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**TONBRIDGE & MALLING**  
**BOROUGH COUNCIL**

**EXECUTIVE SERVICES**

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**Chief Executive**

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

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

31 December 2013

To: MEMBERS OF THE AREA 3 PLANNING COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 9th January, 2014 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

**A G E N D A**

**PART 1 - PUBLIC**

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

5 - 8

To confirm as a correct record the Minutes of the meeting of the Area 3 Planning Committee held on Thursday 21 November 2013

**Decisions to be taken by the Committee**

4. Development Control 9 - 12  
Introduction and Glossary
5. TM/13/03356/AT - Holtwood Farm Shop, 365 London Road, 13 - 20  
Aylesford
6. TM/13/03354/FL - Land adjacent to 84 Collingwood Road, 21 - 30  
Aylesford
7. TM/12/03326/FL - Blacklands, Mill Street, East Malling 31 - 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 A K Sullivan (Chairman)  
Cllr R W Dalton (Vice-Chairman)

Cllr J Atkins  
Cllr Balcombe  
Cllr Mrs J M Bellamy  
Cllr T Bishop  
Cllr Mrs B A Brown  
Cllr D A S Davis  
Cllr Mrs C M Gale  
Cllr P J Homewood  
Cllr D Keeley

Cllr S M King  
Cllr Miss A Moloney  
Cllr Mrs A S Oakley  
Cllr M Parry-Waller  
Cllr Mrs E A Simpson  
Cllr D W Smith  
Cllr R Taylor  
Cllr Mrs Woodger

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 3 PLANNING COMMITTEE

Thursday, 21st November, 2013

**Present:** Cllr A K Sullivan (Chairman), Cllr R W Dalton (Vice-Chairman), Cllr J Atkins, Cllr J A L Balcombe, Cllr Mrs J M Bellamy, Cllr T Bishop, Cllr D A S Davis, Cllr S M King, Cllr Miss A Moloney, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr Mrs E A Simpson, Cllr D W Smith and Cllr R Taylor.

Councillors N Heslop and Mrs Murray were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs B Brown, Mrs Gale, Homewood, Keeley and Mrs Woodger.

### PART 1 - PUBLIC

**AP3  
13/045**      **DECLARATIONS OF INTEREST**

Councillor King declared an Other Significant Interest in application TM/13/02733/RM in that he lived in a property adjoining the development. He withdrew from the meeting during consideration of this item.

**AP3  
13/046**      **MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 10 October 2013 be approved as a correct record and signed by the Chairman.

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

**AP3  
13/047**      **DEVELOPMENT CONTROL**

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

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

under the relevant planning application shown below.

**AP3  
13/048 (A) TM/12/01762/FL AND (B) TM/12/01763/LB - AYLESFORD  
BUSINESS CENTRE, 17 HIGH STREET, AYLESFORD**

(A) Conversion of property to 8 self-contained residential units, together with removal of rear additions of roof enclosure to enclosed loading area, additional floor added to rear building and internal and external alterations.

(B) Listed Building Application: Removal of add-ons at rear of listed building, removal of roof enclosure to enclosed loading area, conversion of existing to residential, additional floor added to rear building as part of re-modelling at Aylesford Business Centre, 17 High Street, Aylesford.

**RESOLVED:** That

(1) Application TM/12/01762/FL be

APPROVED in accordance with the details set out in the report of the Director of Planning, Housing and Environmental Health subject to the addition of condition

8. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity and to ensure compliance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

(2) Application TM/12/01763/LB be

APPROVED in accordance with the details set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr M Bowden, Mrs N Bowden, Mr A Reid, Mr N Egan (on behalf of Mr D Barber), Mr G Sharpe and Mr N Bestwick - members of the public; and Mr B Geddes - Agent]

**AP3  
13/049 TM/13/02131/FL - LAND OPPOSITE 197 COMMON ROAD,  
CHATHAM**

Excavation of trenches and creation of bunds on field boundaries (retrospective) at Land opposite 197 Common Road, Chatham.

**RESOLVED:** That the application be

APPROVED subject to the following condition

1. Within one month of the date of this permission a detailed scheme for the re-engineering and landscaping of the bunds and trenches shall be submitted to the Local Planning Authority for approval. The submitted details shall indicate a form that will be structurally stable and suitable for seeding with grass, the type of grassland seed mix to be used, appropriate topsoil type, and shall also provide details of a timetable for the implementation of the works, including subsequent seeding with grass. The re-engineering works and seeding shall be implemented in accordance with the approved scheme and timetable.

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.

[Speaker: Mr P Taylor - local resident]

**AP3  
13/050**

**TM/13/02733/RM - FORMER HOLBOROUGH QUARRY AND  
ADJOINING LAND PARCEL, HOLBOROUGH ROAD, SNODLAND**

Details of Reserved Matters being: access, appearance, landscaping, layout and scale for phase 5 comprising of 95 homes submitted pursuant to outline application TM/01/02746/OAEA (formation of new development platforms and residential development; provision of reserve primary school site, highway, pedestrian and cycle access, open space and landscaping) at Former Holborough Quarry and Adjoining Land Parcel, Holborough Road, Snodland.

**RESOLVED:** That the application be

APPROVED in accordance with the submitted details, conditions and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health subject to the amendment of the 'plans list' to read:

'Approve Reserved Matters in accordance with the following submitted details: Drawing 00635C\_P05\_MO\_01 REV 02 dated 04.11.2013, Schedule 00635C\_P05\_MP\_02 REV 02 dated 11.11.2013, Drawing 00635C\_P05\_MP\_03 REV 02 dated 11.11.2013, Drawing 00635C\_P05\_MP\_04 REV 02 dated 11.11.2013, Drawing 00635C\_P05\_MP\_05 REV 03 dated 13.11.2013, Drawing 00635C\_P05\_MP\_06 REV 02 dated 11.11.2013, Schedule 00635C\_P05\_MP\_07 REV 02 dated 11.11.2013, Sections 00635B\_S\_SHT1 REV01 dated 11.11.2013, Sections 00635B\_S\_SHT01 REV01 dated 11.11.2013, Landscape Layout 1266/025 REV F dated 11.11.2013, Elevations 00635C\_BKA\_E\_SHT REV 01 dated 04.11.2013, Elevations 00635\_BKA\_E\_SHT2 REV 01 dated 04.11.2013, Plan 00635\_BKA\_P\_SHT1 REV 01 dated 04.11.2013, Plan 00635\_BKA\_P\_SHT2 REV 01 dated 04.11.2013, Plan 00635\_BKA\_P\_SHT3 REV 01 dated 04.11.2013, Proposed Plans and Elevations 00635C\_HT BOSTON REV 02 dated 04.11.2013, Proposed Plans and Elevations 00635C\_HT FOG REV 02 dated

04.11.2013, Proposed Plans and Elevations 00635C\_H REV 02 dated 04.11.2013, Proposed Plans and Elevations 00635C\_HT J dated 04.11.2013, Proposed Plans and Elevations 00635C\_HT LINCOLN REV 01 dated 04.11.2013, Proposed Plans and Elevations 00635C\_HT TOWER HOUSE REV 01 dated 04.11.2013, Proposed Plans and Elevations 00635C\_HT VERMONT REV 01 dated 04.11.2013, Proposed Plans and Elevations 00635C\_HT WATERBURY REV 01 dated 04.11.2013, Proposed Plans and Elevations 00635C\_HT WOODFIELD REV 01 dated 04.11.2013, Letter dated 04.11.2013, Letter dated 05.11.2013, Letter dated 11.11.2013, Letter dated 13.11.2013, Letter dated 09.09.2013, Letter fee received dated 12.09.2013, Letter dated 23.09.2013, Design and Access Statement dated 09.09.2013.'

