

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

9 August 2016

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 17th August, 2016 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

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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

13. 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 S R J Jessel (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr M A C Balfour
Cllr Mrs S M Barker
Cllr R P Betts
Cllr M A Coffin
Cllr Mrs S L Luck
Cllr B J Luker

Cllr P J Montague
Cllr L J O'Toole
Cllr S C Perry
Cllr H S Rogers
Cllr Miss J L Sergison
Cllr T B Shaw
Cllr Miss S O Shrubsole

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 6th July, 2016

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw and Cllr Miss S O Shrubsole

Councillors O C Baldock and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 16/35 DECLARATIONS OF INTEREST

Councillor Mrs Luck declared an Other Significant Interest in the item regarding the Alleged Unauthorised Development at 65 High Street, West Malling on the grounds that she was an adjoining neighbour to the site. She withdrew from the meeting during consideration of this item.

For reasons of transparency, Councillor Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council.

AP2 16/36 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 25 May 2016 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 16/37 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.

AP2 16/38 TM/16/00413/FL - LAND PARCEL 2, LILLIEBURN, LEYBOURNE

Outside Adult Gym comprising a building of a wet pore surface, surrounding low fence and installation of gym equipment at Land Parcel 2, Lillieburn, Leybourne.

RESOLVED: That Planning permission be REFUSED for the following reason:-

1. The proposal is a visually intrusive and urbanising form of development sited on a natural open space and is thus detrimental to the landscape and amenity value of a designated Amenity Green Space. It is thus contrary to paragraph 109 of the Tonbridge and Malling Borough Core Strategy 2007 and Policies OS1 and SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012.

[Speakers: Mr M Tamplin, Mrs J Tamplin and Mr M Cail – members of the public; Mr R Ulph on behalf of Leybourne Parish Council – Applicant]

AP2 16/39 TM/16/00505/FL - AREA 63, BEACON AVENUE, KINGS HILL

Erection of a residential development comprising 44 no. dwellings (Use Class C3) with associated access, parking, landscaping and infrastructure at Area 63, Beacon Avenue, Kings Hill.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health and subject to the applicant entering into a Section 106 agreement covering a contribution towards meeting healthcare needs from the development and to the amendment of Condition 9 to read:-

9. Prior to the commencement of development, constructional details of the roadways and footways and any associated external lighting shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of safety and amenity.

[Speakers: Mr A Board – Kings Hill Parish Council and Mr J Suckley – Agent]

AP2 16/40 TM/15/03865/FL - GREAT OAKS HOUSE, PUTTENDEN ROAD, SHIPBOURNE

Proposed conversion of existing stable and hay barn into dwellinghouse (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities at Great Oaks House, Puttenden Road, Shipbourne.

APPLICATION WITHDRAWN FROM THE AGENDA

AP2 16/41 TM/16/00235/FL - FAIRSEAT FARM HOUSE, VIGO ROAD, FAIRSEAT

Construction of flint stone and brick wall along north west side boundary at Fairseat Farm House, Vigo Road, Fairseat.

RESOLVED: That planning permission be REFUSED for the following reason:-

1. The proposed wall by reason of its height, siting and materials is visually harmful to the character and appearance of a Conservation Area. It is thus contrary to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 126 and 131 of the National Planning Policy Framework 2012, Policy 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 2012.

AP2 16/42 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00002/COM – 65 HIGH STREET, WEST MALLING

Alleged Unauthorised Development at 65 High Street, West Malling.

RESOLVED: That, subject to further negotiations taking place with regard to the submission of retrospective planning and listed building applications, a Listed Building Enforcement Notice be ISSUED to seek the removal of the unauthorised air conditioning unit and the new flue and air intake unit to the rear of the Grade I listed building along with a suitable scheme of restoration of the building following the removal of the equipment, the detailed wording of which to be agreed with the Director of Central Services following further liaison with relevant Officers.

AP2 16/43 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.19 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 23 September 2015

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

Wrotham

9 November 2015

TM/15/03051/FL

Wrotham, Ightham And
Stansted

Proposal: Demolition of the existing housing to be replaced with new residential flats and houses, with associated ancillary buildings, parking and amenity space: 5 apartment blocks 2-3 storeys in height consisting of 9 X 1 bed and 43 X 2 bed units; 6 X 2 bed houses and 2 X 3 bed houses with private garden amenity space

