

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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

Contact: Committee Services  
[committee.services@tmbs.gov.uk](mailto:committee.services@tmbs.gov.uk)

27 January 2016

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, 4th February, 2016 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 7 January 2016

**Decisions to be taken by the Committee**

4. Development Control 9 - 12

Introduction and Glossary

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6. Alleged Unauthorised Development - 15/00323/WORKM – Land off A229 Bluebell Hill, Aylesford 21 - 24

7. Urgent Items

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

**Matters for consideration in Private**

8. Exclusion of Press and Public 25 - 26

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.

**PART 2 - PRIVATE**

9. Urgent Items

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

## **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, 7th January, 2016

**Present:** 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 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 and Cllr T C Walker

Councillors N J Heslop, Mrs F A Kemp and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Mrs S M Hall

### PART 1 - PUBLIC

#### **AP3 16/1 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct. However, Councillors Mrs Dean and Roud advised that they were members of East Malling Conservation Group and Councillors Bishop and Mrs Oakley advised that they were Members of East Malling and Larkfield Parish Council. They remained in the meeting for consideration of the planning application at Rocks Farm, The Rocks Road, East Malling.

#### **AP3 16/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 26 November 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 16/3 DEVELOPMENT CONTROL**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the

Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP3 16/4 TM/15/00547/FL - ROCKS FARM, THE ROCKS ROAD, EAST MALLING**

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

**RESOLVED:** That the application be APPROVED in accordance with the details set out in the supplementary report of the Director of Planning, Housing and Environmental Health (tabled at the meeting) and the conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health, subject to the amendment of the pre-condition at paragraph 7.1 to read:

7.1 Grant Planning Permission in accordance with the following 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, Location Plan 21970A/05 C dated 20.11.2015, Report REPTILE SURVEY dated 19.02.2015, Bat Survey dated 19.02.2015, Existing Plans 30881/2001/003 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, Flood Risk Assessment dated 19.02.2015

[Speakers: Mrs A Baumber, Mr M Mansell, Mr S Lockett, Mr M Dixon, Mr M Harris, Mr P Martin, Mr J Thompson (on behalf of East Malling Conservation Group), Mr P Rufus, Mr J Williams and Mr S Atkins – members of the public; and Mr C Hawkins – Agent to the applicant]

**PART 2 - PRIVATE**

**AP3 16/5 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.44 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

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

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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#### GLOSSARY of Abbreviations and Application types

#### used in reports to Area Planning Committees as at 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
LLFA	Lead Local Flood Authority
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

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<b>East Malling &amp; Larkfield</b> East Malling	<b>569696 155180</b>	<b>24 August 2015</b>	<b>TM/15/02789/FL</b>
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Proposal:	Change of use of land from agriculture/horticulture to caravan storage facility
Location:	Land Adjoining Woodside 431 Wateringbury Road East Malling West Malling Kent ME19 6JQ
Applicant:	Mrs Sylvia Stevens

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## 1. Description:

- 1.1 This application proposes the change of use of existing agricultural land to the open storage of caravans. It is proposed to store up to 100 caravans on an area of approximately 0.7ha. Access is proposed to be gained from the recently constructed vehicular entrance. No areas of hardstanding are proposed but the land is to be enclosed by a security fence with a native hedgerow planted outside to screen the site.
- 1.2 Planning permission was previously refused for a similar proposal last year. However, that proposal was for an area of 1.77a (much larger than now proposed). The previous planning application was refused for the following reason:

*“The proposed open storage of caravans and the associated fencing and CCTV cameras would, by virtue of its scale and siting in an area of countryside as defined in the Tonbridge and Malling Local Development Framework, be detrimental to the rural character of the area and therefore would be contrary to paragraph 109 of the National Planning Policy Framework 2012 and Policies CP1 and CP14 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.”*

## 2. Reason for reporting to Committee:

- 2.1 Due to the nature of the proposal and the history of the site.

