temporary period sought is for 5 years and the use would be located on the majority of the car park which serves the restaurant.
- 1.2 The 8 existing parking spaces located on either side of the entrance from Bradbourne Lane will be retained. These comprise 1 disabled and 7 standard parking bays. The remainder of the existing car park is to be used for the car wash and valeting. This area runs almost the full length of the northern, western and southern boundaries of the car park.
- 1.3 The use would be laid out in a circular arrangement. This would include a waiting area for customers queuing within the site, a washing area screened by a 2m high larch lap fence adjacent to the southern boundary with the old pub garden area, a parking area adjacent to the northern boundary with no.8A Bradbourne Lane, and a valeting area.
- 1.4 It is proposed to insulate part of an existing concrete store for the location of the spray pump/vacuum motor. A new container is proposed towards the rear of the site which would be 2.5m wide x 6m long x 3m high. This would be located towards the rear south western corner of the site close to the boundary.
- 1.5 An interceptor has already been installed below the area to be used for the car washing. This consists of 3 interlinked chambers with 'H' pipes taken below water levels to contain any oil residue which would be removed by an authorised tanker when required, in accordance with the requirements of Southern Water. The recently laid concrete surface slopes down towards the wash down area to enable wash water to be channelled into the central open grid which will then discharge into the 3 chamber interceptor.
- 1.6 The proposed use is intended to operate in tandem with the restaurant use so that the spaces created by the car wash area would be available for restaurant customers outside of the car wash operating hours. The proposed hours of operation for the car wash and valet service are as follows:

Monday – Friday: 8.30am – 6.30pm

Saturday: 8.30am – 6.30pm

Sunday: 9am – 6pm

- 1.7 The proposal would result in the loss of 10 parking spaces on site. There are 26 at present which would reduce to 16 as part of the proposal. (This does not include the 8 retained for sole use of the restaurant outside of the site boundary.)
- 1.8 The applicant currently operates a similar car wash and valet service in Station Road Aylesford but the site is to be redeveloped, resulting in the need to find an alternative location.

2. Reason for reporting to Committee:

- 2.1 The application has been referred to planning committee at the request of Councillor Walker due to the level of public interest.

3. The Site:

- 3.1 The site is located within the urban confines of Ditton in an area characterised by a mix of uses including residential, business and commercial. The site is bounded to the north and west by residential properties and to the south by the pub garden area to Tandoori Palace restaurant. The Kia showroom/garage is opposite to the east.
- 3.2 Access is from Bradbourne Lane which rises up from its junction with the A20. Parking spaces immediately on the north side of the access are currently used on an informal basis by local businesses. The application site has recently been re-surfaced and the interceptor installed. These works do not however require planning permission.
- 3.3 The A20 AQMA lies to the north of the site but does not cover the site itself.

4. Planning History (relevant):

TM/51/10196/OLD grant with conditions 19 July 1951

Garage.

TM/62/10863/OLD grant with conditions 9 April 1962

Extension to car park.

TM/67/10772/OLD grant with conditions 2 March 1967

Extension to car park.

TM/67/10924/OLD grant with conditions 20 March 1967

Store and garage.

TM/72/11366/OLD grant with conditions 14 March 1972

Extension to form saloon bar, kitchen and toilet, for Whitbread Fremlins Ltd.

TM/73/10823/OLD grant with conditions 17 January 1973

Extension to car park.

TM/74/11718/OLD Refuse 4 January 1974

Stationing of a caravan.

TM/75/10480/FUL grant with conditions 5 December 1975

Extension to existing car park.

TM/76/10052/OUT Refuse 5 October 1976

Erection of five terraced three-bedroomed houses.

TM/76/10780/FUL Refuse 27 July 1976

Erection of 6 no. semi-detached 3 bedroom houses and 1 no. detached 3 bedroom house.

TM/77/10661/OUT grant with conditions 3 May 1977

O/A for erection of 4 semi-detached two bedroom bungalows.

TM/87/11845/FUL grant with conditions 7 June 1987

Part of garden to become an extension to existing car park.

5. Consultees:

- 5.1 KCC (H+T): the time of operation for the two businesses would dovetail around periods of peak activities. As parking standards are maximum standards it is considered that the space that would be available on site at any given time would have a bearing on how convenient, attractive or effective each business is to users. There is no tangible evidence to suggest the proposed use would have a severe road safety impact at this section of Bradbourne Lane, which is subject to low speeds at the approach and exit to the A20. Records show one slight injury crash at the junction with the A20 in the last 3 years and no injury crashes on Bradbourne Lane for at least 10 years. As such no objection is raised and conditions and informatives are requested should permission be granted.
- 5.2 Southern Water: A formal application is required for connection to the public foul sewer from the applicant. As such an informative is requested should permission be granted. General informatives are also requested with regard to drainage of hardstanding and the condition of any public sewer found during construction works.
- 5.3 Environment Agency: No objection subject to a requested condition regarding sewage and trade effluent.
- 5.4 Ditton Parish Council: Objection is raised on the following grounds:
- there are 12 car washes in the nearby area;
 - increased traffic will increase safety issues for pedestrians as there are no pavements around the site;
 - no sanitary arrangements for workers;
 - the neighbouring properties already experience cars using their private drives to turn which will be made worse by the proposal;
 - residents will not be able to leave windows open or enjoy their gardens due to noise and pollution;
 - reduced parking for the restaurant will result in cars parking in Bradbourne Lane which is narrow without pavements which is unsafe. There will be a backlog of cars onto London Road waiting to access the site.
- 5.5 East Malling and Larkfield Parish Council: Objection is raised on the following grounds:
- Noise and disturbance to neighbours;
 - Out of keeping with the area;

- 5 years is too long for a temporary permission, 12 months would be more appropriate if granted;
- If granted conditions should be attached regarding hours of operation and boundary treatments;
- The site has potential for residential development so could be considered under the Council's Call for Sites assessment.

