

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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

24 June 2014

To: MEMBERS OF THE AREA 2 PLANNING COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 2nd July, 2014 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 2 Planning Committee held on 28 May 2014

**Decisions to be taken by the Committee**

4. Development Control 9 - 12  
Introduction and Glossary
5. TM/14/01293/OA - The Paddock and Fairmeadow, Basted Lane, Crouch 13 - 30
6. TM/11/03020/OA - Phase 3 Platt Industrial Estate, Maidstone Road, Platt 31 - 42
7. TM/14/02109/CR3 - Proposed School Site, Leybourne Chase, Leybourne 43 - 46
8. TM/14/01929/CR3 - Land at 30 Gibson Drive, Kings Hill 47 - 50
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.

**Matters for consideration in Private**

10. Exclusion of Press and Public

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

**PART 2 - PRIVATE**

11. Urgent Items

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

## **MEMBERSHIP**

Cllr Mrs F A Kemp (Chairman)  
Cllr Mrs E M Holland (Vice-Chairman)

Cllr Mrs J A Anderson  
Cllr M A C Balfour  
Cllr C Brown  
Cllr F R D Chartres  
Cllr M A Coffin  
Cllr S R J Jessel  
Cllr Mrs S Luck  
Cllr B J Luker

Cllr Mrs S Murray  
Cllr T J Robins  
Cllr H S Rogers  
Cllr A G Sayer  
Cllr Miss J L Sergison  
Cllr Miss S O Shrubsole  
Cllr M Taylor

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 2 PLANNING COMMITTEE

Wednesday, 28th May, 2014

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr Mrs E M Holland (Vice- Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr C Brown, Cllr F R D Chartres, Cllr M A Coffin, Cllr S R J Jessel, Cllr Mrs S Luck, Cllr B J Luker, Cllr Mrs S Murray, Cllr T J Robins, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison and Cllr M Taylor

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

An apology for absence was received from Councillor Miss S O Shrubsole

### PART 1 - PUBLIC

#### **AP2 14/21 DECLARATIONS OF INTEREST**

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

#### **AP2 14/22 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 16 April 2014 be approved as a correct record and signed by the Chairman.

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

#### **AP2 14/23 DEVELOPMENT CONTROL AND SUPPLEMENTARY REPORTS**

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.

**AP2 14/24 TM/13/03598/FL - 1 MILL COTTAGES, PLATT**

Erection of one 3 bedroom (attached) dwelling with shared access and parking and two storey extension to existing house at 1 Mill Cottages, Maidstone Road, Platt.

Careful consideration was given to the application and Members asked that their serious concerns regarding the junction between the access point and the A25 were recorded.

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

- (1) The proposed access arrangement to the new dwelling would be likely to result in additional hazards to safety on the private track which is also used by children and visitors to the King Georges Playing Field and the allotments. The proposal will increase vehicle movements, including reversing movements and manoeuvring, on a long narrow track with limited opportunity for vehicles to pass each other and no provision for pedestrian separation. Therefore the proposal does not positively enhance the safety of the area and is contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

[Speaker: Mr T Bonser, Plaxtol Parish Council and Mr S Hiscocks, agent]

**AP2 14/25 TM/13/03625/FL - CEDAR BUNGALOW, TROTTISCLIFFE**

Demolition of Cedar Bungalow and outbuildings and erection of 3 terraced dwellings, landscaping and car park at Cedar Bungalow, Church Lane, Trottiscliffe.

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

- (1) The proposal due to its overall mass, bulk and proximity to the flank boundary has an overbearing impact on 2 Trosley House Cottages, detrimental to its outlook and residential amenities. The proposal is contrary to Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 17 of the National Planning Policy Framework 2012.

[Speakers: Mrs Hunt and Mr Smeddle, Members of the public and Mr N Brandreth, agent]

**AP2 14/26 CHAIRMANS ANNOUNCEMENT**

The Chairman advised the Committee that this meeting was the last one that the Development Control Manager (Mr Neil Hewett) would attend before his retirement. Members thanked Mr Hewett for his valuable

contribution to Planning Services and the Borough Council and wished him well for the future.

**AP2 14/27 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.48 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

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

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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#### GLOSSARY of Abbreviations and Application types

#### used in reports to Area Planning Committees as at 16 August 2013

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CBCO	Chief Building Control Officer
CEHO	Chief Environmental Health Officer

CHO	Chief Housing Officer
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs
DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document (part of the emerging LDF)
DMPO	Development Management Procedure Order
DPD	Development Plan Document (part of emerging LDF)
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 1995
GPDO	Town & Country Planning (General Permitted Development) Order 1995
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust - formerly KTNC
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MLP	Minerals Local Plan
MPG	Minerals Planning Guidance Notes
NE	Natural England
NPPF	National Planning Policy Framework
ODPM	Office of the Deputy Prime Minister

PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement (issued by ODPM/DCLG)
PROW	Public Right Of Way
RH	Russet Homes
RPG	Regional Planning Guidance
SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCG	Tonbridge Conservation Group
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)

FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent
LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
ORM	Other Related Matter
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

**Platt**                                **561695 155682**    **11 April 2014**                                **TM/14/01293/OA**  
Borough Green and  
Long Mill

**Proposal:**                                Outline Application: Demolition of existing dwelling and annexe (The Paddock) and erection of 3 detached houses. Demolition of existing garage (Fairmeadow) and formation of new access drive to Basted Lane

**Location:**                                The Paddock and Fairmeadow Basted Lane Crouch  
Sevenoaks Kent TN15 8PZ

**Applicant:**                                Brookworth Homes Ltd

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## 1. Description:

- 1.1 This outline application seeks permission for the demolition of an existing dwellinghouse and residential annexe at The Paddock and the garage to the side of Fairmeadow. A new access drive is proposed from Basted Lane leading northwards into the main body of the application site (the grounds of The Paddock), which is proposed to accommodate 3 detached houses arranged in a general 'semi-circle' shape around a central turning head. The application seeks outline planning permission with the proposed access arrangements and the siting/layout of the houses to be determined at this (outline) stage. Appearance, scale and landscaping are to be treated as Reserved Matters.
- 1.2 The proposed houses would be detached two storey dwellings each with an attached double garage. The existing access drive to the east of the site would be stopped up in relation to the application site, although it would continue to serve other existing dwellings in the vicinity.
- 1.3 Although a matter for subsequent approval, an indicative elevation and street scene view of the dwellings has been provided at this stage. The outline application is accompanied by a Transport Assessment, Extended Phase 1 Habitat Survey, Arboricultural Assessment and a Drainage Statement.
- 1.4 The application includes an offer of a commuted sum in order to comply with the terms of TMBCS Policy CP17. The application documents detail that it is considered to be inappropriate for affordable housing to be provided on the application site given the nature and form of the scheme and surrounding development. It is also suggested that it may be more appropriate for a commuted sum to be paid where this will enable housing to be provided in locations with better access to services and facilities.
- 1.5 This application follows the previous refusal of a 5 detached dwellings scheme in 2013 (refused under application reference TM/13/03321/OA).

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

- 2.1 At the request of Cllr. Mike Taylor in light of the planning issues raised by the proposals.

**3. The Site:**

- 3.1 The application site lies on the northern side of Basted Lane within the centre of the settlement of Crouch. Crouch is a rural settlement located some 1.5km to the south west of Borough Green, the nearest rural service centre, offering a range of retail, community and public transport facilities.
- 3.2 The grounds of The Paddock is presently occupied by a detached chalet bungalow together with a two storey annexe building that is used for ancillary residential accommodation. The dwelling (and annexe) is situated within extensive grounds currently laid to garden. The Paddock is located to the rear (north) of generally linear residential development along Basted Lane. Access to the existing dwelling is obtained via a private driveway which leads from the south eastern corner of the site into Basted Lane between neighbouring dwellings at 'Bowmans' and 'Chimneys'. In addition to The Paddock, this driveway also serves a detached house to the east known as 'Ivers'.
- 3.3 The boundaries of The Paddock are defined by a well-established and dense tree and hedge screen. The majority of the trees are capable of being retained as part the application proposal owing to their general arrangement around the site perimeters.
- 3.4 The application site also includes the property known as 'Fairmeadow', located on the northern side of Basted Lane. This property is a detached chalet bungalow with an attached single storey double garage on its eastern side. The land to the eastern side of Fairmeadow, which is currently occupied by the double garage that would be demolished, is proposed to provide a new access road into the grounds of The Paddock (i.e. the development site for the new houses) behind.
- 3.5 The application site is located within the defined rural settlement confines of Crouch (referred to as being an 'Other Rural Settlement' under TMBCS 2007 Policy CP13). A Public Right of Way (MR304) runs just outside the northern boundary of the grounds of The Paddock, providing a footpath link between Basted Lane and Long Mill Lane.