## 3. The Site:

- 3.1 The site is an area of open agricultural land to the east of Wateringbury Road. The land is relatively flat and is partially screened from Wateringbury Road by a belt of managed sweet chestnut coppice. The nearest residential properties are to the south at 431 Woodside Road and to the north east at Hillberry Farm. The houses at Heath Park are opposite.

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

TM/13/02479/FL      Approved      25 November 2013

A new entrance and cross over from the Wateringbury Road to an adjoining copse and into a field

TM/15/01460/FL      Refuse      31 July 2015

Change of use of land from agriculture/horticulture to caravan storage facility

**5. Consultees:**

5.1 PC: Object – the addition of native hedging and reduction in site area do not overcome the objection that the proposal would be detrimental to the countryside.

5.2 KCC (H+T): No objection in principle. The applicant may wish to consider wheel washing to reduce the potential for mud on the highway.

5.3 Private Reps: 5 + site notice/OS/OX/OR

**6. Determining Issues:**

6.1 The main considerations in respect of this application surround the principle of the change of use from agricultural land to the open storage of caravans and the visual impact on the character of the area. The previous reason for refusal is an important material consideration and the revisions put forward in this submission must be considered to be sufficient in overcoming the previous ground of refusal if Members are to grant permission now.

6.2 The site is located outside any defined settlement confines and is designated as open countryside. Policy CP14 of the TMBCS restricts development in the countryside, although certain exceptions apply including allowing for development which would secure the viability of a farm or any development for which a rural location is essential.

6.3 I understand that the land to which the application relates has previously been used for the growing of hay, however this is proving difficult to sell and so consequently the landowner is looking to diversify into other areas. Although not directly part of a wider farm diversification scheme it is considered that the size and nature of the area of storage would not harm the overall functioning of the rest of the wider holding and therefore in terms of the principle meets the requirements of policy CP14.

6.4 Turning to the visual impact of the proposed development (upon which the previous reason for refusal centred), Policy CP1 of the TMBCS requires that new development should protect and enhance the natural environment. This is also supported by Paragraph 109 of the NPPF which states that development should

protect and enhance valued landscapes. This current application has substantially reduced the overall amount of land subject to the change of use which immediately reduces the visual impact. Whilst security fencing is still proposed, a scheme of soft landscaping has been put forward which would provide screening to the fencing and the stored caravans themselves which is welcomed. The precise nature of the landscaping can be secured by planning condition. An element of screening is also afforded by the existing sweet chestnut coppice along the eastern side of Wateringbury Road which assists in containing the site in visual terms.

- 6.5 Additionally, no lighting is proposed to the compound and only the entrance gate would be monitored by CCTV thus further limiting the visual impact of the development.
- 6.6 The scheme now proposed would therefore have very limited impact on the character and amenities of the locality and would not, in my view, cause such harm as to justify the refusal of planning permission.
- 6.7 In terms of how the use might impact upon highway safety and residential amenity, I am mindful that no objection has been raised by KCC and am aware that the type of use is such that it would not result a significant increase in traffic along Wateringbury Road to the detriment of highway safety. As no hardsurfacing is proposed, the applicant can be advised by way of an Informative of the need to ensure mud is not deposited on the public highway.
- 6.8 The site is well removed from the nearest residential properties and planning conditions concerning how the site operates can be imposed in order to control activities, limiting any disturbance encountered, in the interests of residential amenity.
- 6.9 In light of the above assessment, on balance, I consider that the proposal has sufficiently overcome the previous reason for refusal and meets the requirements of national and local policy, subject to the imposition of appropriate conditions. The following recommendation is therefore put forward:

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 24.08.2015, Design and Access Statement dated 24.08.2015, Location Plan 1503/02 (C) dated 24.08.2015, Block Plan 1503/01 dated 24.08.2015, subject to the following conditions:

**Conditions:**

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

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

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, fencing 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.

3. The number of caravans to be stored on the site at any one time shall not exceed 100 and at no time shall be stored outside the application site as shown on drawing no. 1503/02 (C) dated 24 August 2015.

