

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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

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

21 October 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, 29th October, 2014 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest
3. Minutes

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 17 September 2014

4. Minutes 11 - 18

To confirm as a correct record the Minutes of the extraordinary meeting of Area 2 Planning Committee held on 14 October 2014

Decisions to be taken by the Committee

5. Development Control 19 - 22

Introduction and Glossary

6. TM/14/02861/FL and TM/14/02877/FL - Reynolds Retreat, Basted House, Harrison Road, Borough Green 23 - 38

7. TM/14/02941/FL - Birchin Napps Farm, Long Mill Lane, Platt 39 - 48

8. 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

9. 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

10. 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, 17th September, 2014

Present: Cllr Mrs E M Holland (Vice-Chairman - in the Chair),
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 B J Luker,
Cllr Mrs S Murray, Cllr H S Rogers, Cllr A G Sayer,
Cllr Miss J L Sergison, Cllr Miss S O Shrubsole and Cllr M Taylor

Apologies for absence were received from Councillors Mrs F A Kemp (Chairman) and Mrs S Luck

PART 1 - PUBLIC

AP2 14/43 DECLARATIONS OF INTEREST

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

AP2 14/44 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 13 August 2014 be approved as a correct record and signed by the Chairman.

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

AP2 14/45 DEVELOPMENT CONTROL AND SUPPLEMENTARY REPORTS

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

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP2 14/46 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 the application be APPROVED, subject to the following:

(1) 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. The car wash hereby approved shall be operated incidental and ancillary to the associated farmshop/village shop, as identified on the plan attached to this decision notice, and within 1 month of the cessation of retail use of the farmshop/village shop at the application site, the car wash activity shall be discontinued and the land restored to its former condition.

Reason: To accord with the submitted case of supporting an existing business as a very special circumstance justifying inappropriate development in the Green Belt.

(2) Informative:

1. The applicant is reminded of the drainage requirements of the Environment Agency and Southern Water Services for this activity.

[Speakers: Mr J Edwards, Ightham Parish Council and Mr S Wright, applicant]

**AP2 14/47 TM/14/00182/FL - CRICKETTS FARM, BOROUGH GREEN ROAD,
IGHTHAM**

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 at Cricketts Farm, Borough Green Road, Ightham.

RESOLVED: That the application be APPROVED, subject to:

- (1) Referral to the Secretary of State for Communities and Local Government in accordance with the Town and Country Planning (Consultation) (England) Direction 2009;
- (2) In accordance with the submitted details, amended plans list, conditions, reasons and informatives set out in the main and supplementary reports of the Director of Planning, Housing and Environmental Health; subject to
- (3) Amended Conditions:

7. The buildings outlined in orange as shown on 'Proposed Landscape Strategy' (drawing RD1504-LA-001 Revision D) 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. The building shown within the land outlined in purple on 'Proposed Landscape Strategy' (drawing RD1504-LA-001 Revision D) shall only be used for the storage, repair or maintenance of machinery or plant 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.

11. Any materials, plant or other equipment stored within the approved open storage area (as defined by condition 10) shall be ancillary to the authorised use of the commercial unit ("Shed 1") as shown outlined in purple on 'Proposed Landscape Strategy' (drawing RD1504-LA-001 Revision D). No part of the approved open storage area shall be occupied or used independently from that associated commercial building.

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 and are not severed from the planning unit containing the commercial building.

[Speakers: Mr J Edwards, Ightham Parish Council and Mr D Parr, agent]

AP2 14/48 TM/14/02084/FL - BLACKMANS, TROTTISCLIFFE ROAD, ADDINGTON

Proposed erection of triple bayed detached garage with office above at Blackmans, Trottiscliffe Road, Addington.

RESOLVED: That the application be APPROVED in accordance with the submitted details, plans list, conditions, reasons and informatives set out in the main and supplementary reports of the Director of Planning, Housing and Environmental Health; subject to

(1) Delete Condition 3

(2) Additional Informative:

1. The applicant is reminded that the garage/office hereby approved shall be used for a purpose incidental to the enjoyment of the related dwelling house. Use as a separate dwelling house or a commercial business premises may constitute a change of use for which formal permission from the Local Planning Authority would need to be obtained.

[Speakers: Mrs Bailey, Addington Parish Council and Mr G Curtis, member of the public]

AP2 14/49 TM/14/00842/FL - APPLEDENE FARM, NORMAN ROAD, WEST MALLING

Removal of 3 no. agricultural buildings and replace with a new single storey building comprising two office units with associated parking (resubmission of TM/13/02416/FL) at Appledene Farm, Norman Road, West Malling.

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

[Speakers: Mr V Vehbi, Miss C Stephens, Mr R Hancock, Mr M North and Mr P Gillard-Moss, members of the public]

MATTERS FOR CONSIDERATION IN PRIVATE

AP2 14/50 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

MATTERS SUBMITTED FOR INFORMATION

**AP2 14/51 TM/14/01489/FL - LAND ADJOINING IGHTHAM FARM SHOP,
SEVENOAKS ROAD, IGHTHAM**

Reason: LGA 1972 Sch 12A Paragraph 5 – Legal Advice

The report of the Director of Central Services set out the potential risk in the event of a non-determination of the application.

The meeting ended at 9.50 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Tuesday, 14th October, 2014

Present: Cllr Mrs F A Kemp (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 B J Luker, Cllr Mrs S Murray, Cllr T J Robins, Cllr Miss J L Sergison and Cllr M Taylor

Apologies for absence were received from Councillors Mrs E M Holland (Vice-Chairman), Mrs S Luck, H S Rogers and A G Sayer

PART 1 - PUBLIC

AP2 14/52 DECLARATIONS OF INTEREST

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

However, in the interest of transparency and openness Councillor Balfour reminded the Committee that he was a Member of Kent County Council but had no responsibility or influence regarding Kings Hill. This was not deemed a Disclosable Pecuniary Interest or an Other Significant Interest.

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

AP2 14/53 DEVELOPMENT CONTROL AND SUPPLEMENTARY REPORTS

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

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 14/54 TM/13/01535/OAEA - KINGS HILL PHASE 3, KINGS HILL, WEST MALLING

Outline Application (with all matters reserved except for means of access) for the demolition of existing buildings including the KCC

Supplies depot and removal of a section of Kings Hill Avenue; the erection of up to 635 residential dwellings; a two form entry primary school with associated playing fields and land safeguarded for an extension to create a three form entry primary school; a multi-functional extension to the community hall; a skate park; formalisation of car parking areas at the Community Centre and adjacent to Crispin Way; improvements to the highway network at Alexander Grove, Gibson Drive and Queen Street; and trim trails, woodland paths and green spaces at Kings Hill, Phase 3, Kings Hill.

