

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

Contact: Committee.Services
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9 September 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, 17th September, 2014 commencing at 7.30 pm

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 13 August 2014

Decisions to be taken by the Committee

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5. TM/14/01489/FL - Land Adjoining Ightham Farm Shop, Sevenoaks Road, Ightham 13 - 24
6. TM/14/00182/FL - Cricketts Farm, Borough Green Road, Ightham 25 - 46
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8. TM/14/00842/FL - Appledene Farm, Norman Road, West Malling 55 - 68
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

Matters submitted for Information

11. TM/14/01489/FL - Land Adjoining Ightham Farm Shop, Sevenoaks Road, Ightham 69 - 72

Reason: LGA 1972 Sch 12A Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

12. Urgent Items

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

MEMBERSHIP

Cllr 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, 13th August, 2014

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs E M Holland (Vice Chairman), Cllr M A C Balfour, Cllr C Brown, Cllr S R J Jessel, Cllr Mrs S Murray, Cllr Miss J L Sergison and Cllr M Taylor

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

Apologies for absence were received from Councillors Mrs J A Anderson, F R D Chartres, M A Coffin, Mrs S Luck, B J Luker, T J Robins, H S Rogers, A G Sayer and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 14/36 DECLARATIONS OF INTEREST

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

AP2 14/37 MINUTES

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

In addition, the Democratic Services Officer advised of a minor correction to the Minutes of 28 May 2014, where it was incorrectly recorded against application TM/13/0359/FL (1 Mill Cottage) that Mr T Bonser was a member of Plaxtol Parish Council. It was noted that he was, in fact, speaking on behalf of Platt Parish Council.

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

AP2 14/38 DEVELOPMENT CONTROL AND SUPPLEMENTARY REPORTS

Decisions were taken on the following applications subject to the prerequisites, 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 14/39 TM/14/02117/FL - CEDAR BUNGALOW, CHURCH LANE, TROTTISCLIFFE

Demolition of Cedar Bungalow and outbuildings and erection of 2 semi-detached dwellings, landscaping and car parking at Cedar Bungalow, Church Lane, Trottiscliffe.

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

(1) Additional informatives:

4. The applicant is encouraged to consider providing an additional visitor parking space within the space available in the parking/service area at the front of the site.
5. In determining the finished floor, ridge and eaves levels of the dwellings (pursuant to the requirements of condition 10), consideration should be given to the existing topography of the site and in ensuring that the development sits appropriately in the context of surrounding residential dwellings.

[Speakers: Mrs Hunt – member of the public and Mr Brandeth – agent]

AP2 14/40 TM/14/00714/FL - STONE HOUSE FARM STABLES, LONG MILL LANE, PLATT

Demolition of two existing outbuildings and conversion of existing stable block with two single storey extensions into 2 no. residential dwellings, together with associated parking and landscaping works at Stone House Farm Stables, Long Mill Lane, Platt.

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

(1) Amended Condition 3:

3. No development shall take place until details of any joinery, eaves and dormer construction to be used, together with retained castellation detailing, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

(2) Addition of Condition:

14. All delivery and construction vehicles should access, park and unload within the application site, and deliveries shall be made during the hours of Monday to Friday 0800 hours – 1800 hours; Saturday 0800 hours – 1300 hours and none on Sundays, Bank or Public Holidays.

Reason: In the interests of highway safety and residential amenity.

[Speakers: Mr T Bonser – Platt Parish Council, Mrs P Darby – member of the public and Mr K Wise – agent]

AP2 14/41 TM/14/01489/FL - LAND ADJOINING IGHTHAM FARM SHOP, SEVENOAKS ROAD, IGHTHAM

Use of land as hand car wash and associated canopy and storage container at land adjoining Ightham Farm Shop, Sevenoaks Road, Ightham.

RESOLVED: That in light of the fact that the voting was tied the application be DEFERRED for a report from Legal Services on the implications of non-determination or refusal.

[Speakers: Mr J Edwards – (Chairman) Ightham Parish Council, Ms C Monroe – agent and Mr S Wright – applicant (who shared the same speakers slot)]

AP2 14/42 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.45 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.

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

Ightham Ightham	558961 156153	24 April 2014	TM/14/01489/FL
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Proposal:	Use of land as hand car wash and associated canopy and storage container
Location:	Land Adjoining Ightham Farm Shop Sevenoaks Road Ightham Sevenoaks Kent
Applicant:	Mr Astriti Zholi

1. Description:

1.1 Members will recall that this item was deferred from the 13 August 2014 meeting of the Area 2 Planning Committee for the Chief Solicitor to submit a report under Part 2 of this Agenda to inform Members of the potential implications of non-determination or refusing planning permission for this development. Those potential reasons for refusal, as set out in my previous report, can be summarised as follows:

- The site lies within the Metropolitan Green Belt, where there is a strong presumption against inappropriate development. The proposed development constitutes inappropriate development, and there is considered to be no case of very special circumstances;
- The proposed erection of a canopy and container would be harmful to the countryside.

1.2 A copy of my previous main and supplementary reports is attached as an Annex to this report.

1.3 The applicant has also stated that he would be happy to accept a temporary planning permission, the cost of the infrastructure involved in the proposal would be in the region of £2,000, which he does not consider to be unreasonable, and in his opinion would meet the tests for planning conditions.

2. Determining Issues:

2.1 The implications of the postulated reasons for refusal of this planning application are discussed in Part 2 of this Agenda.

2.2 Paragraph 206 of the NPPF sets out the six tests for applying planning conditions, being where they are:

- Necessary;
- Relevant to planning and;
- To the development to be permitted;

- Enforceable;
- Precise and;
- Reasonable in all other respects.

2.3 Whilst the applicant suggests that he is happy to accept a temporary planning permission, the question here is whether the proposal is appropriate development. The NPPG states that a condition limiting the use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. The circumstances of this particular application are not characteristic of any of the circumstances set out within the NPPG.

2.4 The applicant suggested at the August Area 2 Planning Committee that the proposed car wash was necessary to assist with viability of the farm shop. However, no additional evidence has been submitted by the applicant to substantiate this.

2.5 In legal terms, the *sui generis* nature of the car wash means that no change from the car wash can take place without the grant of planning permission by this Council (i.e. it would have to remain a car wash).

2.6 Since the time of the last site inspection, additional shop floor space for flower sales appears to have been created. There is no record of any planning permission granted for this, and therefore the Council is currently investigating whether this requires the benefit of a planning application. This does not directly relate to this application for a car wash.

3. Recommendation:

3.1 **Refuse Planning Permission** for the following:

Reasons

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraph 89 of the National Planning Policy Framework and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007. The proposed development constitutes inappropriate development, and there is considered to be no case of very special circumstances and is therefore contrary to those policies.

2. Policies CP1, CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and Environment Development Plan 2010 aim to protect the local rural environment. The proposed erection of a canopy and container would be harmful to the visual amenities and rural character of the countryside and is therefore contrary to these policies.

Contact: Glenda Egerton

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Report of 13 August 2014

Ightham Ightham	558961 156153	24 April 2014	TM/14/01489/FL
Proposal:	Use of land as hand car wash and associated canopy and storage container		
Location:	Land Adjoining Ightham Farm Shop Sevenoaks Road Ightham Sevenoaks Kent		
Applicant:	Mr Astriti Zholi		

1. Description:

- 1.1 The application seeks planning permission for the use of part of the existing car park to be used as a hand car wash. One storage unit is proposed to be positioned to the south of the car wash, which would be painted green, and a car wash canopy structure is proposed, under which the cars would be washed.
- 1.2 It is proposed to operate the car wash from 8am – 7pm Monday – Saturday and 9am – 5pm Sunday and Bank Holidays.

2. Reason for reporting to Committee:

- 2.1 Called in by Cllr Chartres due to circumstances of the case.

3. The Site:

- 3.1 The application site is situated to the south eastern side of the A25/Sevenoaks Road, Ightham. It is sited adjacent to a local access road off the A25 that serves a number of commercial and residential uses. The site is currently a car park for the adjacent existing lawful farm shop. The site lies to the east of the farm shop.
- 3.2 The site is situated within the Metropolitan Green Belt and Area of Outstanding Natural Beauty. There is an area of mature trees to the rear/south of the containers and car park.
- 3.3 Three storage containers are sited along the southern edge of the car park. They are single storey and painted dark green.

4. Planning History (selected):

TM/01/00461/FL Refuse 18 December 2001
Change of use of building for conservatory showroom and design office and use of adjoining land to display 3 conservatories in a landscaped setting

TM/01/00471/LDCE Certifies 18 December 2001
Lawful Development Certificate Existing: Use as a retail farm shop

TM/01/00472/LDCE Refuse 18 December 2001
Lawful Development Certificate Existing: Use of land as a garden centre

TM/11/00295/FL Approved 17 June 2011
Change of use of land to the east of Ightham Farm Shop to be used for car parking associated with the farm shop and commercial uses including the laying down of a porous gravel surface and attaching green netting to existing perimeter fence (retrospective application)

TM/11/00294/FL Application Withdrawn 13 June 2011
Siting of 9 storage containers to the rear of the car park adjacent to Ightham Farm shop (retrospective application)

TM/11/02221/FL Approved 10 October 2011
The retention of three storage containers to the rear of the car park for use as storage for farm shop

5. Consultees:

5.1 PC: No objections.

5.2 KCC (Highways): No objections.

5.3 Environment Agency: The sites used for vehicle washing should be sited on an impermeable bunded hardstanding area draining to foul sewer or to a sealed unit for recycling back into the system and then for off-site disposal.

5.3.1 Information provided by the applicant indicates that the trade effluent will be discharged to mains drainage. Confirmation will need to be provided to indicate that the trade effluent will be discharged to mains foul drainage because discharge to surface water drainage will be unacceptable at this location.

5.4 Southern Water: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant.

5.4.1 The application is a proposal for vehicle washing facilities. Areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water.

5.5 Private Reps: 5/1X/0R/1S + site notice. One letter supports the application on the grounds that the proposal is vital in bringing more trade to the shop to keep it open. The other letter objects to the application on the following grounds:

- Drainage for the site goes across private land. The proposal would generate more cumulative drainage, with the other existing uses drained from this drain;

- Has a trade effluent licence been obtained?
- Opening hours would result in detrimental residential amenity;
- Access and traffic at the site entrance/exit are hazardous given that there are four converging lanes at this point. The lay-by is single lane and has become a rat run. Thoughtless parking in the lay-by near the farm shop aggravates the situation;
- Planning permission TM/11/02221/FL limits the number of containers to three. This proposal would result in further development:
- There are at least five car wash facilities in the locality, which seem to be in a more sensible location than the village shop.

6. Determining Issues:

- 6.1 Policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD relate to the protection of the local environment and the need for new development to protect and enhance the locality. Policy CP3 of the TMBCS relates to Green Belts, paragraph 115 of the NPPF and Policy CP7 relates to Areas of Outstanding Natural Beauty, and requires great weight to be given to conserving landscape and scenic beauty, and Policy CP14 refers to new development in the countryside.
- 6.2 Paragraph 89 of the NPPF and Policy CP3 relate to development within the Green Belt. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate development in the Green Belt. It lists a number of exceptions to this, none of which apply.
- 6.3 Policy CP14 of the TMBCS allows for limited expansion of an existing authorised employment use within the countryside. Whilst I note the applicant's statement that the car wash is provided to complement the existing farm shop business, by providing a further service to customers, I do not consider the proposal to be an expansion for the purposes of this policy. It is likely that the car wash and farm shop would often be used by different customers. In addition, there has been no justification for providing additional car wash facilities in this locality.
- 6.4 The existing car park is informal in nature, with no space markings. The proposed car wash would occupy part of this car park, so would leave some of the car park available for parking cars.
- 6.5 Planning permission was previously granted for this site for the surfacing of land as a car park, to be used in conjunction with the farm shop (TM/11/00295/FL).