Reason: In the interests of visual amenity.

4. The site shall be used solely for the storage of unoccupied touring caravans and for no other purpose including maintenance/repair work.

Reason: In the interests of visual amenity.

5. No caravans shall arrive or depart within the application site outside the hours of 19:00 to 07:30 hours unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

6. The site shall be used for the storage of towed domestic touring caravans only.

Reason: To prevent the introduction of a more commercial level of storage in the interests of rural amenity.

7. No external lighting shall be erected within the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

## **Informatives**



1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained
2. To avoid the potential for mud to be spread onto the highway, the applicant should consider providing a wheel washing facility within the site.

Contact: Robin Gilbert

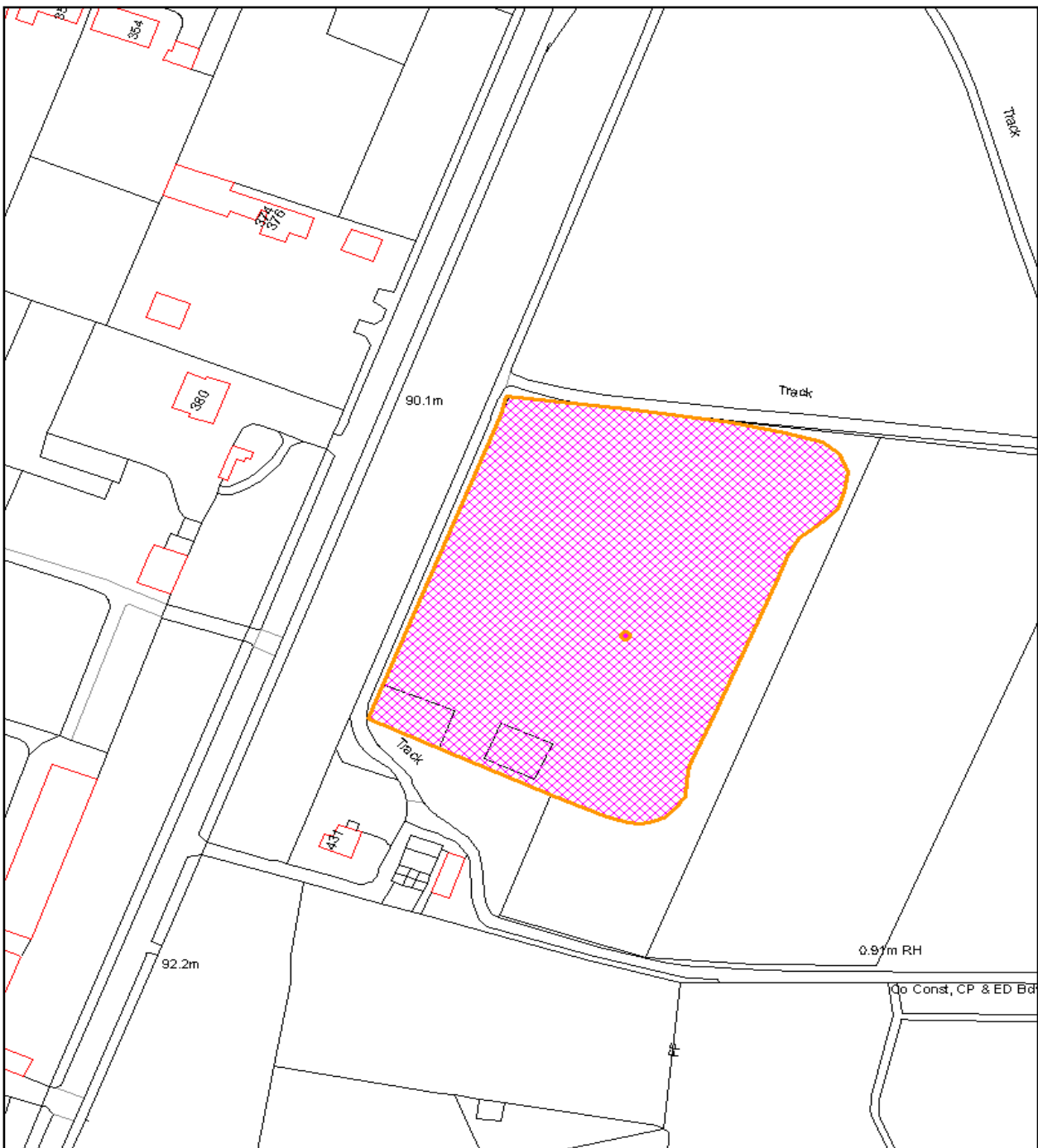
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**TM/15/02789/FL**