Location: St Georges Court West Street Wrotham Sevenoaks Kent TN15 7DN

Applicant: Russet Homes Limited

1. Description:

- 1.1 This application relates to the redevelopment of a recently vacant sheltered housing development of 57 units of accommodation. All of the buildings are to be demolished and replaced by 60 units of housing accommodation in the form of 5 blocks of apartments and 2 terraces of 5 houses and 3 houses.
- 1.2 The Circle Housing Russet residents in the existing complex have been rehoused into suitable alternative accommodation in the last few years. This dedicated decant process has been in accordance with the Homes & Communities Agency's (HCA) requirements and undertaken in conjunction with the Council's housing service. This process included the statutory requirement to offer a Home Loss & Disturbance Payment along with any reasonable expenses as a result of the move.
- 1.3 The 8 proposed houses are 2 storeys and will be in the NW corner of the site. The flatted blocks are sited as follows: Block 1 of 15 flats (2-3 storeys) is will be in the north central part of the site and Block 2 of 8 flats (2-3 storeys) in the NE corner. Blocks 3 of 8 flats (2-3 storeys), 4 (12 flats) and 5 (9 flats) (both 3 storeys) are all on the south site frontage with West Street.
- 1.4 The access will remain as existing, to West Street. This has a footway to the east leading towards the High Street- there is no footway on the western side of the access
- 1.5 The layout includes 74 parking spaces and 3 external and 3 internal bin stores, 2 external and 1 internal cycle stores, plus an area of external cycle stands totalling 50 communal spaces.
- 1.6 The 8 houses and 2 of the ground floor flats will have private gardens with cycle storage/sheds.

- 1.7 The application has been revised since originally submitted to respond to some of the representations made. The main changes are:
- Block 2 near to Courtyard Gardens will now have 2 x 1 bed flats in the roof space rather than 2 x 2 bed flats in a full second floor. This allows the eaves to drop from 8m to 6m (existing block here is 6.2m to the eaves) and the ridge to drop from 12m to 9.8m (existing block here is 8.4m to the ridge) and the reconfiguration of all second floor windows to face into the site (and not towards Courtyard Gardens) with the exception of 4 high level roof lights facing east.
 - Block 3 has the same accommodation but the ridge and eaves of the main gable have dropped by 0.6m. The eastern wing nearest Courtyard Gardens has dropped its eaves and ridge by 1.4m.
 - Block 5 will now have one of the 2-bed flats on the second floor become a 1 bed flat in the roof space. This allows the eaves and ridge of the western wing near Mountain Close to drop by 2m.
- 1.8 The materials palette is light red multi-stocks, or mid red smooth bricks; slate effect concrete tiles, grey/green artificial timber effect cladding to feature double height protruding rectangular “oriel” windows (also grey/green to match), dormers with metal PPC cladding, grey gutters and fascias. Feature gables are to have brick header courses to the parapet and some gables will have the feature of protruding brick courses.
- 1.9 The frontage hedge and trees are largely being retained with some removal/thinning to remove suppressed trees or those of less quality. Trees within the centre of the site are being removed to facilitate the buildings and parking but landscaping will include replacement trees. 2 trees are shown to be removed for a brick bin store on the eastern boundary but these are stated in the submitted tree report to be category C trees (an Acer and a cherry).
- 1.10 The applicants advise in their Design and Access Statement that some of the existing dwellings have been hard to let due to their aged design and there have been long term voids. They state that the existing dwellings would require considerable investment to bring them up to modern day standards. They argue that the opportunity presents itself to undertake the redevelopment of the site to provide high quality, purpose built homes to high standards of design and thermal efficiency.
- 1.11 They have provided a Transport Statement which concludes that:
- a parking stress survey has been carried out on the roads in proximity to the site in order to assess the current levels of parking demand in the area based on the overnight parking levels deemed to show the ‘peak’ parking demand

which is comfortably below the point where an area is deemed to suffer from high parking stress.

- There is an acceptable provision of parking for this development in accordance with the Council's policy expectations.
- The results of the worst case scenario PICADY assessment demonstrates that the High Street/West Street junction will continue to operate well within its maximum operating capacity in the AM and PM peak periods. No mitigation measures are considered to be necessary to offset the very minor increase in the use of this junction under the proposals.
- The roads and turning heads associated with the site will not be compromised by the new development, and will be in keeping with the existing arrangements for refuse collection in the local area.

1.12 Prior to formally submitting this planning application, Circle Housing Russet carried out its own extensive stakeholder engagement for a redevelopment scheme on the basis of several options, concluding the process with one based upon 100% affordable housing. However, at a later juncture when this application was submitted to TMBC, the applicants advised that wide ranging and significant fiscal changes from the July 2015 Budget relating to how Housing Associations are funded and the impact of the removal of HCA grant availability for Social and Affordable Rented provision had, unsurprisingly, given rise to a review of the proposals in relation to tenure. This resulted in a formally submitted tenure mix to include 29 affordable flats (12 flats of Affordable Rent, 17 flats for low cost home ownership) and 31 units for market sale (23 flats and 8 houses). Low cost home ownership in this case means Shared Ownership. The percentage mix was 48% affordable and 52% market housing. Within the affordable housing offered, the split was 41% Affordable Rent and 59% Shared Ownership.