**4. Planning History:**

TM/53/10241/OLD    Grant with conditions    27 August 1953

Outline Application for Development Layout.

TM/64/10956/OLD Grant with conditions 17 June 1964

Outline application for one dwelling.

TM/67/10831/OLD Grant with conditions 20 March 1967

A bungalow.

TM/03/03024/FL Grant With Conditions 3 November 2003

Construction of garage and workshop with hobbies room at first floor level.

TM/08/00467/FL Refuse 30 June 2008  
Appeal dismissed 13 February 2009

Change of use of building from residential annexe to residential dwelling (C3).

TM/13/03321/OA Refuse 24 December 2013

Outline Application: Demolition of existing dwelling and annexe (The Paddock) and erection of 5 detached houses. Demolition of existing garage (Fairmeadow) and formation of new access drive to Basted Lane.

## 5. Consultees:

5.1 Platt PC: Object to this application for the reasons summarised below:

- Our comments on the previously refused application (TM/13/03321/OA) still apply, namely, the over development of the site, the impact on its rural location, more traffic movements, access and its inability to enhance the area;
- There is no evidence that the scheme meets the housing needs of the area;
- The majority of the application site is undeveloped “backland”, not previously developed land;
- Local services do not exist within the village;
- Previous schemes have been refused, even at appeal [TM/08/00467/FL], for reasons which have not altered;
- The new access road would give rise to harm to amenity and the prevailing level of tranquillity on surrounding residential dwellings and their associated garden areas;

- Whilst we accept that this is an application for outline planning, we would have expected some indication of size, including heights to ridge, if only to limit any approval, if granted. Floor area or number of bedrooms would also be indicative of the amount of additional vehicles accessing the site;
- Hopes that the offer of a commuted sum (to comply with affordable housing requirements) will not be a temptation to the Council; and
- Would stress, as before, our concerns over the access. Regardless of the opinion of the local Highway Authority, whilst the access can comply with all Highway standards, it still adjoins Basted Lane. This is a narrow road without pavements and is well used by traffic, children, etc. It is the main access to Borough Green for shopping, services, station, etc. This lane cannot take any more traffic.

5.2 KCC Highways & Transportation: Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local Highway Authority.

5.3 KCC Public Rights of Way: Notes that Public Rights of Way MR304 footpath runs up the north western boundary of the site and should affect the application as there would be extra usage from pedestrians with the development and it has been mentioned in the application that this footpath links to the wider network. I would therefore like the footpath to have a minimum width of 2 metres.

*In a subsequent clarification email from the applicant's agent, it has been stated that whilst the footpath is within the site boundary that the applicant will be purchasing from the current owner of The Paddock, there is no intention to undertake works on/to the public footpath.*

5.4 KCC Archaeology: Notes that the site lies within an area of Hythe Beds which are currently considered to have general potential associated with early prehistoric activity. Discovery of palaeolithic flints is recorded to the south and similar remains may survive on the application site. In view of this, recommends that a condition be imposed on any forthcoming consent requiring an archaeological watching brief.

5.5 EA: Has assessed this application as having a low environmental risk and therefore has no comments to make.

5.6 Kent Fire & Rescue Service: Confirms that the means of access is considered satisfactory.



5.7 Private Reps (50/0X/34R/1S) + Site Notice and Press Advert (Article 13 / PROW):  
34 letters received, raising the following key points of objection:

- Overdevelopment of the site – the proposed three large dwellings are not in keeping with the current density of the settlement;
- The hamlet of Crouch is small, with no amenities;
- Potential for overlooking of surrounding residential properties;
- General amenity concerns resulting from 3 new dwellings and the proposed new access road (located adjacent to Fairmeadow and Pavenham);
- The development would severely impact on the peaceful rural character of this hamlet currently enjoyed by all of its residents, both human and wildlife;
- Increase number of vehicle trips, delivery vehicles and associated traffic on an already narrow country lane (Basted Lane);
- Basted Lane is popular with walkers, cyclists and horse riders. It has no footways and extra traffic would be hazardous to walkers, cyclists and horse riders;
- Construction amenity impacts and concerns with construction HGVs using Basted Lane;
- Development could impact on wildlife within the site, specifically owls, birds and badgers which are all commonly sighted in Crouch;
- Lack of on-site parking provisions proposed. There is no surrounding overspill car parking capacity in the locality;
- The proposals are purely a money making exercise and are not what this rural settlement needs;
- The proposals are not sustainable in what is a small rural settlement;
- Accepting these proposals would result in a precedent being set for further “backland” development in Crouch;
- The proposed new large houses will be seen from the adjacent Public Right of Way;
- Object to the removal of trees within the site – specifically a Walnut tree near the current entrance to The Paddock. This tree has amenity value to the neighbours and general public; it provides natural screening to the surrounding dwellings, it is of good quality producing fruit annually, and a tree of this

species and health is likely to live for very many more years to come and it forms part of the historical copse effect in and around Crouch. In summary, it is worthy of a Tree Preservation Order; and

- General concerns over existing infrastructure (low water pressure, frequent power cuts, no mains gas supply and the requirement for heating oil deliveries).

5.7.2 One letter of support has also been received, raising the following key points:

- I support this application – there is a shortage of housing stock in the South East of England and on a large plot of land such as this, the new homes will be welcome in our village. They are well set off Basted Lane so no one will ever know they are there.

## **6. Determining Issues:**

- 6.1 In considering applications it is necessary to decide them in accordance with the Development Plan unless other factors indicate otherwise. In this respect the more growth orientated character of NPPF, published in March 2012 as national Government policy, has to be taken into account. Where appropriate the effect of NPPF is reflected in the analysis below.
- 6.2 Policy CP1 of the TMBCS sets out the Council's overarching policy for creating sustainable communities. This policy requires, *inter alia*, that proposals must result in a high quality sustainable environment; the need for development will be balanced against the need to protect and enhance the natural and built environment, and preserve, or where possible enhance the quality of the countryside, residential amenity and land, air and water quality; *where practicable*, new housing development should include a mix of house types and tenure and must meet identified needs in terms of affordability; and development will be concentrated at the highest density compatible with the local built and nature environment mainly on PDL.
- 6.3 Policy CP13 of the TMBCS allows for the redevelopment of a site within the confines of an 'Other Rural Settlement' such as Crouch. Redevelopment will be permitted under this policy if there is some significant improvement to the appearance, character and functioning of the settlement; or justified by an exceptional local need for affordable housing.
- 6.4 Policy CP24 of the TMBCS relates to achieving a high quality environment. This policy requires that development must be well designed, be of suitable scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. Policy SQ1 of the MDEDPD reinforces this requirement that all new development should protect, conserve and, where possible, enhance, (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity; (b) the distinctive

setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

- 6.5 MDE DPD Policy SQ8 states that, inter alia, 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. In this context NPPF has a significant bearing: it is now clear that the nationally applied test in terms of highways impacts is that an impact must be “severe” in order for the Highways and Planning Authorities to justifiably resist development on such grounds – KCC raises no objections on such matters. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document. In this instance, the adopted parking standards are set out in Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (IGN3) and are met.
- 6.6 Paragraph 17 of the NPPF seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The site of the existing dwellinghouse and residential annexe (The Paddock) is considered to be Previously Developed Land (PDL); however residential garden land is excluded from the definition of PDL within the NPPF. Accordingly, the grounds of The Paddock/Fairmeadow and their immediate curtilage are not considered to be PDL. However this simply means that a “presumption in favour” of redeveloping the PDL elements of the site (as was the case with earlier policy positions adopted by an earlier Government) no longer applies. Current policy does not amount to an embargo on the development of gardens and each case must be judged on its particular merits. The previous outline application, which was refused under delegated powers, was refused for the following key reasons:
- The development site was formed predominantly by residential garden land which is not classified as Previously Developed Land and there was no overriding justification for developing the entire residential curtilage of The Paddock;
  - The proposed layout, access road, arrangement of dwellings and general extent of built development was considered to be harmful to the local area through overdevelopment, a loss in open character and general harm to the character and functioning of the rural settlement;
  - The proposed access road, owing to its intensity of use to serve five new dwellings, together with the proximity to neighbouring dwellings/garden areas, would give rise to harm to amenity and the prevailing level of tranquillity; and