[Speaker: Mr P Hickmott - local resident; and Mr A Davies, Berkeley Group - Applicant]

**AP3  
13/051**

**TM/13/02299/FL - LAVENDER ROAD, EAST MALLING**

Demolition of existing garages at Lavender Road and the erection of a new building comprising 4 no.1 bed flats with associated landscaping, gardens and car parking at Lavender Road, East Malling.

**RESOLVED:** That the application be

APPROVED in accordance with the submitted details, conditions and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr R Barry and Mr M Avery (on behalf of Mr K Spooner) - local residents]

**MATTERS FOR CONSIDERATION IN PRIVATE**

**AP3  
13/052**

**EXCLUSION OF PRESS AND PUBLIC**

No matters were considered in private.

The meeting ended at 2133 hours



## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

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

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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#### GLOSSARY of Abbreviations and Application types

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

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

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

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

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



TM/60/10301/OLD grant with conditions 8 August 1960

Alterations and additions to shop and store

TM/60/10677/OLD grant with conditions 24 March 1960

Alterations and continuation of use as retail sale and storage.

TM/69/10916/OLD grant with conditions 19 March 1969

Erection of a canopy

TM/75/10447/FUL grant with conditions 3 December 1975

Improvement of both access to A20, provision of better car parking facilities and the levelling and tidying of the whole of the site.

TM/79/10606/FUL grant with conditions 30 October 1979

Temporary siting of caravan.

TM/84/10082/FUL Refuse 27 July 1984

Single storey extension to farm shop, to form butcher's shop, cold store and preparation area and carry out alterations to existing front elevation.

TM/85/11304/FUL Grant 8 July 1985

Retrospective application to erect boundary fence.

TM/86/11397/FUL Refuse 13 October 1986

Single storey extension to form storage area.

TM/91/10218/FUL grant with conditions 9 July 1991

Demolition of existing separate buildings and replacement with one new building of same total area and new external works.

## 5. Consultees:

5.1 KCC Highways: Raise no objection.

5.2 Aylesford PC: The size of these signs is unsightly and out of keeping. We have no objection to the original Holtwood Farm Shop sign. Other signs should be of similar proportions.

5.3 Private Reps: 18/OX/6R/0S

- Growth of the shop has led to a proliferation of advertising signs which do not have planning consent which culminates with the intrusive huge turkey at Christmas time.
- Signs are too big, too intrusive and completely out of keeping with the area. The signs are monstrous and haphazardly erected. A visual intrusion.
- General noise of traffic leaving the site on the dangerous brow of a hill across a stream of traffic accelerating away from the Hall Road Crossroads.
- Signs are distracting to drivers.
- Why have the signs been erected without consultation? Why have neighbours never been consulted?
- The Application does not cover all the signs – Slimming World and the large turkey.
- Previous vegetation has been cut down which previously provided an excellent barrier between houses in The Bounds and the London Road. The Applicant should be made to plant a semi-mature plant barrier.
- The importance of generating more business is understood but the signs will have an impact on my personal view and any potential buyers that may be interested should I ever decide to sell my home. The site causes a general reduction in house price.
- Noise pollution from the shop's intruder alarm. The shop is looking more and more of an eyesore. Boxes and rubbish are thrown on the roof.
- Other ongoing issues at the site that need to be addressed by the Council.
- The shell fish stall smells dreadful.

## 6. Determining Issues:

6.1 Applications for Advertisement Consent are determined with regard to the impact of advertisement signs on amenity and highway safety. As Section 6.4.27 of the MDEDPD states;

*“The Council aims to ensure that outdoor advertisements and signs do not harm the quality of the building and natural environment, both in terms of amenity and*

*public safety...“In all areas, the Council will require the number and size of signs to be limited to a reasonable level and will ensure that the overall scale, design, colour, materials and, where relevant, the method and level of illumination are appropriate to the surroundings and are not detrimental to highway safety.”*

- 6.2 Similar guidance is offered in the National Planning Policy Guidance 2012. As paragraph 67 states;

*“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”*

- 6.3 In addition, consideration must also be given to Policy CP24 of the TMBCS. This policy seeks to ensure that all development is well designed and respects the site and its surroundings. This aim is echoed in paragraph 58 of the National Planning Policy Framework 2012 which seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive.
- 6.4 The applicant states that the signage is necessary to maintain trade and that the Farm Shop, in the current economic climate, is struggling to maintain its existence. He adds that the display of signs also helps to support local sign manufacturing businesses and that signage has been in place for 22 years.
- 6.5 The applicant’s letter also makes reference to the fish stall. The siting of a fish stall at the premises is the subject of an ongoing planning enforcement investigation and a planning application has been received although it is currently invalid. A number of objectors have also made reference to the fish stall. Councillors will be aware however that the fish stall does not form any part of this application.
- 6.6 The signs are large – two being 5m x 1.5m and one being 3m x 1.5m. The need to advertise the nature of the business is understood. However the size of the signs is excessive and above that which is needed to draw attention to the premises. This is exacerbated by the number of signs. The size and quantity of signs results in a large part of the building being obscured. This harms the quality of the building and the general amenity of the wider area.
- 6.7 The impact of the signs is further exacerbated by their design. Although the signs use similar colours (red/pink) they display a variety of illustrations/pictures as well as lettering. This adds to the visual intrusion and general clutter. This has a negative impact on the amenity of this part of London Road.



- 6.8 The Parish Council and a number of objectors have raised concerns over the size and impact of the signs. I concur that the signs have an adverse impact. However the signs must be considered only in terms of their impact on amenity and highway safety. Issues relating to property values, noise and the general upkeep of the premises are not material considerations.
- 6.9 The comments regarding an absence of consultation are also noted. However Councillors will be aware that the application is retrospective. All households abutting the site were notified by letter dated 5 November 2013.
- 6.10 The comments regarding other signs at the site are also noted, particularly the large turkey sign. I am aware that this sign is erected annually but, providing the sign is displayed for no more than 28 days, this is beyond the direct control of the Council.
- 6.11 The comments made by objectors regarding the distraction of drivers and other issues relating to the public highway are noted. The signs are clearly visible; however the building is set back from the highway with a private access roadway running parallel to London Road. The signs are not illuminated. KHS has raised no objection to the application and I therefore conclude that the signs make no unacceptable impact on the safety of the wider highway network. However the signs have an unacceptable impact on the amenity of the area and I must therefore recommend the application be refused.
- 6.12 The size and number of signs on the façade of a building in this location are not acceptable. The signs are not appropriate to the building or its surroundings. The impact of the signs is exacerbated by their design which fails to respect the site and its surroundings. The signs when considered cumulatively are poorly sited and have a negative impact on the built environment. The signs are therefore contrary to both local and national planning policy guidance.
- 6.13 The need for the applicant to advertise the products and services offered by the Farm Shop is acknowledged, particularly in the present economic climate. The Council has no wish to inhibit economic growth. However this economic need does not, in this instance, outweigh the harm caused by the signage. It may well be possible to erect suitable signs although any alternative signage would need to be substantially reduced in size.

## **7. Recommendation:**

### **7.1 Refuse Advertisement Consent** for the following reasons:

1. The signs are excessive in size and visually intrusive and thereby have a negative impact on the appearance of the host building and wider amenity of the area. The signs are therefore contrary to paragraph 67 of the National Planning Policy Framework 2012.