1.13 Since the application has been submitted, there have been further national fiscal changes to how housing associations must operate along with far reaching welfare reforms and economic conditions have altered and it is understood that the applicants intend to amend the tenure mix further based on a Viability Assessment they have undertaken. It is expected that this change in tenure mix will be formally submitted as an amendment to the planning application in due course. Any change in tenure mix that does not comply with TMBC planning policy would need to be accompanied by a Viability Assessment which would be subject to an independent appraisal.

2. Reason for reporting to Committee:

2.1 The scheme has generated a significant number of local objections.

3. The Site:

- 3.1 The site lies in the confines of the Rural Service Centre of Wrotham. The site and Wrotham as whole is washed over by the AONB. Wrotham Conservation Area is beyond the Courtyard Gardens development to the east.
- 3.2 The site lies over a Water Gathering Area.
- 3.3 The site measures 0.94 ha and is comprised of 2 storey buildings in use as 57 dwellings: 26 x 1-bed sheltered bedsits and a mix of 31 flats – 21 x 1-bed, 9 x 2-bed and 1 x 3-bed. The built form is concentrated in the centre of the site with extensive grass banks, trees and hedges at the periphery. There are currently 28 parking spaces.
- 3.4 The land is generally upwards sloping SE to NW – the SE corner is approx. 128.3m OD rising to approx. 132.3m in the NE corner- a rise of 4m over a distance of 80m – ie 1 in 20. The SW corner is approx. 130m, ie rising 1.7 m over 116m, ie 1 in 68. The NW corner is the highest at 134.2m but that is at the top of a steep bank- generally the land is 132.3m in the NW corner of the site.
- 3.5 There are mature trees mainly on the southern frontage to West Street and on the western boundary to Mountain Close and Goodworth Road. There are more individual and small trees on the rest of the site. The boundary to Courtyard Gardens comprises a 1.6m high concrete panel wall in front of a well-maintained hedge belonging to Courtyard Gardens that currently screens much of the existing buildings from the shared amenity area serving those neighbouring properties.
- 3.6 To the east are over 55's dwellings at Courtyard Gardens and dwellings and garage courts of 111-116 West Street: ground levels are similar to the application site along the common boundary. There is hedge approx. 4m high belonging to Courtyard Gardens along much of the western boundary.
- 3.7 To the north is a boundary of concrete panel fencing with bungalows of Childs Way set at levels 133.3m to 132.7m OD. On average, these bungalows have ground levels 1.2m higher than the ground level of the application site, which is dug down in the NE corner. There is almost a full Leylandii hedge along that boundary in the gardens of Childs Way, screening most of the gardens of these neighbouring bungalows. Beyond the bungalows are conventional 2 storey houses in Childs Way, which are on rising land.
- 3.8 To the south beyond West Street itself are pairs of semi-detached houses. These are generally 24m from the edge of the site but at a lower land level. Some have hardstandings for parking in their frontages.

4. Planning History (relevant):

TM/74/11677/OLD
MK/4/73/847

Local Government
Review Transfer

1 April 1974

Planning papers transferred to file TM/74/86 on 1/4/74.
Proposed wardens scheme comprising 45 flats

TM/74/12780/OLD No Objection 5 December 1974
TM/74/86,,
Proposed wardens Scheme comprising 45 flats.
(previous application MK/4/73/847)

TM/76/11067/FUL No Objection 30 April 1976
TM/75/1100,,
Warden scheme comprising of 35 no. 1 person flatlets, 9 no. 2 person flatlets, 4 no. 2 person bungalows, wardens house and communal facilities.

TM/77/10525/FUL grant with conditions 5 October 1977
(TM/77/816)
Wardens Scheme of 17 one person flatlets, 9 two person flatlets, and one five person house, common room, laundry, 23 two person, 9 three person flats.

TM/96/01451/FL Grant With Conditions 19 November 1996

installation of new lift and shaft in existing boiler room with new lean-to boiler room extension and pump room

TM09/00255/FL / Grant With Conditions 20 May 2009

Conversion of existing wardens house into 2 no. residential flats

5. Consultees:

5.1 KCC (Heritage): No response

5.2 PROW: No response

5.3 KCC (SuDS)- a sustainable drainage scheme for surface water is necessary due to the increase in hard surfacing

5.4 EA: no comment

5.5 Southern Water: Initial investigations indicate that the developer will need to provide additional local infrastructure for wastewater sewerage system and a drainage conditions will be necessary for both surface water and foul sewerage to be approved in consultation with sewerage undertaker.

5.6 Kent Police: Concern that the applicant has not included crime prevention or applied the seven attributes of CPTED in their DAS and no communication re other issues including a formal application for BREEAM and Secured By Design (SBD) if appropriate. The Design Initiative (KDI) will assist with Crime Prevention and Community Safety. A meeting with the applicant/agent to discuss Crime

Prevention and update with new documentation for crime prevention. Lack of contact may have an effect the development with regards to CPTED Secure By Design (SBD) and BREEAM with impact for the future services and duties of the Community Safety Unit (CSU) and local policing.