5.6 Private Representations + site notice: 23/0X/38R/0S and a petition signed by 194 residents representing 128 households and one business:

- Congestion on Bradbourne Lane which is narrow and already busy and cars have difficulty passing at present;
- The junction of Bradbourne Lane with the A20 is already too busy and dangerous; the proposal will make this worse leading to accidents;
- Emergency services will not be able to get through Bradbourne Lane;
- Noise pollution to residential properties from generators, jet washers, and possible smells;
- Loss of parking to the restaurant would increase overflow onto Bradbourne Lane, some cars park on the pavement where there is one;
- Local businesses already use the site to park which increases pressure for spaces in the area if they are reduced;
- Deliveries to the Kia dealership already cause congestion at the junction with the A20 which will be made worse by tailbacks from the site;
- Works have already begun by way of hardstanding, drainage and the container. This shows as disregard for neighbours which would be likely to continue;
- Water should go through filtration system rather than straight to main drain. No application to discharge into the foul water system has been made to Southern Water;
- Caravans on site are being lived in (*the council has no evidence that this is the case*);
- If the existing caravans are used to house staff the generators will cause noise and disturbance;
- Lack of toilet facilities for staff or customers raises a hygiene issue;

- Neighbours already suffer noise from music and smells from the restaurant by way of cooking and waste disposal, and noise from the car dealership and A20;
- Concerns over hygiene, safety issues if smokers are standing near the storage of chemicals, and the disposal of hazardous waste;
- Concerns over storage of chemicals, potential toxic fumes and possible contaminated run off entering the water table;
- Increased traffic on St Peters Road;
- Congestion on Bradbourne Lane whilst cars queue to be washed;
- Traffic obstruction to residents of Donderry Way will be made worse;
- Bradbourne Lane is used as a cut through increasing traffic levels at present;
- Industrial use out of character in this residential area;
- There are a number of car washes available in Ditton and the immediate area already, none of which cause traffic problems – Sainsburys, Station Road, Tesco, BP Parkfoot A20, Jet Garage A20, Snodland Ham Hill Shell garage, the new garage to be opened at Forstal Road, Aylesford park and ride, Ditton garage;
- The use should occupy an empty industrial unit instead, it is inappropriate in the car park of an eating establishment;
- Overlooking and loss of privacy to residential properties;
- It would be visually overbearing;
- The internal circulation will cause conflict with pedestrians, restaurant users and cars creating a safety hazard;
- No footpath on Bradbourne lane makes it dangerous already which will get worse with additional vehicles. School children often use this road;
- Increased CO2 levels:
- The plans do not show the existing container caravan and truck;
- Light pollution from floodlighting that may be used in the winter months;
- Neighbouring properties will not be able to open windows or doors or enjoy peace and quiet whilst using their gardens;

- The use will require sufficient customers to make it viable;
- Water run off onto Bradbourne Lane would be dangerous;
- A self-contained and sound proofed building is required, but this would not solve the issue of traffic flow;
- Concerns that tyre changing services may be introduced and that the applicant's intentions are misleading.
- The car wash at the existing Kia garage is noisy and produces spray;
- Property de-valuation due to the impact on the character of the area (*This is not a material planning consideration*);
- Cars already use residents' driveways to turn in causing expensive damage;
- Possible immigration issues (*This is not a material planning consideration*);
- The proposed hours of operation are excessive;
- A metal storage container on site for 5 years cannot be considered temporary;
- The size of the site is inadequate for the proposed use;
- Lack of signage, shelter for customers, shelter for car cleaning during rainy weather, or parking space for restaurant delivery/waste vehicles.

6. Determining Issues:

- 6.1 TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.2 Policy CP11 of the Core Strategy promotes the concentration of new development within the confines of urban areas including Ditton. The proposed location is therefore appropriate for new uses or development but they should not conflict with the other main issues to be considered here in terms of neighbouring amenity, highway safety and air quality.
- 6.3 Policy SQ6 of the MDEDPD aims to control the impacts of development/use related noise on the amenities of surrounding residents. The proposed use will generate noise within the site and is to the south of the AQMA.

- 6.4 The NPPF in Chapter 1 supports economic growth in order to create jobs and prosperity. The proposal does promote this in terms of the use and relocation of the business from Station Road. However this is one consideration which must be balanced with those mentioned above. The NPPF also consider, in paragraph 123, that planning decisions should avoid noise giving rise to significant adverse impacts on quality of life as a result of new development.
- 6.5 The proposed use would result in frequent traffic movements in close proximity to the shared boundary with residential dwellings to the north and west of the site. No.8A adjacent to the northern side boundary is a two storey end of terrace property which is within 1–1.5m from the side boundary and is set at a lower land level than the proposal site. Nos. 9 and 10 Walnut Tree Court are two bungalows immediately adjacent to the western rear boundary of the site with rear gardens abutting the shared boundary fence.
- 6.6 There are other dwellings in the wider surrounding area, including those to the south which are separated from the site by the original pub garden and a landscaped strip. However the three properties identified above will be the most affected. The close proximity of these dwellings and rear gardens would result in an unneighbourly relationship between existing and proposed land uses due to the noise and disturbance that would arise from the proposed use. The lower land level of no.8A Bradbourne Lane would further compound this harmful impact for occupants of the property.
- 6.7 The proposal does include details of some mitigation measures in the form of a 2m larch lap and concrete post screen along the northern side of the washing area. Repairs to the western boundary fence are also proposed where needed, and the existing pre-fabricated concrete store building to house the spray pump/vacuum motor is to be insulated. No further details regarding these works have been submitted with the application.
- 6.8 In addition to noise from the washing and valeting there is concern regarding potential overspray from pressure washers to neighbouring properties. Without the submission of details as to how this is to be controlled it cannot be assumed that this would not impact on the enjoyment of these rear gardens, particularly in terms of noise and spray nuisance.
- 6.9 The use, by its nature, will also give rise to noise and disturbance from the vehicles involved. The proposal will result in regular traffic movements within the site in close proximity to boundaries with residential properties, with vehicle engines being turned on and off at frequent intervals. The application is not supported by a noise report or any other evidence to illustrate the likely impact, or to confirm either way whether this will be unacceptable or not. In summary, with regard to noise and disturbance and the lack of supporting reports or information to prove otherwise, I am not satisfied that the physical measures to be put in

place, such as the screen fencing and repairs to the western boundary, will be sufficient to prevent undue harm to the amenities of neighbouring properties.