It was reported that the application had been revised to address feedback received as part of the Borough Council's statutory consultation exercise. Details of the outline planning application were set out in the main report of the Director of Planning, Housing and Environmental Health, together with a wide range of policy and planning considerations.

The application was a material departure from the Development Plan and had the potential to prejudice the delivery or result in the loss of allocated employment land. There was also a high level of public interest.

A supplementary report, tabled at the meeting, provided a summary of additional information and representations received, included conditions to address contamination and drainage issues and informatives.

After listening to the views expressed by the public speakers, Members gave careful consideration to the issues surrounding the intensification of commercial land and the change from employment to residential use; the quality of the existing public transport network and the importance of improving both train and bus services for commuters and school travel; whether parking provision was sufficient; community facilities and the overall impact on services and infrastructure, not only for Kings Hill but neighbouring communities.

Members expressed serious concern about the highway infrastructure and whether it was able to deal with increased traffic movement, not only through King Hills but the surrounding road network with particular concern raised about the Kent Street junction, the A228 southbound towards Mereworth and Tonbridge and the B2016.

Finally, Members were pleased to note that discussions were ongoing between the applicant and relevant church bodies to identify a suitable site for a place of worship and that there were no planning impediments to the provision of housing for older people to retire into if such a developer came forward.

RESOLVED: That outline planning permission be GRANTED in accordance with the submitted details, conditions and reasons set out in

the main report of the Director of Planning, Housing and Environmental Health; subject to

(1) The following amendments, conditions, reasons and informatives set out in the supplementary report, tabled at the meeting:

- (a) An up to date plans list at the time of the decision being issued.
- (b) Subject to S106 heads of terms and conditions 1-33, as set out in the main report, with additional conditions on contamination and drainage set out below. All suggested conditions to be subject to refinement of detailed wording broadly as described above to be delegated to the Director of Planning, Housing and Environmental Health in liaison with the Director of Central Services (and taking into account the submissions made by the applicant in respect of the draft conditions/Heads of Terms as set out in the main report and the further updates set out below):

Contamination

34.No development of any phase other than the removal of hardstanding, ground investigations or site survey works shall be commenced until the following have been submitted to and approved by the Local Planning Authority for that phase:

- (a) a contaminated land desktop study, identifying all previous site uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;
- (b) proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site;
- (c) the results of the investigation including any necessary intrusive investigations, and a risk assessment assessing the degree and nature of any contamination on site and the risks posed by contamination to human health, controlled waters and the wider environment;

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 in writing of the presence of any such unforeseen contamination.

Reason: In the interests of amenity, public safety and human health.

35. No development above pre-existing ground level shall take place until all required remediation works have been fully completed insofar as they relate to that part of the development and a validation report to verify these works has been submitted to, and approved in writing by, the Local Planning Authority unless specific authorisation for such works has been given by the Local Planning Authority.

Reason: In the interests of amenity, public safety and human health.

36. Prior to the first occupation of the development or any part of the development hereby permitted, a Certificate (final validation report) shall be provided to the Local Planning Authority by a responsible (competent) person stating that remediation has been completed and the site is suitable for the permitted end use.

Reason: In the interests of amenity, public safety and human health.

Drainage

37. No dwelling shall be occupied until it has been demonstrated that surface water and foul drainage has been adopted by the appropriate drainage body.

No such details have been submitted.

Informatives:

1. Any public right of way which crosses the application site should be retained on its existing line or on such other line as may be legally established and be kept free from physical obstruction.
2. The applicant is advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site must comply with the appropriate wildlife legislation. Failure to do so may result in fines and potentially a custodial sentence.
3. The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports. No ash should be planted nor species susceptible to fireblight.

4. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact the Principal Legal Officer, on 01732 876039 or by e-mail to legal.services@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
5. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
6. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project
 - some naturally occurring clean material can be transferred directly between sites.
7. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to:
 - Position statement on the Definition of Waste: Development Industry Code of Practice and website at www.environment-agency.gov.uk for further guidance.
8. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991

- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information

9. Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipe work should be protected from accidental damage. Below ground pipe work should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

(2) Addition of an Informative:

10. Reserved matters will be expected to create areas of high quality character and appearance.

Speakers:

Kings Hill Parish Council (Ms H Munroe), Mereworth Parish Council (Mrs J Thoroughgood and West Malling Parish Council (Mrs T Dean);

Members of the Public: Mr D Hughes speaking on behalf of Mrs K Jones; Ms S Barker; Mr Fisher; Mrs J Budd; Mr C Budd; Reverend D Green; Mrs G Bastin; Ms A Vincent; Mr D Cunningham; Ms Barker reading the written statement of Mr Felipe Baquero; Mr R Philpott; Reverend M Ross; Mr D Rush; Mrs C Cunningham; Ms S Barker reading the written statement of Mr David Gilman; Mr P Cosier; Mrs T Lowe; Reverend Ms P Dickin; Mr G Marsh; Ms R Mitchell speaking on behalf of Ms Helen Marsh;and

Mr J Suckley (agent) and Mr A Blevin (on behalf of the applicant)

AP2 14/55 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 2.00 pm
having started at 1000am

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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

Borough Green **560797 156494** **20 August 2014** **(A) TM/14/02861/FL**
Borough Green And **(B) TM/14/02877/FL**
Long Mill

Proposal: (A) Application to vary condition 4 of planning permission TM/11/03518/FL (Proposed change of use of buildings from offices to health and fitness spa with proposed extensions and new roofs) to allow use of the bar and dining facilities to remain open until 12.30am Monday to Friday and at weekends / Bank Holidays; and
(B) Retrospective application to retain infill of rear courtyard area on two floors providing kitchen, food preparation area and cold store

Location: Basted House ('Reynolds Retreat') Harrison Road Borough Green Sevenoaks Kent TN15 8PB

Applicant: The Reynolds Group Ltd

1. Description (A&B):

1.1 There are two separate applications being reported to Committee for determination for this site. These are referred to as application (A) TM/14/02861/FL and application (B) TM/14/02877/FL. Both applications are further described as follows:

(A) TM/14/02861/FL:

1.2 This Section 73 application seeks to vary the terms of condition (4) attached to planning permission TM/11/03518/FL which first established the principle of the conversion and extension of Basted House to form a health and fitness spa. Condition 4 of that permission currently limits the hours of use of the building as follows: "*The premises shall not be used for business outside the hours of 06:30 and 23:00 hours Mondays – Fridays and the hours of 08:00 and 21:00 hours on Saturdays, Sundays and Bank Holidays*".

1.3 The application proposes to extend these opening hours to remain open until 00:30 hours (12:30am) Monday to Friday and at weekends, Public and Bank Holidays. It is stated that the extended opening hours would allow spa members the opportunity to use the leisure facilities in the evening and still have time to change and have a drink or meal afterwards in the bar and restaurant facilities. It is intended that the spa's leisure facilities will close at 22:00 hours, with the bar and restaurant remaining open, as required, until the later time of 00:30 hours (12:30am).