- The proposals failed to provide a suitable Section 106 Legal Agreement to undertake to provide on-site affordable housing, or a commuted sum for affordable off-site provision.
- 6.7 The currently proposed scheme has aimed to overcome the main reasons for refusal set out above by reducing the number of units proposed, increasing the size of gardens/space between dwellings, slightly re-aligning the location of the proposed access road and providing a commitment to a commuted sum in lieu of on-site affordable housing.
- 6.8 The layout of the three units is proposed in a semi-circular arrangement, centred around a main turning head leading from the new access road. The reduction in number of units within the application site, despite the increase in the size of the units, has resulted in greater separation space between adjoining units and surrounding existing dwellings. The orientation of the proposed units would not result in any direct facing elevations with surrounding dwellings since Plots 1 and 3 would be orientated 'end on' towards the rear elevations of the properties along Basted Lane (Kilnfield House, Pavenham, Hurroc and Bowmans). In terms of distances to existing surrounding dwellings, the end elevation of the garage of Plot 1 would be located some 25 metres to the north of the extended rear elevation of Kilnfield House, whilst the end elevation of the garage of Plot 3 would be located some 30m from the rear elevations of Pavenham and Hurroc. The rear elevation of Plot 3 is orientated on an angle to the front elevation of Ivers, which, at its closest point, is some 31 metres to the east. The rear elevation of Plot 2 would be located on an angle from Cob Cottage to the north of the application site, this distance being in excess of 38 metres. In my opinion, such distances, together with existing intervening vegetation and any new landscaping which could be secured in the event of permission being granted, is wholly appropriate to this location and would not give rise to an a loss of privacy or undue amenity impact such as to justify refusal on such grounds.
- 6.9 The general character of this rural settlement, as stated by the Planning Inspector in connection with the previous appeal decision relating to The Paddock (appeal reference: APP/H2265/A/08/2082382), is characterised by generally large dwellings in extensive plots with high quality, low density, appearance stemming from separation of properties and substantial landscaping. Whilst I accept that the proposals represent in an increase in the amount of development within The Paddock site, the general scale, layout and proportions of the units and their gardens are, in my view, consistent with the character found elsewhere throughout this rural village. In my view, the general scale, layout and amount of development proposed does not show the same 'overdeveloped' feel as the previously refused scheme and would not warrant the refusal of outline planning permission in this case.

- 6.10 The proposed means of access to the main development site (i.e. the grounds of The Paddock) would be taken through the grounds of Fairmeadow. A new 4m wide access road would be constructed on the eastern side of Fairmeadow, facilitated by demolishing the existing attached double garage. This garage would be rebuilt on the front western corner of Fairmeadow and is shown in layout as attached to that house. Detail of this should be reserved by condition – it should be noted that the new access arrangements to make this possible do not require the Council's approval.
- 6.11 The proposed access road would run from front to back of the Fairmeadow plot, leading to a central turning head in the grounds of The Paddock, off which the proposed 3 new dwellings (and their associated garages) would be accessed. At the junction of the new service road with Basted Lane, a 2m x 40m visibility splay is proposed in an easterly direction and a 2m x 39m visibility splay in a westerly direction.
- 6.12 The existing means of access to The Paddock (and also Ivers, Bowmans and Tall Chimneys) was considered to be inadequate, of limited width and have sub-standard forward vision at the junction with Basted Lane in 2008 as part of the refusal of planning permission for the change of use of the annexe within The Paddock from a residential annexe to a separate residential dwelling (application reference: TM/08/00467/FL). That decision was subsequently tested at Appeal (appeal reference: APP/H2265/A/08/2082382), with the Inspector dismissing the appeal, inter alia, on grounds of highway safety. However, and significantly for the context of this case, that decision pre-dates the publication of NPPF and the requirement that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*" (para. 32).
- 6.13 The existing access drive to the east of The Paddock would be stopped up in relation to the application site, and therefore would continue to serve other existing dwellings (Ivers, Bowmans and Tall Chimneys). Traffic using this private access road would, therefore, be reduced. The traffic currently generated by The Paddock would be introduced into the new drive described above – which means the *net* increase in traffic movements would be two additional dwellings or around 16 per day or 2 in the each of the evening and morning peaks.
- 6.14 The revised proposal includes a vehicle passing space and the necessary manoeuvring space for delivery vehicles, refuse freighters and fire tender vehicles on site. The access has been aligned away from the boundary with Pavenham to enable the creation of an additional landscape buffer strip alongside the common boundary. This factor, together with an overall reduction in the number of units (from 5 to 3), overcomes my previous concerns and those expressed by the Inspector in the 2008 case, with regard to the intensity of the access road giving rise to harm to amenity and the prevailing level of tranquillity of surrounding properties.

- 6.15 While I note the local concerns raised regarding the surrounding local road network, in light of no technical objections to the scheme from the Highway Authority on either a capacity or safety perspective, advice which is given, of course, in the context of paragraph 32 of NPPF (see above), I am of the view that there are no overriding highway grounds to justify the refusal of planning permission in this instance. In terms of car parking provisions, whilst no specific scale of the dwellings has been given at this outline stage (in terms of actual bedroom numbers), I am of the view that the double garages and ample hardstanding space to the front of each of the three new dwellings will provide sufficient off-street parking space to meet the requirements of KDGIN3 criteria for parking, as adopted by this Council. In accordance with Paragraph 32 of the NPPF and in light of the above considerations, I am satisfied that the residual cumulative transport impacts of the development are not severe and therefore there are no overriding or justifiable grounds to refuse the proposals on transport grounds.
- 6.16 The applicant has indicated a commitment to provide a commuted sum, through a S106 Obligation, towards off-site Affordable Housing to meet with the Council's requirements under TMBCS Policy CP17. Whilst negotiations on the actual contribution are still ongoing, subject to the resolution of an acceptable contribution and the provision of an acceptable S106 Obligation (bearing in mind the requirement of NPPF that developments contributions are unacceptable if they threaten the viability of development schemes) prior to planning permission being granted, I am satisfied that this previous reason for refusal has been overcome.
- 6.17 Whilst landscaping details are not specifically included as part of this outline application, an arboricultural assessment submitted with the application details that a vast number of trees and hedgerow on the perimeters of the application site are capable of being retained as part of the development. Additional landscape planting, together with appropriately considered boundary treatments (including either brick walls and/or timber fences) would be required at a later stage should the scheme be accepted and would overall help to reduce any overlooking or amenity concerns from surrounding residential dwellings.
- 6.18 Nevertheless, concerns have been raised over the removal of a Walnut tree near the current entrance to The Paddock. This tree is located in what would be the rear garden of Plot 3, situated between the rear elevation of this proposed dwelling and the front elevation of Ivers. The walnut tree is understood to have fallen down in the 1987 Storm, however upon inspection by the Council's Landscape Officer, the tree has regenerated well from its trunk and provides a positive amenity value in the locality. Having discussed these concerns further with the applicant, it has been confirmed that the Walnut tree will be retained as part of the scheme. In light of its amenity and screening value, I consider that it is worthy of retention as part of the outline proposals and therefore recommend that a condition is imposed on any forthcoming consent to this effect. Since the application site is not within a Conservation Area, and notwithstanding any planning condition requirement

imposed as part of a planning consent, consideration will need to be given separately as to whether the tree is worthy of protection under a Tree Preservation Order.

- 6.19 The outline proposals have met with objections based on construction related impacts (such as general noise disturbance during demolition and construction operations, and HGV movements to/from the site) on surrounding residential properties. Whilst I recognise the concerns raised in this instance, this impacts would be relatively short-term in its very nature and could not be a reason in itself to refuse planning permission for new buildings on this site in a case such as this. Nevertheless, noise associated from demolition or construction related activities could be controlled, via other legislation, and the applicant should be encouraged to reach a pre-commencement agreement with colleagues in Environmental Health with regard to working hours.
- 6.20 Concerns have been expressed regarding the existing infrastructure of Crouch (low water pressure, frequent power cuts, no mains gas, etc.) and whether it is capable of supporting three new large dwellings. These are technical matters which the applicant would need to overcome with the relevant service providers and do not amount to a reason for resisting planning permission in this case. In terms of the need for service vehicles to visit the new dwellings to deliver heating oil (as a result of no mains gas supply), it should be noted that the new service road has been designed to allow service vehicles to access each of the new dwellings with sufficient turning/manoeuvring space within the application site.
- 6.21 I note that a PROW runs along the northern boundary of the application site. This PROW would not be physically impacted by the development proposals and the existing tree screen which currently exists along the northern boundary of The Paddock would be retained as part of the redevelopment proposals. Whilst I accept that there would be an element of visual change within the application site (i.e. the construction of three new dwellings as opposed to one chalet bungalow and a not insubstantial annexe), the impact of this visual change would not be unacceptable simply because of the view from the PROW.
- 6.22 Ecological concerns have been expressed by a number of local residents who have claimed that badgers are frequently seen within the application site (and wider area of Crouch). The application is accompanied by an Extended Phase 1 Habitat Survey which details that the site was inspected for indications of (amongst other protected species) badgers. The Survey indicates that there were no badger setts found on site, nor any other signs of badgers such as faeces, trails or snuffle holes. The applicant has taken the necessary precautionary and reasonable steps in respect of badgers in this instance. In respect of other ecological matters, I note that the Survey identifies the presence of bats within the application site and that a licence will be required from Natural England (following any successful grant of planning permission) for the demolition of the annexe. I

consider that, subject to the adherence of the recommendations of this Survey, the proposed scheme is acceptable in ecological terms and accords with the general requirements set out in paragraph 118 of the NPPF.