2. The signs create visual clutter which is detrimental to the general amenity of the area and are therefore contrary to the guidance offered in Section 6.4.27 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.
3. The signs have been poorly designed and sited and thereby fail to respect the site and its surroundings. The signs are therefore contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

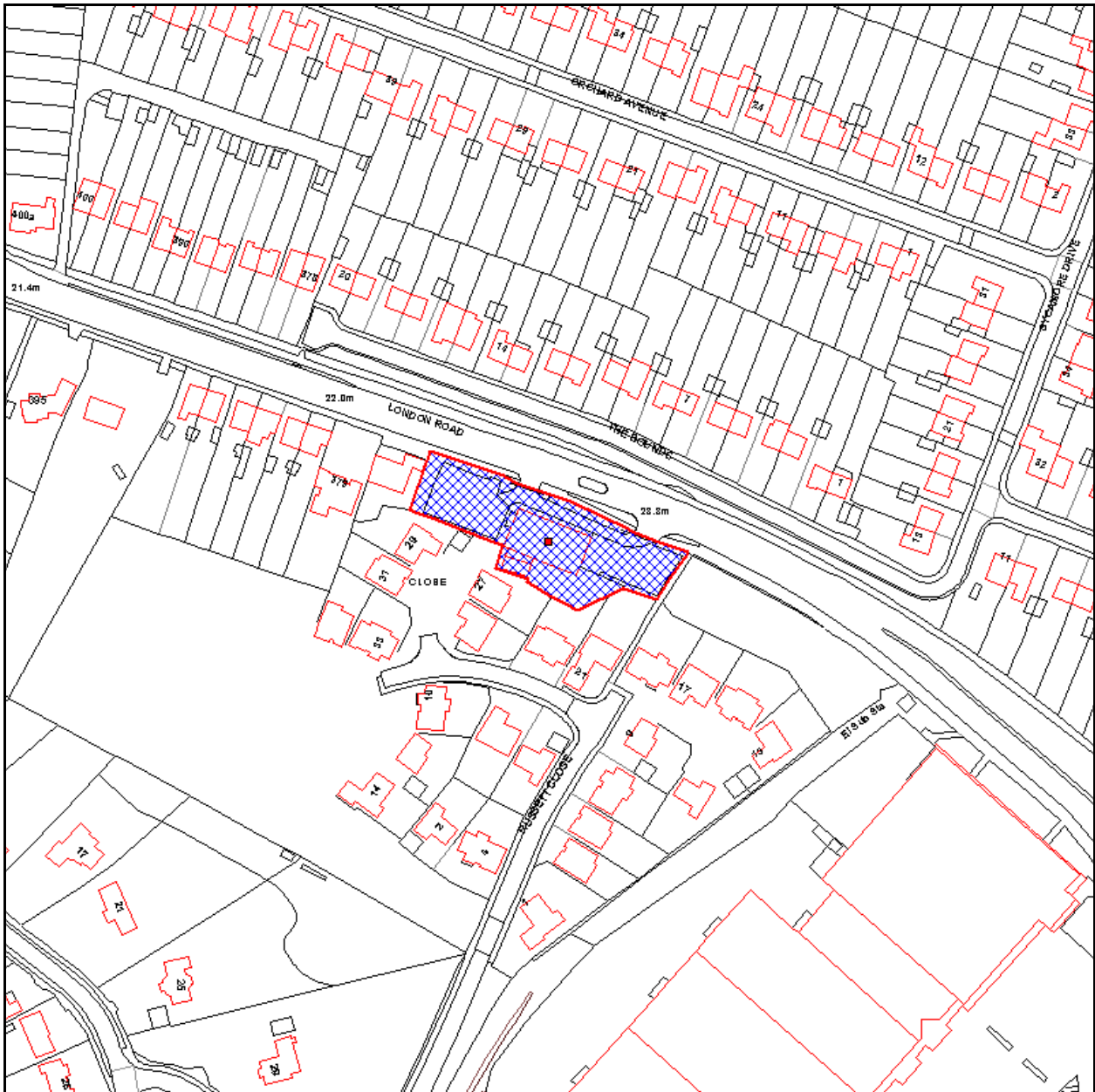
Contact: Maria Brown

**TM/13/03356/AT**

Holtwood Farm Shop 365 London Road Aylesford Kent ME20 7QA

Advertisement consent for 3 no. fascia signs

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**Aylesford**                      **574318 161309**    **5 November 2013**      **TM/13/03354/FL**  
Blue Bell Hill And  
Walderslade

Proposal:                      Change of use of land for the siting of 2 x shepherds huts and  
2 x tents and the construction of a shower block for use for  
tourist purposes  
Location:                      Land adjacent to 84 Collingwood Road Aylesford Kent ME20  
7ER  
Applicant:                      Mr Mark Culver

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## **1. Description:**

- 1.1 Full planning permission is sought for the change of use of 0.15 hectares of an existing agricultural field to allow for the siting of two shepherds huts and two tents, the construction of an amenity block measuring 5.2m x 3.7m and a car parking area. These facilities would be used for tourist purposes and would not be used as permanent residential accommodation.

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

- 2.1 The application is being reported to the Planning Committee at the request of the Ward Member, Cllr Sullivan due to the local interest expressed at the proposal.

## **3. The Site:**

- 3.1 The application site is half of an existing undeveloped agricultural field accessed from a private access road to the east. The site is bounded to the north west and south west by a dense deciduous tree line which blocks long range views from the south and west. The north eastern boundary is demarcated by 1m high post and rail fencing whereas the south eastern boundary is open to the remaining field.
- 3.2 The application site is situated within the enclave of dwellings forming the Kits Coty Estate and is located outside of the urban confines of any town or village and, therefore, in the countryside for Development Plan purposes. The application site is located within an Area of Outstanding Natural Beauty and within the Strategic Gap between the built up areas of the Medway Gap, Maidstone and the Medway Towns.

## **4. Planning History:**

TM/72/11678/OLD    grant with conditions                      13 January 1972

Extension and alterations, for Mrs. F. A. Culver.

TM/74/12012/OLD grant with conditions 12 July 1974

Erection of double garage.

TM/89/10362/FUL grant with conditions 6 June 1989

Demolition of existing garage and erection of new utility and cloaks extension with attached garages.

TM/99/01267/FL Grant With Conditions 26 August 1999

front bay extension to lounge

TM/06/03585/FL Approved 16 January 2007

Two storey side extension to provide two bed annexe

TM/07/03837/FL Approved 6 December 2007

Conservatory extension to rear of approved annexe

## 5. Consultees:

5.1 Aylesford PC: Raise no objections subject to a condition removing permitted development rights for the site allowing for its expansion.

5.2 KCC Highways: Raise no objections as the roads within Kits Coty are in a private ownership and are not under the jurisdiction of the Highways Authority.

Private Reps: 1/1X/7R/ 1S+ site notice and press notice. The issues raised are:

- Loss of privacy and overlooking.
- Noise nuisance from the use of the amenities and vehicle movements.
- Security implications.
- Overdevelopment of the site.
- Increased traffic flow and the impact upon the repair and maintenance of the unadopted roads which is funded by local residents.

## 6. Determining Issues:

6.1 The National Planning Policy Framework (NPPF) along with policy CP1 of the Local Development Framework Core Strategy (2007) and policy CC1 of the Managing Development and the Environment DPD (2010) place sustainability at the heart of decision making, ensuring that new development does not cause

irrevocable harm to the environment and balancing this against the need to support a strong, competitive rural economy and protect the social welfare of existing and future residents.