(B) TM/14/02877/FL:

- 1.4 This application is retrospective and proposes the retention of a two storey courtyard infill extension to the rear (south) of the main building which provides kitchen, food preparation and a cold store area to serve the premises. This extension has been fully constructed and has been kitted out internally with the kitchen and cold store facilities.
- 1.5 The application details that this infill extension was required because, after engaging the services of a specialist commercial kitchen design company, they advised that the area originally identified for such facilities would be inadequate. As the plans for the health and fitness spa have evolved, it became clear to the applicant that the space originally proposed for the kitchen was not sufficient to provide the necessary food preparation and storage facilities required to support the spa's catering options.
- 1.6 The infill extension has an internal area of approximately 79 sq. metres, split between ground and first floor. The extension comprises brick and rendered elevations, sitting below a plain tiled roof and incorporating uPVC white glazing. Its external materials are consistent with those used in the main building. The cold store is finished externally in white powder coated aluminium sheeting elevations and a grey sheet clad roof.

2. Reason for reporting to Committee (A&B):

- 2.1 At the request of Councillors Sue Murray and Mike Taylor owing to the proposals attracting local concerns on noise and disturbance from headlights and engine noise.

3. The Site (A&B):

- 3.1 Basted House comprises a series of linked buildings, predominantly two storeys in height, with further accommodation in the roof and associated extensive grounds. The site itself extends to some 6.15ha and is accessed via a tree lined private avenue with access points leading from Harrison Road and Quarry Hill Road. The site includes protected trees and woodland, including an area of Ancient Woodland and part of the Bourne Valley Local Wildlife Site.
- 3.2 To the east of the site access from Harrison Road is a telephone exchange, with a Scout hut located just to the south of this. The access from Quarry Hill Road runs between a doctor's surgery (to the north) and an office building (to the south) before joining the access from Harrison Road.
- 3.3 The application site is located within the Metropolitan Green Belt and open countryside.

3.4 Basted House was formally occupied by Circle Housing (Russet Homes) before it relocated to Kings Hill in 2013. The site was sold to the Reynolds Group Ltd in September 2012 which, following successfully obtaining planning permission to convert and extend the building into a health and fitness spa (TM/11/03518/FL), has been carrying out building works associated with the conversion and extension. The premises, now known as *Reynolds Retreat*, are set to open as a members' health and fitness spa from the 25 October 2014.

4. Planning History (A&B):

TM/61/10370/OLD Grant with conditions 4 August 1961

Additions to existing offices.

TM/68/10364/OLD Grant with conditions 23 August 1968

Temporary office building, for Amalgamated Roadstone Corp Ltd.

TM/68/10550/OLD Grant with conditions 11 December 1968

Erection of a temporary office building, for Fluostatic Ltd.

TM/70/10386/OLD Grant with conditions 13 August 1970

Prefabricated timber building for use as office, for A.R.C. (South Eastern) Ltd.

TM/73/10646/OLD Grant with conditions 21 May 1973

Change of use from residential to office accommodation.

TM/77/10204/FUL Grant with conditions 30 December 1977

Extension to offices.

TM/78/10076/FUL Grant with conditions 12 September 1978

Extension to existing offices.

TM/78/10858/FUL Grant with conditions 6 February 1978

Construction of car park.

TM/83/10295/FUL Grant with conditions 25 July 1983

Two storey extension to existing offices.

TM/87/11418/FUL Grant with conditions 30 January 1987

Two storey extension to office.

TM/95/00068/FL Grant with conditions 23 June 1995

Extension to existing offices and erection of new tractor shed adjacent to existing storage buildings

TM/99/01128/FL Grant With Conditions 2 August 1999

Construction of new entrance lobby and alterations to elevations on the West wing

TM/11/03518/FL Approved 26 April 2012

Proposed change of use of buildings from offices to health and fitness spa with proposed extensions and new roofs

TM/13/01189/RD Approved 5 August 2013

Details of materials, scheme of traffic direction, use of outbuildings, parking layout, hard landscaping, landscaping and boundary treatment, scheme for management of woodland and surface water drainage pursuant to conditions 2, 5, 6, 7, 8, 9, 11 and 12 on planning permission TM/11/02518/FL (Proposed change of use of buildings from offices to health and fitness spa with proposed extensions and new roofs)

5. Consultees:

(A) TM/14/02861/FL:

- 5.1 PC: This is not an urban environment but predominantly a rural residential area. Whilst not licensed, Potters Mede Sports Pavilion, at the other end of our village has a 23:00 hours limitation and the village hall in the heart of the village retail centre has a 24:00 hours limit. We strongly support therefore, the concerns of many residents about disturbance to them by noise and traffic in the early hours of the morning and therefore request a 23:00 hours limit for operations and functions under the terms of the licence.
- 5.2 KCC (Highways): No objections.
- 5.3 Private Reps: 40/0X/9R/0S. The application was also advertised by way of a site notice. The following concerns have been expressed:

- To allow the premises to sell alcohol until 00:30 is far too late. Noise arising from cars (etc.) departing could be a nuisance to surrounding residential properties;
- The property is in the country not in an urban environment;
- Disturbances have already been experienced throughout the current building works – such disturbances would occur late into the evening with the proposed opening times;
- The proposals (together with application TM/14/02877/FL) clearly represent a major proliferation of the proposed uses for these premises with the obvious inference that facilities for large weddings and other events will be on offer;
- Concerned that the premises is becoming more like a bar and restaurant business and not a health and fitness spa it originally purported to be;
- The recent Licence application refers to a seating capacity of 150 in the bar, restaurant and terrace, a small conference room for 50 people and for the premises to be open to the public from 06:30 – 01:00 hours. Whatever the function, it appears that well in excess of 120 guests plus staff could be accommodated. This could result in up to 100 vehicle movements at 00:30/01:00 hours on any/all nights of the week with the resulting disturbance of nearby residents;
- Other facilities in the village (i.e. Potters Mede and the village hall) are licensed until 23:00 hours and I see no reason to allow this premises to be treated any differently;
- The commercial profit making objectives of the applicants business should not override the interests of residents some of whom have been living here peacefully for a long time; and
- Concerned that the proposals will negatively impact on the vitality and viability of the village centre as this type of use should be directed to within the village centre itself.