- 6.10 Concern is raised that were information of mitigation measures to be submitted in the future, the level of mitigation required would give rise to harm to amenities in some other way. A high acoustic fence would for example create an oppressive and overbearing relationship for adjacent dwellings. It may also reduce light levels to an unacceptable level, particularly for no.8A Bradbourne Lane, which is at a lower land level than the site.
- 6.11 The proposal will result in the loss of 10 parking spaces on site with a reduction from 26 to 16. (There are an additional 8 spaces outside of the site boundary which are for the sole use of the Tandoori Palace.) The two uses would operate at the same time for a proportion of the day; however peak times for the restaurant in the evening would be when the car wash facility is closed. In the evenings therefore there would be the 8 spaces outside of the site, and 16 additional within the car wash site which would be closed. The site plan does not mark out the 16 spaces that would be available in the evenings; however, once the circular layout required for the car washing is not in operation there will be room to park this amount of cars in a more standard arrangement.
- 6.12 There are no restrictive conditions to secure the retention of car parking spaces on site, and therefore maximum parking standards would apply. The Highway Authority is satisfied with the level of parking provided for both uses.
- 6.13 The use will generate additional traffic movements on Bradbourne Lane and subsequently the A20. This is a major concern to residents in the surrounding area with regard to highway safety. Bradbourne Lane is narrow at this point, without pavements, and is close to the busy junction with the A20 which raises the issue of safety. The proposal shows a waiting area within the site for cars to queue. The Highway Authority is satisfied that the use will not result in a hazard to highway safety due to either insufficient parking or cars waiting to access the site. It is not considered that there is any evidence that the proposed use would have a severe road safety impact on this part of Bradbourne Lane.
- 6.14 With regard to assessing the proposal in terms of its impact on the character of the area, I am satisfied that this would not be detrimental. One of the buildings to be used in connection with the use is existing and the other would be a standard container to be located at the rear of the site. This would not be harmful to the character of the street scene or the wider area. The use would represent a change to the visual appearance of the site but not one which is contrary to policy.
- 6.15 In conclusion, the proposed use is considered to be acceptable in terms of the impact on highway safety and the visual character of the area. It is not however considered to be acceptable in terms of the impact on residential amenity. This is due to the location in close proximity to residential properties and the conflict that would arise between the protection of their amenities and the noise and

disturbance which would result from the operation of the proposed use. The information provided by the applicant is not sufficient to evidence that the likely impact will not be harmful. Having considered options that may be required to mitigate the likely noise levels, I am not convinced that it would be possible to control the use by way of condition, and I am therefore not satisfied that this is an acceptable site for this proposed use.

6.16 With the above assessment in mind, I consider that the proposal is contrary to policy CP24 of the TMBCS, and the relevant paragraphs of the NPPF. As such, the following recommendation is put forward.

6.17 Recommendation: The application be **Refused**

in accordance with the following submitted details: Letter dated 24.07.2015, Design and Access Statement dated 24.07.2015, Notice ARTICLE 11 dated 24.07.2015, Location Plan 70/14/1 dated 24.07.2015, Block Plan 70/14/2 dated 24.07.2015, Letter dated 06.08.2015, Proposed Elevations 70/14/3 dated 06.08.2015,

Reasons

- 1 The proposed use would, by reason of the proximity to residential properties, be likely to result in unacceptable noise and disturbance to these properties, which it has not been clearly demonstrated can be controlled by appropriate conditions. This would consequently result in harm to the residential amenities of the nearby properties which is contrary to policy CP24 of the Tonbridge and Malling Core Strategy 2007.

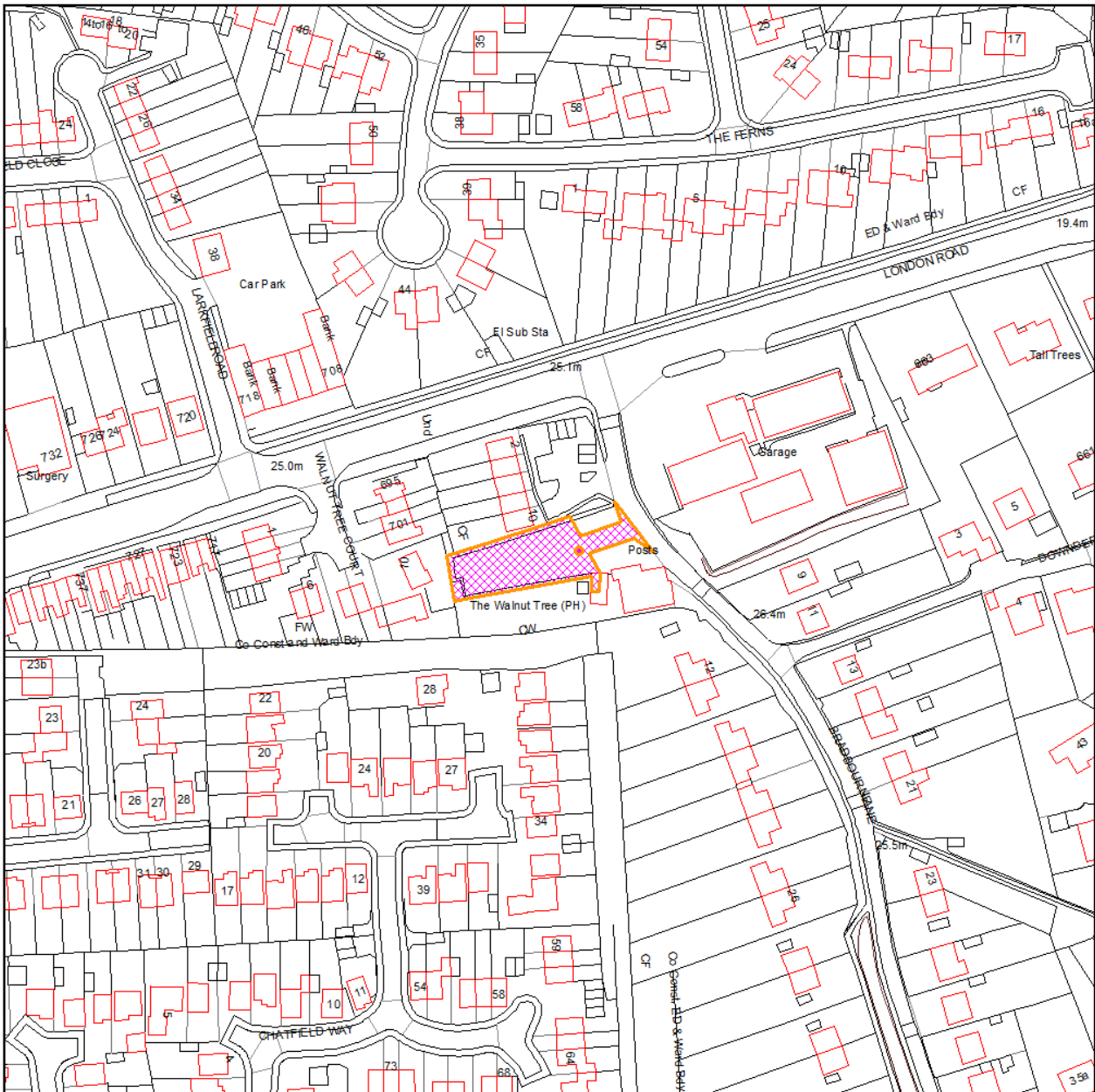
Contact: Holly Pitcher

TM/15/02456/FL

The Walnut Tree 10 Bradbourne Lane Ditton Aylesford Kent ME20 6PA

Temporary 5 year change of use of part of the car park to car wash and valeting use