- 6.2 The application site is located outside the built confines of any urban area or rural settlement and, therefore, in the countryside for Development Plan purposes. Policy CP14 of the Tonbridge and Malling Borough Core Strategy seeks to restrict the incursion of new development within such areas in order to protect the character and appearance of the countryside for its own sake. This policy identifies several exceptions to the general presumption against new development including development for which a rural location is essential. The site is also located within the Strategic Gap between the built up areas of the Medway Gap, Maidstone and the Medway Towns. The purpose of the strategic gap is to provide a physical break and maintain the separate identities of the major urban areas and surrounding rural villages. Policy CP5 of the LDF requires that new development in such an area would not harm the function of the Strategic Gap.
- 6.3 Specifically relating to tourism uses, paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to new development. This includes supporting rural tourism that benefits local businesses in rural areas, communities and visitors, and which respects the character of the countryside. Following on from this policy DC5 of the Managing Development and the Environment DPD (MDEDPD) states that within rural areas proposals for new tourism facilities will be permitted subject to certain criteria being met which includes the following:
- It will support the local economy.
  - The development either individually or cumulatively would not detract from the character of the area.
  - The amount of new built development is directly related to the proposed use and is the minimum required to serve the use.
  - The development would not result in the loss of the best agricultural land or the fragmentation of an agricultural land holding into a non viable agricultural unit.
  - The development would be adequately served by the highway network and no hazard would be caused to highway safety.
  - No adverse impact being caused to the residential amenity of the locality.
- 6.4 The site is located in an area where permanent residential development would not be acceptable not only because of the countryside location, but also from a general sustainability perspective due to the continuing reliance upon the private

car and their inaccessibility to local services such as healthcare, schools and employment which are not necessary for a tourism use.

- 6.5 The development would provide an opportunity for rural tourism in an area which is not significantly remote from local services which can be found in the villages of Aylesford and Burham. The site is relatively easily accessible by public transport with bus links on Bluebell Hill from Maidstone town centre and the Medway Towns. The development would allow a local resident to gain some employment close to their home and this combined with the attraction of tourists into the locality would provide the opportunity to support the local rural economy. In light of this, the development would be acceptable in principle subject to conditions limiting the occupancy and the use.
- 6.6 Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 require high quality design which reflects the local distinctiveness of the area and respects the site and its surroundings in terms of materials, siting, character and appearance.
- 6.7 The site is also situated within an Area of Outstanding Natural Beauty. Paragraph 115 of the NPPF requires that great weight is afforded to ensuring that new development would not detract from the character and appearance of this nationally designated landscape. Policy CP7 of the Tonbridge and Malling Borough Core Strategy states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of such areas except where such development is of national interest (subject to certain criteria) or the development is essential to meet local social or economic needs.
- 6.8 The development proposes the installation of four structures on the land for use as sleeping accommodation as well as the siting of a permanent shower block/ kitchen building and the construction of a car parking area large enough for four cars to park and turn. The accommodation structures are all proposed to be of a temporary nature and as such would not be permanently attached to the land by any means. The temporary nature of the structures along with the screening during the summer months would prevent the visual impact of the development within the rural landscape.
- 6.9 The proposed shower block is proposed to be situated to the north western corner utilising the dense tree screen in order to limit the visual impact. The proposed car park would be situated to the north eastern side adjacent to the access road and residential properties which are situated to the east. The area of car parking is proposed to be the minimum size in order to provide parking for one car to serve each unit and a turning area. Once again natural screening would be utilised to minimise the visual impact of the hard development in the landscape. I, therefore, consider the campsite would not detract from the character of the area, is appropriately located and provides a minimal number of buildings and facilities that



relate directly to the use. No adverse impact would therefore be caused to the visual amenity of the locality or character and appearance of the AONB as a result of the proposed works.

- 6.10 Development plan policy along with the NPPF requires that all new development does not result in harm to the residential amenities of neighbouring properties in order to allow for environmental and social sustainability. Concern has been raised by neighbouring occupiers with regard to the potential noise disturbance caused by the development. The closest neighbour, number 84, is in the same ownership as the application site and, therefore, there would be a degree of control and interrelationship between the two sites. Notwithstanding this, the development proposes the use of the site for a total of four tourist units. This would limit the number of people present at the site and the number of vehicular movements associated with it. The use would be small scale and low key and there is no external lighting proposed which would cause intrusion to the neighbouring dwelling if the ownership were severed. As such, no adverse impact would be caused to the residential amenity of the occupants of the closest neighbouring dwelling to the site.
- 6.11 Objection has been raised by owners of “The Orchards” with regard to potential noise and disturbance. This site is a parcel of land to the west of number 84 which does not have a lawful residential use. As such, limited weight can be afforded to the residential amenity of occupants of this site.
- 6.12 Policy SQ8 of the Managing Development and the Environment DPD states that development will only be permitted where it would not significantly harm highway safety and where traffic generated by the development can be adequately served by the highway network. The development proposes off road car parking for four cars with a turning area, this would provide sufficient provision to serve four small units of a double or triple occupancy. In addition, as the overall level of accommodation would be limited, the number of vehicular movements it would generate, would not cause significant noise and disturbance to the neighbours or have highway safety implications at the junction with Chatham Road where the private roads join the public highway.
- 6.13 Full details of the proposed tents and shepherds huts have not been provided with the application. It is necessary to require the details by condition in order to ensure the level of accommodation (i.e. the size of the tents and shepherds huts) to be provided would not result in the need for a larger amount of car parking provision or significant vehicular movements to and from the site.
- 6.14 Local residents have raised concern that traffic movements to and from the site would cause them repair and maintenance issues on the unadopted roads. Maintenance of private roads is not a material planning consideration but is rather an issue for the local residents to agree with the applicants.

6.15 The site is currently an undeveloped area of grassland which forms part of an agricultural field. Natural England Standing Advice indicates that there may be a need for protected species surveys in order to assess the biodiversity implications of any new development. The proposal seeks to carry out minimal built development on the land which would not impact upon any of the existing tree lines. The tents and shepherds huts would be placed on the land rather than disturbing the ground and the erection of the amenity block and car parking area would be small scale. This would prevent harm being caused to any protected species on the site. The installation of landscaping along the south eastern and north eastern boundaries would allow for enhancement of the natural habitat for protected species, providing a potential for additional commuter routes. This provision could be secured by way of condition.

**7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Existing Site Layout 1617.E.01 dated 29.10.2013, Email dated 05.11.2013, Photograph DETAILS OF TEEPEE dated 05.11.2013, Dimensions BELL TENT dated 05.11.2013, Site Plan 1617.C0.01 (B) proposed dated 05.11.2013, Site Plan 1617.C0.02 proposed dated 05.11.2013, subject to:

**Conditions / Reasons**

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

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

2. The materials to be used externally in the construction of the shower block 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, in accordance with Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 and Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

3. 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: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking, in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

4. No more than 4 units of tourist accommodation shall be provided on the site at any one time whether or not permitted by Schedule 2, Part 5, Classes A or B of the General Permitted Development Order 1995 (as amended), details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their installation on site. The details shall include external dimensions and materials.

Reason: In the interests of visual amenity and to ensure there is sufficient parking provision on the site

5. (i) the units of tourist accommodation shall not be occupied as a person's sole, or main place of residence;  
(ii) An up to date register shall be kept, in legible English, of the main or home address of each of the occupants of the portable buildings as shown on the approved block plan and shall make the register available for inspection by the Local Planning Authority at an address notified in writing to the Local Planning Authority at 48 hours notice.