(B) TM/14/02877/FL:

5.4 PC: No observations.

5.5 KCC (Highways): No objections to this proposal which adds an additional 80 sq. metres of floorspace to the building.

5.6 Private Reps: 40/0X/3R/0S. The application was also advertised by way of a site notice. The following concerns have been expressed:

- Concerned that extending the catering footprint changes the purpose of the building and will cause an increased disturbance to surrounding residential properties;
- Objectionable that the applicant's appear to have flouted the planning regulations by knowingly commencing building work without planning permission; and
- Similar concerns to those listed for application TM/14/02861/FL above (i.e. that the proposals represent a general proliferation of the spirit of the original planning consent).

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 instance, the principle of the conversion and extension of Basted House as a health and fitness spa was established under previous consent TM/11/03518/FL. Building works are well underway to complete this development and it is understood that the premises is due to open to members at the end of October 2014.

(A) TM/14/02861/FL:

6.2 In considering the application to extend the opening hours of the premises (TM/14/02861/FL) the key planning considerations include the amenity impacts of the proposed later opening hours, specifically the potential for late-night activities to affect surrounding residential properties through increased noise and disturbance from vehicles and patrons.

6.3 The original application to use the premises as a health and fitness spa included a condition requiring a scheme of traffic direction to ensure that users of the premises (including staff, members of the premises, visitors, deliveries, etc.) enter and exit the site via Quarry Hill Road as opposed to via Harrison Road. Details of the scheme of traffic management, including appropriate signage, was approved by the LPA in 2013 (TM/13/01189/RD) and is required to be implemented ahead of the first opening of the health and fitness spa. That scheme includes off-site signage, including signage on Quarry Hill Road advising users of the fitness spa to continue ahead (as opposed to turn left into Harrison Road). It also includes exit signage within the site requesting that vehicles leaving the site turn left towards Quarry Hill Road (as opposed to continuing ahead to Harrison Road). There is no intention to revise this arrangement.

- 6.4 In addition to the approved signage, the applicant has recently installed a chain barrier (with exit signage attached) across the exit road leading towards Harrison Road to require drivers to exit the site via the link to the Quarry Hill Road roundabout. The applicant has stated that, since the premises are a members' only facility, in any event it is anticipated that users will soon become accustomed to the entry/exit routes/arrangements.
- 6.5 Furthermore, the applicant considers that as the Quarry Hill Road roundabout also provides access to the A25 via the link road (non-residential) which joins the roundabout junction of the A25 and A227 to the west of Borough Green, it provides easy access to the road network, particularly for members travelling from Sevenoaks and Tonbridge; two general locations from where the applicant expects to generate a significant number of fitness club/spa members.
- 6.6 In terms of the potential for increased noise nuisance from the extended opening hours, it is important to consider the locations and relevant distances to the nearest residential properties surrounding Basted House (Reynolds Retreat) and its grounds. These are: Rose Cottage (90m to the south-west of Basted House); No's 14-38 Crowhurst Road (approx. 55m to the east of the private entrance/exit driveway); and No's 1-15 Harrison Road (approx. 15m north of the access road leading to/from the site in Harrison Road). In this instance, the latter mentioned properties along Harrison Road should not be affected by vehicles entering/leaving the premises in light of the scheme of traffic management described above.
- 6.7 The applicant has recently obtained a Premises Licence (14/01003/PREM) for the facility which covers: films (indoors); recorded music (indoors); performance of dance (indoors); supply of alcohol (sales); and opening hours. The Licence permits the opening of the premises until 00:30 hours Monday – Sunday (including Public and Bank Holidays) and until 01:30 hours on New Year's Eve. Whilst the roles of the Council as both Planning and Licencing Authorities are fundamentally different, it is important to note the presence of a Premises Licence which now exists. Furthermore, a condition attached to the Premises Licence requires that all amplified music should be contained within the buildings and be inaudible at the site boundary. However, the existence of the Licence of the terms set out above does not oblige the Council as Local Planning Authority to follow that decision as the considerations are different owing to separate legislation.
- 6.8 The proposed extended use of the premises (until 00:30 hours) relates to the internal use of the building; specifically the bar, restaurant and conference room. The applicant has stated that the health and fitness spa facilities would close at 22:00 hours, however the extra time will allow members to use the bar and restaurant facilities within the building.
- 6.9 It is noted that a number of internal alterations have been made to the layout of rooms/spaces within the building from those set out in the original planning application. Internal alterations, for example putting a greater emphasis on making

the most of panoramic views from the first floor rear rooms as bar/restaurant spaces, have been determined by the applicant as works have progressed. These internal changes have also avoided the need to artificially divide the now proposed restaurant/bar spaces into a series of smaller spaces, which would have been necessary if it were to be used as treatment rooms. The treatment rooms which were originally proposed for the first floor are now located within the roof space above the swimming pool in purpose built new accommodation which does not require natural daylight and panoramic views to the rear (south) of the property.

- 6.10 The relocation of the treatment rooms and the enlargement of the bar/restaurant and relaxation area has arisen as the refurbishment has evolved. The applicant details that more consideration has been given to the needs of its members and the interrelationship of spaces within the buildings and its surroundings. Having reviewed the works undertaken at the property, which I note have been undertaken using high quality materials/finishes, I am satisfied that they have not represented an overall material change in the use of the building from that originally granted planning permission. I am satisfied that the intention is that the building is primarily intended to be used as a members only health and fitness spa.
- 6.11 In terms of the potential for later evening uses of the building (until 00:30 hours) to affect nearby residential properties, the potential main impact will be any noise associated from patrons leaving the premises and vehicles leaving the site via the private access road. Subject to the continued use of the traffic management measures approved under the main application (i.e. to divert vehicles leaving the premises via Quarry Hill Road as opposed to along Harrison Road) I am satisfied that the properties on Harrison Road would not be adversely affected. Similarly, in light of owing to activities being undertaken with the building and the entrance on the front (north) side of Basted House, I am satisfied that there would be no unacceptable noise disturbance for Rose Cottage located south of the application site.
- 6.12 There are residential properties located on the corner of Crowhurst Road (specifically No's 14-38) which back onto the application site some 55m east of the private access road to/from Basted House. The private site access road at that part of the site is lined with mature protected trees, with the site boundary lined with further interspersed trees and boundary vegetation. Whilst I note that there are some interspersed views of these residential properties from the private site access road, given the distance, intervening vegetation and relatively low intensity of the use, I am satisfied that there are no overriding noise or amenity impacts of the later night use of the building (until 00:30 hours) which would warrant the refusal of planning permission in this instance.
- 6.13 In this context, it is noted that Basted House has been occupied by a number of varying uses over the years, most recently Russet Homes and prior to that Invicta Telecare, the latter being a call centre which operated 24hrs a day, seven days a week, with staff coming and going accordingly. Having discussed this with

colleagues in the Council's Environmental Protection Team, it is noted that there is no record of any complaints relating to noise from cars using the private access road being received during the period when the premises was used as a call centre on a 24/7 basis.