- 6.6 The current proposal involves erecting a canopy and container in conjunction with the use. Whilst the site is already screened from wider views by a fence and netting, which limit views to within the site, this is by definition inappropriate development, and therefore also by definition harmful to the green belt. It also has something of an adverse impact on the rural area by introducing further features and a use usually associated with urban or occasionally village locations. While it is true that there appears to have been a growth in this particular type of facility, in my estimation this usually occurs on sites which have well-established build facilities that have become redundant. Therefore, I am of the opinion that the proposal does not comply with policies CP1, CP7 and CP24 of the TMBCS and policy SQ1 of the MDE DPD, in that it does not protect the local rural environment.
- 6.7 There are neighbouring residential properties close to the application site. The applicant has not set out any measures to minimise noise disturbance from the use of pressure washers and the subsequent noise of high pressure jets impacting on vehicles. With respect to potential noise disturbance, a condition could be placed on any consent to assist in mitigating these measures, through restricting hours of operation to 08:30 – 18:30 Monday to Friday, 09:00 – 18:00 on Saturdays and 10:00 – 16:00 on Sundays/Bank Holidays, and requiring the erection of a barrier/acoustic fence to prevent line of sight to sensitive receptors.
- 6.8 In terms of drainage, I note Southern Water and the Environment Agency's comments with respect to drainage. The car park site, within which the carwash is proposed to be installed, is surfaced with gravel (as per TM/11/00295/FL), and so is a permeable surface. The site of the proposed car wash will be on a concrete base. The applicant has advised that the water generated from the car wash will go through a new treatment chamber (to deal with detergents and silt etc) to the existing foul sewer immediately to the north of the site. This accords with both Southern Water's advice and the Environment Agency's advice, although does require the separate grant of a trade effluent licence by Southern Water Services.
- 6.9 I note the neighbour's comments relating to access and highway implications. KCC (Highways) has been consulted on this application and has raised no objections. Whilst I note that there is currently planning permission to use the land for parking (11/00295), this only came after the building was deemed to have become a lawful use as a retail farm shop (TM/01/00471/LDE) i.e. there is no condition requiring this area to remain as parking in conjunction with the farm shop. The proposed use would intensify the potential for vehicle movements. However, KCC has no objections to this.
- 6.10 In light of the above considerations, I recommend that the application be refused.

7. Recommendation:**7.1 Refuse Planning Permission** subject to the following:**Reasons**

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraph 89 of the National Planning Policy Framework and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007. The proposed development constitutes inappropriate development, and there is considered to be no case of very special circumstances and is therefore contrary to those policies.
2. Policies CP1, CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and Environment Development Plan 2010 aim to protect the local rural environment. The proposed erection of a canopy and container would, by definition, constitute inappropriate development, and be harmful to the countryside and is therefore contrary to these policies.

Contact: Glenda Egerton

SUPPLEMENTARY REPORTS**AREA 2 PLANNING COMMITTEE****DATED 13 August 2014**

**Ightham
Ightham****TM/14/01489/FL****Use of land as hand car wash and associated canopy and storage container at Land Adjoining Ightham Farm Shop Sevenoaks Road Ightham Sevenoaks Kent for Mr Astriti Zholi**

DPHEH:

In light of some very recent clarification by the High Court surrounding Green Belt matters it is worthwhile providing further commentary with regard to this proposal in light of national Green Belt policy. Paragraph 6.6 of the main report indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this case, no such very special circumstances have been demonstrated to outweigh the degree of harm caused to the Green Belt, arising from both the inappropriate nature of the development by definition and the other harm to the open nature and function of the Green Belt as described at paragraph 6.6 of the main report. In reaching this decision, regard has been had to the advice contained in paragraph 28 of the NPPF which supports the principle of developing policies to support a prosperous rural economy including the provision of local services, but this does not, in my view, override the Green Belt objection.

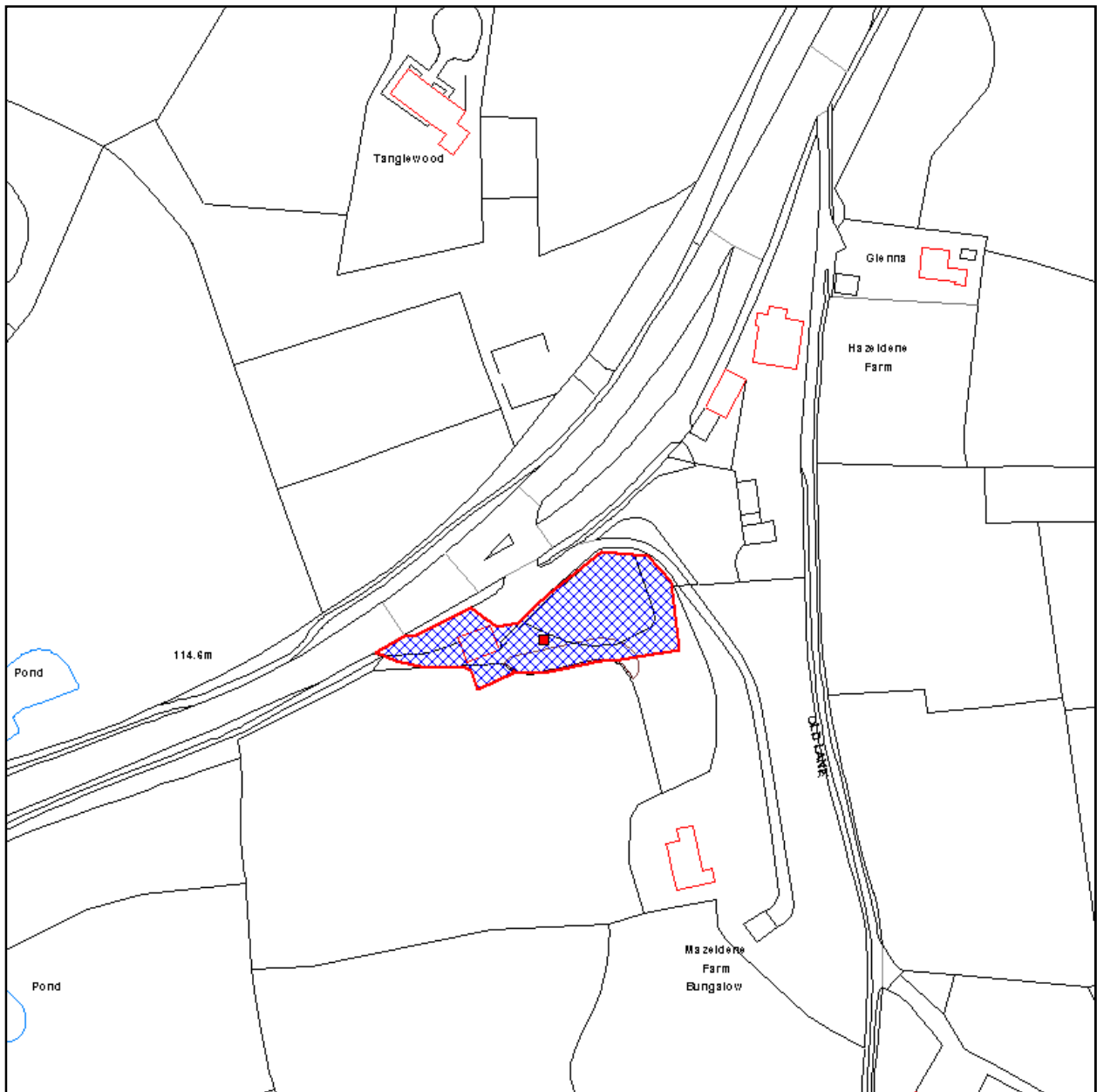
RECOMMENDATION REMAINS UNCHANGED

TM/14/01489/FL

Land Adjoining Ightham Farm Shop Sevenoaks Road Ightham Sevenoaks Kent

Use of land as hand car wash and associated canopy and storage container

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Ightham Ightham	560139 157685	24 February 2014	TM/14/00182/FL
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Proposal: Retention and replacement of existing buildings to create a small business centre, comprising 6 buildings (10 separate units) and a works storage facility including 1 replacement shed, new office block and open storage area. Associated works include demolition of existing cottages, removal of the existing weighbridge and rubble bund, together with landscaping works and alteration of internal site access arrangements

Location: Cricketts Farm Borough Green Road Ightham Sevenoaks Kent TN15 9JB

Applicant: O'Keefe Construction (Greenwich) Ltd

1. Description:

1.1 The applications proposes the following key elements:

- The retention (and conversion/upgrading) of four existing buildings and the replacement of two buildings to create a small business centre with a dividing wall and gated entry;
- The demolition of four existing buildings and the erection of an industrial style building and office building. The industrial building would be used to provide a vehicle servicing, maintenance and storage facility for the applicant's construction business, whilst the new office building would provide a central office for the applicant's construction business. An open storage area is proposed to the east of the industrial and office buildings; this area would provide ancillary storage for the applicant's business;
- The demolition of a redundant/dilapidated pair of cottages (located on a higher level than the surrounding land owing to quarry working/restoration), the re-grading of the land and the construction of a new car parking area to serve the office building;
- Proposed landscaping works and planting to the boundaries to provide a continuous screen that surrounds the site;
- Private access to the farmhouse that follows the alignment of an original access; and
- Improvements to the setting of the Grade II Listed farmhouse through the removal of an existing weighbridge and bund, commercial buildings and proposed landscaping scheme.

- 1.2 The business centre will comprise six buildings split into ten separate offices arranged around a central courtyard. The four retained buildings are along the northern and southern edge of the courtyard. The two replacement buildings have a combined floorspace of 161 sq. metres and will be of a similar scale and built in similar materials (i.e. ragstone walls, timber windows/doors and slate tiles) to those used throughout the retained buildings. It is intended that the small business centre would create flexible lease offices (Use Class B1a) ranging from 300 sq. ft up to 1200 sq. ft (28 sq. metres to 112 sq. metres), with the aim of attracting new start-up businesses.
- 1.3 The small business centre would be separated from the works storage facility to the east by a 1.8m high dividing wall. Four existing buildings are to be replaced with one large industrial building (measuring 64m x 10m in footprint and just under 7.5m to the highest part of the sloping roof) which would be used for the storage and servicing of plant and equipment associated with the applicant's construction business. This new industrial building would be finished externally with a mix of horizontal and vertical cedar boarding, aluminium windows/doors and four roller shutter doors on the southern elevation. This building has a sloping pitched roof which rises to its maximum ridge height on the southern side (facing into the courtyard) and is proposed to have a grass roof. The new building would be used for a mix of B2/B8 uses.
- 1.4 A new office building (measuring 18m x 12m in footprint and just under 7.5m to the roof ridge) is proposed within the centre of the application site which would accommodate staff associated with the applicant's construction business. The office building would be three storeys in height, with a lower ground floor area owing to site topography. The office building would have a grass roof, similar to that of the new industrial building. This building is proposed to be within Use Class B1(a).
- 1.5 The proposals involve the demolition of a former pair of workers cottages set incongruously high (owing to previous mineral working of the site) to surrounding land levels. Once these cottages are demolished, the surrounding land would be re-graded to achieve a more uniform and gently undulating profile within the application site.
- 1.6 An existing Public Right of Way (PROW MR244) currently runs through the application site, leading along the southern boundary of the site, and turning northwards to the west of the existing pair of redundant workers cottages. This PROW runs across land which would be re-graded, land to be used for open storage and part of the new large shed. Therefore, the applicant has indicated that they wish to pursue a formal diversion with the Local Highway Authority should planning consent be forthcoming for the development. It is indicated as part of the application documents that the PROW would be relocated along the western and then northern boundaries of the application site, following a route understood to have been previously followed before earlier mineral operations.