5.6.1 However, a planning condition should ensure that Crime Prevention is addressed effectively. The use of a condition will address both our statutory duties under Section 17 of the Crime and Disorder Act 1998 and will show a clear audit trail for Design for Crime Prevention and Community Safety.

5.7 DL: This is a net gain of 3 dwellings and hence the open space policy OS3 of the MDE DPD is not triggered.

5.8 Waste: Bin locations 1-4 have been agreed and if the plan is followed there should be no problems. Each property will be issued with 2 wheelie bins and a green recycling box.

5.9 KCC (Developer Contributions): no objection and will not be pursuing any education or other obligations with regard to this application. KCC Social Care have requested 1 Wheelchair Accessible Home be delivered as part of this affordable housing scheme. KCC would also request a Condition be included for the provision of Superfast Fibre Optic Broadband.

5.10 KCC (H&T): Car parking is proposed largely in accordance with the standard for a suburban edge/village/rural environment as designated in IGN3, with a shortfall of 3 spaces (74 instead of 77). Desirable to provide 77 spaces if possible at the expense of some landscaping and/or maybe a cycle store where my perception is that the cycle parking standard is rarely taken up fully.

5.10.1 The applicant's consultant has demonstrated that the development traffic without discounting the previous over 55's use will not have a material impact on the operation of the adjoining highway network as measured by industry standards and in the context of current planning policies. The Transport Study has also reviewed crash records and there is no particular crash history that has the potential to be exacerbated by this development. No objection to this proposal but conditions relating to the following are recommended should approval be given:-

- construction vehicle loading/unloading and turning facilities
- parking facilities for site personnel and visitors.
- prevent the discharge of surface water onto the highway.
- wheel washing facilities
- provision and permanent retention of the vehicle parking spaces

- provision and permanent retention of the vehicle loading/unloading and turning facilities

5.10.2 It may be advisable to require a construction traffic management plan for approval prior to commencement, designed to maximise safety and minimise disruption during this period.

5.11 Kent Downs AONB: The redevelopment offers the opportunity to improve the standard of development, particularly in view of the increase height and density of the proposed buildings and there should be an improved palette of materials to raise the quality of the development here and make it more appropriate to the AONB. Of particular concern are the dark grey slate effect concrete tiles: these do not successfully emulate natural slate and clay tiles are the predominant roofing material and is it recommended that clay tiles are used, Care will also be needed in brick selection. Replacement trees should be included to break up the extensive areas of hard surfacing for car parking. The revisions do not address any of the concerns

5.12 PC: original comments (summarised)

- The priority occupants of the site in future are elderly people in socially rented stock. This has been the main use of the site for over 35 years and the need for it remains due to ongoing requirements and a dearth of alternative such accommodation in the area.
- The ideal arrangement would be for the renewal of the existing fabric with improved facilities. The conversion of bedsits to one-bedroom flats could be achieved by reconfiguration, with a small loss of overall number of units. Reuse would be the preferred sustainable development.
- Wrotham has a large proportion of socially rented accommodation: the applicant should be responsible for providing social facilities like a hall as a communal meeting place.
- The scheme is fundamentally an over-development of the site. Buildings on the southern frontage of the site are proposed too close to the trees alongside West Street. There would be pressure for lopping or felling them. A greater setback would avoid this and allow more light into properties in summer when the trees are in leaf.
- Removal of attractive mature trees for a cycle store and car parking on the west side of the site demonstrate the pressures from over-development.
- The development has a massive, institutional character quite unsuited to this village: three storeys; high, steeply pitched roofs with gables.

- There is an over-powering mass closer to West Street than the existing building and new buildings on the eastern side would tower over Courtyard Gardens with an overall adverse effect on neighbours to the north and east.
- Nowhere for children (and their supervisors) to play (other than in the few private gardens).
- Car parking arrangement would amount to a significant loss of character.
- Permanent shade will make much of the scheme a more melancholy place.
- Will generate a need for more car parking than the number of spaces to be provided. Kent County Council's guidance is likely to understate car ownership and parking space requirements. If 93 spaces are likely to be needed, but only 74 provided, there would be significant overspill of parking requirements into surrounding streets (mainly West Street) and would exacerbate existing on-street parking there, impede traffic flow, create highway safety problems and impair local amenities.
- Should be a greater proportion of homes for elderly people who are much less likely to use cars, and reduce the over-development on the site.
- The design would be detrimental to the character of the settlement - fails to satisfy Policy CP24.
- Substantial loss of housing for people unable to afford market rents as only 29 dwellings would remain subsidised compared with 57 until now. The number of dwellings with affordable rents would be just 12 (compared with 31 until now). Very substantial loss of affordable housing, by an organisation whose fundamental reason for existence is to provide this kind of home. Instead of retaining support for vulnerable elderly people, the scheme proposes to meet the simpler needs of the affordable sector. Not acceptable on a site specifically provided originally to meet the needs of elderly people.
- St George's Court has been a highly significant sheltered housing facility and there is a lack of alternative schemes like this available in the locality, as indicated by Circle Housing Group's need to decant residents as far away as Snodland and Tonbridge. The large number of affordable dwellings in Wrotham generates an ongoing requirement for affordable sheltered housing for local residents in old age, to remain close to their families and friends in the village.
- Prior to the decanting, about 8 of the flats were unoccupied. No inherent lack of demand. Voids were the bedsit units due largely to the poor quality of the bedsits and the lack of investment in their renewal over the years. Almost all the dwellings with bedrooms were occupied.