Reason: To ensure that the log cabin (caravans) hereby approved are not used for permanent residential occupation which would constitute an inappropriate land use within the countryside and be contrary to Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007, Policy DC5 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010, paragraph 55 of the National Planning Policy Framework 2012

6. The shower block as shown on drawing numbers 1617.CO.02 and 1617.CO.01 Rev B shall only be used as ancillary facilities to serve the four units of tourist accommodation and for no other purpose.

Reason: In order to ensure there is adequate off road car parking provision to serve the use.

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

Reason: 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).

8. Prior to the commencement of development a campsite management plan including details of where the accommodation would be positioned on the site, method for the disposal of waste and security measures for occupants shall be submitted to and approved in writing by the Local Planning Authority. The campsite shall be operated in accordance with the approved management plan, unless agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

9. No external lighting shall be installed on the hereby approved extension without the prior written approval of the Local Planning Authority. If any external lighting is proposed then details must include a layout plan with beam orientation and a schedule of equipment including luminaire type, mounting height, aiming angles and luminaire profiles.

Reason: In the interests of the visual amenity of the rural landscape and the residential amenity of nearby dwellings in accordance with Policy CP24 of the Tonbridge and Malling Core Strategy 2007.

10. Should the shower block as shown on drawing number 1617.CO.02 not be used in association with the approved tourist use during 2 consecutive calendar years, or if at any time it is no longer required for a use ancillary to the tourism use, the shower block building shall be removed from the site and the land upon which it was sited restored within 3 months to its previous condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the character and appearance of the countryside designated as an AONB by preventing the proliferation of unnecessary buildings in the countryside

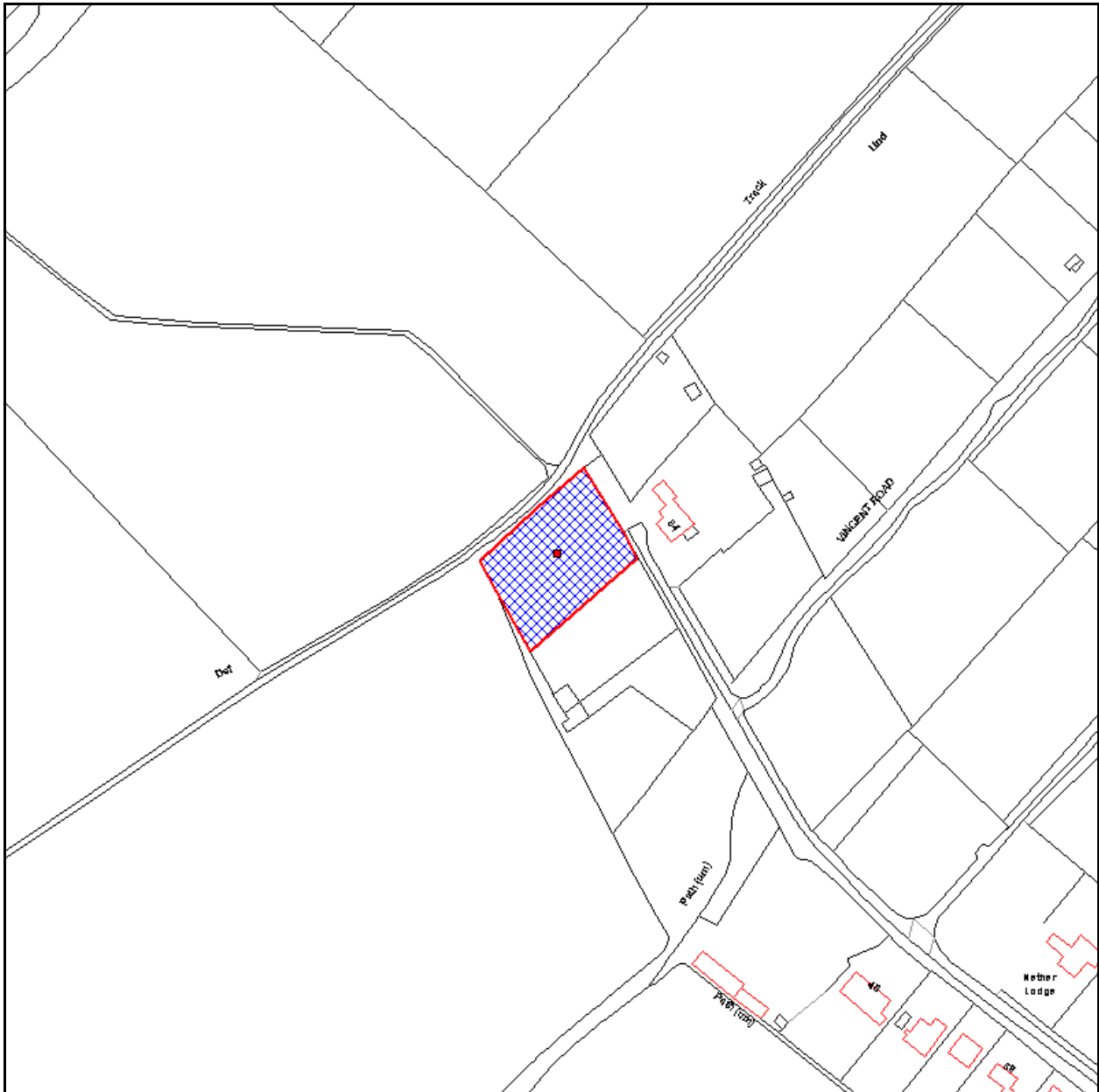
Contact: Kathryn Holland

**TM/13/03354/FL**

84 Collingwood Road Aylesford Kent ME20 7ER

Change of use of land for the siting of 2 x shepherds huts and 2 x tents and the construction of a shower block for use for tourist purposes

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- 3.3 The site rises up slightly from north to south and incorporates a number of mature sycamore, ash and cypress trees. Part of the site falls within a Flood Risk Area associated with a stream flowing close to the junction of Blacklands with Clare Lane.
- 3.4 The uses currently permitted at the site include light industry, steel fabrication and transport depot within classes B1, B2 and B8. These uses have operated in an unrestricted way over many years.
- 3.5 The current buildings on the site have been developed on an ad hoc basis and have a floor area of approximately 938 square metres. The overall site area is 0.43 hectares.

**4. Planning History:**

TM/59/10626/OLD grant with conditions 30 October 1959

Change of use and new building.

TM/60/10348/OLD grant with conditions 2 November 1960

A timber store and concrete moulding shed.

TM/65/10409/OLD grant with conditions 13 May 1965

A timber workshop.

TM/69/10374/OLD grant with conditions 23 October 1969

Change of use from light industry to storage depot for heating plumbing and ventilating engineers.

TM/72/11530/OLD grant with conditions 25 January 1972

Removal of existing building and replacement with steel framed building.

TM/73/10652/OLD grant with conditions 25 June 1973

Vehicle repair workshop as amended by letter received on the 25th May 1973.