- 1.7 Two separate new car parking areas would be created to serve the business centre and the new office building. The business centre car park would be located in the central courtyard of the retained and new buildings which would serve the 10 units which make up this element of the proposal. A new car park would be created on the re-graded land to the south-eastern corner of the application site to provide sufficient parking to serve the new office building occupied by the applicant's construction business.
- 1.8 An area of open storage is proposed to the east of the new storage shed and new office building. It is intended that this open storage area would allow plant and machinery to be stored whilst either waiting for repair or servicing (in the new industrial building to be built to the west) or waiting to go back out to site. The application details that open storage would be limited to the storage of plant, machinery or equipment no higher than the roof height of the adjacent new shed which has an overall roof height of 7.5 metres.
- 1.9 The application involves a fairly significant level of earthworks to re-grade the land surrounding the proposed open storage area and subsequent landscaping planting, notably to the north and to the south, with the intention that the proposed open storage area, new shed and office accommodation are screened from the wider landscape of the Kent Downs AONB and surrounding countryside. The application has recently been amended to demolish two former workers' cottages which sit on artificially elevated land within the application site and re-grade this land with the aim of creating a more natural landform.
- 1.10 Whilst the Grade II Listed Cricketts Farmhouse is included within the red-line application site area, no specific works are proposed to this building as part of the application. The applicant has however indicated that it is the intention to carry out refurbishment works to this Listed Building in the future (subject to further approvals, as necessary) with the aim of reinstating the building to provide a longer term viable use. Whilst no works are proposed to the Listed Building itself, the application would result in changes to the setting of the building through the reinstatement of a formal lawn to the south west of the building and the removal of incongruous structures (such as a weighbridge and bund) left behind from previous mineral workings.

2. Reason for reporting to Committee:

- 2.1 In the general public interest owing to the nature of the proposals being a departure from the Development Plan.

3. The Site:

- 3.1 The application site is largely rectangular in shape, with an area of approximately 3.25ha, to the north of the H+H Celcon blockworks and south-west of Borough Green Landfill Site.

- 3.2 Vehicular access is provided via an access which runs north from the Dark Hill roundabout with the A25 under the mainline Ashford-London railway line. Immediately to the north of the railway line the access divides into two; vehicular access is provided to the east to serve the existing H+H Celcon blockwork plant whilst access to the north provides access to the application site. A set of vehicle entrance gates at the point where the road splits provides site security to the section of entrance road leading to up the application site.
- 3.3 The entire application site is located within the MGB. Part of the site, excluding the eastern most part, is within the Kent Downs AONB designation. It is also situated within a water gathering area and parts of the site are indicated as being within Flood Zones 2 and 3. There is a safeguarded route for the Borough Green Bypass to the west and north of the site. A Public Right of Way (MR244) runs from the northern side of the mainline railway line along the site access road, turning east along the southern edge of the application site and north across the application site just to the western edge of the existing pair of workers cottages.
- 3.4 A Grade II Listed Building (Cricketts Farm House) is located within the application site to the west of the existing collection of farmstead buildings. There are a number of outbuildings/structures located within the curtilage of this building, including a weighbridge and area of bunding, both understood to have been associated/left behind from former mineral operations.

4. Relevant Planning History:

TM/95/50990/MIN Grant With Conditions 22 September 1995

Continuation of use of farm buildings for repair of earthmoving plant for use in adjoining sandpits

TM/11/00794/FL Grant with conditions 15 May 2012

Retention of portable building (building 9), change of use of buildings 1, 2, 4, 7 and 8 for storage purposes, use of buildings 3 and 9 for office purposes and use of buildings 5 and 6 for the storage purposes and/or the storage, repair or maintenance of machinery or plant used for mineral extraction

5. Consultees:

- 5.1 Ightham PC: Supports the application as it has the benefit of preserving the important historic building of Cricketts Farm.
- 5.2 Wrotham PC: Supportive of the revised application because it comprehensively addresses all of planning issues of the site, including previous concerns about the route of the footpath which is moved back to a pre-quarrying route that enhances its landscape amenity value. The inclusion of an office to replace farm cottages

perched incongruously at the previous landform level will bring more employment opportunities to the area as will the 'start-up' business park, housed within the restored farmstead.

5.2.1 The restoration of the Listed Farmhouse and its setting with farmstead will bring much needed regeneration to a previously rundown area

5.3 Borough Green PC: Welcomes this proposal in principle however makes the following comments:

- there are some discrepancies in the Planning Statement, in particular geographical inaccuracies with regard to Stangate Quarry;
- the Rymmey design and route of the footpath meets with the PC approval; and
- the PC can see no reason to remove the bund to the west, as, we understand, has been suggested by others.

5.4 KCC (Highways): In terms of trip generation onto the adjoining highway network, it is considered that the impact is acceptable and therefore have no objection to this application. Confirms that the car parking standards proposed are appropriate according to the uses proposed.

5.5 Kent Fire & Rescue Service: Confirms that the means of access is considered satisfactory. In addition, it notes that any proposed entrance gates should be accessible to the Fire Service in the event of a fire (*either by linking them to the fire alarm or providing a key pad, the details of which should be agreed with the Fire Service*).

5.6 KCC (Public Rights of Way): Notes that a formal footpath diversion will be required should the proposals go ahead. A two metre type 1 surfaced path will be required for the new route. It must be highlighted that even if planning consent is obtained, anything across the path would be an obstruction to the Public Right of Way and we would have to stop the works proceeding. In order to avoid significant delays the diversion of the way should be considered at an early stage.

5.7 Environment Agency: No objections, subject to the imposition of planning conditions to cover the following aspects: surface water drainage, contamination/remediation works and no infiltration of surface water drainage into the ground.

5.8 Kent Downs AONB Unit: Welcomes some of the changes made on the application which remove the farm cottages, remodel the land, introduce soft landscaping and planting and close the courtyard by proposing new offices. However, the juxtaposition of the large 'shed' to the smaller buildings to be retained challenges the concept of reinstating the courtyard. New large barn like structures are acceptable if located sensitively in relation to the remaining buildings. The layout

of the 'shed' is not a complementary setting for the restored courtyard 1. The realignment of this large building further away from the 'heritage courtyard' and separated with soft landscaping might help to reduce the overpowering impact both the structure and the associated activities would have. Presently there is still far too much unenclosed hardstanding and operative 'compound' space available to the east, and this will still impact on the views from the AONB to the north. This could be contained by the realignment of the large 'shed' building.

- 5.9 Campaign to Protect Rural England – Protect Kent (CPRE): Is of the opinion that the revised application satisfactorily addresses all of our concerns about the original application. There are now increased opportunities for local employment and the reconfiguration of buildings is beneficial to long distance views from the Downs scarp. Overall the proposal will revitalise a run-down area and restore a listed farm and associated farmstead.
- 5.10 Private Reps: 7/0X/0R/0S. The application was advertised by site and press notices indicating that the application comprises major development, affects the setting of a Listed Building (Cricketts Farmhouse) and a Public Right of Way and that the development is a departure from the Development Plan. No letters of representation have been received on this application.

6. Determining Issues:

- 6.1 In considering applications it is necessary to determine them in accordance with the Development Plan unless other material factors indicate otherwise. In this respect the more growth orientated character of the NPPF, published in March 2012 as national Government policy, has to be taken into account. The key planning considerations in this instance relate to the acceptability of the proposals within the Green Belt, the Kent Downs AONB and the countryside, public vantage points from the PROW, the impact on the setting of the Listed Building and its curtilage, highway impacts, economic benefits and flood risk.
- 6.2 Policy CP1 of the TMBCS sets out the Council's overarching policy for encouraging sustainable development. Similarly, the NPPF places a strong presumption in favour of sustainable development (para. 14), stating that this should be seen as a '*golden thread*' running through decision-taking.
- 6.3 As noted above, the application site is located within the MGB and outside of the built settlement confines. The NPPF makes it clear (in para. 89) that the construction of new buildings within the Green Belt should be regarded as inappropriate development, except for, *inter alia*:
- 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 purposes of including land within it than the existing development (para. 89); or

- the re-use of buildings provided that the buildings are of permanent and substantial construction (para. 90).

6.4 In this instance, the proposed development (taken as a whole) does not specifically fit into either of these categories. Whilst certain aspects of the proposals involve the redevelopment of previously developed sites (i.e. brownfield land), other aspects of the proposal, for instance the open storage area, are located on land which has been subject to mineral restoration and therefore is considered to have been restored for agricultural purposes – in this instance sheep grazing on the several occasions I have visited the site. Also, whilst a number of existing buildings are proposed to be converted, there is a significant element of new buildings which would not fall into the exemptions outlined above. Furthermore, it should be noted that whilst a number of the buildings to be converted may be of permanent and substantial construction (see discussions further below), they currently only benefit from an extant permission for temporary use (until early 2019) under consent reference TM/11/00794/FL (which is discussed below).

6.5 In view of this, I consider that the proposals, when taken cumulatively, represent inappropriate development within the Green Belt. The NPPF states (para. 87) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, it stresses (in para. 88) that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is therefore necessary to consider whether a case of very special circumstances exist in this case which would be sufficient to set aside the general presumption against inappropriate development.

6.6 In this context, it is necessary to consider the purpose of the Green Belt. Paragraph 80 of the NPPF specifically sets out five purposes, as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.7 In relation to this application, the proposals, if permitted, would not result in the urban sprawl of a large built-up area, nor result in neighbouring towns merging into one another; both owing to the site's relative remoteness from surrounding urban

areas. Neither would the proposals conflict with the purpose of preserving the setting/special character of any historic towns.

- 6.8 The application site is located in a somewhat unique position, bordered to the south by heavy industry (H+H Celcon blockworks), to the north east by Borough Green Quarry/Landfill and to the north by restored land forming part of Ightham Sandpit. This forms an important backdrop in which any development on this particular site needs to be considered. Furthermore, a significant part of the application site is already covered by existing functional buildings and hard standings. A number of these buildings are considered to be of permanent and substantial construction, whilst some have reached the end of their useable life and are therefore proposed for demolition and replacement as part of this application. There are various structures (for example a former weighbridge and bund) within the curtilage of the Listed Building which are considered to adversely affect its setting. There is also a pair of redundant and dilapidated former agricultural workers' cottages located in the south-eastern corner of the application site which sit incongruously high in the general landform owing to past mineral activities at the site.
- 6.9 It is apparent from a review of the planning history that the buildings currently on site comprise, variously, buildings that were formerly associated with the operations of Cricketts Farm as an agricultural enterprise and, subsequently, used for the storage, repair and maintenance of plant used for mineral extraction. Subsequently, a temporary permission (which expires in early 2019) was granted in 2012 for the retention/change of use of these buildings (TM/11/00794/FL) to B2/B8 type uses. This permission appears to have been implemented although, from several visits to the site, activities appear to be on a low-key basis and not to the extent which this temporary permission could provide for. The presence of an extant permission, albeit temporary, is a material consideration in the determination of this application.
- 6.10 This application presents a realistic opportunity to re-develop this partially derelict and unattractive site within the Green Belt to create an overall high quality scheme. It also presents an opportunity to deliver economic benefits, through job creation and employment with new business start-up units, and the relocation of a successful construction company to the site. The application details that the proposals would create in excess of 40 jobs within an area of derelict and currently under-used land. I am mindful of the overall strong support which the NPPF affords to economic development (i.e. that 'significant weight should be placed on the need to support economic growth through the planning system', para. 19) and therefore consider that the overall economic benefits of the scheme are capable of forming a very special circumstance in this instance.
- 6.11 Turning back to the purposes of the Green Belt, it is important to consider whether the development would result in the general encroachment of the countryside in this location. As outlined above, much of the site is already developed with a

series of existing buildings and hard standings. Considering the proposals on a purely numerical basis, the application proposes the demolition of some 939 sq. metres of building footprint, compared to the proposed construction of some 1042 sq. metres of new building footprint. However, the largest footprint of development within the Green Belt would arise from the proposed open storage area which would be in the form of concrete hard standing. This area would amount to approximately 4320 sq. metres (0.43 ha) of hardstanding, upon which construction plant and equipment would be stored. The applicant has indicated that such construction plant and equipment would be no higher than the adjoining ridge height of the new shed and office building which have an overall maximum roof height of 7.5 metres. Having explored options for the open storage element of the proposal, the applicant has advised that the open storage area is fundamental to its proposals as a whole, owing to the need to have a location to store plant and machinery pending repair/servicing in the new shed and or awaiting dispatch to construction sites. Whilst I accept that there will inevitably be an element of encroachment of the countryside in this Green Belt location, this needs to be considered against the backdrop and surrounding uses of the site as discussed in paragraph 6.8 above.