6.23 In light of the above considerations, I consider that the scheme as now proposed has overcome the previous reasons for refusal, resulting in a scheme which would be acceptable in the context of this rural settlement and would respect the site and its surroundings. I therefore recommend that outline planning permission be granted, subject to a S106 Obligation being completed as identified above and subject to conditions.

## **7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Transport Statement dated 11.04.2014, Drawing 130313-01 dated 11.04.2014, Site Plan 14021/SK04 dated 11.04.2014, Location Plan 14021/S101 dated 08.04.2014, Proposed Elevations 14021/SK03 dated 08.04.2014, Site Plan 14021/SK05 dated 08.04.2014, Arboricultural Survey dated 08.04.2014, Bat Survey dated 08.04.2014, Design and Access Statement dated 08.04.2014, Energy Statement dated 08.04.2014, Planning Statement dated 08.04.2014, Drainage Statement dated 08.04.2014, Drawing 130313-TK10 A dated 11.04.2014, Drawing 130313-TK11 dated 11.04.2014, Topographical Survey 01 dated 08.04.2014; and

7.2 **Subject to** the provision of an agreed commuted sum under a S106 Obligation to secure the Council's requirements for an appropriate contribution towards affordable housing, in accordance with the Tonbridge and Malling Borough Core Strategy 2007 Policy CP17; and

7.3 **Subject to** the following conditions:

1. Approval of details of the appearance of the development, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.



Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. The details submitted in pursuance to condition 1 shall be accompanied by details and samples of materials to be used externally 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.

5. The details submitted in pursuance to condition 1 shall be accompanied by a contoured site plan and full details of the slab levels at which the buildings are to be constructed and the development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to adequately assess the impact of the development on visual and/or residential amenities.

6. The details submitted in pursuance to condition 1 shall be accompanied by 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.

7. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees shown to be retained on 'Figure 2: Development Proposals with Tree Protection Measures' (drawing AR/3076a/ap) and as amplified in the email from John Escott dated 18 June 2014, 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 around the Tree Protection Zones shown on 'Figure 2: Development Proposals with Tree Protection Measures' (drawing AR/3076a/ap) and as amplified in the email from John Escott dated 18 June 2014, 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.

8. The existing trees and shrubs shown on 'Figure 2: Development Proposals with Tree Protection Measures' (drawing AR/3076a/ap) and as amplified in the email from John Escott dated 18 June 2014, 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. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans. The vehicular access service road shall be retained in accordance with the approved plans thereafter.

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

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

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and to deal with surface water drainage.

11. The details submitted in pursuance to condition 1 shall be accompanied by a scheme for the storage and screening of refuse. 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.

12. The details submitted in pursuance to condition 1 shall be accompanied by a scheme for the boundary treatments of each of the new dwellings. The approved boundary treatments shall be implemented before the development is occupied and shall be retained thereafter.

Reason: To retain and enhance the character of the locality.

13. The details submitted in pursuance to condition 1 shall be accompanied by a scheme of external lighting to serve the development. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity.

14. The details submitted in pursuance to condition 1 shall be accompanied by a scheme for the disposal of foul and surface water drainage. Thereafter, the approved scheme shall be implemented before the development is occupied and shall be retained thereafter.

Reason: In the interests of pollution prevention.

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 Class A, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to regulate and control further development on this site.

16. The first set of details submitted in respect of the appearance of the development pursuant to Condition 1 shall include details of the garage to be built at Fairmeadow. No deviation from the approved garage design shall take place without the written approval of the Local Planning Authority. The creation of the access road hereby approved shall not take place until the replacement access point, parking and turning to the front of Fairmeadow has been provided.

Reason: to prevent unacceptable parking on the highway and to ensure an appropriate design of garage.

### **Informatives**

1. Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. In addition, the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

2. During the demolition and construction phases, the hours of working (including deliveries) shall be restricted to the following times; Monday to Friday 08:00 hours - 18:00 hours; Saturday 08:00 hours - 13:00 hours; and no work on Sundays, Bank or Public Holidays. The applicant is advised to seek an early discussion with the Environmental Protection Team – [environmental.protection@tmhc.gov.uk](mailto:environmental.protection@tmhc.gov.uk)
3. The applicant is advised that Public Right of Way MR304 footpath runs along the north western boundary of the site. The granting of planning permission confers no other permission or consent on the applicant. No works can be undertaken on a Public Right of Way without the express consent of the Highway Authority (Kent County Council). This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across the Public Right of Way without consent.
4. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked 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](mailto:addresses@tmhc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

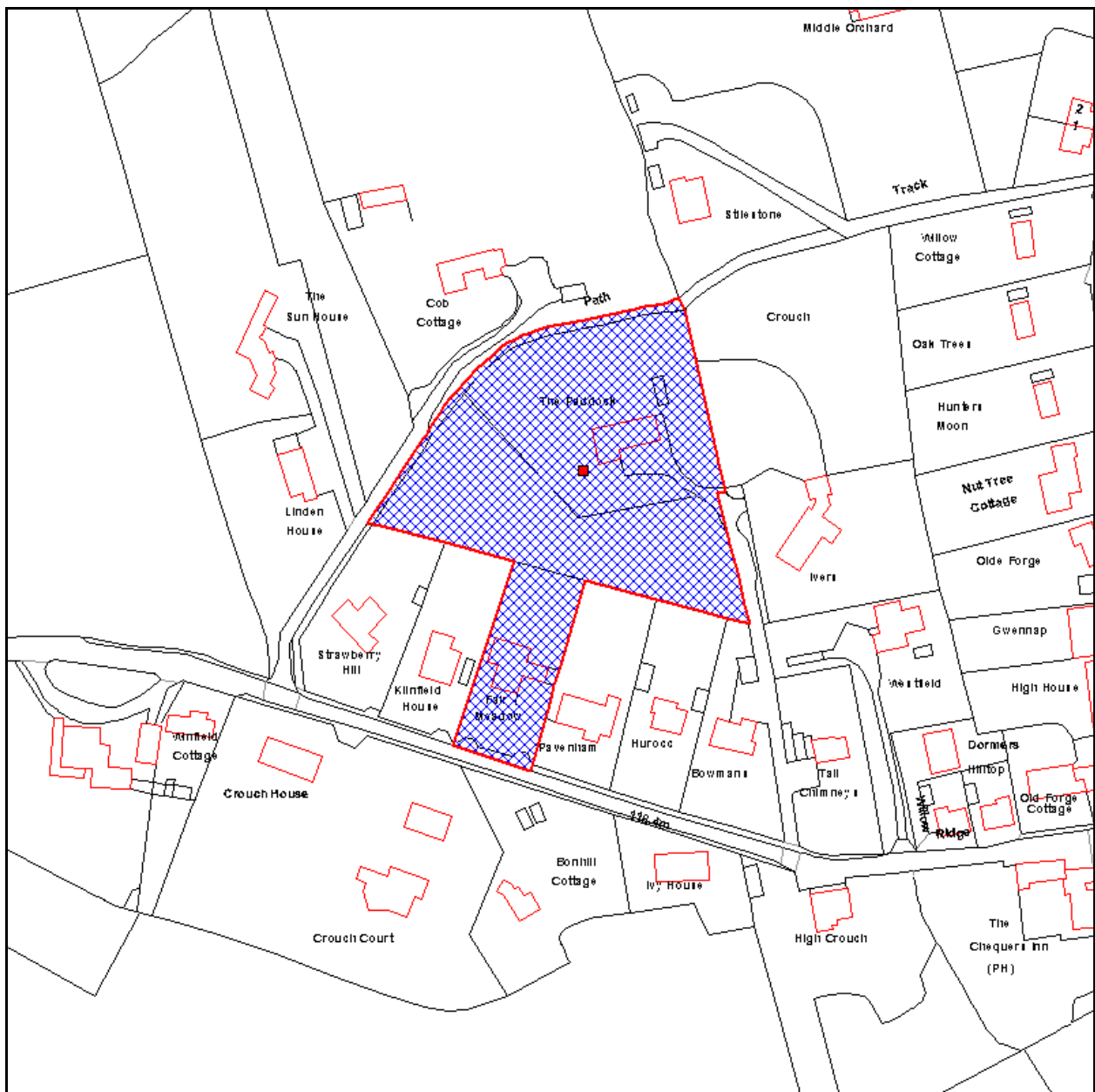
Contact: Julian Moat

**TM/14/01293/OA**

The Paddock And Fairmeadow Basted Lane Crouch Sevenoaks Kent TN15 8PZ

Outline Application: Demolition of existing dwelling and annexe (The Paddock) and erection of 3 detached houses. Demolition of existing garage (Fairmeadow) and formation of new access drive to Basted Lane

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<b>Platt</b> Borough Green And Long Mill	<b>561956 157554</b>	<b>5 February 2014</b>	<b>TM/11/03020/OA</b>
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Proposal:	Outline Application: Proposed new industrial building, associated works plus highway amendments to the T Junction of the access road and A25 Maidstone Road. Landscaping details to be reserved
Location:	Phase 3 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent TN15 8JL
Applicant:	Prime Securities Limited

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**1. Description:**

- 1.1 Outline planning permission is sought for the erection of a new industrial building (use class B8 storage and B1 light industrial, in a 50/50 split with ancillary office space) on a currently vacant plot of land within Platt Industrial Estate. This would be located to the south of an existing building housing units 8, 9 & 10, at the far end of the industrial estate access road. Landscaping is the only matter reserved for subsequent consideration.
  