TM/73/11000/OLD grant with conditions 29 November 1973

Extension (as amended by the plan received 25th October) - D. V. Godden Engineering



TM/75/11322/OLD	Refuse	25 March 1975
Erection of single storey office.		
TM/76/10809/FUL	grant with conditions	1 April 1976
Extension to existing vehicle repair shop. Light Industrial Site		
TM/77/10446/FUL	grant with conditions	14 October 1977
Erection of office/canteen/first aid room.		
TM/77/10570/FUL	grant with conditions	11 May 1977
Erection of workshop and store.		
TM/80/11146/FUL	grant with conditions	31 March 1980
Extension to engineering workshop.		
TM/84/11009/FUL	grant with conditions	24 February 1984
Retention of portakabin for use as offices for a period of 7 years - D.V. Godden Engineering Limited		
TM/86/10683/FUL	grant with conditions	12 November 1986
Use of land as skip hire depot.		
TM/88/11541/FUL	grant with conditions	30 December 1988
Continued use of yard as a skip hire depot.		
TM/90/11254/FUL	grant with conditions	12 February 1990
Continuation of use of site as a skip hire depot.		
TM/95/00144/LDCE	lawful development certifies	21 July 1995
Lawful Development Certificate For Existing: Use of land as a haulage yard		

**5. Consultees:**

- 5.1 PC: Comments made that the density of development is too high, there may be conflict between parking and access to Blacklands Barn, two non-listed buildings should be retained and the need for a watching brief in case protected species are found at the site. Reference has been made to the need to keep the public footpath free of obstruction, land ownership and contamination issues, tree protection and removal and lighting within the site. The Parish Council considers that the name "Godden" should be included in the name of the development
- 5.2 EMCG: Consider the scheme represents overdevelopment and notes the application includes land not under the applicants ownership. They would like the Old Dairy building incorporated into the scheme rather than it being demolished. The absence of garages for some plots could lead to some front gardens being converted to parking places and ragstone walls should be incorporated into the scheme and the trees should be retained. Consideration should be given to low level street lighting and the developer should contribute to some minor works at the junction of Clare Lane/Mill Street to improve sight lines.
- 5.3 Southern Water: Note that no development or tree planting should take place within 3m of the centre line of the public sewer and all existing infrastructure should be protected during the construction works. No new soakaways should be located within 5m of a public sewer. Any sewer found during construction works will need to be investigated. It is recommended that an informative is added to cover these matters.
- 5.4 EA: No objections subject to conditions covering contamination, infiltration of surface water drainage and flood proofing measures.
- 5.5 Natural England: Notes the proposal does not appear to affect any statutory protected species or landscape. Bats, reptiles and great crested newts might be present and appropriate mitigation measures should be taken where necessary. This matter could be covered by an informative.
- 5.6 KCC Public Rights of Way: A byway runs inside the northern boundary of the site and a footpath runs along the western boundary. The PROW should not be obstructed or diverted or the surface disturbed and there should be no encroachment on the current width. This can be covered by an informative.
- 5.7 KCC (Highways): Notes the proposal is likely to generate 54 two way vehicle trips per day with 6 two way trips in each of the peak hours. This would not lead to any increase in vehicle movements over and above that generated by the previous industrial use. Tracking diagrams have been provided which indicate that the refuse vehicle is able to turn within the site and leave in a forward gear. Confirmation has been received that the new road will not be adopted. Parking within the site is considered to be acceptable. The use of loose gravel would not

be suitable and tarmacadam or block paving would be required. The existing access off Blacklands would need to be adopted and would require reconstruction of the road and possible culvert works.

5.8 KCC Archaeology: No comments.

5.9 Mouchel (on behalf of KCC): Consider the proposal will have an additional impact on the delivery of KCC services and has requested a total contribution of approximately £23,000 towards the expansion of the primary school, libraries and community learning.

5.10 Private Reps: 55/OX/18R/0S. The following issues are raised:

- Scheme represents overdevelopment.
- Conflict between vehicles using narrow access road, pedestrians and associated highway problems.
- Three storey houses will be out of keeping, intrusive and result in overlooking and loss of privacy.
- Loss of trees and effect on wildlife.
- Loss of business units and rented garages.
- Management of drainage and sewage.
- Water pressure.
- Overshadowing and loss of light.
- Access via a narrow road.
- Loss of some buildings of local heritage interest.
- Loss of a peaceful area.
- Street lighting needs to be addressed.
- Reference has been made to Human Rights Act and that a person has a right to the peaceful enjoyment of their home and respect for private and family life.
- Increased traffic construction.

## **6. Determining Issues:**

6.1 A number of Local Development Framework policies are relevant to this application. These include Core Strategy policies CP1 (Sustainable Development), CP10 (Flood Protection), CP13 (development within the settlement confines),

CP17 (Affordable Housing) and CP24 (Achieving a High Quality Environment). MDE DPD policy H4h identifies the site as being potentially suitable for housing subject to meeting certain criteria. These include the provision of Affordable Housing, remediation of contamination, respecting the character of the adjacent Conservation Area, mitigation of any local flooding and archaeological issues. Reference has been made to the possible provision of access via Middle Mill Road and a pedestrian link to local schools. Another relevant MDE DPD policy of relevance is SQ1 which states that proposals will be required to reflect the local distinctiveness of the area, including any historical/architectural interests.

- 6.2 In addition to local policies, the application is considered in relation to the National Planning Policy Framework which in general terms is in favour of sustainable development, encouraging the effective re-use of previously developed land, delivering a choice of high quality housing whilst having regard to the historic environment and any flooding issues.
- 6.3 The main issues associated with this proposal are whether the principle of re-developing this site is acceptable having regard to visual and residential amenities, highway, flooding, contamination and affordable housing considerations. More specific requirements also need consideration such as trees and landscaping, drainage and PROW.
- 6.4 The site falls within the settlement confines of East Malling and has in policy terms been identified as potentially being suitable for residential re-development. In broad general terms the principle of the proposal is, therefore, acceptable in relation to policies CP13 and H4.
- 6.5 Within the site there are currently seven individual buildings of varying sizes, styles and materials. Some have steeply pitched roofs whilst others have lower or flat roofs. The comments about retaining the Old Dairy building have been noted. The buildings have a functional or in some cases neglected appearance and none are considered to be of such merit as to be worthy of retention or inclusion within the scheme. It is appreciated that Building G (forming the southern garden boundary wall of number 14-20 Blacklands) incorporates some ragstone. The applicants' agents have confirmed that this wall would be retained and made good, although some buttressing might be needed on the south side.
- 6.6 The proposal seeks the removal of what may be viewed as non-conforming historical uses in an area that is now predominantly residential with a school and open space nearby. The proposed housing layout has been designed to fit the linear shape of the site. The houses would be constructed in a mix of brick, weatherboarding and tile hanging in traditional form.
- 6.7 The development has been amended over the course of the application in an attempt to overcome concerns regarding the new houses overlooking the existing dwellings adjacent and to enhance the setting of the Conservation Area. Rear dormer windows have been deleted where necessary to prevent overlooking and

conditions can be attached to prevent new windows/roof openings being introduced in the future. The proposed development is acceptable in layout and design, subject to the use of appropriate materials and should not have a harmful effect on the visual amenities of the adjoining Conservation Area.