- Residents who responded to the Circle Housing Group 'consultation' asked for refurbishment of the site rather than its demolition and rebuilding.
- The need for sheltered affordable housing in the Borough has recently been made clear in the Strategic Housing Market Assessment (SHMA): a 26% growth in the number of people over 55 in Tonbridge and Malling by 2021; with the over 65 population projected to grow by 59%.
- Given that the number of older people and single person households expected to increase, there will be a notable demand for affordable housing from the ageing population.
- The Borough Council should give special weight to proposals which increase affordable sheltered housing and strongly resist losses in this tenure.
- The Affordable Housing SPD of July 2008 concluded that demand for supported accommodation for older people was predominantly for independent accommodation with external support but will be kept under review.
- The scheme would introduce a large number of families with children of school age: inadequate school places in the village. The secondary school is also understood to be at capacity. An insufficiency of school places would impose difficulties on the education service, local transport and the households unable to secure school places locally.
- Contrary to Policy CP13: the scheme is not appropriate to the scale and character of the settlement: would generate significant additional trips, especially by car; there would be no significant improvement to the appearance, character and functioning of the settlement.
- Policy CP17: only 41% of the affordable homes would be social rented, not 70%. A dismal contribution to local housing need from reducing the supply of affordable housing and by reducing the proportion of the social rented tenure.
- Pedestrian movements would remain roughly the same in the peak hours but reduce throughout the day. However, the total number of person trips across all modes (car, pedestrian, cycling, bus and train) would increase by about 25%. Because of the lack of public transport in the locality, additional vehicular trips will be generated above estimated. Junction of West Street with High Street needs ameliorative measures to assist pedestrian and vehicular movements.
- The proposals should provide at least 77 car parking spaces but only 74 are proposed. 2011 Census data for car ownership in the area immediately surrounding the proposal site shows the proposals would generate a demand for 93 cars to park. The proposals would therefore lead to on street car parking

on adjoining residential streets to the detriment of highway safety and the amenities currently enjoyed by existing local residents.

5.13 PC: comments on revised plans and Transport Statemet (summarised)

- The State of the Nation's Housing study by the International Longevity Centre said that demand for retirement housing could outstrip supply by more than 375,000 homes by the middle of this century.
- Fails to comply with CP24: over-development and not appropriate to the scale and character of the settlement.
- There would be a deterioration to the appearance, character and functioning.
- would generate significant additional trips, especially by car, harming the safety of the area.
- Policy CP19 does not apply.
- The existing use is suitable because the proportion of supported elderly residents who drive cars is relatively low, so parking was accommodated within the site and there was no impact on local schools, which are all running at capacity. The proposed use adversely affects the sustainability of the rural location that would be more suitably accommodated in a rural service centre as required by the Local Plan.
- The proposed development would result in a substantial loss of housing for people unable to afford market rents by an organisation whose fundamental reason for existence is to provide this kind of home. Far from the development providing affordable housing, the applicant is selling this off.
- Instead of retaining support for vulnerable elderly people, the scheme proposes to meet the simpler needs of the affordable sector with a majority emphasis on shared ownership rather than affordable rent. Not acceptable on a site specifically provided originally to meet the needs of elderly people.
- Borough Green and Wrotham benefits from a large proportion of affordable housing and in particular the socially rented sector. This in turn generates considerable need for sheltered affordably rented accommodation for the elderly that has been satisfied by St George's Court. This is also evidenced by SHMA findings.
- Fails to meet the social housing requirements of the Local Plan. 8 empty properties were bedsits. A difficulty in renting them is entirely due to a lack of investment in the infrastructure. Needs reconfiguration of the bedsits into 1-bedroom flats and general refurbishment throughout including replacing

kitchens and bathrooms. More sustainable than demolition and rebuilding mixed use housing.