- 6.12 The application proposes fairly significant engineering works to re-grade the land across the application site where the existing pair of dilapidated workers' cottages are currently located. These engineering works would create a more in-keeping land form generally across the site and when viewed from wider public viewpoints taken from the nearby Public Right of Way. The works would also see the creation of new landscaped bunds to the northern, eastern and southern boundaries of the open storage area and new office car park which would deliver both enhanced visual screening to the existing farmstead buildings (to be converted), the new shed and office building and open storage area. A significant amount of landscape planting, together with the earthworks proposed to create a more natural landform across the application site are, in my view, benefits of the scheme which could be capable of forming very special circumstances in this case.
- 6.13 Whilst an extant temporary permission exists for the use of a number of the farmstead buildings within the site, a permanent use of the site has not yet been found. At the time that temporary planning permission was given for the conversion of the existing buildings, it was felt that beyond the temporary period (i.e. from 2019 onwards), the buildings maybe required by the then applicant (H+H UK Ltd) as operational buildings to serve a western extension to Ightham Sandpit. The western extension of Ightham Sandpit was submitted by H+H UK Ltd as part of the emerging Kent Minerals and Waste Local Plan, although was not allocated as a 'preferred options' site in the Mineral Site Plan: Preferred Options Consultation (May 2012). It is therefore unlikely that the western extension of Ightham Sandpit will come forward during the period of the emerging Kent Minerals and Waste Local Plan (i.e. 2013 – 2030) due to other more suitable soft sand sites being available within the County which are located outside of the AONB. Therefore, it is unlikely that this collection of buildings will be required for

minerals operations in the locality; a decision which is likely to have influenced the then owner of the site (H+H UK Ltd) to sell the Cricketts Farm site to the current applicant.

- 6.14 It is also unlikely that the buildings would be demolished since they have existed on site for a considerable time. In my view, it would be desirable to find a long-term acceptable solution to both use the largely derelict site and enhance the general countryside/Green Belt locality. I therefore afford a degree of weight in favour of finding a suitable and viable use for this collection of under-used buildings and dilapidated site.
- 6.15 Taking all these factors into consideration, I am of the view that there is a case of very special circumstances which exist in this particular case which is sufficient to set aside the general presumption against inappropriate development in the Green Belt.
- 6.16 That said, should Members resolve to grant permission for this scheme, it will be necessary to refer this application to the Secretary of State for Communities and Local Government, under the requirements of The Town and Country Planning (Consultation) (England) Direction 2009 owing to the scale of this major development in the Green Belt.
- 6.17 Having established the view that very special circumstances exist in this case, I intend to address the remaining planning considerations in turn, dealing first with the impact on the AONB.
- 6.18 The NPPF reaffirms (para. 115) the importance that LPAs should give to conserving the landscape and scenic beauty in an AONB, which have the highest status of protection in relation to landscape and scenic beauty. Furthermore, it states (para. 116) that permission should be refused for major developments in the AONB except in exceptional circumstances and where it can be demonstrated they are in the public interest. Considerations of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.19 In this case, it should be noted that the majority of the site is located within the Kent Downs AONB, this being the Farm House, the existing farmstead buildings and land where part of the new shed and new offices would be located. The

proposed open storage area, by and large, is located immediately outside of the AONB boundary. That said, the entirety of the proposals as a whole are considered to have a bearing on the landscape and scenic beauty of the AONB and therefore the proposals will be assessed in that context.

- 6.20 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which specifically considers the landscape impacts of the proposals on the wider countryside, including the AONB designation. A long-section has been provided showing the H+H Celcon site, through the Cricketts Farm application site and in a northerly direction across the rising land of the wider AONB (to the west of Wrotham village) from a viewing area on the A20. This section provides a visual demonstration of the application site in the wider context of the rising land; in this context the H+H Celcon site is located at approximately 80m AOD, the application site is approximately 81m AOD and the public viewing area near the top of the A20 is approximately 142m AOD. The section detail and LVIA demonstrate that the application site, including the proposed development, will be located below the line of sight and would sit against the visual backdrop of the H+H Celcon blockworks, a heavy industrial site with prominent chimney stacks.
- 6.21 In terms of the number of visual receptors likely to obtain views of the site, these are very limited owing to the enclosure of the site by woodland and topography. Receptors are likely to be limited to users of the site itself, walkers on the Public Right of Way (MR244) and a limited number of receptors able to obtain views of the site from the North Downs escarpment, where there are more open panoramic views southwards across the entire valley.
- 6.22 It is considered that any changes in views for users of the PROW would be improved overall due to the restoration of buildings, the general tidying up of the site and associated planting and re-engineering ground works. From a key receptor site (a public viewing area at the top of the A20), the site is virtually indistinguishable with the naked eye, other than its general location being ascertained in the foreground of the H+H Celcon blockworks factory. Whilst it is accepted that there could be a slight visual change from the public viewpoint on the North Downs escarpment arising from the increase in built development within the application site, such visual change is likely to be outweighed by the design mitigation measures incorporated within the application proposals. These mitigation measures being the proposed green roofs to the new industrial shed and office building, the removal of the pair of former workers' cottages and re-grading of land within the application site to create a more natural landform and the substantial landscape planting/bunding proposed. Therefore, I concur with the findings of the LVIA in so far as, in the medium to longer-term, the proposed scheme is likely to be beneficial to overall visual amenity both within the site and from any views to the site.

- 6.23 In terms of the national test for major development within the AONB, I am satisfied that there are considerable local economic benefits to re-developing this current dilapidated and under-used site which is, to a large extent, already within the AONB. Whilst I acknowledge that some of the site benefits from an extant temporary use, the long-term restoration and ultimate planning use of this site is currently unknown. I therefore afford significant weight in this instance to not only the economic benefits this scheme would deliver, but also the visual benefit to the general landscape character that the proposals would create through the high quality redevelopment of a currently dilapidated and unattractive site within the AONB. Furthermore, these proposals offer a greater degree of security as to the long-term future of this site in terms of its planning use and appearance. It is acknowledged that the proposals could be developed elsewhere outside of the AONB, but that this in itself would not result in the high quality re-development of a dilapidated site within the AONB.
- 6.24 In this particular case, I am satisfied that there are exceptional circumstances which exist which would set aside the presumption against approving major developments in the AONB. In reaching this view, I am particularly mindful of the existing nature of the site and the high-quality mitigation which is proposed in this instance.
- 6.25 Having considered the indicative diversion route of the PROW (to the west of Cricketts Farm House and then north along the application site boundary), I am satisfied that publically obtainable views from the new route, subject of course to obtaining the necessary consent from the Highway Authority for its diversion, would not be adversely affected owing to the proposed mitigation described above.
- 6.26 Turning to the impacts on the setting of the listed building, I am mindful that the NPPF (para. 132) states that when considering the impact of a proposed development on the significance of a designated heritage asset (i.e. the Listed Farm House in this instance), great weight should be given to the asset's conservation. In this particular case, I am of the view that the conversion of the existing farmstead buildings, together with the new buildings within/around the central farmstead courtyard (i.e. part of the small business centre development) would all be of functional appearance, although would maintain the general aesthetic of the farmstead through the use of matching materials (i.e. ragstone walls, timber windows/doors and slate tiles). The improvements to the farmstead to create the small business centre would provide an overall visual improvement to the setting of Cricketts Farm House, the adjacent Grade II Listed Building. Other improvements to the Farm House would arise from creating a more appropriate and attractive curtilage for this building, through removing existing buildings/structures which currently exist such as bunding and a weighbridge, remnants of past mineral workings.

- 6.27 Whilst this application does not include any proposals to refurbish the Listed Building itself, the applicant has indicated that this is the intention in the longer-term should permission for the current proposals be forthcoming. Depending on the nature of works proposed in the future to refurbish Cricketts Farm House, it is likely that Listed Building Consent would be required in due course in any case. On the basis of the current proposals, I am satisfied that they would preserve and indeed enhance the overall setting of Cricketts Farm House.
- 6.28 In terms of highway impacts, the existing access road is understood to be within the ownership of the wider H+H Celcon landholding and is of substantial width and construction, constructed to accommodate the movement of large vehicles associated with the previous mineral workings at the site. This access road provides a direct link to the Dark Hill roundabout on the A25, a main trunk road between Borough Green and Sevenoaks. The internal site access road would provide adequate access to the application site for the vehicles associated with the proposed uses.
- 6.29 KCC (Highways) has raised no objections to the proposals on highway grounds, noting that in impact and parking terms the proposals are acceptable. The NPPF has a significant bearing in terms of highways impact as the nationally applied test is that an impact must be “severe” in order for Highways and Planning Authorities to justifiably resist development on such grounds. In this case, the advice of the Highway Authority is entirely justifiable on the basis of the location of the development to the main road network, existing highway infrastructure on the site and the planning history of the site.
- 6.30 Policy DC1 of the MDE DPD details that the reuse of existing rural buildings that are of permanent and sound construction and are capable of conversion without major or complete reconstruction will be permitted subject to satisfying a series of criteria. The majority of these criteria (including impact on the character of the area, effect on residential amenity, highway safety, etc.) form considerations which have been assessed in any event. As described earlier in this report, an extant temporary permission already exists, and is understood to have been implemented, relating to the conversion of many of the buildings on site for storage/office purposes under permission TM/11/00794/FL.
- 6.31 The application site is situated over flood zones 1, 2 and 3. The Environment Agency has assessed the proposals for a business park with associated storage/offices as a ‘less vulnerable’ use, however they note that the refurbishment of the Listed farm house as a dwellinghouse would increase the risk to ‘more vulnerable’. It should be noted however that the Farmhouse exists at present and its refurbishment is not specifically proposed in this instance; instead full refurbishment is likely to require further consent from the LPA.