- 6.8 Several residents have raised concerns about overlooking and loss of outlook from the rear of properties in Middle Mill Road. It is recognised that with the removal of trees and introduction of two and a half storey buildings on the site there will clearly be a change in outlook. Rear dormers have been deleted from units 5 and 6 to avoid direct overlooking. The distance between the proposed dwellings and those in Middle Mill Road would be around 17-22m, which would retain an adequate degree of separation and avoid direct overlooking and loss of privacy. As a result the proposal should not have an unduly harmful effect on the residential amenities of the neighbours to the west and is considered acceptable in terms of policy CP24.
- 6.9 There are numerous individual and groups of trees both within and adjacent to the site. The submitted tree report states that the trees within the site have been surveyed and the layout of the proposal balanced against the competing needs of the trees. It was concluded that there are a total of 36 trees that will need to be removed as they are either in direct conflict with the proposed development or are of poor quality. Protection measures during demolition and construction works would be implemented in relation to trees remaining at the site.
- 6.10 The tree report is considered to be appropriate and the tree loss, whilst regrettable, is acceptable. The orientation of the access road close to the better trees on the eastern boundary is preferable as it reduces the pressure for future removal from having large trees in private gardens. Given the number of trees around the edge of the development the construction should be carried out with arboricultural supervision to ensure no damage to the trees or their roots. With regard to landscaping and boundary treatment new planting is welcomed but this should not encroach or overshadow the existing footpath. Full details of the landscaping works can be sought by condition.
- 6.11 The site is within a rural settlement and under policy CP17 there is a presumption that on sites of over 0.16 Ha or when a development is for five or more dwellings that 40% of the units should be affordable housing. This development though does not propose any affordable housing due to the specific nature of the site and the land contamination from the historic uses which will require remediation, the cost of which affects the viability of the development.
- 6.12 The viability of the development has been assessed and it is considered that the proposed scheme is not capable of meeting the policy requirement for affordable housing units if it is to remain economically viable. It is also stated that a reduced level of affordable housing would not be feasible due to the likely extent of remediation costs which would reduce the extent of development surplus.

- 6.13 Whilst it is unfortunate the development cannot provide affordable housing, this lack of provision has to be balanced against the fact that the site is at present in industrial use that is unrestricted in its operations. It is also currently not being operated at full capacity. The area surrounding the site is predominantly residential and the development provides an opportunity to remove the non-conforming use in the centre of the village and also the problems associated with its use at anti-social hours. Given the environmental benefits to be gained from the redevelopment of the site it is considered, in this instance, appropriate not to seek affordable housing provision on site or a contribution towards alternative off-site provision.
- 6.14 The site is, as previously stated, presently in industrial use. KCC Highways have no objections to the principle of the proposed development. It is considered that from a traffic generation position the residential development would have no material impact on local traffic conditions when compared to the permitted use and there will be a benefit resulting from the reduction of commercial traffic. There will be sufficient space for a refuse collection vehicle to enter, turn and leave in a forward direction. Parking will be provided through a combination of dedicated spaces and/or garages for residents and visitors. A total of 21 parking spaces and a further 8 garage spaces (total 29 spaces) would be provided. This provision is in accordance with IGN3. It is not proposed to have the road adopted.
- 6.15 The comment of the Parish Council about a number of the parking spaces being positioned outside some of the residential curtilages is noted. The spaces are considered to be close enough to the houses such that future occupiers can realistically be expected to use them. In most cases, there would be insufficient depth of space available to the front of those houses without garages in which to create new parking places. The parking and manoeuvring space within the site is considered to be adequate and acceptable in terms of KCC standards.
- 6.16 The northern part of the site lies within the Environment Agency flood zone 3 and the applicants' agent has demonstrated that the development could be made safe by raising the floor levels clear of predicted water levels. Drainage will be achieved by an appropriate SUDS system to required standards. The EA has not raised any objections but has recommended specific conditions and identified risks associated with flood risk, land contamination and surface water drainage. All necessary precautions will need to be taken to prevent discharges and spillages to the ground both during and after construction. From an Environmental Health perspective, as the risk assessment submitted with the application identifies potentially complete exposure pathways between potential contaminants, an intrusive site investigation should be undertaken to determine the extent and chemical nature of made ground. It is also recommended that an asbestos survey is considered in the existing buildings prior to demolition and that on site fuel storage tanks are removed. Further survey work would need to be the subject of safeguarding conditions.

- 6.17 KCC advisors have requested that a financial contribution be made towards the expansion of the primary school, libraries and community learning. Given the above comments on the viability of the development it is not considered appropriate to seek this contribution in this instance.
- 6.18 Some representations have been received from those businesses currently operating from the site. The applicants' agent states that none of the lessees have landlord and tenant rights to renew their leases when they expire. This would be a private matter between the parties concerned. The potential loss of premises for small businesses is regrettable but it is hoped that these could find alternative locations and continue to operate locally.
- 6.19 The comments of the neighbours have been given very careful consideration. The proposed development would have a density of 24 dwellings per hectare, which is not considered intensive in this setting. The introduction of 10 units is not considered to represent overdevelopment in this instance. The existing PROW across the northern part of the site would remain and there would be no greater conflict between pedestrians and vehicles.
- 6.20 Reference has been made to the need to avoid the introduction of street lighting within the new development. In the event that planning permission is granted, it is suggested that low level lighting only is introduced within the development, in order to avoid light pollution.
- 6.21 The issues raised by local residents also include reference to the Human Rights Act. The Human Rights which the objectors invoke are not absolute in their favour, but an element to be taken into account in planning decision-making, along with the many other material planning considerations. The statutory development control processes, in which local authorities are at one level of decision-making, have been specifically considered in the context of their compatibility with the Human Rights Act 1998 by the House of Lords in 2001 (now the Supreme Court) and held to be compatible. The nature of the various components involved in the development control process – which, taken as a whole, include notification of and considering representations about planning applications, an appeals system and possible judicial review on points of law – is key to that judgement. What this means is that, provided appropriate and proportionate weight is given to Human Rights considerations in reaching individual development control decisions, the development control process has been recognised as being capable of adequately reconciling those considerations and any competing or conflicting considerations. This Council and other local planning authorities act accordingly.
- 6.22 This application has been the subject of lengthy consideration due to the variety of constraints associated with the site. The development in the amended form is considered to be acceptable having regard to the policy context outlined above. The number and form of the residential units will have a satisfactory relationship with the adjoining residential properties and existing public rights of way in the

locality. Whilst the lack of affordable housing within the development is regrettable, it is recognised that there is a need to ensure that satisfactory remediation works against possible contamination take place and that the development would be unviable with affordable units.

6.23 In the light of the above, it is concluded that planning permission should be granted.

## **7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 09.11.2012, Validation Checklist dated 05.11.2012, Design and Access Statement dated 05.11.2012, Ecological Assessment dated 05.11.2012, Validation Checklist dated 05.11.2012, Viability Assessment dated 05.11.2012, Site Survey M840 1 dated 05.11.2012, Tree Plan dated 05.11.2012, Survey of trees dated 05.11.2012, Arboricultural Survey dated 05.11.2012, Plan M840 1 Arboricultural dated 05.11.2012, Tree Protection Plan M840 1 dated 05.11.2012, Photographs dated 05.11.2012, Transport Statement dated 05.11.2012, Environmental Assessment dated 05.11.2012, Flood Risk Assessment dated 05.11.2012, Proposed Plans and Elevations 3669-GA04B dated 11.11.2013, Letter dated 17.06.2013, Block Plan 3669-GA00 C C dated 17.06.2013, Site Layout 3669-GA01 D D dated 17.06.2013, Proposed Plans and Elevations 3669-GA02 A A dated 17.06.2013, Proposed Plans and Elevations 3669-GA03 A A dated 17.06.2013, Proposed Plans and Elevations 3669-GA04 A B dated 11.11.2013, Proposed Plans and Elevations 3669-GA05 A A dated 17.06.2013, Proposed Plans and Elevations 3669-GA06 A A dated 17.06.2013, Site Plan 3669-GA07 B B dated 17.06.2013, Site Plan 3669-GA08 B B dated 17.06.2013, Elevations 3669-GA09 A A dated 17.06.2013, Elevations 3669-GA10 dated 17.06.2013, Elevations 3669-GA11 A dated 17.06.2013, Planning Layout 3669-GA12 C C dated 17.06.2013, Block Plan 3669-BL01 dated 17.06.2013, Block Plan 3669-BL02 dated 17.06.2013, Location Plan 3669-SLP01 dated 05.11.2013, subject to:

### **Conditions / Reasons**

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

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

2. No development shall take place until details and samples of all 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 or the visual amenity of the locality and in accordance with paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

3. Prior to the development hereby approved commencing, details of the slab levels of the proposed houses shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In order to ensure a satisfactory standard of development.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any side elevation(s) of any of the buildings other than as hereby approved, without the prior written consent of the Local Planning Authority.