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Snodland **569552 161439** **30 July 2015** **TM/15/02503/FL**
 Snodland West And
 Holborough Lakes

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

1. Description:

- 1.1 Planning permission is sought for the demolition of number 206, the erection of one detached house towards the front of the plot and three detached bungalows in a courtyard style layout, with associated parking provision further into the site. Access would be via a single drive running along the northern boundary of the plot.
- 1.2 The three bungalows are each shown as having three bedrooms with all accommodation arranged on the ground floor. The detached house is shown as having four bedrooms. Each of the properties would be provided with two off street parking places adjacent to the plot.
- 1.3 Each property would have a designated refuse storage area within its curtilage. A communal bin collection point would be provided adjacent to the rear of the garden of the detached house, for use on refuse collection days.
- 1.4 A planting plan has been provided showing a mix of trees, mixed native hedging and shrubs around and within the boundaries of the site, to provide some screening and privacy. Whilst some non protected trees have already been removed from the site some are shown as being retained.
- 1.5 In association with the proposed realigned access into the site it is proposed to remove two of the hawthorn trees positioned on highway land. The largest and best of the trees would be retained and a new semi-mature tree is proposed to the west of the access.
- 1.6 The proposed dwellings would be constructed in sustainable materials and would be built to Code for Sustainable Homes Level 4.
- 1.7 This application is a resubmission of the previous application TM/14/02831 to demolish number 206 and erect a house and four bungalows. Members may recall that this application was refused on the grounds that the proposed development by virtue of the number of dwellings and their close proximity to site boundaries combined with the change in land levels and relationship with surrounding properties would result in an overbearing from of development, harmful to residential amenities of the surrounding neighbours. This application is currently the subject of an appeal to the Planning Inspectorate.

2. Reason for reporting to Committee:

2.1 The application is reported to committee given the recent planning history for the site.

3. The Site:

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

4. Planning History (relevant):

TM/14/02831/FL

Refuse

27 April 2015

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

5. Consultees:

5.1 TC: No objection subject to reservations about the ridge height of plot 1 in relation to 208 Birling Road. A restriction is requested that there is no future development of the loft spaces or additional windows in the lofts.

5.2 KCC (H+T): No objection subject to conditions and informatives covering vehicle and cycle parking space provision, surface water drainage and other highway matters.

5.3 Private Reps: 34 0X/4R/0S. Representations received from four households raising the following objections:

- In principle objection to development in a quiet residential area which detracts from the local character.
- Density is too high
- Proximity to neighbouring houses and associated loss of amenity.
- Bungalows have steeply pitched roofs and look very tall. The roof pitch should be reduced and the design changed to fully hipped roofs.
- Unreasonable outlook and loss of view.
- Right to light and loss of natural light (there is no longer a "Right to Light" under planning legislation, although the impact of the proposal on sun and daylight reaching existing properties have been taken into account where appropriate).
- No details of the planting proposals, as shown in the previous application, have been included and the landscaping will not provide adequate screening. Landscaping will take a considerable time to mature.
- The laurel hedge along the southern boundary should be retained.
- Insufficient parking spaces for visitors.
- Reference has been made to inaccurately drawn plans. (This matter has been brought to the attention of the applicant's agent but sufficient information appears to have been provided to determine the application.)
- How will drainage issues be addressed with an increase in hard surfacing?

- Noise disturbance and light pollution.
- A covenant is needed to prevent the conversion of the attic spaces into second floor living accommodation.
- Proposed development will add to the number of cars resulting in a safety risk.
- KCC Highways should visit the site at 3pm to gain a better understanding of the highway situation.
- New tree in the highway verge will impact on driver visibility.
- Non planning issues raised include the allegation that the application has been fast tracked and that there will be noise and disruption during the building works.

5.4 Natural England: No comments to make.

6. Determining Issues:

- 6.1 The NPPF promotes the delivery of a wide choice of high quality homes. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Similarly Policy CP15 of the TMBCS seeks to ensure that new housing is permitted on sites which accord with the sustainability principles established in CP1 and the settlement hierarchy defined in Policies CP11 (urban), CP12 (Rural Service Centres) and CP13 (rural settlements).
- 6.2 The site lies within the confines of Snodland in a predominantly residential area. The site is located within easy reach of local services and wider transport links and is therefore in a sustainable location. The application therefore accords with the NPPF and Policy CP11 and is, in principle, acceptable for residential development.
- 6.3 However the application must also be determined with regard to Policy SQ1 of the MDE DPD and Policy CP24 of the TMBCS. Policy SQ1 requires development to reflect local distinctiveness and protect, conserve and where possible enhance local character. Policy CP24 seeks to ensure that all development is well designed and respects the site and its surroundings. These aims are echoed in paragraph 58 of the NPPF 2012 which seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive.
- 6.4 The Snodland Character Area supplementary planning document refers to the area in which the site is located as being mixed in both age and type of building, predominantly in brown brick and tile with some render and weatherboard. The adjoining area to the west of the application site is characterised by clusters of culs de sac.