Land Adjoining Woodside 431 Wateringbury Road East Malling West Malling Kent  
ME19 6JQ

Change of use of land from agriculture/horticulture to caravan storage facility

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**Alleged Unauthorised Development**

**Aylesford**

**15/00323/WORKM**

**574379 162572**

Aylesford North And  
Walderslade

Location: Land Off A229 Blue Bell Hill Aylesford Kent

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**1. Purpose of Report:**

1.1 To report the unauthorised erection of a raised building, set amongst the trees, used for storage purposes.

**2. The Site:**

2.1 The building sits within land which comprises a large area of woodland outside the confines of Blue Bell Hill village, situated to the north of Blue Bell Hill sports field.

**3. Planning History:**

3.1 None.

**4. Alleged Unauthorised Development:**

4.1 Without planning the erection of a raised building set amongst the trees used for storage purposes

**5. Determining Issues:**

5.1 The Authority received information in September 2015 that a new tree house had been constructed on the land. A site meeting was held with the owner who claimed that the building was not a tree house but a shed that had been constructed on stilts. Notwithstanding how the building might be described, it is clear that it amounts to operational development which requires the benefit of planning permission.

5.2 The owner of the land claims that it is his intention to undertake work on site to clear the undergrowth and would need the building to store his tools in to enable this to take place.

5.3 Policy CP14 of the TMBCS restricts development in the countryside, subject to some specified exceptions. One of the exceptions relates to development that is necessary for the purposes of agriculture and forestry but this is within the context of rural enterprise rather than to provide for hobbyist activities. Furthermore, the development in question is incongruous in nature by virtue of its design and height and causes clear visual harm, contrary to the requirements of policy CP24 of the TMBCS.

- 5.4 It should also be noted that the site falls within the Strategic Gap between Maidstone and the Medway Gap. Within this area development will not be permitted that would harm the function of the Mid Kent Strategic Gap unless there are special circumstances to allow such development. Such circumstances would include a shortfall in strategic housing. Although this policy constraint must be borne in mind, it is my view that the development in question does not, in its own right, compromise the strategic objectives of this policy designation and is not, therefore, a justification alone for taking enforcement action. Moreover, it is the harm identified above which leads to the conclusion that action should be taken.
- 5.5 The site falls within a site of wildlife, geological and geomorphological interest. Policy NE1 of the MDE DPD states that development should not take place within the specified areas unless it can be demonstrated that the benefits of the development override the need to safeguard the nature conservation value of the site and it must minimise harm to the nature conservation of the site. The development in its own right adds nothing to the wider conservation of the site and, as mentioned, forms an alien feature within the woodland. The owner has indicated that the building is required to store equipment to allow for clearance works within the woodland, which I appreciate could have some merit in terms of nature conservation, but in the absence of any details as to what this may entail in practice it is not possible to gauge at this time. Notwithstanding this, any such conservation work would not override the identified visual harm caused by the building being in situ.
- 5.6 For the above reason I believe that it is expedient to take enforcement action to seek the removal of the new building.