- 6.32 It is noted that the EA has raised no objection to the proposals, subject to the imposition of conditions covering the submission of a surface water drainage scheme, a contamination/remediation scheme and that there is no infiltration of surface water drainage into the ground without the prior express consent. I consider that these conditions are reasonable in this instance and can accordingly form part of any grant of planning permission.
- 6.33 In terms of phasing of the development, it is reasonable and necessary in this instance to ensure that various elements of the wider landscape mitigation are undertaken at certain stages by planning condition. Specifically, the key mitigation measures here include the demolition of the existing pair of former workers' cottages which currently sit incongruously high in the landscape, the re-grading of surrounding land and creation of new bunds to the north, east and south of the open storage area, and the removal of a bund and associated former plant (i.e. weighbridge) within the setting of the Listed Building. Having discussed the phasing of these elements with the applicant, I consider it reasonable to require these measures to be undertaken prior to the erection of the new shed and office building to serve the applicant's own construction business element of the proposals. Accordingly, I propose that a phasing condition is imposed as part of any approval for this scheme.
- 6.34 Having considered the proposals in the context of the Development Plan and other relevant material planning considerations, I am satisfied that, on balance, there are a sufficient set of very special circumstances which exist in this instance in order to justify the proposals in this Green Belt location. Furthermore, I have concluded that on the basis of the existing site, together with the proposed mitigation measures, the proposals for this major development are supportable in the AONB under the exceptional circumstances as discussed above. There are also no other material considerations which exist in this case that lead me to a different view other than that planning permission should be granted for this scheme, subject to the imposition of appropriate planning conditions as set out below.

7. Recommendation:

7.1 Grant Planning Permission in accordance with the following submitted details:

Statement O'KEEFE STATEMENT dated 24.02.2014, Transport Statement dated 24.02.2014, Planning Statement dated 20.01.2014, Photographs dated 20.01.2014, Location Plan RD1504-SA-001 dated 12.02.2014, Tree Plan 13383-200-04TP dated 20.01.2014, Site Plan SS-1504-001 dated 12.02.2014, Proposed Elevations RD1504-AA-100 dated 20.01.2014, Proposed Elevations RD1504-AA-110 dated 20.01.2014, Proposed Elevations RD1504-AA-120 dated 20.01.2014, Proposed Elevations RD1504-AA-130 dated 20.01.2014, Proposed Elevations RD1504-AA-140 dated 20.01.2014, Proposed Elevations RD1504-AA-150 dated 20.01.2014, Proposed Floor Plans RD1504-GA-230 A dated 20.01.2014, Email dated 08.04.2014, Environmental Assessment 409-04390-

00003 dated 08.04.2014, Email dated 23.04.2014, Drawing OK-CRF-WWS-01 dated 23.04.2014, Letter DATED 31 JUL 2014 dated 01.08.2014, Other Document issue register dated 01.08.2014, Design and Access Statement A dated 01.08.2014, Visual Impact Assessment B dated 01.08.2014, Section RD1504-LS-002 A dated 01.08.2014, Proposed Floor Plans RD1504-AA-171 A dated 01.08.2014, Proposed Floor Plans RD1504-AA-172 A dated 01.08.2014, Proposed Floor Plans RD1504-AA-173 A dated 01.08.2014, Proposed Roof Plan RD1504-AA-174 A dated 01.08.2014, Proposed Elevations RD1504-AA-175 A dated 01.08.2014, Demolition Plan RD1504-SA-010 A dated 01.08.2014, Drawing RD1504-LA-001 C dated 01.08.2014, Proposed Floor Plans RD1504-GA-200 B dated 01.08.2014, Proposed Floor Plans RD1504-GA-210 B dated 01.08.2014, Proposed Roof Plan RD1504-GA-220 B dated 01.08.2014, Proposed Elevations RD1504-AA-160 A dated 01.08.2014, Proposed Elevations RD1504-AA-170 B dated 01.08.2014, Proposed Elevations RD1502-AA-180 B dated 01.08.2014, Proposed Elevations RD1504-AA-190 B dated 01.08.2014, Proposed Elevations RD1502-AA-200 B dated 01.08.2014, Drawing OK-CRF-WWS-01 P2 dated 09.05.2014:

7.2 Subject to the **referral of the application to the Secretary of State for Communities and Local Government** in accordance with the Town and Country Planning (Consultation) (England) Direction 2009; and

7.3 The following **conditions**:

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

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

2 Before the development hereby permitted is commenced, a phasing plan showing the stages and timescales for each element of the development shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that mitigation works are undertaken in an appropriate timeframe to minimise potential harm to the rural landscape and amenity.

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

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

- 4 No development of any phase of development in accordance with condition 2 shall take place above ground level until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

- 5 Prior to the installation of any external lighting serving any phase of the development in accordance with condition 2, full details of the lighting for that phase shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of rural amenity.

- 6 No development of any phase of development in accordance with condition 2 shall take place above ground level until details of proposed finished floor, ridge and eaves levels of buildings and ground levels within the application site (including areas of proposed bunding) have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved level details.

Reason: In order to control the development and to ensure that the development preserves the rural amenity of the countryside.

- 7 Barn 1, 2, 3, 4, 5 and 6 and Office 1 as indicated on 'Proposed Landscape Strategy' (drawing number RD1504-LA-001 Revision C) shall only be used as offices and for no other purpose (including any other purpose in Class B1 of the Town and Country Planning (Use Classes Order) 1987 as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the use on the openness of the Metropolitan Green Belt, the character of the area and the impact on the highway network.

- 8 Shed 1 as indicated on 'Proposed Landscape Strategy' (drawing number RD1504-LA-001 Revision C) shall only be used for the storage, repair or maintenance of machinery or plant used as part of the applicant's construction business and for no other purposes (including any other purpose in Classes B2 and B8 of the Town and Country Planning (Use Classes Order) 1987 as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the use on the openness of the Metropolitan Green Belt, the character of the area and the impact on the highway network.

- 9 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of such variation on parking and vehicle circulation in the interests of safe and free flow of traffic.

- 10 No materials, plant or other equipment of any description shall be kept or stored in the open other than in the area shown as "concrete hard-standing laid to falls" as shown on 'Proposed Landscape Strategy' (drawing number RD1504-LA-001 Revision C). Any materials, plant or other equipment stored in such area shall not exceed 7.5 metres in height.

Reason: In order to control the development and ensure that the proposals are acceptable within the rural landscape and amenity.

- 11 Any materials, plant or other equipment stored within the defined open storage area (as defined by condition 10) shall only be materials, plant or other equipment associated with the applicant's construction business which is ancillary to the occupation of the adjoining industrial and office buildings.

Reason: In order to control the development and ensure that the proposals are acceptable within the rural landscape and amenity, and to ensure that the open storage element of the proposals are undertaken on an ancillary basis to the occupation of the adjoining industrial and office buildings.

- 12 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space for that phase (in accordance with condition 2) 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.

- 13 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved by the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates. The approved scheme shall be implemented as approved prior to the first occupation of the relevant phase of development (in accordance with condition 2) hereby permitted.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 14 No development shall be commenced until:

(a) a desk study has been submitted which includes a review of all past uses of the site, a conceptual site model and any potentially unacceptable risks arising from contamination at the site;

(b) if recommended by the desk study, a site investigation should be undertaken to determine the nature and extent of any contamination; and

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

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

Prior to the first occupation of the relevant phase of development hereby permitted:

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

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

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

Reason: In the interest of amenity and public safety and in accordance with the requirements of the National Planning Policy Framework 2012.

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework 2012.

- 16 No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework 2012.

Informatives

- 1 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.
- 2 The applicant is advised that Public Right of Way (MR244) must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phase) or the surface disturbed without the express consent of the Highways Authority.

Contact: Julian Moat

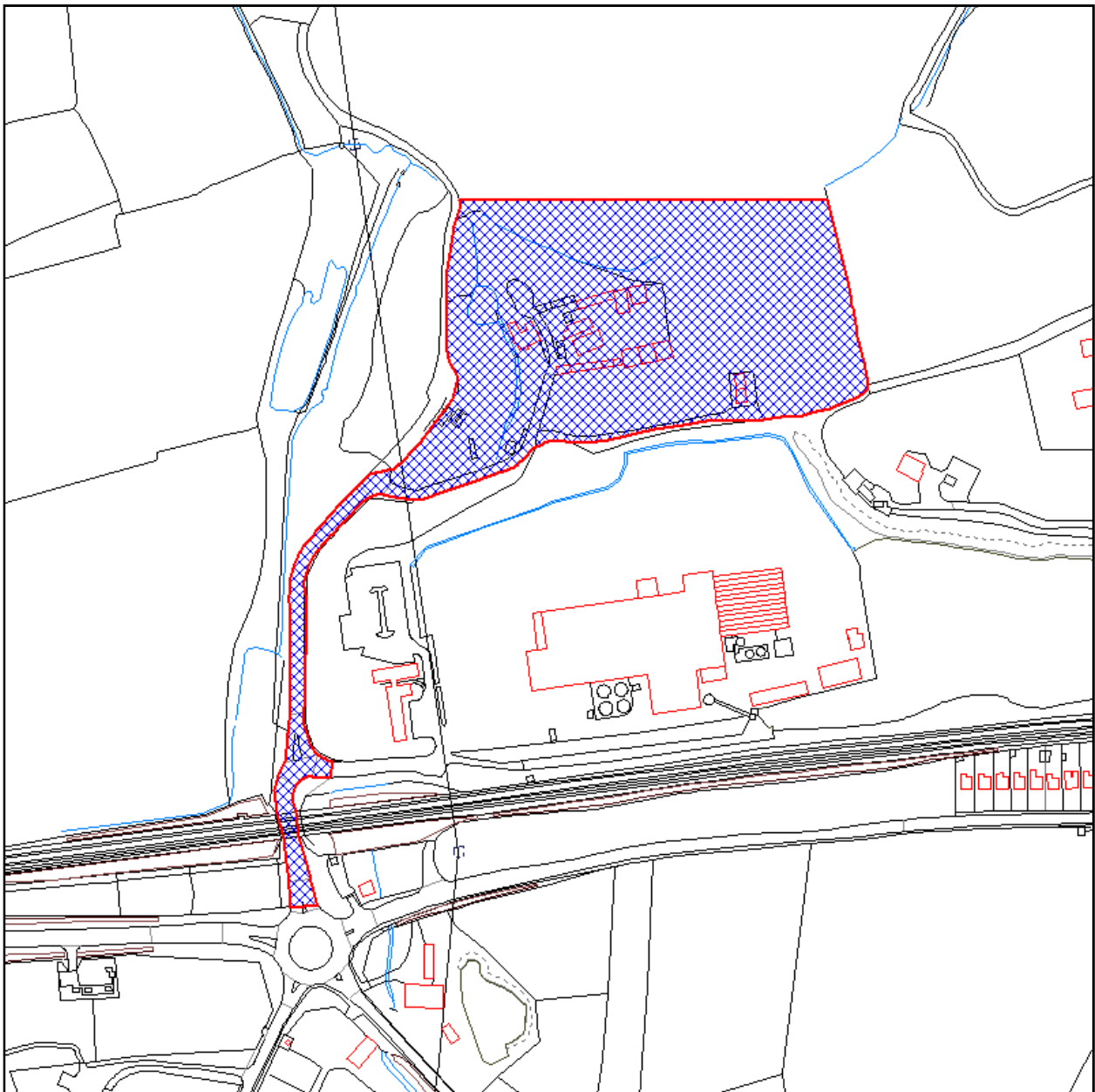
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TM/14/00182/FL

Cricketts Farm Borough Green Road Ightham Sevenoaks Kent TN15 9JB

Retention and replacement of existing buildings to create a small business centre, comprising 6 buildings (10 separate units) and a works storage facility including 2 replacement sheds and open storage area. Associated works include removal of the existing weighbridge, rubble bund, landscaping works and alteration of internal site access arrangements

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Addington **565941 158921** **2 July 2014** **TM/14/02084/FL**
Downs

Proposal: Proposed erection of triple bayed detached garage with office above
Location: Blackmans Trottiscliffe Road Addington West Malling Kent ME19 5AZ
Applicant: Mr P Smith

1. Description:

- 1.1 Planning permission is sought for a triple bay detached garage with home office above to serve Plot 3 on the Blackmans redevelopment approved under TM/14/00234/FL, which is currently under construction. Plot 3 was originally approved with an integral double garage which has since been amended through planning permission TM/14/02106/NMA to be subsumed within the wider living space of the property.
- 1.2 The detached garage would be sited to the north of the site within an area which has recently been reduced in level. A steep bank was located in this area and, as it was completely formed by sand and found to be unstable, the applicant has removed part of the bank. The garage would therefore sit on a newly formed dug down level surface, to be surrounded by retaining walls with the banked land remaining to the sides and rear.
- 1.3 The garage would measure 6.05m to the ridge with an eaves height of 2.4m. The footprint of the building is proposed to be 7m deep x 9.5m wide. 3 no. flat roof dormers are proposed to face south. Materials are proposed to match Plot 3 which is currently under construction.