- 6.5 There would be no harm arising from the demolition of number 206 which, although of pleasing appearance, is of no particular architectural significance. The proposed dwellings would be positioned on modestly sized plots which would be similar to those of some of the surrounding properties. It is not considered that the overall appearance of the development would be overly cramped or harmful to the existing character of the area.
- 6.6 The scale of the development proposed for the site has been reduced since the previous application from five to four units. The current arrangement of one dwelling and three bungalows represents a general character of development that would not be out of place in this part of Snodland.
- 6.7 With these considerations in mind, the scheme does not amount to an overdevelopment of the site which would be detrimental to the general character or amenity of the locality.
- 6.8 The construction of a two storey house towards the site frontage would be in keeping with the nature of development along Birling Road and would not appear out of keeping with the visual amenities of the street scene. The inclusion of single storey dwellings within the rear part of the site will ensure that the bulk of built form is limited and will ensure the retention of an open outlook from the surrounding neighbouring properties that have been built up around the boundaries of the garden of number 206. It is noted that the ridge heights of the proposed bungalows would be slightly higher than the ridge height of the bungalows shown under the previous scheme; it is considered that this would not result in any undue harm to the general character or residential outlook.
- 6.9 Should Members be minded to grant planning permission, I consider conditions will be required to ensure that no further windows will be introduced into any elevation of any of the dwellings and that no alterations will be carried out to alter or enlarge the roof space without the benefit of planning permission. These conditions are necessary to ensure that no enlargement of the dwellings takes place that could otherwise result in the potential for overlooking and loss of privacy to occur and thus dilute the way in which the development has been designed and laid out.
- 6.10 The dwellings have been designed so that they are positioned to provide some garden space for the occupants whilst retaining the privacy of the amenity areas of the adjoining properties. The separation distances between the proposed units and those bordering the site vary between 8-12m, with the exception of numbers 10a Dowling Close and 208 Birling Road which are in closer proximity. Clarification has been sought from the applicant's agent about existing and proposed slab levels of the dwellings concerned to ensure no direct overlooking. This matter can be covered by a planning condition.
- 6.11 There should therefore be no direct overlooking from the single storey bungalows towards the adjacent houses due to the use of existing or new boundary treatment

of sufficient height. Notwithstanding the above it is considered necessary to recommend that a condition is attached withdrawing Permitted Development rights for extensions, outbuildings, roof alterations and porches to control the potential enlargement of the dwellings and increased proximity to neighbouring occupants.

- 6.12 It is appreciated that the proposed bungalow at plots 3 and 4 would be situated at a higher level than the houses in Dowling Close. Shrub planting is proposed along this boundary which should in time create an effective screen. A fence of a suitable height along the western boundary of the site adjacent to the bungalow on plot 4 should be installed in the interests of privacy protection and retained until such time as the hedge has become established. This can be controlled by planning condition.
- 6.13 It is recognised that the development of this urban garden area for residential purposes will lead to a change in outlook from neighbouring houses and the introduction of lighting into an area that is currently unlit amenity space. The changes to outlook and level of illumination would not be at such an unusually high level or unexpected within the urban confines of a town such as to justify withholding consent.
- 6.14 The form and layout of the latest arrangement is therefore found to be acceptable in terms of the current character of the area and the impact upon the existing residential amenities of adjoining occupants.
- 6.15 The landscaping scheme was the subject of discussion under the previous application. Adequate details would again be required to ensure it contributes to an acceptable standard of development in visual terms and ensures that there would not be an unduly harmful impact upon the residential amenities off the surrounding properties. Again landscaping can be covered by a safeguarding condition.
- 6.16 Some unprotected trees and shrubs have been removed and others of no particular merit would also be taken down in association with the development. It is not thought that any trees at the site are considered to be worthy of formal protection. The mature leylandii hedge close to the rear boundary of the site could be removed at any time without the need for planning permission.
- 6.17 Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. Development will not be permitted which would involve the increased use of an existing access onto the primary or secondary road network where this would result in an increased risk of crashes or traffic delays. In addition the policy highlights that proposals should comply with parking standards.
- 6.18 A highway assessment has been carried in relation to IGN3 which covers residential parking standards. This encourages independently accessible parking

places and discourages the use of tandem parking layouts. Garages are no longer included as parking spaces. One and two bedroom houses in suburban locations require 1 parking space whilst three bedroom houses require 1.5 spaces and four bedroom houses require two spaces. The scheme proposes two independently accessible vehicle parking spaces for each unit. The level of on-site parking provision is therefore acceptable.

- 6.19 In terms of KCC highway standards it is noted that the parking provision and manoeuvring space within the site meets County standards and is acceptable. KCC (H+T) confirm that there has been no record of injury crashes on Birling Road between St Katherine's Lane and Hollow Lane for at least the last 9 years. In addition, there is no evidence based indication that this proposal will lead to an increase in accidents on the bend of Birling Road due to additional vehicle activity resulting from the development. The traffic movements associated with four additional residential units are unlikely to have any unacceptable adverse impact on highway safety. It is not considered that the vegetation to the front of the site will compromise visibility when exiting the drive way.
- 6.20 Concerns have been expressed by neighbours about inadequate access for emergency vehicles including fire engines. The Kent Fire & Rescue Service outlined their requirements for access for a fire appliance. The access will also require compliance under Part B 5 of the Building Regulations. The requirements are achievable; however further details regarding the construction of the access road will be required prior to the development commencing. This can be secured by planning condition linked to landscaping and boundary treatments.
- 6.21 With regard to nature conservation, Natural England has advised that the application is in close proximity to the Halling to Trottscliffe Escarpment Site of Special Scientific Interest (SSSI) and Holborough to Burham Marshes SSSI. The Halling to Trottsicliffe Escarpment forms part of the North Downs Woodlands Special Area of Conservation (SAC). If undertaken in strict accordance with the details submitted, the proposals are unlikely to have a significant effect on the features of interest for which the North Downs Woodlands SAC has been classified. In addition Natural England has advised that, if the development is carried out in accordance with the details of the application as submitted, the proposals will not damage or destroy the interests of the two SSSIs.
- 6.22 It was previously understood from neighbours that bats were present at the site and that this has been brought to the attention of the Kent Bat Association and the Bat Conservation Trust. No reference has been made to bats either by the neighbours or the applicant's agent in respect of the current application. As a protected species however, it will be necessary for the developers to follow the advice of Natural England in the event that bats are found to be present. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The applicant's agent has amended the

plans to show the provision of bat and bird boxes within the site as well as log piles for insects. These matters can be suitably addressed by planning condition.