- 1.2 The building would have a gross external footprint of 33,700 sq ft with a total gross footprint to include the mezzanine, of 36,900 sq ft. It would measure 55.4m deep x 56.5m wide and would be 8.3m at the highest point.
  
- 1.3 The design would be common to that of most industrial buildings in that it would have a large footprint with mezzanine floor for ancillary office accommodation. This would measure 10m deep x 30.6m wide. This mezzanine floor would comprise a central staircase with a large open plan room either side. There would be toilet facilities at both ground and first floor level. The building would be constructed of grey/white panel cladding with brick plinth, and a shallow pitched roof of a twin curve design with central valley. The plans indicate a considerable number of photovoltaic cells to be located on this roof.
  
- 1.4 Detailing would include three roller shutter doors, double storey height glazed entrance feature, and ground and first floor windows to the front elevation. The roller shutter doors would be olive green to match window surrounds. There would also be two rear pedestrian access doors.
  
- 1.5 The proposal also includes associated works to include 53 parking spaces to the front, and loading, turning and manoeuvring space for HGV and other large vehicles. Refuse storage facilities would be within a secure fenced area to allow for storage of cardboard and pallets.
  
- 1.6 The proposed building is required to allow for the further expansion of the existing local business on site in the building directly to the north of the site. This company is Kentinental Engineering who supply steel photocopier cabinets and printer

stands for the office equipment sector. The company has grown and now requires additional manufacturing, storage and office space. The extension of the company by way of the proposed building would result in Kentinental Engineering employing an additional 35 members of staff. Intended hours of operation would be 07.00 - 16.00 hours. On certain occasions however there may be a double shift between 06.00 – 14.00 hours and 14.00 – 22.00 hours.

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

- 2.1 Requests were received to call the application in for determination by committee from Councillor Sue Murray due to local interest, and from Cllr Mike Taylor due to highway concerns.

**3. The Site:**

- 3.1 The site lies within the Metropolitan Green Belt to the north of Platt on the northern side of the railway line and the A25 Maidstone Road. It is part of Phase 3 Platt Industrial Estate and, in addition to its Green Belt status, the site is allocated in the Development Land Allocations DPD as a 'Major Developed Site in the Green Belt' (policy M1), 'Other Employment Land' (policy E2), and 'Vacant Sites Allocated for Employment Development' (policy E3). This will be discussed later in the report.
- 3.2 The application site is located at the south western corner of the industrial estate, at the end of the existing access road. To the east is Platt Industrial Estate and to the west open countryside. A group Tree Preservation Order covers trees along the western boundary, and the northern boundary is the access road which separates the site from the existing Kentinental Engineering units. To the south is another vacant site that is the subject of a currently invalid application TM/12/01001/FL, which is for change of use of land to open storage (B8 Storage or distribution), resurfacing of site and erection of fencing and entrance gate.
- 3.3 The access road, which crosses over the railway line, serves the whole of the industrial estate and also a couple of residential properties to the east of this road. Surrounding industrial buildings are a mix of brickwork and metal cladding of typical light industrial scale in height. The application site is currently overgrown with no mature trees, just overgrown shrubs.

**4. Planning History:**

TM/71/10594/OLD Refuse 20 January 1971

The construction of an industrial estate road.

TM/76/11030/FUL Refuse 5 April 1976

4 No. warehouse units, ancillary offices and site works.



TM/77/11240/FUL grant with conditions 21 June 1977

Speculative development - warehouse and ancillary offices.

TM/78/11046/FUL grant with conditions 9 May 1978

11 Warehouse units.

TM/79/10125/FUL grant with conditions 30 November 1979

The erection of six warehousing units with ancillary office accommodation and construction of vehicular parking space, Phase III (alternative details to planning permission TM/77/52 and TM/77/1032.

TM/98/00086/OA Grant With Conditions 3 November 1998

erection of six warehouse units with ancillary office accommodation and vehicular parking spaces

TM/06/00966/OA Refuse 27 March 2008

Outline Application: Erection of 6 no. warehouse units with ancillary office accommodation and vehicular parking spaces

TM/12/01001/FL  
(adjacent site to  
the south)

Change of use of land to open storage (B8 Storage or distribution), resurfacing of site and erection of fencing and entrance gate

## **5. Consultees:**

- 5.1 KCC Highways: No objection, subject to requested informative regarding a S278 agreement.
- 5.2 KCC Heritage: The site lies within an area which has revealed evidence of Roman activity. Brickworks are noted to the north and further quarrying developed to the east. There is also a medieval or earlier farm, Bassetts Farm, known just to the east and associated remains may extend into the application site. A condition is requested.
- 5.3 KCC PROW Officer: PROW MR251 footpath runs up the eastern boundary and should affect the application. KCC has an interest in ensuring the footpath is maintained to a suitable standard for pedestrians. Maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners.

- 5.4 Southern Water: No objections - a number of informatives requested.
- 5.5 PC: No objection in principle to the application which would create more employment in the area, but they oppose any future development that will exacerbate the existing problems on this trunk route until alternatives are offered, and have general concerns about increases in traffic movements. There are also applications pending for an increased storage area and KCC consideration for the expansion of Green Sand Pits, all of which will lead to a traffic increase. The single entrance from the A25 to the estate is congested and dangerous. The proposed new school on the adjacent site will create more access problems. Concern was raised regarding the Air Quality problems on the A25 corridor and the traffic associated with the site.
- 5.6 EA: No objection in principle, however the applicant may be required to apply for other consents directly from the EA. These would include water abstraction or discharging to a stream. Conditions and informatives are requested.
- 5.7 NE: No objection. Standing advice regarding protected species such as Bats, Great Crested Newts and Reptiles.
- 5.8 Private Reps: 55/0X/5R/0S + site notice. The following objections have been raised to the proposal:
- Current noise and pollution levels generated by HGVs and other vehicles is high and the proposal will further exacerbate this, and increase dust and dirt to neighbouring properties and cars.
  - Traffic levels on the A25 are already high and HGV movements in and out of the industrial estate also cause vibration and future potential damage to neighbouring property.
  - Current traffic movements associated with the industrial estate continue during night time hours, with some lorries leaving engines running causing disturbance. The proposal will make this poor situation worse.
  - Increased traffic movements means increased risk of to pedestrians, particularly pupils visiting the school in Platt.
  - The proposal will add to poor air quality levels and therefore increase health problems for those living nearby and pupils using the school field adjacent. Borough Green is already a recognized Air Quality Management Area. The future school on the adjacent site will experience air pollution due to the increased traffic movements, which is a health risk to children and teachers.

- Junction improvements would reduce parking spaces available for Whatcote Cottages in an area with no alternative parking for nearby dwellings. The improvements would also reduce the available pavement therefore increased risk to pedestrians and bringing pollution levels closer to residential properties.
- Junction improvements will restrict access to neighbouring properties.
- The access to the site should be relocated to come from the M26.
- Increased employees on site will lead to increased traffic using the access road which is already congested particularly at the point of the bridge over the railway line. The speed limit of 10mph is already breached on many occasions leading to danger for pedestrians especially in the winter.
- Current vehicle movements have resulted in damage to property.
- A grant for working hours until 22.00 could lead to requests from other companies for similar, thereby increasing traffic movements in the evening.
- 53 proposed parking spaces is inadequate for the increased number of employees and will lead to on street parking.
- Harm to wildlife which is already reduced following the creation of the school fields adjacent to the west.
- Residential quality of life in this area is already blighted, the proposal would make this worse. Consideration of the proposal should include all future and pending proposals for development in the area in terms of the impact on residents.
- Increased volume of traffic already leads to parking problems within the estate which restricts deliveries to other units. Also concern as to whether the bridge can sustain the increased use.