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

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of any of the buildings without the prior written consent of the Local Planning Authority.

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

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

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

7. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
  - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
  - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

8. No development shall be commenced until:
- (a) a site investigation has been undertaken to determine the nature and extent of any contamination, and
  - (b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

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

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

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

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

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

Reason: In the interests of amenity and public safety.

9. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

10. No infiltration of surface water drainage into the ground 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 approval details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Sevenoaks Environmental Consultancy Ltd, June 2012 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year +30% critical storm so that it will not exceed the run -off from the undeveloped site and not increase the risk of flooding off-site.
2. Finished floor levels for living and sleeping accommodation to be set at a minimum of +300 and +600mm respectively above the immediate surrounding ground levels of the properties (relative to Ordnance Datum Newlyn maODN).

Reason:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

12. 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 written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect vulnerable ground water resources and ensure compliance with the National Planning Policy Framework.

13. 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 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.

14. The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

15. No building shall be occupied until the area shown on the submitted plan as turning area 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

16. Prior to the development hereby approved commencing, details of the refurbishment and buttressing of the wall to be retained to form the southern boundary of numbers 14-20 Blacklands shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concordantly with the development.

Reason: In the interests of the residential and visual amenities of the area.

17. Prior to the development hereby approved commencing, details of the siting and type of external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with development.

Reason: In the interests of the visual and residential amenities of the area.

## **Informatives**

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
2. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH (tel 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
3. You are reminded of the need to comply with all the requirements of the letter from Southern Water dated 11.01.2013.
4. During the demolition and construction phase the hours of working (including deliveries) shall be restricted to Monday to Friday 0800 hours-1800 hours, Saturdays 0800-1300 hours with no work on Sundays or Public Holidays.
5. The use of bonfires for the disposal of waste could lead to justified complaints from local residents and would also be contrary to Waste Management Legislation. It is, therefore, recommended that bonfires are not held at the site.
6. The granting of this planning permission does not purport to give permission for the diversion of any Public Right of Way through the site. No Public Right of Way shall be impeded until such time as a relevant diversion Order has been confirmed under the appropriate legislation.
7. Your attention is drawn to the need to comply with the requirements of the letter from the Environment Agency dated 18.12.2012.
8. You are reminded of the need to comply with the requirements of the letter from the West Kent Public Rights of Way Officer dated 3.12.2012.
9. In the event that any protected species are found at the site during the course of the approved development, you are advised to contact Natural England and ensure the necessary mitigation measures are implemented.

Contact: Hilary Johnson

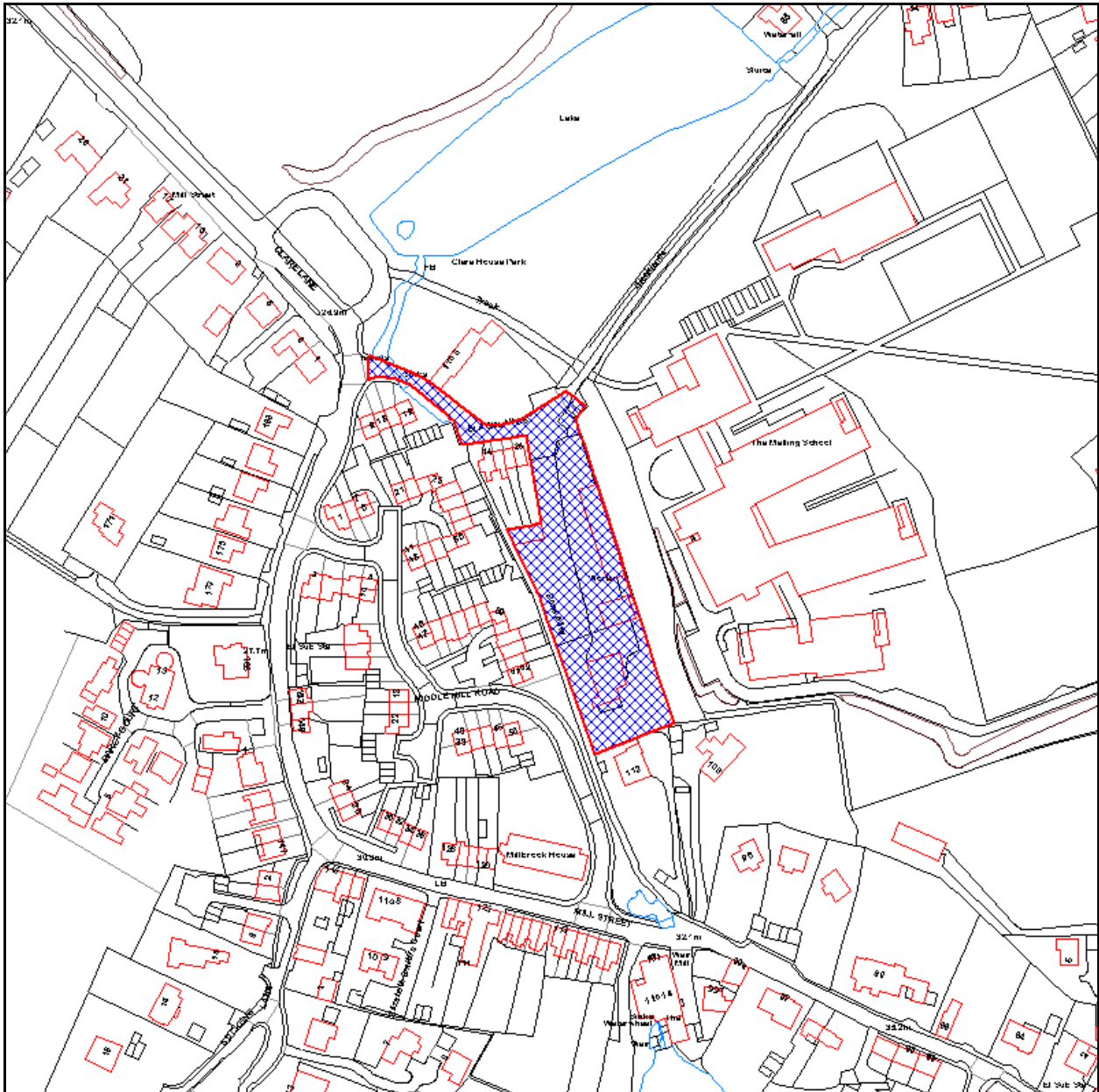
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**TM/12/03326/FL**

**Blacklands Mill Street East Malling West Malling Kent**

**Demolition of existing industrial buildings and construction of 10 houses with associated garages, parking, roadways and landscaping**

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