- 6.23 The site is not identified as an area for potential land contamination. Nevertheless it is appropriate to impose a suitable planning condition requiring suitable remediation works should any contaminants be discovered during construction.
- 6.24 The concerns about noise, dust and disturbance during the construction period are noted. In the event that there is damage to neighbouring land and property then this would be a matter to be resolved between the parties concerned. Informatives can be added to remind the applicants only to carry out demolition and construction during acceptable working hours.
- 6.25 The location of the communal refuse collection area is considered to be acceptable to serve a development of this size and character and of a similar style that has been successfully used in various similar residential development schemes across the Borough.
- 6.26 Neighbours previously made reference to water pressure and the level of water tables in the area. Whilst these are not directly controlled under planning legislation it would be necessary, in the event that planning permission is granted, for the applicants to carry out any development in accordance with the relevant building control drainage legislation.
- 6.27 The creation of additional dwellings within the confines of the urban settlement is acceptable and meets the requirements of CP11 of the TMBCS. The type and design of the dwellings are acceptable, with the developer having had regard to the above policy context. The concerns of local residents are acknowledged, particularly regarding the impact on highway safety and residential amenity. However the application has been amended to achieve a high standard of design and would meet the aims of policy CP24 of the TMBCS and paragraph 58 of the NPPF. I therefore recommend the application be approved subject to the following conditions.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Planning Statement dated 30.07.2015, Design and Access Statement dated 30.07.2015, Location Plan 2014-158-(P)-001 dated 30.07.2015, Site Plan 2014-158-(P)-002 dated 30.07.2015, Proposed Plans and Elevations 2014-158-(P)-003 Plot 1 dated 30.07.2015, Proposed Plans and Elevations 2014-158-(P)-004 Plot 2 dated 30.07.2015, Proposed Plans and Elevations 2014-158-(P)-005 Plot 3 dated 30.07.2015, Proposed Plans and Elevations 2014-158-(P)-006 Plot 4 dated 30.07.2015, Plan 2014-158-(P)-007 dated 30.07.2015, Sections 2014-158-(P)-100 dated 30.07.2015, Sections 2014-158-(P)-100 dated 30.07.2015.

Conditions & Reasons

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

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

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

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

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

Reason: In the interests of amenity and privacy.

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

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

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the buildings without the prior written consent of the Local Planning Authority.

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

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

Reason: To prevent the over development of the site.

7. Prior to the commencement of development a scheme of landscaping and boundary treatment which shall include all fencing details shall be submitted to

and approved in writing by the Local Planning Authority. The details as approved shall be implemented in full prior to the first occupation and thereafter retained.

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

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

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

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

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

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

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

11. The use shall not be commenced, nor the premises occupied, until the area shown on the approved plan as vehicle parking, loading and off-loading and turning space has been surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

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

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

so shown or in such a position as to preclude vehicular access to the reserved parking area.

Reason: In the interests of highway safety.

13. a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.
- b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management , Duty of Care Regulations. Any soil brought on site should be clean and a soil chemical analysis shall be provided to verify imported soils suitable for the proposed end use.
- c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reasons: In the interests of amenity and public safety.

14. Prior to the development hereby approved commencing, details of nature conservation measures 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 amenity and public safety.

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

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

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

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

17. Prior to the commencement of the development hereby approved a contoured site plan and scaled sectional drawings shall be submitted to and approved by the Local Planning Authority. The drawings shall show the precise relationship of the slab and finished floor levels of the proposed development, eaves and ridge heights of the approved buildings. In relation to the bungalow to be sited on plot 5, detail shall also be provided which shows this building in relation to the fence to be constructed along the western boundary of the site where it adjoins

number 9 Dowling Close. The development shall be implemented in accordance with the details as approved.

Reason: In the interests of the residential amenities of the occupants of the adjacent property.

18. Prior to the development hereby approved commencing, details of the surface water drainage arrangements for the whole 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: To prevent overloading the surface water drainage system.

19. A 1.8m high close boarded fence shall be incorporated into the landscaping scheme to be situated along the southern boundary of the site with number 10A Dowling Close. It shall be installed prior to the first occupation of the development hereby approved and retained at all times thereafter.

Reason: In the interests of the residential amenities of the occupants of the adjacent property.

Informatives

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
2. Surface water shall not discharge on to the highway.
3. In the interests of good neighbourliness, the applicant is advised to not undertake demolition or construction works or deliveries outside the hours of 0800-1800 Mondays to Fridays, 0800-1300 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
4. The use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is recommended that bonfires are not held at the site.
5. Tonbridge and Malling Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

6. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
7. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
8. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highways Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Contact: Hilary Johnson

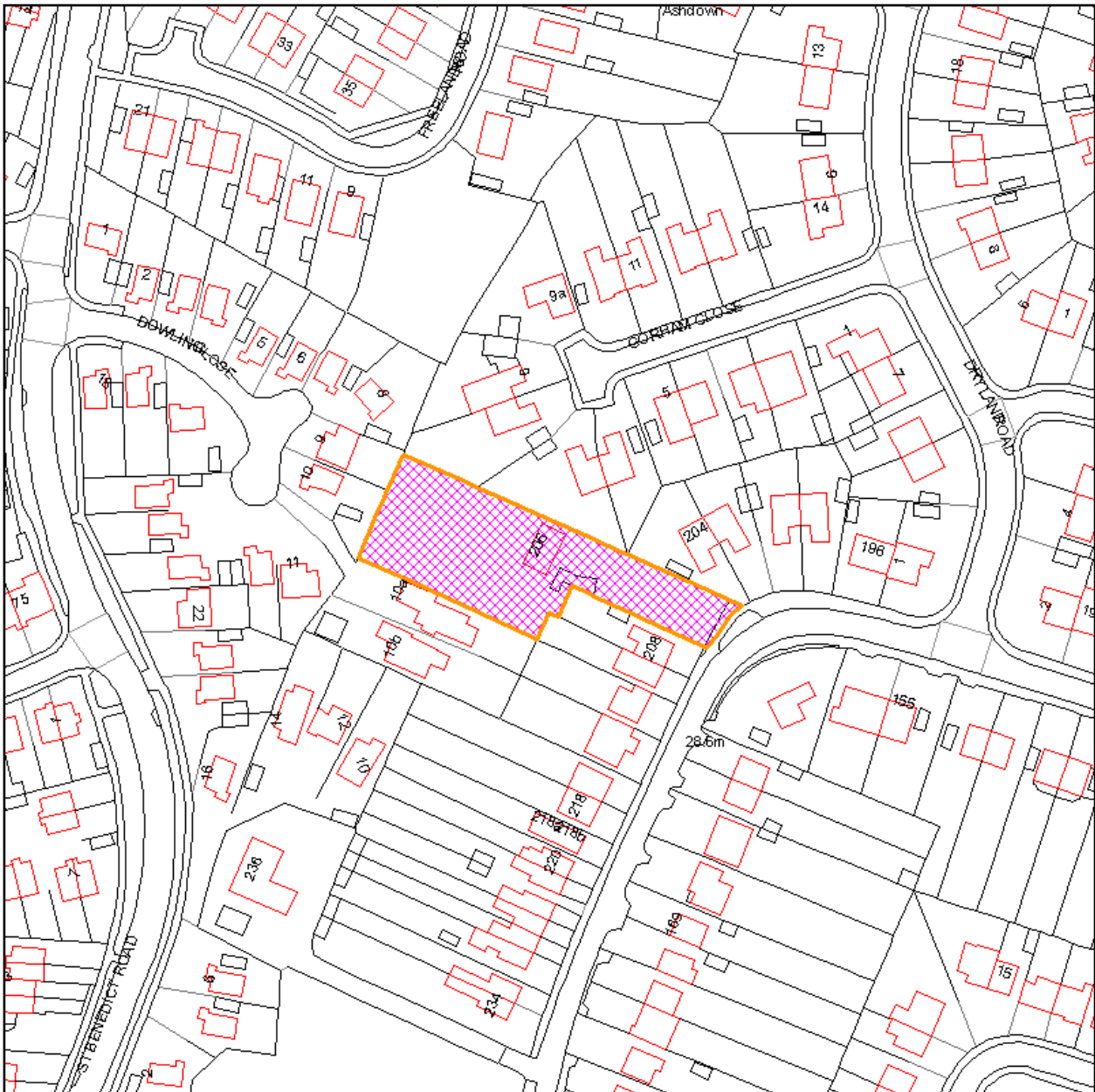
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TM/15/02503/FL