## **6. Determining Issues:**

- 6.1 The application site lies within a number of allocations in terms of planning policy. The two main issues to therefore consider in terms of the principle of the proposed development are the location within the Metropolitan Green Belt and the allocation for employment development. These allocations were made prior to current NPPF policy and, as such, this change in context arising from revised Government policy must also be taken into account.
- 6.2 Current Green Belt policy in the NPPF, which is reflected in policy CP3 of the Core Strategy, seeks to restrict inappropriate development within the Green Belt because it would be harmful by definition. Inappropriate development can, therefore, only be permitted in very special circumstances. However the policy

does allow for certain forms of development which are not deemed to be inappropriate and these include *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”*. The site is not occupied by any existing structure, as is required to fit the definition of previously developed land in the NPPF Annex 2. As such the development of this Green Belt site, under Green Belt policies alone, would be considered inappropriate development. The very special circumstances discussed below, with regard to this application, relate to the expansion of the long established local business.

- 6.3 The proposal is to facilitate the expansion of an existing local business and thus create new employment opportunities within the local area. This is something that is considered in the NPPF which encourages local authorities to promote new development and economic growth. Kentinental Engineering has confirmed there is no other suitable site or location within the local area capable of accommodating their business expansion. The current premises are within the Green Belt, and Platt Industrial Estate is one of the few major employment sites within a rural Green Belt location and also allocated for employment use.
- 6.4 However, the above conclusion that the development is inappropriate by definition cannot sit alone when considering the above very special circumstances and also other land allocations that are taken into account, as discussed below.
- 6.5 Although within the Green Belt, the site is also allocated in the DLADPD as a major developed site within the Green Belt, under policy M1. This allows for the infill development provided that:-
- It does not lead to any greater impact on the openness of the Green Belt and the purposes of including land within it;
  - It leads to an overall improvement in the environment and does not harm the landscape setting and appropriately integrates with its surroundings;
  - Any changes in traffic can be satisfactorily accommodated without conflict with the rural amenity, without prejudice to highway safety and bring beneficial changes if possible;
  - It does not exceed the height of existing buildings;
  - It does not result in an extension to the currently developed extent of the site;
- 6.6 This policy also specifically refers to Platt Industrial Estate, requiring any development to protect trees on site, achieve a satisfactory noise climate having regard to the proximity of the railway line, minimise conflicts with mineral

operations in the area, investigate and remediate any land contamination, include any necessary mitigation following archaeological assessment, and include any necessary improvement to the access.

- 6.7 Policy E2 of the DLADPD refers to Platt Industrial Estate in its list of 'Other Employment Land'. New development is considered suitable on these sites provided that it does not create any unacceptable impact on residential amenity by virtue of noise, dust, smell, vibration or other emissions. It should also not give rise to visual intrusion or unacceptable traffic generation. The proposed B1 light industrial and B8 storage use would fall within the uses stated as acceptable for this site under this policy.
- 6.8 Policy E3 of the DLADPD identifies the site as a vacant site allocated for employment development. It refers to the opportunities that will arise from such sites for redevelopment or intensification or use on existing employment sites.
- 6.9 Paragraph 28 of the NPPF relates to '*Supporting a Prosperous Rural Economy*' and confirms the commitment to supporting economic growth in rural areas to create jobs and prosperity. It continues that there should be support for the sustainable growth and expansion of all types of business and enterprise in rural areas through the conversion of existing buildings and well designed new buildings.
- 6.10 The proposal represents the introduction of new built form within the Green Belt. However, in light of policies E3 and M1 of the DLADPD, I consider that in light of these land allocations and the industrial nature of the *immediate* surroundings, which are also within the Green Belt and these land allocations, the resulting impact can be considered acceptable in that it would assist the expansion of a successful local firm and this local economic benefit also amounts to very special circumstances.
- 6.11 The proposed building is confirmed in the supporting statement as being no higher than other buildings in the estate. The proposed maximum height of 8.3m would appear reasonable for this type of building and the estate surroundings, as are the proposed materials. The building would be of a fairly utilitarian design but this, along with the scale and height, would correspond with existing surrounding buildings. The heavy screening along the western boundary, to be further supplemented, and the proposed landscaping to be approved under reserved matters which would soften the parking area to the front, help to accommodate the proposal within the landscape with minimal visual impact. Views of the site from the neighbouring AONB are restricted due to the topography of the area.
- 6.12 Having regard to the above considerations, I am of the opinion that the proposal would conform with the relevant policy criteria and thus would not harm the character of the landscape. It therefore accords with the aims of policies E2, E3 and M1 of the DLADPD, and relevant paragraphs in the NPPF. It cannot be considered appropriate development under the Green Belt paragraphs of the

NPPF; however, given the special circumstances relating the expansion of the local business and the associated employment creation, and the compliance with other still relevant local plan policies, I consider that on balance the proposal is acceptable.

- 6.13 In highway terms, the proposed junction improvements at the access to the A25 are considered to be beneficial in terms of highway safety and therefore in line with policy M1 of the DLADPD. KCC has confirmed that these access improvements to allow for HGVs to turn into and out of the access road are acceptable and indeed represent an improvement to highway safety for the whole of the site. This confirmation of no objection also recognises that the applicant should enter into a S278 agreement with KCC prior to execution of the works within the highway.
- 6.14 As part of the application, transport assessments were carried out in September 2011 and July 2013. The results of these assessments have been considered by KCC and found to be acceptable and a basis for designing the works indicated in 6.13 above.
- 6.15 During the course of the application it was brought to my attention that the KCC Highways Officer had raised objection to the application of a Goods Vehicle Operator licence for another unit on the estate. Although this is not directly linked to the proposal, it had been raised as a possible conflict with the KCC Highway Officer's comments stating no objection to the proposal. Since this objection to the licence, and following discussions with that operator, KCC Highways has now withdrawn its objection to the granting of the Goods Vehicle Operator licence. There is now therefore now no conflict with the comments supporting the junction improvements from the Highways Authority.
- 6.16 The proposal includes the provision of 53 parking spaces to the front of the building. This hard surfaced forecourt includes turning and manoeuvring space for HGVs and other associated vehicles. This is a provision of 1 space per 65sqm. The proposed increase in employees would be 35 above the existing 65, and so the parking provision is considered to be acceptable.
- 6.17 The proposal would result in increased vehicular movements along the access road and using the junction. There is much concern amongst residents with regard to highway safety and harm to amenity due to increased noise, dust and vibration. KCC is satisfied that the access road and improved junction onto A25 can accommodate the additional traffic generated by the proposal, and that the junction improvements will successfully facilitate the overall use of the access point with the A25. A consequence of these improvements is, however, the reduction in the footway/verge area to the front of the houses closest to the junction point.

- 6.18 The improvements will reduce the potential for conflict between HGVs turning in and out of the access and cars using the A25, and also pedestrians. This in turn improves highway safety at this junction. The related impact on neighbouring amenity will be discussed below.
- 6.19 The potential traffic increase from other developments and existing uses in the area has been considered, to ensure that the cumulative impact to the highway through increased traffic generation is taken into account. Studies of traffic associated with the school demonstrates there was no marked peak in traffic movements during the afternoon, suggesting a high proportion of school related trips are made on foot. Generally school car-based traffic is outside the later general afternoon peak. The Highways Authority has commented that the A25 is actually below its link capacity at the point and would not expect the proposed development to materially alter this position.
- 6.20 The proposed building, in itself, would have no detrimental impact on the residential amenities of the nearest properties, in that its location is some distance from those properties. The resulting traffic movements and associated increased use of the access road which runs adjacent to a number of dwellings is however a point of concern for residents, and a consideration to be taken into account. Neighbouring residents report current unsatisfactory levels of noise particularly during the evening and night-time hours. This proposal, in itself, does not however result in late night traffic movements as maximum hours of operation applied for are between 06.00 – 22.00 hours (and can be subject to control by condition).
- 6.21 To answer these concerns and understand the actual impact on the amenities of these residences closest to the access road, including the rearrangement of the easterly junction radius on to A25, we asked that a noise assessment be commissioned by the applicant. This tests the impact of not only the traffic associated with this proposal but also the effect of the junction rearrangements in terms of the historic traffic from the site. The results will be assessed to take into account not only the traffic associated with this development but also the fact that ALL east bound traffic throughout the day will be closer to the properties at Whatcote Cottages. The final analysis of the findings is currently taking place and this will be discussed in a supplementary report.
- 6.22 The proposal would not result in harm to any trees. There are no trees worthy of retention on the site of the proposed building, just overgrown shrubs. There is a group TPO covering trees along the western boundary which is to be supplemented with additional planting as part of the proposal. The submitted tree survey was updated in accordance with the new British Standard and confirms the removal of two Oak trees, T7 and T11 is justified. The proposed supplementary planting will further enhance this boundary. Appropriate conditions would be added to protect these trees during construction.