**6. Recommendation:**

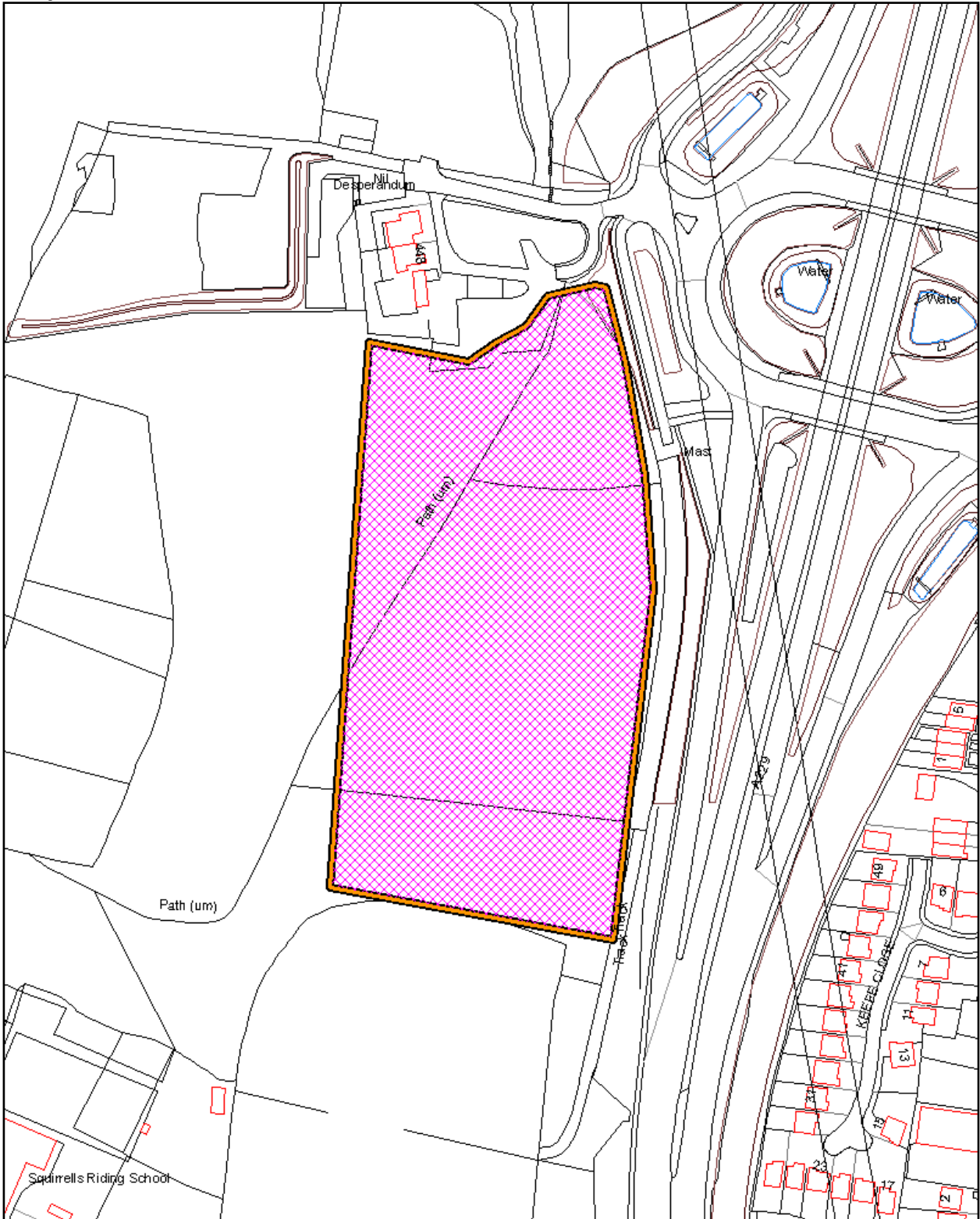
- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised building, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Richard Edmonds

15/00323/WORKM

Land Off A229 Blue Bell Hill Aylesford Kent

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# Agenda Item 8

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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