206 Birling Road Snodland Kent ME6 5ET

Demolition of existing and erection of one detached house and three bungalows with associated parking facilities

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Snodland **569859 160591** **13 August 2015** **TM/15/02659/FL**
Snodland East And
Ham Hill

Proposal: Demolition of existing detached house and garage and erection of a block of 8 apartments with associated parking, being a re-submission of the scheme approved under consent reference number TM/08/00074
Location: Dene Hall 269 Malling Road Snodland Kent ME6 5LE
Applicant: Mr G Dunne

1. Description:

1.1 Members will recall that planning application TM/15/01431/FL was heard at APC3 in July 2015. This scheme proposed the demolition of the existing detached two storey dwelling known as Dene Hall and an existing double garage and the erection of a block of 8 x 1 bedroom flats with associated parking and amenity facilities. The application was recommended for approval subject to safeguarding conditions. This application was however refused for the following reason:

1.2 *"The development by virtue of its height and lack of articulation would result in a building that would appear overbearing to the surrounding properties and incongruous to the general character of the street scene and the wider locality. The development is, therefore, contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment - Development Plan Document 2010 and paragraphs 17, 56 and 60 of the National Planning Policy Framework (2012)."*

1.3 The current application seeks to overcome the previous grounds for refusal and comprises the erection of a block of eight x one bedroom flats with associated parking, being a re-submission of a scheme approved under consent reference TM/08/00074.

2. Reason for reporting to Committee:

2.1 The application is reported due to the recent planning history and Members' recommendation to refuse planning permission for the previous application TM/15/01431.

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

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

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

TM/15/01431/FL Refuse 22 July 2015

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

5. Consultees:

- 5.1 Town Council: Objection due to overdevelopment, overbearing to properties at side and back, dangerous access, insufficient visitor parking and substandard accommodation.
- 5.2 KCC (H+T): The application proposes to replace the existing access with one slightly to the west onto Malling Road. This access would be of sufficient width and good visibility is available. It is not expected that these proposals will lead to a significant increase in traffic accessing the site, and there is no crash history along this section of road or at the junction of Malling Road and Brook Lane. For these reasons I do not wish to raise objection on behalf of the local highway authority subject to planning conditions or informatives relating to construction works, suitable discharge of surface water, the provision and permanent retention of parking and turning space and closure of the existing access.
- 5.3 Private Representations + Site Notice: 7/0X/0R/0S
- 5.4 At the time of preparing the report no representations had been received from neighbours.

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), and 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 the 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. The Inspector also concluded that the block would not appear unduly out of place or dominant and the appeal was allowed.

- 6.8 As noted planning application TM/15/01431/FL was refused by Members in July 2015. The proposal was refused by virtue of its height and lack of articulation which would result in a building that would appear overbearing to the surrounding properties and incongruous to the general character of the street scene.
- 6.9 The current application proposes a scheme that would be the same as that allowed at appeal in 2008 for application TM/08/00074. The plans show a two storey building with further accommodation in the pitched roof space. The building would be set down within the site so that the slab level would be lower than the levels of the two adjoining roads.
- 6.10 Three x one bedroom flats would be provided on each of the ground and first floors with two further units within the roof space. The building would be positioned roughly parallel with the southern boundary. The building would be served by two staircases, four dormers in the northern roof slope and various roof lights in the southern roof space.
- 6.11 Five of the car parking spaces would be provided adjacent to the eastern boundary of the site with the other three positioned between the building and the north western boundary. Landscape planting would be provided around part of the southern and north western boundaries.
- 6.12 Since the 2008 application was considered the policy context for determining such applications has remained largely similar with the exception of the introduction of the NPPF in 2012. This broadly encourages sustainable forms of development whilst seeking to ensure that any development is appropriately designed and safeguards the character and amenity of the area. Housing applications should be considered in the context of a presumption in favour of development and should encourage the use of previously developed land.
- 6.13 The main issues to be considered are whether the proposal will detract from the visual amenity of the locality, whether it harms the residential amenity of nearby dwellings and whether the proposal would result in hazardous highway conditions.
- 6.14 The proposed building has been designed to incorporate traditional pitched roofs with the northern roof slope broken up by small pitched roof dormer windows. Double and single storey elements would also be included to articulate the design of the building. The building would be finished in a mix of painted render and brickwork. It is considered that the resulting block of flats would have an aesthetically pleasing appearance.
- 6.15 The proposal would include a number of windows in the eastern and southern elevations which could potentially result in overlooking and loss of privacy. The windows in these elevations can be conditioned to ensure that they either have a

raised lower cill height or would have fixed panels of obscure glazing. This should ensure the privacy of the occupants of Lakeside and the adjacent property in Brook Lane.