6.14 Having considered concerns raised regarding noise nuisance from car engines and associated light nuisance from headlights, again, owing to the distances involved and intervening vegetation, and that cars would be free flowing on this section of private access road (i.e. no need for revving engines, etc.), it would be hard to distinguish noise from vehicles on the private drive from vehicles passing on nearby roads for those properties nearest to the site in Crowhurst Road. I am also of the view that car headlights would not result in an unacceptable nuisance for the occupants of the nearest properties in Crowhurst Road owing to the orientation of the properties in relating to the direction of the private access road and the level of intervening vegetation and distance between the road and the residential properties.

6.15 Accordingly, based on the above assessment, I am satisfied that there are no overriding planning grounds to refuse planning permission for the extended opening hours of the premises until 00:30 hours seven days a week, including Bank and Public Holidays.

(B) TM/14/02877/FL:

6.16 The application site is located within the MGB and outside the built settlement confines (i.e. within the countryside). 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 extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

6.17 In this context, the 'original' building means the building (or collection of buildings) which existed on the site in 1947. Since then, as demonstrated in the planning history provided above, the building has been extended significantly. At the time when the application for the conversion and extension of the building to form a health and fitness spa (TM/11/03518/FL) was considered, the extension to the building was concluded to represent a disproportionate addition over and above the size of the original building. That said, it was concluded that there was an overriding case of very special circumstances (VSCs) which was sufficient to set aside the presumption against the inappropriate development within the Green Belt.

6.18 In this instance, the proposed rear (south) courtyard infill extension seeks to retain approximately 80 sq. metres of floorspace which has already been constructed and fitted out internally. In view of the history of the site and the position established with the last application (TM/11/03518/FL) I am of the view that this

retrospective addition to the building, when taken cumulatively, represents inappropriate development within the Green Belt. The NPPF states (in para. 87) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSCs. Furthermore, it stresses (in para. 88) that LPAs should ensure that substantial weight is given to any harm to the Green Belt. VSCs 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 VSCs exist in this case which would be sufficient to set aside the general presumption against inappropriate development.

- 6.19 The two storey infill extension is of a fairly limited size (approximately 80 sq. metres, spread across two floors) and is concealed discretely within the built confines/envelope of the building. In my view, the extension which has now been fully constructed does not result in any additional or overriding harm to the openness of the surrounding Green Belt owing to its location, design and scale. In my view, these represent a sufficient case of VSC to set aside the general presumption against inappropriate development.
- 6.20 In my view, the infill extension does not have any impact on surrounding residential amenity, owing to its scale and use. Furthermore, the extension does not result in any additional highway or parking impacts; something which the Highway Authority has confirmed in its response on this application.
- 6.21 The building has been constructed in external materials which match those of the main (host) property. The general form of the construction is also in keeping with the host property. I therefore consider the extension is acceptable in general design terms.
- 6.22 Accordingly, on the basis of the above assessment, I am satisfied that this retrospective extension to Basted House (Reynolds Retreat) is supportable in planning terms.

7. Recommendation:

(A) TM/14/02861/FL:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 13.10.2014, Design and Access Statement dated 20.08.2014, Location Plan RE/11/159.13 dated 20.08.2014, 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. The development shall be carried out in accordance with the details of external materials approved under consent reference TM/13/01189/RD dated 5 August 2014.

Reason: To ensure that the development does not harm the character of the existing building.

3. The premises shall be used as a health and fitness spa and for no other purpose (including any other purpose in Class D2 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 highway network.

4. The premises shall not be open for business outside the hours of 06.30 and 00:30 Mondays to Sundays, including Bank and Public Holidays.

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 highway network and the residential amenities of nearby local properties.

5. The development shall be carried out in accordance with the Scheme of Traffic Direction approved under consent reference TM/13/01189/RD dated 5 August 2014. The approved scheme shall be installed prior to the first use of the development hereby permitted, and maintained thereafter. Any signage which is damaged or removed shall be repaired or replaced within 1 month.

Reason: In the interests of protecting residential amenity.

6. The outbuildings located within the application site shall only be used in accordance with the details approved under consent reference TM/13/01189/RD dated 5 August 2014, unless otherwise agreed in writing with the Local Planning Authority.

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 highway network and the residential amenities of nearby local properties.

7. The development shall be carried out in accordance with the parking layout approved under consent reference TM/13/01189/RD dated 5 August 2014. The parking areas shall be maintained in accordance with the approved details thereafter, and no development, including that permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order) shall be undertaken to preclude vehicular access to the approved parking areas.

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 highway network.

8. The development shall be carried out in accordance with the hard landscaping scheme approved under consent reference TM/13/01189/RD dated 5 August 2014. The hard landscaping shall be installed in accordance with the approved details prior to the first use of the building as permitted.

Reason: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

9. The development shall be carried out in accordance with the scheme of landscaping and boundary treatment approved under consent reference TM/13/01189/RD dated 5 August 2014. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: To ensure that the development does not harm the character of the existing building.

10. The development hereby approved shall be carried out in such a manner as to avoid damage to existing trees (including their root system) or other planting to be retained as part of the approved landscaping scheme (Condition 9) by observing the following:
 - (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority);
 - (b) No fires shall be lit within the spread of the branches of the trees;
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant;
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees; and

- (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character of the existing building.

11. The development shall be carried out in accordance with the scheme for the management of woodland within the site approved under consent reference TM/13/01189/RD dated 5 August 2014. The scheme of management shall be undertaken through-out the period of time that the building is used as a health and fitness spa, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that ancient woodland will be protected, and where possible, enhanced

12. The development shall be carried out in accordance with the scheme of surface water drainage as approved under consent reference TM/13/01189/RD dated 5 August 2014.

Reason: To prevent pollution of groundwater in the underlying principal aquifer, which is also within a Source Protection Zone 3 for the public water supply.

13. 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure any unforeseen contamination is dealt with appropriately and to ensure there are no unacceptable risks to groundwater within the underlying principal aquifers from historic contamination.

Informatives:

1. The applicant is advised to consider changing the formal address of Basted House (Reynolds Retreat) to Quarry Hill Road as opposed to Harrison Road. This is likely to assist users of the health and fitness spa enter/exit the premises via Quarry Hill Road.
2. The applicant is also advised to ensure that any marketing/website information (or similar) relating to the site address is clearly stated in accordance with the approved scheme of Traffic Direction (i.e. entry and exit to the premises via Quarry Hill Road).

(B) TM/14/02877/FL:

- 7.2 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 21.08.2014, Existing Plans and Elevations RE/11/159.11 dated 21.08.2014, Proposed Plans and Elevations RE/11/159.12 dated 21.08.2014, Location Plan RE/11/159.13 dated 21.08.2014, Letter dated 13.10.2014.