- 6.23 The proposed plans include provision for a waste and refuse area to be fenced. This would be to the front corner of the parking area. A condition to secure details of this will be added to any grant of permission.
- 6.24 As part of the application, a habitat survey was conducted in January 2012 and was then updated in November 2013. The findings confirmed that the site supported a 'Low' population of common lizard and adder, but an 'Exceptional' population of slow worm. The site is also considered a Key Reptile Site. In response to these findings, measures are recommended to ensure the welfare of reptiles on site throughout the development. These would need to be implemented prior to the start of works and the appropriate condition would secure this. These measures would be the need to identify a receptor site and implement measures to relocate reptiles from the site.
- 6.25 The application is accompanied by a desktop contamination assessment. It is however recommended that the appropriate condition be attached to any grant of permission to secure relevant on site investigations prior to development, to further investigate potential contaminated land risks. It must be remembered that the design of any necessary remediation is to make the site fit for its end purpose (in this case industrial development) and that it should not adversely affect ground water.
- 6.26 As per policy M1 of the DLADPD the site is identified as being in close proximity to the railway line which is a potential source of noise pollution. The site is located approximately 58m from the railway line. There is no objection in terms of noise pollution that may be experienced by occupants of the new building. Due to the intended use of the proposed development, I do not consider the noise impact from the railway line to be harmful.
- 6.27 Policy M1 also requires any development on the site to minimise any potential conflict with mineral operations within the vicinity (i.e. noise and dust). The proposal is not, in my opinion, likely to result in conflict with the existing mineral workings in the area, in terms of noise and dust. As mentioned the proposed use is light industrial and storage. The associated traffic movements would represent a 2.2% increase above existing use of the access road, as discussed above, and the noise impact of this is to be discussed in a future supplementary report.

## **7. Recommendation:**

- 7.1 The Recommendation and analysis of the final aspects of the noise study will be set out in a supplementary report.

Contact: Holly Pitcher

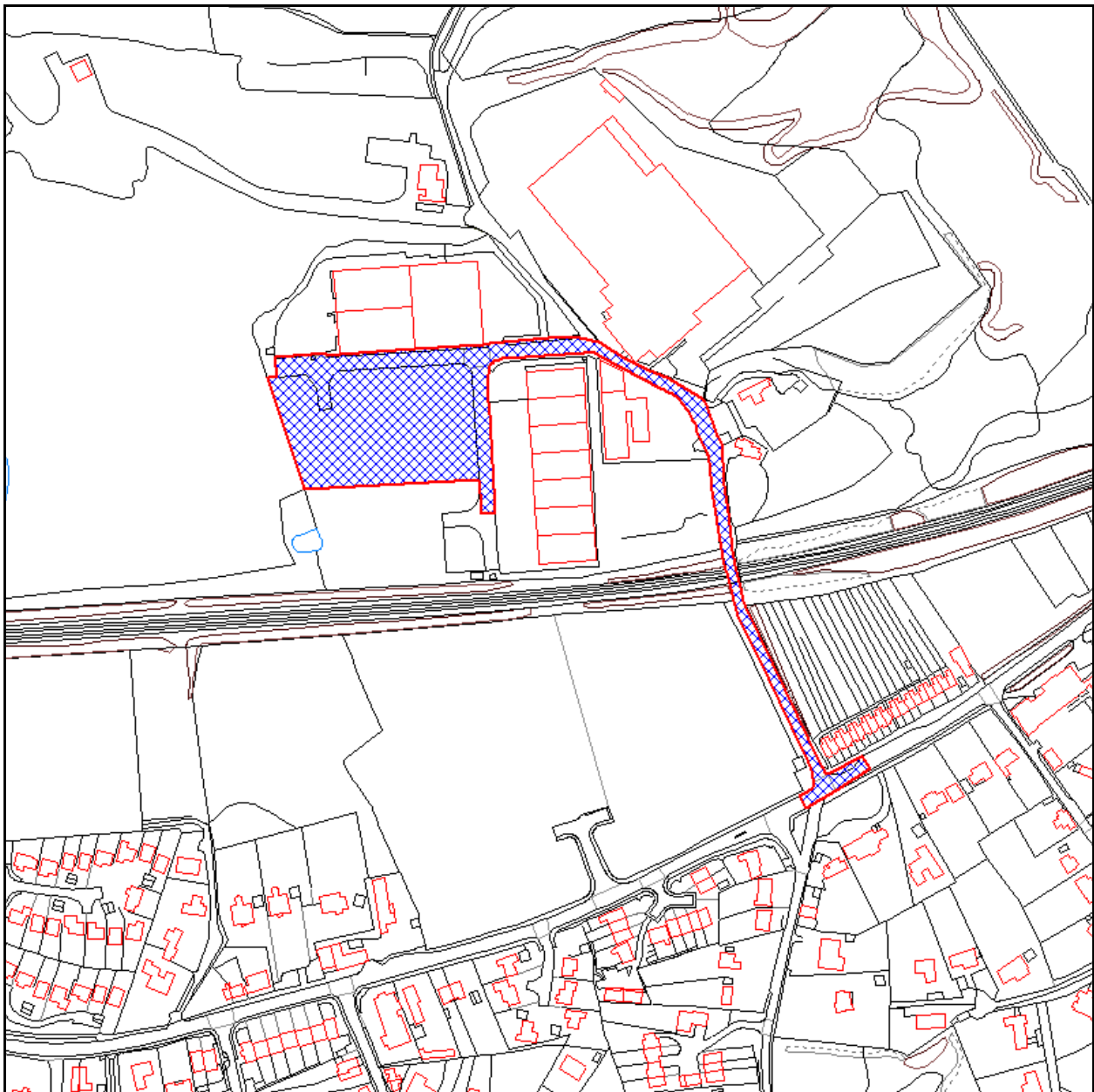


**TM/11/03020/OA**

Phase 3 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent  
TN15 8JL

Outline Application: Proposed new industrial building, associated works plus highway amendments to the T Junction of the access road and A25 Maidstone Road.  
Landscaping details to be reserved

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<b>Leybourne</b> West Malling And Leybourne	<b>567910 159021</b>	<b>12 June 2014</b>	<b>TM/14/02109/CR3</b>
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Proposal:	Regulation 3 consultation for erection of a new school together with new car parking and associated playing field landscaping (KCC ref: KCC/TM/0173/2014)
Location:	Proposed School Site Leybourne Chase Leybourne West Malling Kent
Applicant:	KCC Property And Infrastructure Support

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## **1. Description:**

- 1.1 Members will be aware of the Kent Basic Needs Programme for schools that is partly funded by the Department of Education in the form of basic need capital grant and a separate “Targeted Basic Need” programme. The provision of “Targeted” monies by Government is an indication that there are specific existing localised needs to be met
- 1.2 As a result, KCC is proposing a new primary school at Leybourne Chase which, in order to benefit from the grant, needs to be open to receive reception classes by September 2015. This will make provision both for the “Targeted” need and also the emerging need derived from the Leybourne Chase development itself.
- 1.3 This ambitious timetable, set by Government, means that the planning application is likely to be dealt with promptly by KCC, which is the determining authority.
- 1.4 Therefore the application needs to be reported to this Area 2 Committee and the full report will be circulated as soon as possible.