- Loses a very important Community Hall with kitchen for the greater elder community in Wrotham contrary to social element of sustainability as set out in paragraph 7 of the NPPF.
- Changes to rooflines are very minor changes to selected buildings, accompanied by marginal changes with no change to roof height, and creation of flat roofs with additional rectilinear protrusions. The steep angle rooflines remain high.
- Reduced impact of the proposals on Childs Way and on Courtyard Gardens is marginal: remains considerable loss of privacy to Courtyard Gardens and the massing of the proposal is barely altered, continues to constitute over-development.
- lack of public transport in the locality: it is highly likely that additional vehicular trips will be generated above those estimated in the TRICS analyses (six fold increase in vehicular traffic during both highway network peak periods and a fivefold increase throughout the day. Pedestrian movements would double and the total number of person trips across all modes (car, pedestrian, cycling, bus and train) would quadruple.
- A significant impact on the junction of West Street with High Street where visibility, particularly toward the south, is deficient.
- Large increase in pedestrian movements and lack of infrastructure to accommodate them. 2011 Local census data shows will be a demand for 93 cars to park, which exceeds the proposed 70 spaces, leading to car-parking on adjoining residential streets to the detriment of highway safety and the amenities currently enjoyed by existing local residents: overspill of 19 vehicles not 3, parking stress level of 98%.
- The site is not well served by public transport. Two services are commuter coach trips to central London, 2 are school bus services and route 228 provides one service per day. There are in fact 3 local bus services close to the site, one of those, route 222, provides only 5-8 services a day which only serve Wrotham Village at peak times.
- The overnight car parking survey overestimates street car-parking available. The total number of car-parking bays available should therefore be counted as 85 bays.
- Refuse vehicle is required to undertake very long unacceptable reversing manoeuvres, up to 70m long, egress tracking analysis clearly shows the refuse vehicle unacceptably overhanging and crossing footway and verge areas.

5.14 Borough Green PC: Wholly support the detailed objections submitted by Wrotham Parish Council and CPRE, and endorse them. Also object to the loss of this important local facility and its impact on the elderly in Borough Green. There is nowhere else locally that provides this important "halfway house" between normal family and village life, and accommodation in a full nursing home, and the area would be diminished greatly by its loss. Already ample social and market housing in Wrotham in particular, and the area in general, and any future are in the developing Local Plan, and the LDF it supersedes. But there are no proposals to replace this loss.

5.15 CPRE (Tonbridge & Malling district branch): summarised:

- 3 storey steeply pitched blocks are out of character
- incongruous material choice
- does not blend in with the surroundings
- loss of green areas and spacious feel
- little sunlight will penetrate
- overpowering to bungalows on Mountain Close and Courtyard Gardens
- overdominant- eg Block 2 is too massed within 12m of Courtyard Gardens
- urban form, unsympathetic the village character
- poor design
- should be 2.5 storeys and hipped roofs
- roof space will protrude above the historic roofline and be visible from St Georges Tower and long views of the village.
- The developer has not taken account of the AONB
- Insufficient social rented units are provided, contrary to Policy CP17.
- Wrotham has an ageing demographic and needs private supported elderly accommodation to support the extensive social housing in the area- eg Courtyard Gardens- this is shown in the TMBC's own SHMA.
- The ex-residents were dispersed to Snodland and Tonbridge- evidencing that there is a lack of alternate e accommodation in the village. They were happy at St Georges but decanted wide across West Kent to build predominantly private dwellings for the open market.

- Local primary and secondary schools are full
- This is major development, not complying with CP13 which allow minor redevelopment.
- The change in the types of dwellings will increase trip generation.
- Due to lack of local Post Office, GP, shopping and train station, this will increase traffic movements
- 77 spaces should be provided not 74 based on standards: it is more likely that 93 cars will be owned.
- On street parking will be detrimental to highway safety and amenities
- More car use of the junction West Street and High Street where there is a lack of footways, harming highway safety
- Damage to listed building at the narrowed junction West Street and High Street- vehicles have crashed here.
- Contrary to CP24 of the CS and SQ8 of the MDE DPD.
- Loss of community facilities used as a venue for meetings, medical services and social interaction. Contrary to paragraph 70 of the NPPF.
- Votes on the consultation document were ignored by Circle Homes
- The communal hall has a different use class and this has been ignored in the current application.
- There should be a refurbishment of the bedsits to improve cooking facilities and to separate the sleeping and living accommodation. The flats in the complex were never a problem to let
- Contrary to paragraph 7 for the NPPF- fails the social and environment role of sustainable development

5.15.2 Revisions do not overcome objections: The overall form and massing of the blocks of flats, generally 3 storeys with steeply pitched roofs and high gable ends, results in an urban, almost industrial feel that would relate poorly with this historic village environment. The vertical styling of the architecture, close packed into a relatively small site is discordant with the rest of the rural village and within its AONB setting.

5.15.3 The chosen materials of a dark red brick combined with slate grey concrete tiles will add to the sombre atmosphere where little sunlight will penetrate. The height and massing has an overbearing and dominant relationship with surrounding

architecture which particularly affects West Street and Courtyard Gardens. In particular, the courtyard communal garden currently enjoys a pleasant open aspect to the west with trees above a low tiled roof. This will be replaced with successive tiers of austere flat blocks.