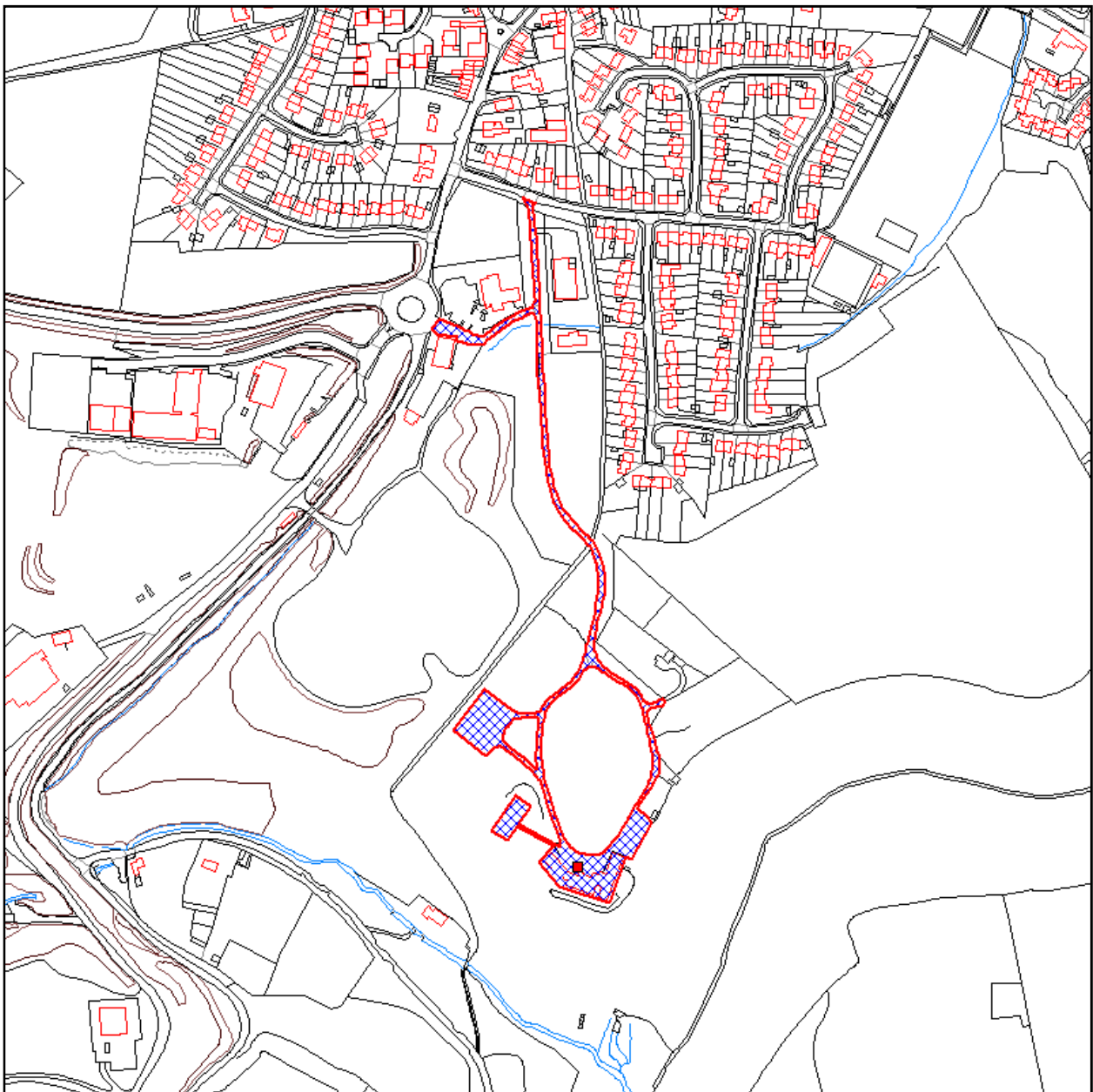
Contact: Julian Moat

(A) TM/14/02861/FL & (B) TM/14/02877/FL

Basted House Harrison Road Borough Green Sevenoaks Kent TN15 8PB

(A) Application to vary condition 4 of planning permission TM/11/03518/FL (Proposed change of use of buildings from offices to health and fitness spa with proposed extensions and new roofs) to allow use of the bar and dining facilities to remain open until 12.30am Monday to Friday and at weekends/ Bank Holidays & (B) Retrospective application to retain infill of rear courtyard area on two floors providing kitchen, food preparation area and cold store

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Platt **562528 156137** **2 September 2014** **TM/14/02941/FL**

Borough Green And
Long Mill

Proposal: Demolition of existing dwelling and garage and construction of a replacement two storey dwelling with basement and a new detached double garage

Location: Birchin Napps Farm Long Mill Lane Platt Sevenoaks Kent
TN15 8QG

Applicant: Mr And Mrs Louca

1. Description:

- 1.1 Planning permission is sought for the demolition of the existing dwellinghouse and garage and the erection of a replacement two storey dwelling with basement and a detached double garage at Birchin Napps Farm, Long Mill Lane, Platt.
- 1.2 The application follows a lapsed planning permission obtained at appeal in 2005 for a replacement dwelling and garage of a similar size (above ground) to that proposed, our reference TM/04/03188/FL and PINS reference APP/H2265/A/04/1170617 refer. The appeal permission was a split decision with a new access being refused. The 2005 permission was for a vernacular building whereas the current proposal is for a relatively contemporary house with the addition of a basement.
- 1.3 The existing dwelling is located within the western half of the main site and the replacement dwelling would be located in the northeast corner. The existing detached garage is located close to the northern boundary of the site and the replacement would be sited nearer to the southern boundary.
- 1.4 The proposed dwelling would have a traditional form with pitched roofs and gable end details along with traditional materials such as slate roof tiles, timber weatherboarding and ragstone. The contemporary aesthetic is provided through irregular windows, timber projecting frames around some of the windows, a recessed balcony and areas of Sedum and Zinc roofing.
- 1.5 Foul drainage is to be a package treatment plant and surface water is to a soakaway system.

2. Reason for reporting to Committee:

- 2.1 The application was called to Area 2 Planning Committee by Councillor Mrs Sue Murray as a result of the controversial nature of the application.

3. The Site:

- 3.1 The site lies within the Metropolitan Green Belt and open countryside. It lies in a Water Gathering Area.
- 3.2 The site is formed by a long access track off Long Mill Lane which runs along the western edge of the Old Saw Mill housing development. The drive rises from road level up to the site of the existing house where the application site becomes relatively level. This main section of the site is relatively open with either no boundary enclosure or simple post and rail fencing. There is a large driveway and turning area on the western side of the existing house. The garden is mainly laid to lawn.
- 3.3 The existing dwelling is set out over two storeys with a plain tiled pitched, table-top roof. The house has a brick ground floor and a partly white weatherboard, partly tile hung first floor with white painted timber windows.