- 6.16 In association with the proposed development a revised noise assessment has been submitted due to a change in the legislative framework for assessing noise in planning applications. This appraisal again makes an assessment of the current noise climate (largely as a result of the adjoining roads) and recommends mitigation measures to ensure that acceptable internal noise levels can be achieved. This information is generally acceptable although specific details will be required of the proposed acoustically screened mechanical ventilation system to be used.
- 6.17 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 eight spaces which therefore meets the identified standards. It is noted that the access width would be of sufficient width and that good visibility would be available. It is not expected that the proposal would lead to a significant increase in traffic accessing the site. KCC (H+T) raise no objection to the application subject to a number of safeguarding conditions or informatives.
- 6.18 It is acknowledged that there has been a change to the visual appearance of the proposed building and that the site occupies a key corner location in the approach to Snodland. Some general landscaping areas are shown on the submitted plan and further details will be required of the proposed species and number of plants. There are no important trees on the site but the introduction of suitable shrub planting the visual amenities of the locality will be enhanced.
- 6.19 To date no representations have been received from local residents although the Town Council raise objection to the scheme. The comments of the Town Council have been given careful consideration but the proposed scheme, which would be the same as that allowed at the 2008 appeal, is considered to represent a satisfactory form of development in this instance. It is noted that it would be unreasonable to recommend refusal in this instance given that there has been no material change in the policy context, with the exception of the introduction of the NPPF, which generally supports this type of development.
- 6.20 As has been recognised in the past, this site is capable of accommodating a 2.5 storey building without resulting in overdevelopment or an overbearing impact. The design continues to be considered as acceptable in this urban location and the building would be appropriate in this location without standing out as a dominant feature in Malling Road.
- 6.21 In conclusion the proposal would provide an acceptable solution given that it would be the same as 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: Topographical Survey SOD-TOPO-101 01 dated 13.08.2015, Letter dated 13.08.2015, Noise Assessment dated 13.08.2015, Location Plan dated 13.08.2015, Proposed Plans and Elevations 07-45-01 REV E dated 13.08.2015,

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 approved plan as vehicle parking, loading and off-loading and turning space has been surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

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

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 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the any elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

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

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the 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 the 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 sill 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.

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 Noise Impact Assessment dated 17 April 2015 shall be implemented prior to first occupation of the dwelling to which it relates and shall be retained and maintained at all times thereafter. Specific details of the proposed acoustically mechanical ventilation system to be used will be required for approval prior to the development hereby approved commencing and shall be carried out concurrently with the development.

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.

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@tmhc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the

severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

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.

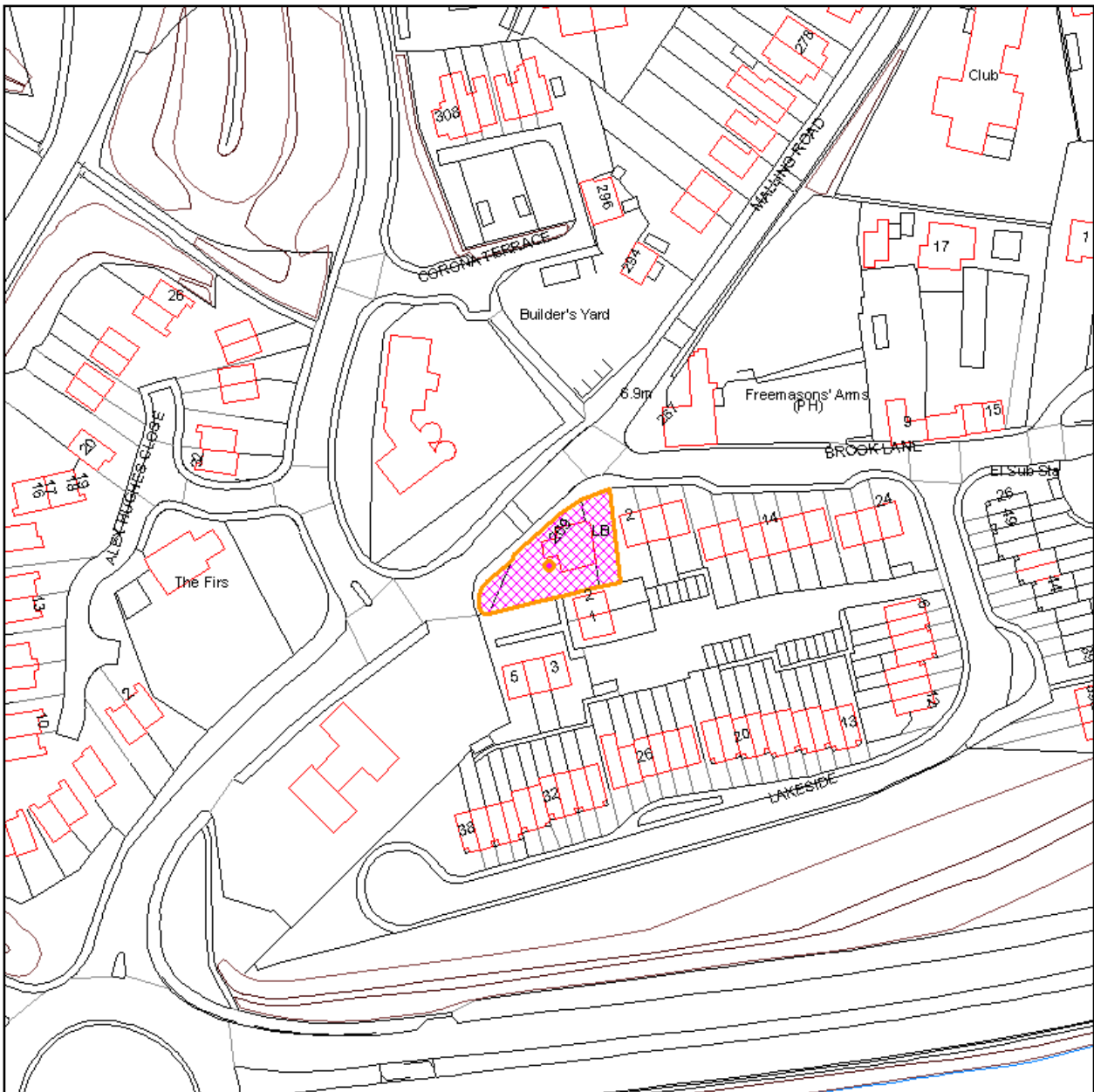
Contact: Hilary Johnson

TM/15/02659/FL

Dene Hall 269 Malling Road Snodland Kent ME6 5LE

Demolition of existing detached house and garage and erection of a block of 8 apartments with associated parking, being a re-submission of the scheme approved under consent reference number TM/08/00074

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Agenda Item 11

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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