- 5.15.4 The amended development proposes habitable rooms to directly overlook the courtyard communal gardens, resulting in a loss of private amenity for all of the residents of the approximately 30 units within the Courtyard Gardens development.
- 5.15.5 All of the local schools are full which will result in considerable pressure on West Kent's education services and many more vehicle trips to take children to remote schools. The loss of trees and in particular the 9 in front of the West Street façade will degrade an important village asset. Parking is completely inadequate and will result in significant over spill of vehicles that will grid lock village streets.
- 5.15.6 The proposal results in significantly increased vehicle use combined with pavement parking to the detriment of highway and pedestrian safety. Wrotham is classified in the settlement hierarchy as a rural village due to its lack of facilities and services. The LPA's policy is to locate significant major development in rural service centres for reasons of sustainability. This application is completely contrary to those policies and the worst features of the application vindicates the LPA's preferred hierarchy.
- 5.15.7 The existing use does not impact schools or parking and generates very few vehicle trips. There is a significant need for 58 warden assisted socially rented elderly dwellings in this part of West Kent. Both Borough Green and Wrotham have significant populations of parishioners in socially rented accommodation and it is convenient to support their parents locally. This need is also evidenced by the LPA's SHMA.
- 5.15.8 The temporary loss of the community hall has had a pronounced impact on the remaining elderly populations in Mountains Close, Childs Way and Courtyard Gardens, hence 60 plus objections to this application. Permitting the application would result in a permanent loss to the detriment of the social needs of the surrounding elder community.
- 5.15.9 It would be perverse to allow the applicant, a registered social housing provider, to demolish 58 (including ex Warden's accommodation) much needed socially rented affordable homes for supported elderly, in order to build 60 dwellings and sell the majority on the open market in order to provide just 12 socially rented affordable homes.
- 5.16 Private Reps: (104/51R/0S/0X) and Major development site and press notice. Members are advised that 67 initial letters of consultation were sent on 23 and 30 November 2015 plus site and press notices displayed on 2 December 2015. However, it appears that an anonymous resident utilised the TMBC notification

letter, edited it to be a letter specifically seeking objections and posted it by hand to a wider area on Sunday 13 December 2015. This is the reason why a number of objectors have stated that the time to respond was inadequate, as they are not referring to bona fide TMBC notification letter.

5.16.1 Sixty Six letters of objection have been received (summarised):

- 600 people voted for a refurbishment but were ignored
- Distressed by the loss of the existing housing
- Wasteful to knock down this development and rebuild rather than refurbish
- The net loss of social rented is opposite to what Circle were created to do
- Inadequate publicity of the application and inadequate time to respond
- The project has changed from the original redevelopment for 100% affordable – the residents were coerced out under false pretences by force or money
- Density and height/form of roofline dominating and out of character, no building should be higher than any existing.
- Changes are tinkering at the edges. Look like Barracks blocks.
- Garages are needed so that cars do not get damaged in drive-by shootings
- Roofline will be 6.5m higher than Courtyard Gardens, overwhelming them.
- This will be more intrusive on the old part of Wrotham than the past additional developments.
- Change in age of occupants will affect the tranquillity of the area and lead to more anti-social behaviour by more adolescents living in a remote location.
- Overdevelopment more suited to London- doubling of built space and massive reduction in green space that will be at the sloping boundaries, unsuited for rest/play/recreation.
- Loss of wildlife
- Materials out of character
- The new houses will not meet the needs of Wrotham's elderly population
Wrotham is not prioritised and 3 storeys will be unsuitable
- Inadequate proportion of social rented

- Ignores that the over 55 age group is expanding and needs sheltered housing to relived pressure on NHS beds
- Wrotham elderly downsizing will not be able to stay in Wrotham
- Circle are incorrect to stay there is no need for retirement housing in the area bearing in mind the high proportion of social housing here.
- More units should have disabled accessibility
- This is money grabbing, in breach of the covenant
- TMBC has not addressed the issue of the covenant being over riding. Improper and illegal to determine this application in advance of the Lands Tribunal hearing.
- There are other Circle housing in Wrotham older than the flats in St Georges but not improved
- Affect bats
- Inadequate infrastructure in Wrotham
- Local schools full so parents will need to drive the children to other schools
- Local GP is over subscribed
- Inadequate bus service, the residents will need to own and use cars, averaging 2 cars each.
- Road and junctions cannot cope with extra traffic, accidents at West Street junction involving several cars and at Battlefields
- Cars will park on pavements, blocking pedestrians with pushchairs, walking frames and wheelchairs
- West Street is full of parked cars at weekends
- This is not a cycle friendly area- the cycle stores will be for children's bikes only
- Inadequate parking- much is already on footpaths and Circle Russet are not interested in dealing with that problem.
- Pedestrian route is onto a section of West Street without pavements