4. Planning History:

TM/85/10498/OUT grant with conditions 1 February 1985
(TM/84/774)

Replacement farm house (on site adjacent to existing house which is to be demolished)

TM/86/10138/FUL Refuse 3 October 1986
(TM/86/1174) Appeal Dismissed 25 August 1987

Replacement house.

TM/86/10655/FUL Refuse 19 December 1986
(TM/86/1638) Appeal Dismissed 25 August 1987

Details of siting, design and external and appearance of replacement house
TM/84/774.

TM/88/10920/FUL grant with conditions 31 August 1988
(TM/87/1939)
Replacement farmhouse with double garage.

TM/89/11421/FUL Application Withdrawn 4 January 1989
(TM/87/1938)

Details of replacement farmhouse submitted pursuant of outline permission
TM/84/774.

TM/01/02634/FL

13 December 2001

Construction of two storey and single storey side extension and creation of an entrance lobby

TM/04/00201/FL

Refuse

6 April 2004

Erection of a replacement dwelling

TM/04/03188/FL

Refuse

10 December 2004

Appeal Split Decision

1 June 2005

(House allowed and access refused)

Erection of replacement dwelling and garage construction of new access road and landscaping

TM/06/00107/FL

Grant With Conditions

1 March 2006

Variation of condition 1 of planning permission ref. TM/01/02634/FL (construction of two storey and single storey side extension and creation of an entrance lobby)

5. Consultees:

5.1 PC: As you are aware, this site has a history of attempted redevelopment. The last being TM/04/03188/FL, for a replacement dwelling on the same footprint and a new access track. This was refused by T&M but on appeal the replacement house was allowed, but the access was refused as being inappropriate development within the Green Belt.

5.1.1 This proposal is for a larger dwelling than the existing (some 40% more above ground with a basement of 195 sqm.). It is in a different location with a new access track. It is not a like for like replacement. It is in a prominent position on higher ground and near the boundary of existing properties, so it will be highly visible.

5.1.2 It is a new build in the green belt so we expect you to justify "exceptional circumstances" to allow it. We object to this application.

5.2 EA: No objection.

5.3 Private Reps: 6/0X/2S/0R + Site Notice - 2 letters of support have been received. One of the letters states that the proposal is well designed and would fit in with the local area.

6. Determining Issues:

6.1 The site is within the Green Belt. A replacement building, within the same use, is considered not to be inappropriate development under paragraph 89 of the NPPF 2012, provided that the replacement building is not "materially larger" than the one it replaces. National policy gives no definition of the term "materially larger".

- 6.2 Policy CP14 of the TMBCS relates to development within the countryside and allows for the “one-for-one” replacement of an existing dwelling subject to national Green Belt policy being applied where relevant.
- 6.3 In light of the above national and local policies, the principle of a replacement dwelling is acceptable in broad policy terms. It must be recognised that the appeal decision in 2005 allowed for a slightly larger replacement dwelling, partly in light of a permission which was extant at the time for an extension to the dwelling and partly because the Inspector felt the additional volume sought at that time was only a minor increase in floor area. It should be noted that the national policy provisions are no different now from those applied by the Inspector in the appeal. So, nothing has changed in the wording of national or local policy relating to replacement dwellings in the Green Belt and there have been no changes on or around the site. Accordingly, it is my view that the 2005 appeal decision is a material planning consideration of considerable weight.
- 6.4 The proposed dwelling would be larger (above ground) in footprint terms compared to the appeal scheme by approximately 22sqm which is a very minor change in my view. Moreover, whilst a small increase in footprint is proposed, the overall height is being reduced. Therefore, in comparative terms the volumes are virtually identical. The basement level would provide a significant increase in *floor space* but not *footprint* or above ground bulk and mass. Consequently, I do not consider that the proposed replacement building is materially larger than the appeal scheme, and therefore the development does not constitute inappropriate development within the Green Belt.
- 6.5 The basement would be subterranean with sunken light-wells and patios which would not be visible unless very close to the property. This is due to the ragstone walls which would impede views of the basement level and the isolated position of the site away from public views. Accordingly, the predominantly subterranean basement would not give rise to any visual harm, in my view.
- 6.6 In addition to objecting on the grounds of being materially larger which has been addressed above, the PC has objected to the siting of the dwelling on a more prominent position, being closer to neighbouring properties and being on higher ground comparative to the appeal scheme. Inspection of the site and the appeal papers leads me to disagree with all of these points. To confirm, the proposed replacement dwelling would not be on higher ground, would have a lower ridge height, is further away from neighbouring properties and would not be in a more prominent position as the dwelling would not be visible from the public highway and has no public views.
- 6.7 The design of the proposed replacement dwelling is a contemporary traditional form, as described above. Whilst the character of the locality is vernacular architecture, the site is in an isolated position with no streetscene or direct visual relationship with nearby dwellings. Accordingly, in my opinion, the contemporary

proposal would not conflict or jar with existing buildings. The particular simple style of contemporary architecture proposed with traditional form and materials is appropriate for this location. The materials and windows have a muted colour palette to assist in the building bedding into the site comfortably and not being a stark addition to the landscape. It is therefore my view that the proposal would accord with paragraphs 57 and 58 of the NPPF and Policies CP1 and CP24 of the TMBCS in relation to achieving high quality design and being a proposal which respects the site and its surroundings.

- 6.8 The proposed replacement dwelling would be set further away from the southern boundary with properties in the Old Saw Mill development and would therefore improve residential amenity, in my view.
- 6.9 The proposed garage would be utilitarian in its design and significantly lower at ridge height than the existing garage building. Timber weatherboarding is proposed with a slate roof and small log store provided by an overhang of the roof to the side. The design of the garage is entirely appropriate for the site, in my view, and its volume has been counted in the overall volume assessment provided by the applicant. I consider the design of the garage to accord with paragraphs 57 and 58 of the NPPF and Policies CP1 and CP24 of the TMBCS in relation to visual amenity.
- 6.10 The garage would be sited closer to the boundary with neighbours but this boundary is well screened by tall fencing, tall conifer hedging and mature landscaping. Accordingly, as a result of the landscaping and the low roof design of the garage, added to the distance the nearest neighbours are sited away from the shared boundary, I do not consider that the garage would give rise to harm to residential amenity.
- 6.11 The proposal does not seek any alteration to the access as suggested by the PC. It is noted that the 2005 appeal decision was a split decision with the new access being refused. This scheme does not seek alternative access arrangements.
- 6.12 The proposal would provide a new package treatment plant to deal with foul drainage. A condition is necessary to ensure the dwelling is constructed with such a system in advance of occupation of the dwelling. Surface water drainage is proposed to a soakaway system.
- 6.13 The site is capable of providing sufficient parking provision to meet the needs of the proposed dwelling. I do not therefore consider the proposal would give rise to harm to highway safety arising from off-site parking.
- 6.14 In light of the above considerations, I am satisfied the proposal would accord with relevant national and local policy and consider the scheme would positively enhance the locality through the use of appropriately designed and detailed modern architecture. I therefore recommend approval.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Schedule dated 27.08.2014, Certificate B dated 02.09.2014, Artist's Impression Of proposed house dated 27.08.2014, Artist's Impression Of proposed house dated 27.08.2014, Design and Access Statement dated 27.08.2014, Location Plan 20/P100A dated 02.09.2014, Site Layout 20/P101 Proposed dated 27.08.2014, Site Layout 20/P102 Existing and proposed dated 27.08.2014, Landscape Layout 20/P103 dated 27.08.2014, Proposed Floor Plans 20/P110 Ground floor dated 27.08.2014, Proposed Floor Plans 20/P111 First floor dated 27.08.2014, Proposed Floor Plans 20/P112 Basement dated 27.08.2014, 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 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.
- 3 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-E, of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of safeguarding the openness of the Green Belt and rural visual amenity.
- 4 The existing dwelling shall be demolished within one month of the first occupation of the new dwelling hereby permitted, if not demolished previously, and all arisings therefrom shall be removed from the site.