2. Reason for reporting to Committee:

- 2.1 The application has been called in by Councillor Mrs Ann Kemp due to the scale and bulk of the proposed garage and in light of the previous application for redevelopment of the wider site having been determined at Area 2 Planning Committee (A2PC).

3. The Site:

- 3.1 The site lies on the corner of Trottiscliffe Road and East Street, within the village of Addington. The site was formerly made up of one dwellinghouse which was demolished and the site is now under construction with three detached houses. Plots 1 and 2 are set back from and front on to Trottiscliffe Road and Plot 3 lies to the rear of Plots 1 and 2.

- 3.2 The site lies within the built confines of Addington and has three trees subject to Tree Preservation Orders within the site; two Cedars on the south-eastern corner and one Cedar on the western boundary with Laurelle Lodge.
- 3.3 The site has a significant level change across the depth of the site with the land increasing in height from south to north. However, as the site is approximately 74m deep the level change is gradual over the site apart from some steeper sections adjacent to the northern boundaries.

4. Planning History (most recent/relevant):

TM/13/03554/DEN Prior Approval Not Required 17 December 2013

Prior Notification Of Demolition of Blackmans House down to ground level along with associated out buildings

TM/14/00234/FL Approved 28 April 2014

Erection of 3 no. detached dwellings with provision of associated new access and parking facilities

TM/14/01752/RD Pending Consideration

Details of landscaping and boundary treatments, slab, eaves and ridge levels and longitudinal and cross sections pursuant to conditions 6, 9 and 12 of planning permission TM/14/00234/FL (Erection of 3 no. detached dwellings with provision of associated new access and parking facilities)

TM/14/02106/NMA Approved 10 July 2014

Non Material Amendment to planning permission TM/14/00234/FL (Erection of 3 no. detached dwellings with provision of associated new access and parking facilities) being the provision of rooflights to the side and rear roof slopes of plot 1 and alteration to ground floor layout and elevations of plot 3 to alter approved integral garage to habitable space

5. Consultees:

- 5.1 PC: Object. We are concerned about the impact of the vertical scale of the proposed building and the harm to the residential amenity of the neighbouring properties. We would like to request that this application is considered by the Area 2 Planning Committee. We are disappointed that the applicant continues to submit amendments which by the nature of their bulk and scale represent an over development of a prominent site at the entrance to our village. You may recall that the visual impact and scale and bulk of the original proposals were of concern. We would be happy to see a double, single [storey] garage with a low profile roofline and see no need for the proposed garage with office space above.

5.2 Private Reps (6/0S/0X/1R + Site Notice) One letter received raising objection to the proposal on the following grounds (in summary):

- Over development of the site.
- There has already been an up-scaling of this development in the non-material amendment from integral garage of plot 3 into living space.
- The applicant suggests the proposal is a visual improvement and a benefit to the community. This is of course his own subjective view.
- A triple storey detached garage with an on-site office with bathroom facilities could be seen as a 'habitable dwelling/granny annexe'. We ask that if plans are approved, a caveat is put into place to protect the development from this.
- The site is already marked out and the soil cut away in readiness for this latest expansion.
- A simple retaining wall would be far more attractive and could be easily camouflaged with attractive flora and fauna and would blend in with the surroundings far more quickly.

6. Determining Issues:

6.1 The site lies within the built confines of Addington where the principle of development of this nature is acceptable in the broadest of policy terms. The proposed detached garage is relatively large with a footprint of 66.5sqm and an overall ridge height of 6.05m. However, the location of the site within the confines of the village means that there is no upper limit to the extent to which a property may be extended or outbuildings erected, *in principle*. Furthermore, it should be recognised that Plot 3, which the garage is intended to serve, has a large residential curtilage with an enclosed rear garden to the east, a large driveway and turning area to the front (west) and two sections of front garden; being the bank which is the subject of this application and the area to the west of the drive and north of Laurelle Lodge (which previously served an in-ground swimming pool). I am therefore of the view that the site is sufficiently large to accommodate the proposed building without amounting to an overdevelopment of the site. Furthermore, the proposed garage would not, in my view, result in a wider overdevelopment of the wider site currently undergoing redevelopment.

6.2 With the principle of the proposed development having been established, it is necessary to ensure that the proposal would not harm the street scene and that the development is appropriate for the site and its surroundings. In these respects, Saved Policy P4/12 of the TMBLP requires residential extensions to not have an adverse impact on "the character of the building or the streetscene in terms of form, scale, design, materials and existing trees; nor the residential amenity of

neighbouring properties in terms of light and privacy, and overlooking of garden areas.” Policy P4/12 also has an Annex (PA4/12) which sets out further design guidance and amenity tests.

- 6.3 Policy CP24 of the TMBCS relates to achieving a high quality environment and Paragraphs 57 and 58 of the NPPF set out similar criteria.
- 6.4 As I have explained, the proposed outbuilding would be relatively large. However, it must be recognised that it is proposed to be located on an area of ground which has been reduced in level by 3m at its highest point. Accordingly, in my view, the bulk and mass of the proposal should be considered in context with the extent to which the building has been proposed to be dug in to the surrounding bank.
- 6.5 The eaves height of the building would be lower than the height of the bank in which it would sit and the overall ridge height would be viewed in context of a visual background of the surrounding non-excavated land surmounted by a 2m high close-boarded fence and 8m high conifers to the rear (both of which are on top of the non-excavated 3m high bank). The proposed garage would be set to the far north (rear) of the site and would only be visible from glimpse views along the approved new access point. Accordingly, I am of the view that the scale and bulk of the building would be mitigated by the use of levels on the site and would be viewed as subservient to the main dwellinghouse at Plot 3 due to its position within the plot. The scale, form and proportion of the garage are in keeping with the host building at Plot 3 and, following Officer negotiations with the applicant, the design has been amended to propose flat roof dormers, thus reducing their visual impact, with eaves detail to match the front elevation of the house. Matching materials are proposed which have already been approved through TM/14/00234/FL and are considered acceptable.
- 6.6 In light of the above considerations I am satisfied the proposal would sit comfortably within the site when considering the wider context of the ongoing redevelopment of the site and when having due regard to the specific siting of the proposed building, the particular levels on the site and the boundary treatment and mature landscaping to the north. For these reasons, I am of the view the proposal would accord with Saved Policy P4/12 of the TMBLP, Policy CP24 of the TMBCS and Paragraphs 57 and 58 of the NPPF with respect to visual amenity.
- 6.7 The proposed garage would be close to the northern boundary and a section of western boundary, both of which have a 2m close-boarded fence and 8m conifer hedging on the boundary. For these reasons, and due to the garage being proposed to be constructed on the reduced level, I do not consider the proposal would give rise to harm to neighbouring dwellings through loss of light, outlook or the creation of an overbearing impact. In terms of residential amenity I am of the view the proposal would accord with Saved Policy P4/12 of the TMBLP, Policy CP24 of the TMBCS and Paragraphs 57 and 58 of the NPPF.

6.8 The triple garage would provide additional covered parking to the approved driveway space associated with Plot 3. The proposal therefore accords with IGN3: Residential Parking.

6.9 In light of the above considerations I am satisfied the proposal accords with relevant local and national policy and recommend permission be granted.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 16.06.2014, Material Samples dated 16.06.2014, Location Plan dated 16.06.2014, Site Plan 1126 - GA - 3000 B dated 16.06.2014, Floor Plans And Elevations 1126 - GA - 4500 C dated 26.08.14, subject to the following:

Conditions

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

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

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

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

3. The garage shall not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried on therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

Contact: Lucy Harvey

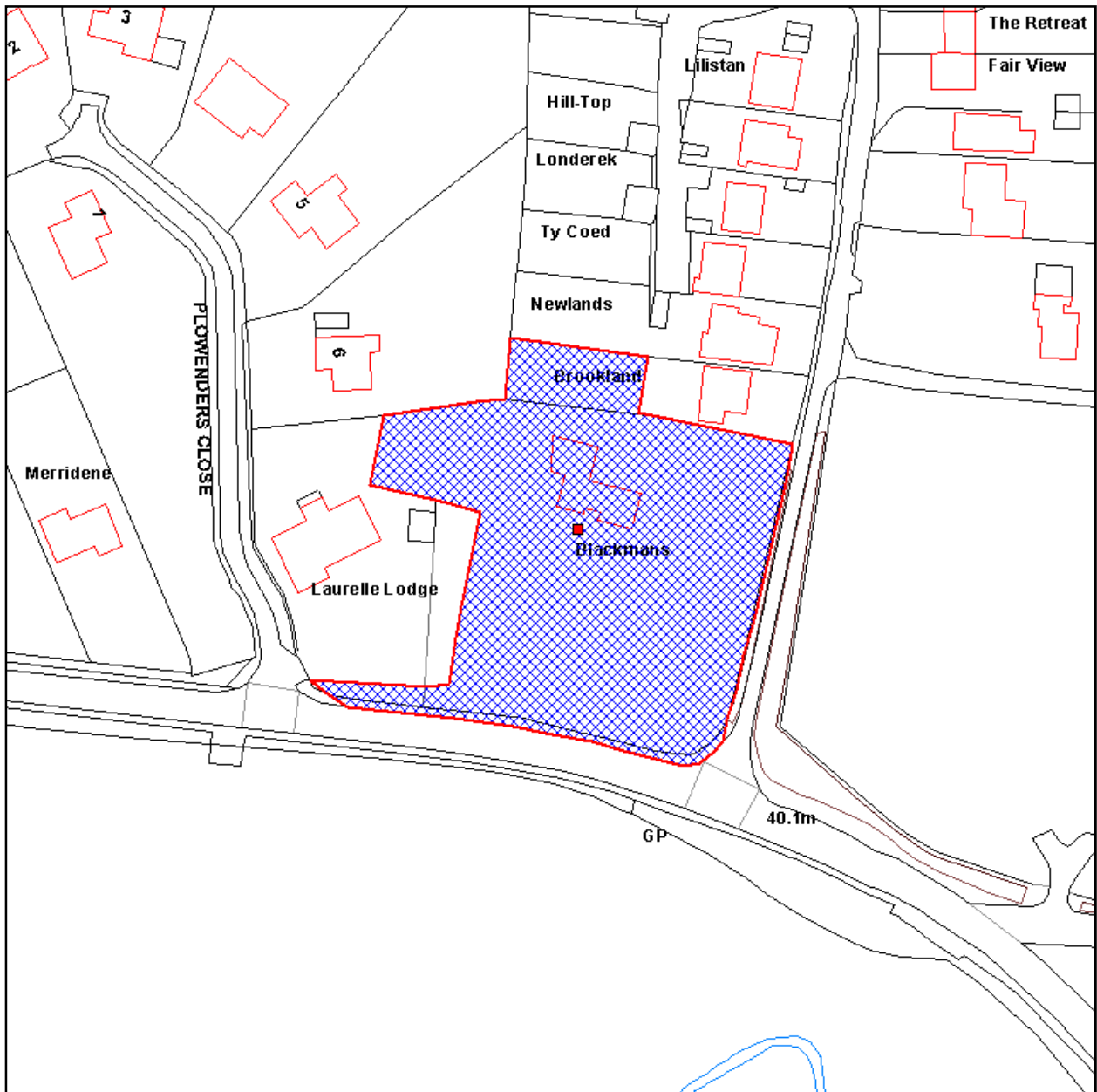
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TM/14/02084/FL

Blackmans Trottiscliffe Road Addington West Malling Kent ME19 5AZ

Proposed erection of triple bayed detached garage with office above

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West Malling West Malling And Leybourne	567331 158065	14 March 2014	TM/14/00842/FL
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Proposal:	Removal of 3no. agricultural buildings and replace with a new single storey building comprising two office units with associated parking (resubmission of TM/13/02416/FL)
Location:	Appledene Farm Norman Road West Malling Kent
Applicant:	Mrs Jeannett Bellamy

1. Description:

1.1 The application seeks planning permission for the following:

- Demolition of 3 existing dilapidated agricultural buildings (in various states of repair).
- Construction of a single storey building comprising two office units.
- The formation of a new access to Norman Road.
- Provision of hard surfacing to provide a new internal access road and parking area.
- Provision of landscaping and boundary treatments.