Contact: Marion Geary

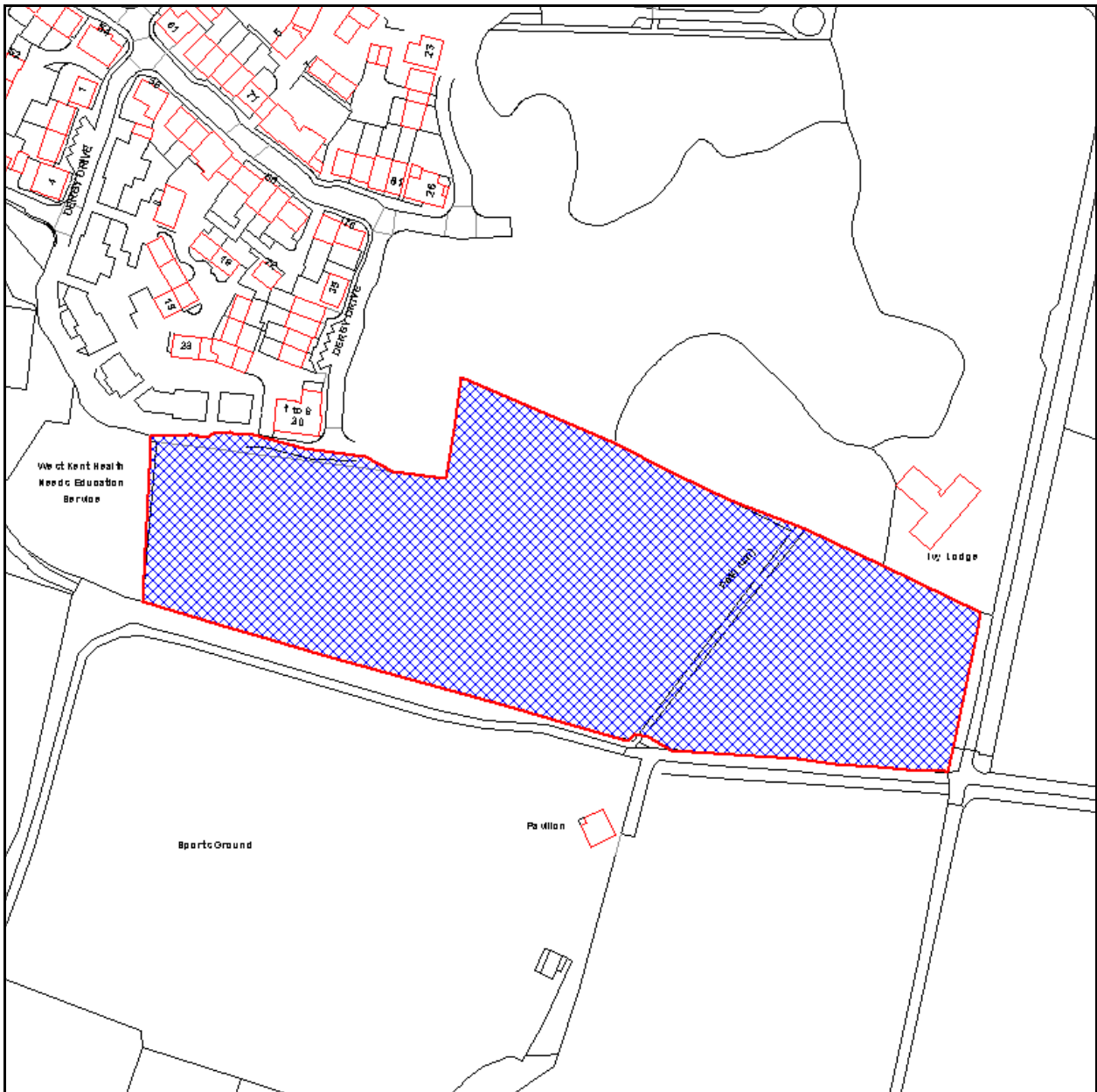
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**TM/14/02109/CR3**

Proposed School Site Leybourne Chase Leybourne West Malling Kent

Regulation 3 consultation for erection of a new school together with new car parking and associated playing field landscaping

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<b>Kings Hill</b>	<b>567360 155580</b>	<b>2 June 2014</b>	<b>TM/14/01929/CR3</b>
Kings Hill			

Proposal:	Regulation 3 consultation for demolition of existing KCC commercial services building (see application reference 13/01535/OAEA and 14/01174/DEN); Construction of new access road between Gibson Drive and spur off Tower View (approved under KCC/TM/0386/2013); Construction of new two-storey, three-form entry primary school and associated vehicle and pedestrian access, car park and landscaping (KCC ref: KCC/TM/0149/2014)
Location:	Land At 30 Gibson Drive Kings Hill West Malling Kent ME19 4QG
Applicant:	Kent County Council Education Department

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**1. Description:**

- 1.1 Members will be aware of the Kent Basic Needs Programme for schools that is partly funded by the Department of Education in the form of basic need capital grant and a separate “Targeted Basic Need” programme. The provision of “Targeted” monies by Government is an indication that there are specific existing localised needs to be met
- 1.2 As a result, KCC is proposing a new primary school at Kings Hill which, in order to benefit from the grant, needs to be open to receive reception classes by September 2015. This will make provision both for the “Targeted” need and also the emerging need derived from the unbuilt elements of new residential development itself.
- 1.3 This ambitious timetable, set by Government, means that the planning application is likely to be dealt with promptly by KCC, which is the determining authority.
- 1.4 Therefore the application needs to be reported to this Area 2 Committee and the full report will be circulated as soon as possible.

Contact: Marion Geary

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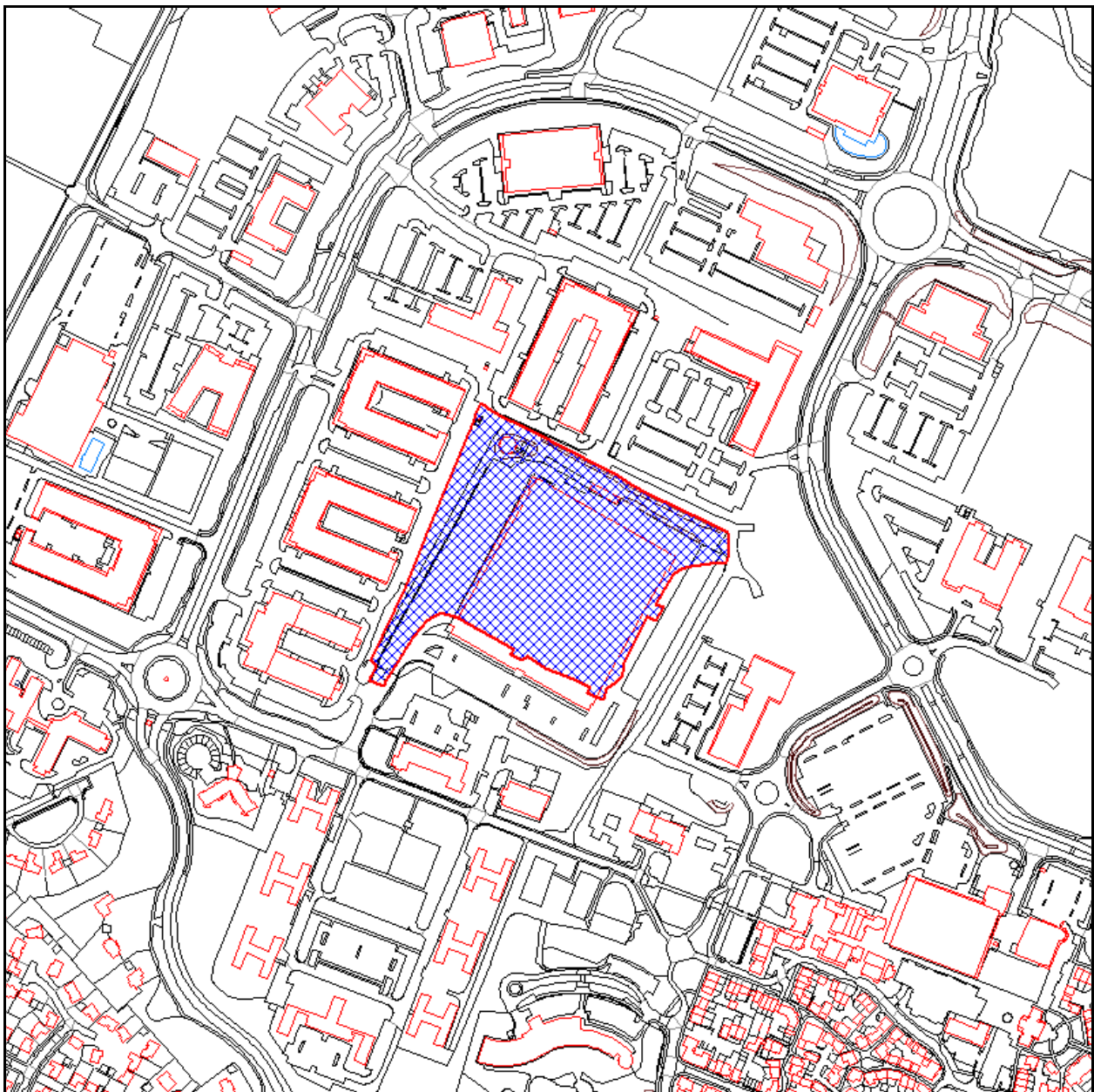


**TM/14/01929/CR3**

Land At 30 Gibson Drive Kings Hill West Malling Kent ME19 4QG

Regulation 3 consultation for demolition of existing KCC commercial services building (see application reference 13/01535/OAEA and 14/01174/DEN); Construction of new access road between Gibson Drive and spur off Tower View (approved under KCC/TM/0386/2013); Construction of new two-storey, three-form entry primary school and associated vehicle and pedestrian access, car park and landscaping (KCC ref: KCC/TM/0149/2014)

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