Reason: To prevent the erection of an additional dwelling in an area where it would not normally be permitted.
- 5 No development shall take place until details of the roof/wall junctions have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 6 The dwelling hereby approved shall not be occupied until a foul drainage system as detailed within the submitted application form has been provided on site, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of ensuring ground water is not contaminated within a Water Gathering Area.

Informatives:

- 1 Foul drainage should be connected to the main sewer. Where this is not possible and it is proposed to discharge treated effluent to ground or to a surface watercourse the applicant may require an Environmental Permit from the Environment Agency. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.
- 2 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.
- 3 Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. SUDS seek to mimic natural drainage systems and retain water on or near to the site, when rain falls, in contrast to traditional drainage approaches, which tend to pipe water off site as quickly as possible. SUDS therefore offer significant advantages over conventional piped drainage systems and will be applicable to most sites.
- 4 The applicant is advised that during demolition and construction phase, the hours of working (including deliveries) should be restricted to Monday to Friday 07.30 hours – 18.30 hours. On Saturday 08.00 hours – 13.00 hours with no work on Sundays or Public or Bank Holidays.

- 5 The applicant is advised that the disposal of waste by incineration could give rise to justified complaints by neighbours under Environmental Health Legislation and is contrary to Waste Management Legislation.

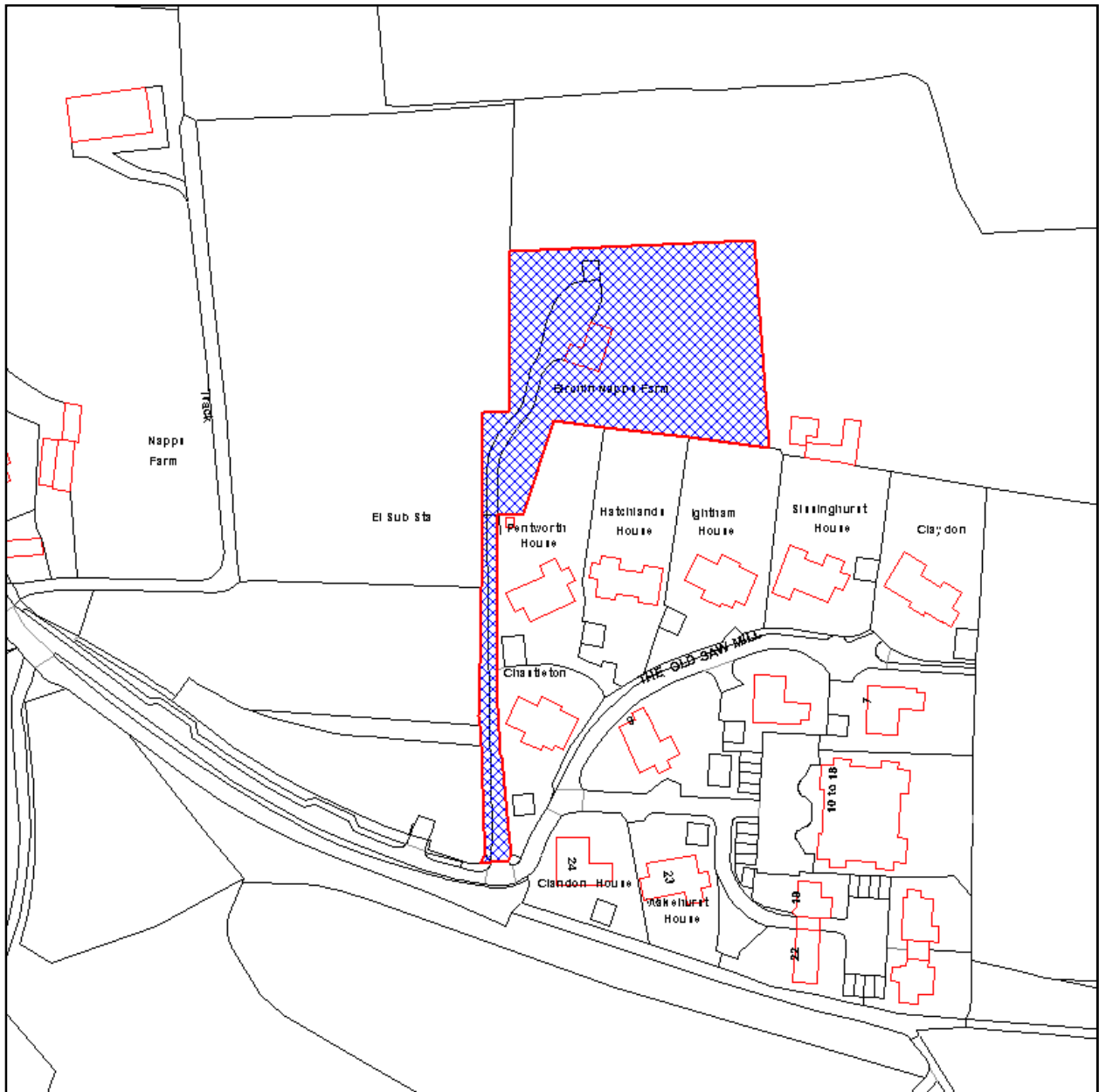
Contact: Lucy Harvey

TM/14/02941/FL

Birchin Napps Farm Long Mill Lane Platt Sevenoaks Kent TN15 8QG

Demolition of existing dwelling and garage and construction of a replacement two storey dwelling with basement and a new detached double garage

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