1.2 The new building is to be located within the north-eastern section of the site, providing an 'H' shaped footprint and designed with hipped roofs. The building is to measure 14.6m x 8.34m, with an eaves height of 2.4m and ridge height of 3.7m. It is to be inset a minimum of 3m from the eastern boundary. The building will provide two identical office units, each with an internal floor area of 40.2m², but with a shared entrance and lobby.

1.3 External materials of the building are to consist of horizontal dark stained timber weatherboarding to walls, blue/black slates to the roof, dark stained timber barge boards and fascias, timber window frames and black round UPVC down pipes and guttering.

1.4 A new vehicle access is to be created on the northeast side of Norman Road, opposite the terraced dwellings of 155-165 Norman Road. A section of established high hedgerow is to be removed to provide the new access, which will consist of 6m by 6m hedged splays. Timber "five bar" gates are proposed at the entrance to the site, set back 6m from the edge of the highway. The internal access road is to be about 5m wide and winds to the east to a car parking area for 7 cars. It extends further along the south-eastern boundary at a width of 3m to another parking area providing two disabled spaces positioned in front of the office building.

1.5 Hedgerows along the southeast boundaries are to be retained with new hedgerows proposed for the new northeast and northwest boundaries situated inside 1.1m high timber post and rail fencing.

2. Reason for reporting to Committee:

2.1 The applicant is a Borough Councillor and objections have been received.

3. The Site:

3.1 The application site is located on the northeast side of Norman Road, about 120m to the northwest of Alma Road, in West Malling. The site is part of a disused apple orchard and is in a relatively unkempt state being covered mostly with grass, ferns and other undergrowth. A few apple trees are still evident within the northern part of the site. The frontage to Norman Road and the southeast and northeast boundaries of the site are aligned with high thick scrubby hedgerows. The site is relatively flat. Three dilapidated rusted corrugated iron buildings are situated on the site. The southern-most building (Building 1) has a dome shape and is relatively intact. Building 2, further to northeast, is derelict consisting of mainly a timber frame with some rusted corrugated iron cladding. Building 3, located a further 14m to the north, is also a timber framed and corrugated iron structure that has partially collapsed. Access to the site is currently via a right of way over the land to the southeast which is understood to belong to the adjacent Country Way Gunshop. Access is obtained through existing steel mesh gates positioned close to Norman Road, through the grassed/car park area of the adjacent property and then through gates at the southern corner of the site.

3.2 The site is within the MGB and the designated countryside. A large Walnut Tree which is covered by a Tree Preservation Order (TPO) is situated centrally on the site. The site is also subject to an Article 4 Direction which removes permitted development rights under Class A of Part 5 (Caravan Sites), Class B of Part 6 (Agricultural Buildings) and Class A of Part 9 (Repairs to Unadopted Streets and Private Ways) of the General Permitted Development Order.

3.3 Former orchard land and open countryside lie to the north, northeast and west of the application site. The Country Way Gunshop lies immediately to the east of the site, with the detached dwelling of No.164 Norman Road lying to the west beyond the adjoining field that is also under the ownership of the applicant. A group of grade II listed cottages (147-165 Norman Road) lie immediately opposite the site to the southwest. The southern side of Norman Road also consists of detached and semi-detached dwellings.

4. Planning History:

TM/13/02416/FL Application Withdrawn 4 March 2014

Removal of 3 no. agricultural buildings and replace with a new single storey building comprising two office units with associated parking

5. Consultees:

5.1 PC: The Parish Council objects to this proposal as it is considered inappropriate development. Members objected principally on highways grounds. Norman Road already experiences major problems with traffic volume and speed so it was felt that it was not acceptable to exacerbate this existing problem. Access would be difficult, and in many instances dangerous, particularly for construction traffic. Members expressed concern about the impact on access to the Village Hall opposite this site. Members had already objected to the earlier application commenting that there was plenty of office accommodation available in West Malling so it was felt to be spurious to attempt to justify this proposal on the grounds that additional office space was needed. The major ground for objection was that this proposal is development of an office in the Green Belt whereas there is a presumption against offices within the Green Belt. Members were aware of significant concerns about the possible future use of the site and that there was considerable local opposition to the proposal.

5.2 KCC (Highways): It is noted that the initial part of the access proposed is generously proportioned and it is accepted that, bearing in mind the width of Norman Road at this point and the likelihood of on street parking on the southern side, this is to allow deliveries to be undertaken. The access design also allows for suitable emerging inter-visibility with through traffic. I confirm that the car parking proposed for a development of this scale is within County standards and on behalf of the Highway Authority I have no objection to this proposal.

Should this application be approved it is considered that, due to the restricted nature of the road and the site, a construction management plan should be provided for approval prior to commencement.

5.3 Private Reps: 21/0X/0S/21R + site notice. The objections have raised the following concerns:

- The proposed commercial use would not be compatible with the rural and residential area along Norman Road.
- The development will result in significant additional traffic movements, large commercial vehicles accessing the site and increased congestion in the area.
- The new access would result in a reduction in on-street parking and would be a hazard to vehicles and pedestrian safety.

- Additional traffic pressure on Sandy Lane and Fartherwell Lane will result.
- Noise from additional traffic and light pollution from the office use will affect the amenity and living conditions of nearby residents.
- The development will impact on the character and rural feel of this part of West Malling.
- A nearby habitat of turtle doves will be affected.
- The visual appearance and character of the site will be damaged as a result of the removal of part of the front hedge and formation of a new access.
- A street light located within the new access has not been shown and will require removal.
- The setting of the grade II listed terraced cottages would be affected.
- A loss of Green Belt land would result.
- The proposed office building is not in keeping with the surrounding area.
- No hours of use of the offices have been proposed.
- There is sufficient office accommodation in the area.
- The new access will lead to additional surface water on the highway.
- The development will conflict with the pattern of development in the area and would set a precedent for other new commercial buildings in the area.
- The development may impact on wildlife and habitats and no ecological report has been submitted.
- The proposed building would be materially larger than the existing agricultural buildings.

6. Determining Issues:

- 6.1 The main issues are whether the proposed scheme would be “inappropriate development” in the MGB, and whether it would impact on the visual amenity and character of the area, the setting of the adjacent listed terraced cottages, neighbouring amenity or highway safety in the area.
- 6.2 The application site is in the MGB and therefore Section 9 of the NPPF applies. Paragraph 89 within this Section advises that the construction of new buildings should be regarded as inappropriate in the MGB. However, there are exceptions and one of these includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 6.3 The proposed new building will replace three existing former agricultural buildings. These existing buildings provide a total footprint area of 108m² and a total volume of about 240m³. The proposed new office building has been reduced in size to now provide a footprint area of 108m²; the same area as the three agricultural

buildings it is to replace. However, the total volume of the new building is to be about 320m³, which would, in my view, be materially larger than the buildings it replaces. Also, the new building would not be in the same use as the existing buildings. Accordingly, the proposed development would be “inappropriate development”. Paragraphs 87 and 88 of the NPPF advise that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.”

6.4 The applicant has put forward the following as “very special circumstances”, which are outlined in the submitted planning statement:

- Agricultural use of the site would be unviable and access for tractors would be difficult.
- The Development Plan allows replacement agricultural buildings.
- The development will result in benefits to the local economy.
- The scheme is well designed and will enhance the character of the area.

6.5 The development would result in three dilapidated and unattractive rusted corrugated iron buildings being removed from the site. They will be replaced by a single low profile building. The building provides the same footprint as the existing buildings (combined) and, although its volume would be greater than the combined existing buildings, I do not consider that this increased volume would be substantial given the overall size of the building. The building is also of a discreet hipped roof design and provides external materials that would complement the rural area. The building is to be positioned further from the road than the existing buildings. However, the consolidation of the three buildings into one and its position not too far from the adjacent gun shop building would minimise its harm on openness of the MGB, in my view.

6.6 The development also consists of a new vehicular access to Norman Road and an internal access road and car parking area that is to be hard surfaced with gravel. These aspects of the development would have some additional impact on the MGB. I am of the view that the access and hard surfacing proposed would materially affect the external appearance of the site. However, proposals to provide rural style boundary treatments, hedging a group of trees within the front of the site, provision of the protected walnut tree as a feature within the car park and landscaping around the car parking area would provide substantial visual softening of the site around these hard surfaced area. I am satisfied that such landscaping and boundary treatments, details of which will be required to be approved by the local planning authority, would minimise any harm from the new access and hard surfacing relating to the internal access road and car parking areas.

- 6.7 It has been mentioned that the development will benefit the local economy. Paragraphs 18 and 19 of the NPPF support sustainable economic growth on which significant weight should be placed. Paragraph 28 also supports new development that would contribute to a strong rural economy. I acknowledge that the development is to be located relatively close to the centre of the settlement and would provide some benefit to the local and domestic economies by way of providing office accommodation and promoting local employment.
- 6.8 I have therefore concluded that the proposed development would provide a substantial overall improvement to the appearance and visual amenity of the site and would provide a benefit to the local economy by bringing back into economic use land which is no longer viable for its current lawful use, and that these factors amount to very special circumstances that would clearly outweigh the harm that the development's inappropriateness would have on the MGB.
- 6.9 The new building is to be modest in its height and scale, appearing as a relatively low profile building within the landscape. In my view, the building would not be overly visible from Norman Road or from the adjacent gun shop due to its substantial distance from the highway and the established hedgerows that will screen the site. The large protected Walnut Tree which is situated in front of the building will also assist in screening the building. Although relatively modern in design, I consider the simple design and the use of dark stained weatherboard wall cladding, roofing slates and dark stained timber windows would be complementary to the surrounding rural area.
- 6.10 The new vehicle access is to be sited opposite the listed cottages which removes part of an established hedgerow adjacent to the edge of the highway and replaces it with large 6m x 6m splays. These splays would be situated either side of a 5m wide access providing a total opening of 17m. New trees are to be planted to the southeast of the access and low shrubs providing a hedging along the vision splays. The large splays to the new vehicle access would be slightly at odds with the established hedgerows that have historically run up to the edge of the highway. However, the new hedgerows proposed along the splays and the trees to be planted to the east side of the access would adequately maintain the prevailing hedgerow aesthetic that characterises this side of Norman Road. I am therefore satisfied that the new access proposed would not result in a harmful impact on the character of the lane or local area.
- 6.11 The new access point will also be situated opposite the listed terraced cottages but, with the landscaping and timber 5-bar gates proposed, I do not consider that this new access would harm the setting of these listed buildings. Similarly, the proposed office building and parking are to be a substantial distance away from the listed dwellings and so would not harm their setting.

- 6.12 The access road and car parking areas provide generous hard surfaced areas within the site that are to be surfaced with gravel with timber edging. This would provide a material visual change to the land. However, the splayed entrance access is to be established with hedging and a group of trees are to be planted within the front of the site on the east side of the entrance. Rural fencing and hedging is to enclose the new boundaries of the site and additional landscaping is proposed around the gravelled areas. These landscaping proposals would substantially soften the hard surfaced areas proposed and would adequately preserve the rural appearance of this northern side of Norman Road, in my view, particularly in light of the generous amount of hard surfacing existing within the front forecourt area and down the eastern side of the gun store.
- 6.13 To define the new curtilage to the site, new 1.1m high post and rail fencing will align the northeast and northwest boundaries with hedges being planted inside the fencing. A further length of post and rail fencing is to be provided along the western side of the access road with gates opening out to the adjoining open field that is in the same ownership as the applicant. I consider these boundary treatments to be appropriately rural and would therefore be acceptable.
- 6.14 I am therefore satisfied that the development would provide a layout, building design and associated access and parking, with landscaping, that would satisfactorily complement the appearance of the site and would not result in harm to the street-scene along Norman Road or the character of the area and would improve the visual quality of the site as it currently exists. The development would therefore accord with policies CP24 of the TMBCS and SQ1 of the MDEDPD and paragraphs 129 and 131 of the NPPF.
- 6.15 In respect to highway matters, the highway authority (KCC Highways and Transportation) has reviewed the proposal and raises no objection. It has been advised that the access proposed is of a width that is appropriate given the width of Norman Road and the likelihood of on-street car parking on the southwest side of the road, and it has been designed to allow for suitable emerging inter-visibility with through traffic. In light of this, I do not consider that any impact on highway safety as a result of the development would be severe. The proposal therefore accords with SQ8 of the MDEDPD and paragraph 32 of the NPPF.
- 6.16 A large Walnut Tree is situated in the centre of the site which is protected by a TPO. An Arboricultural Report (ref.SA/836/14) prepared by Sylvan Arb has been submitted. It has been shown that the proposed car parking areas are positioned to minimise encroachment within the crown spread of the tree and also shows tree protection fencing to be provided during construction. I am satisfied that the development will provide adequate protection to the protected Walnut Tree.
- 6.17 The submitted planning statement suggests that various types of waste have been dumped on the site which could have caused contamination. The condition of the site indicates that this may be the case and several representations also suggest

that the dumping of waste has occurred on the site over the past years. Without knowing the full extent or composition of this waste it is considered necessary to require a site investigation to be undertaken prior to any development commencing on the site. This can be secured by condition on any permission granted.

- 6.18 The site is part of an orchard that has been inactive for many years. This land also forms part of a more continuous countryside area with intermittent vegetation and open fields where there is a possibility that protected species may be present. Bats may also be present within the dilapidated buildings. I therefore consider it necessary for an ecological survey report to be submitted for approval prior to any development, including demolition of the buildings, commencing on the site. This can be secured by condition.
- 6.19 I also consider that the matters of hours of use of the office units and surface water drainage can be dealt with by conditions. In respect to surface water drainage from the new access and driveway, I am of the view that suitable porous or permeable surfacing or a soakaway would be sufficient to minimise water entering the highway.
- 6.20 Replacement rural buildings are allowed under policy DC2 of the MDEDPD subject to satisfying criteria. I am of the opinion that the proposal would not result in a fragmented and unviable agricultural unit given the relatively small size of the land being severed from the main parcel of land. As outlined above, full account has been taken in respect to biodiversity in the area. The site is close to the settlement confines of West Malling and therefore is not in an isolated position in relation to infrastructure and services. The buildings to be demolished are of no architectural interest.
- 6.21 I note the comments made by neighbouring residents and the Parish Council, which relate primarily to the impact of the development on traffic and traffic noise, pedestrian safety, character of the area and visual amenity of Norman Road, openness of the Green Belt, wildlife and protected species and on the living conditions of nearby neighbours. However, having regard to the preceding assessment, there are no justifiable grounds to refuse the application for any of these reasons.
- 6.22 The matters of the Green Belt, character and visual amenity of the area, as well as protected species have been addressed in some detail in the report above. I acknowledge the widespread concern relating to traffic, parking and possible impact on pedestrian safety. Although additional traffic movements in the area can be expected, I do not consider that the size of the office or the likely number of coming and goings to the site associated with it, including staff, visitors and deliveries, would be significant. Additionally, as noted by the highway authority, the new access has been designed to provide appropriate access for such vehicles and visibility of pedestrians, taking into account the current environment

along Norman Road. The likely increase in traffic in this area would result in some additional noise from vehicles; however, I do not consider this would be substantially above that currently experienced such that it would demonstrably harm the living conditions of the occupants of the nearby cottages or other dwellings in the area. It was mentioned that a street light will need to be removed to accommodate the new access. The removal and/or relocation of this street light is a matter to be taken up with the highways authority. I am also of the view that construction traffic issues are not a planning matter material to this particular case as the site can adequately accommodate delivery volumes during the construction phase.

6.23 In light of the above, I consider that the proposed development, while not necessarily in accordance with all of the relevant provisions of the Development Plan and NPPF, brings a balance of beneficial changes in terms of the appearance of the area and potential benefits to the local economy such that approval is recommended.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details:

Planning Statement dated 05.03.2014, Design and Access Statement dated 05.03.2014, Arboricultural Survey SA/836/14 dated 05.03.2014, Location Plan 1120.LP C dated 05.03.2014, Existing Site Plan 1120.01 A dated 05.03.2014, Existing Plans and Elevations 1120.02 A dated 05.03.2014, Site Plan 1120.03 G dated 15.08.2014, Proposed Floor Plans 1120.04 D dated 15.08.2014, Proposed Elevations 1120.05 C dated 15.08.2014, and subject to the following:

Conditions

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

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

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

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

3 No development, other than demolition of the existing buildings, shall take place until details of the finished floor level of the building in relation to the surrounding ground levels has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

- 4 No development, other than demolition of the existing buildings, shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping, including the surfacing of the access road and parking areas, 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.

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.

- 5 The building shall not be occupied until the new vehicle access and the service road which provides access to the building have been constructed in accordance with the approved plans.

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

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

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

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A and B of Part 41 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that the development does not harm the character of the area or openness of the Green Belt.

- 8 No vehicles shall arrive, depart, be loaded or unloaded within the application site outside the hours of 7:30 to 18:30 Mondays to Saturdays, or at any time on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

- 9 No materials, plant or other equipment of any description shall be kept or stored in the open other than in areas and to such heights as may be approved in writing beforehand by the Local Planning Authority.

Reason: To avoid obstruction of vehicle parking/manoeuvring areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

- 10 No external lighting shall be installed on the site except in accordance with a scheme that has been submitted to and approved by the Local Planning Authority.

Reason: To protect the visual amenity of nearby residential occupiers and the rural landscape

- 11 The development shall be implemented in accordance with the Arboricultural Report (ref.SA/836/14) prepared by Sylvan Arb, hereby approved.

Reason: To ensure that the development does not harm the protected Walnut Tree and to preserve the appearance and character of the area.

- 12 The disposal of surface and foul water from the building shall be provided in accordance with the application details hereby approved, unless the Local Planning Authority gives written approval for any variation.

Reason: To ensure waste water from the development is appropriately disposed of in the interest of the local environment.

- 13 No development, including demolition of the existing buildings, shall take place until an ecological survey report relating to the site has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved report.

Reason: To conserve the biodiversity of the area and protect protected species

14 No development, other than the demolition of any building, shall be commenced until:

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

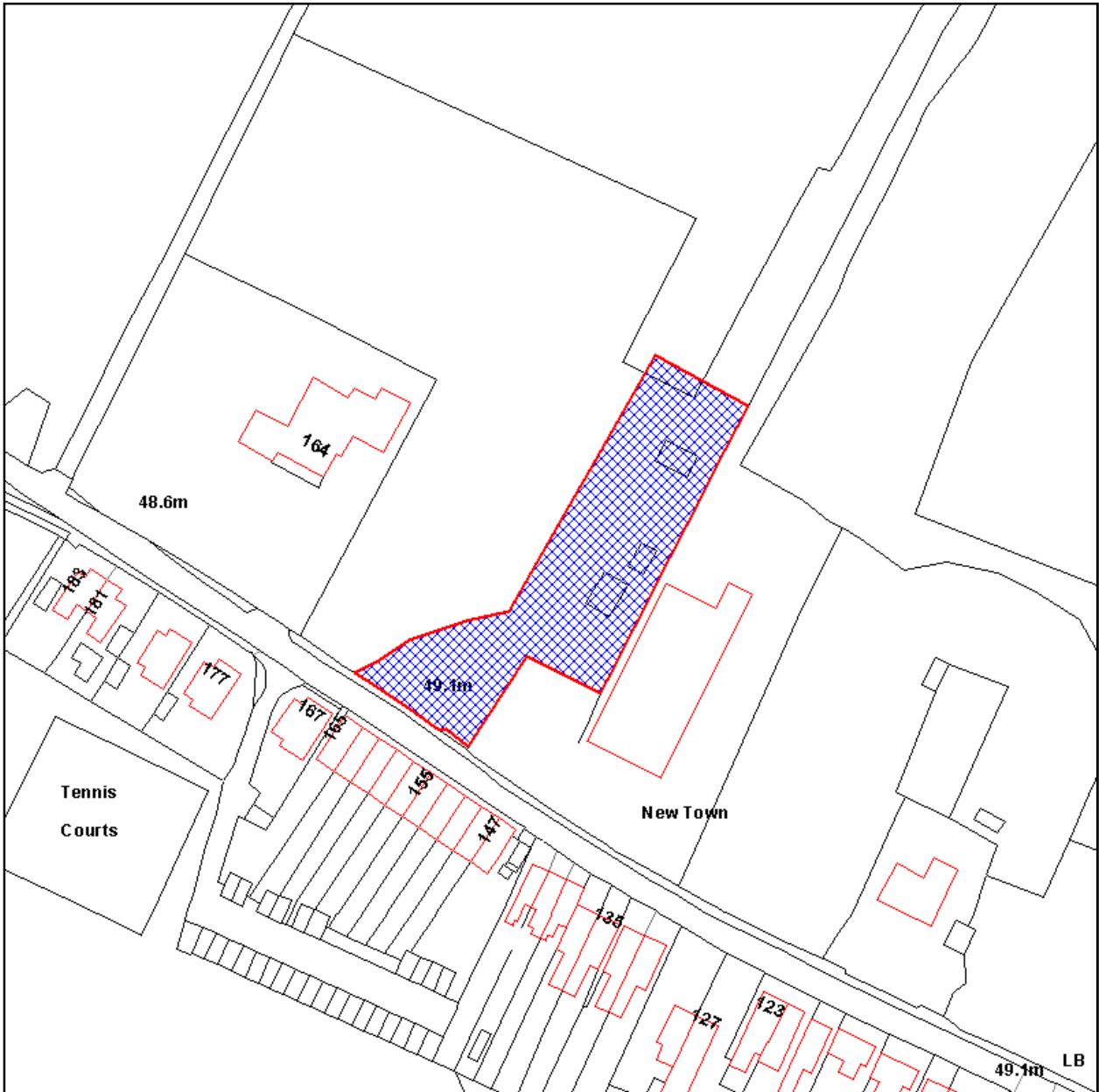
Contact: Mark Fewster

TM/14/00842/FL

Appledene Farm Norman Road West Malling Kent

Removal of 3no. agricultural buildings and replace with a new single storey building comprising two office units with associated parking (resubmission of TM/13/02416/FL)

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