- West Street already carries lots of traffic from the social housing as the other access is convoluted via Battlefields, also a narrow heavily parked road and leads to a T junction to a rural lane.
- School children will be affected by the danger of construction traffic
- This will remove green areas in an AONB
- Loss of communal hall leaves locals elderly isolated- Wrotham Church, the cricket pavilion and the Village hall are not accessible/safe/warm enough.
- Lack of play space for children and amenity space for the adults
- No crime prevention measures
- The subsoil may not cope with the is development
- Contrary to local plan where these sorts of development should be in larger settlements not smaller rural settlements like Wrotham
- Disruption/noise/dust/debris by the construction
- Damaged road surface from construction vehicles-
- Compensation needed in inconvenience.
- West Street residents affected by vibration and noise in construction period will need compensation
- Historic buildings could be damaged by vibrations from the demolition and construction
- The site workers must park on the site and no surrounding roads
- Block view of the Downs
- Overlooking,
- 8ft fences are needed for security
- Risk of motorcycles in the NE corner with consequent noise for neighbouring property.
- Refuse stores are too near the boundaries to houses adjacent. Unpleasant activities are banished to the periphery without a thought for the neighbours
- Harms outlook from Courtyard Gardens

- Premature /illegal to make a planning decision as Tribunal has not removed the covenant
- Bought our property in 2013 after being told there were no building plans. Will be overlooked and will seek compensation for property devaluation.
- Will harm views from the Downs and the Church.
- Drainage problems
- Aware of the Council's relationship with Circle but the Council should represent villagers and local council tax payers
- Will deter walkers as the village will lose its quaintness.
- People requiring affordable or social housing will require their own vehicles
- Reduction in rateable band.
- TA is wrong to say there are 3 cars between my drive access and my neighbours, and a total of 93 parking spaces along West Street. A ridiculous figure from drawing little rectangles on a piece of paper is not real life: all carried out by a company who are based in South London.
- Revisions have not addressed any of the concerns raised by the residents I don't see much point in me listing again all the concerns brought up before as you have not addressed them.
- Relying on parking outside all the residents of West Street houses, (which are already taken)
- The amended plans for the redevelopment indicate only minor alterations make no practical attempt at responding to the very many serious criticisms levelled at the proposal. Does nothing to alleviate the oppressive and overbearing scale of the proposed structures when drawn up against the adjacent buildings in Courtyard Gardens. Will continue to dominate western skyline. Tenants in the new blocks will have a wonderful view of our gardens; we will have a vast expanse of apartment walls, windows and a steep roof to live with. The design, scale and density of the proposed development will totally overwhelm our homes and feature gardens.
- Comments made by CPRE Kent are fully endorsed
- We have three second-floor apartments that are directly affected by the loss of privacy from this redevelopment of St George's Court.

- The Design and Access Statement has a number of questionable statements made that fail to stand up to scrutiny. Urge TMBC to treat the entire document as suspect. Page 10 - a very misleading representation of the relative scale of the proposed buildings and the existing neighbouring homes. Nobody in Courtyard Gardens desires “court building/massing”. This high-rise building is a destructive mass impinging upon our privacy to our west. Far from being an opportunity to create, Circle and their designers are planning to destroy a secluded community area by introducing an overbearing and inappropriately considered block to our landscape and skyline. The new building is considerably closer to Courtyard Gardens.
- This redevelopment is in the wrong place, is inappropriately designed, will damage the neighbourhood and the entire village, is not what the parish needs and is definitely not wanted by the residents of Wrotham.

6. Determining Issues:

- 6.1 This case is not put forward for determination at this meeting. There remain some outstanding issues concerning the viability of the proposal and the policy context that demand further detailed consideration. In the meantime there are some important locational characteristics to appreciate in terms of the approach to the redevelopment of the site. Although the scheme is essentially a redevelopment for residential use, the locational context and relationship to the surrounding area is important.
- 6.2 Members will also note that there are issues raised by objectors with regard to the impact on the amenities of neighbouring properties. The topography of the land within the site and boundary treatment and land levels relative to neighbouring dwellings are not readily discernible from the public highway or public vantage points.
- 6.3 There is also a reference in the objections to the impact on trees and again, this will need assessment based on the knowledge of land levels in situ.
- 6.4 In light of all of these considerations I am taking the step on this occasion of recommending that the Committee holds a Members’ Site Inspection in advance of the next meeting, so that Members can fully explore and appreciate such matters in their subsequent decision making.
- 6.5 I believe that in this particular case it would be helpful for Members to visit the site prior to the consideration of a full report at a subsequent Area 2 Planning Committee meeting. The full report will also set out the final proposal on tenure mix, the results of an independent appraisal thereon, final response to consultation and other determining issues.

7. Recommendation:

7.1 A Members' Site Inspection **BE ARRANGED.**

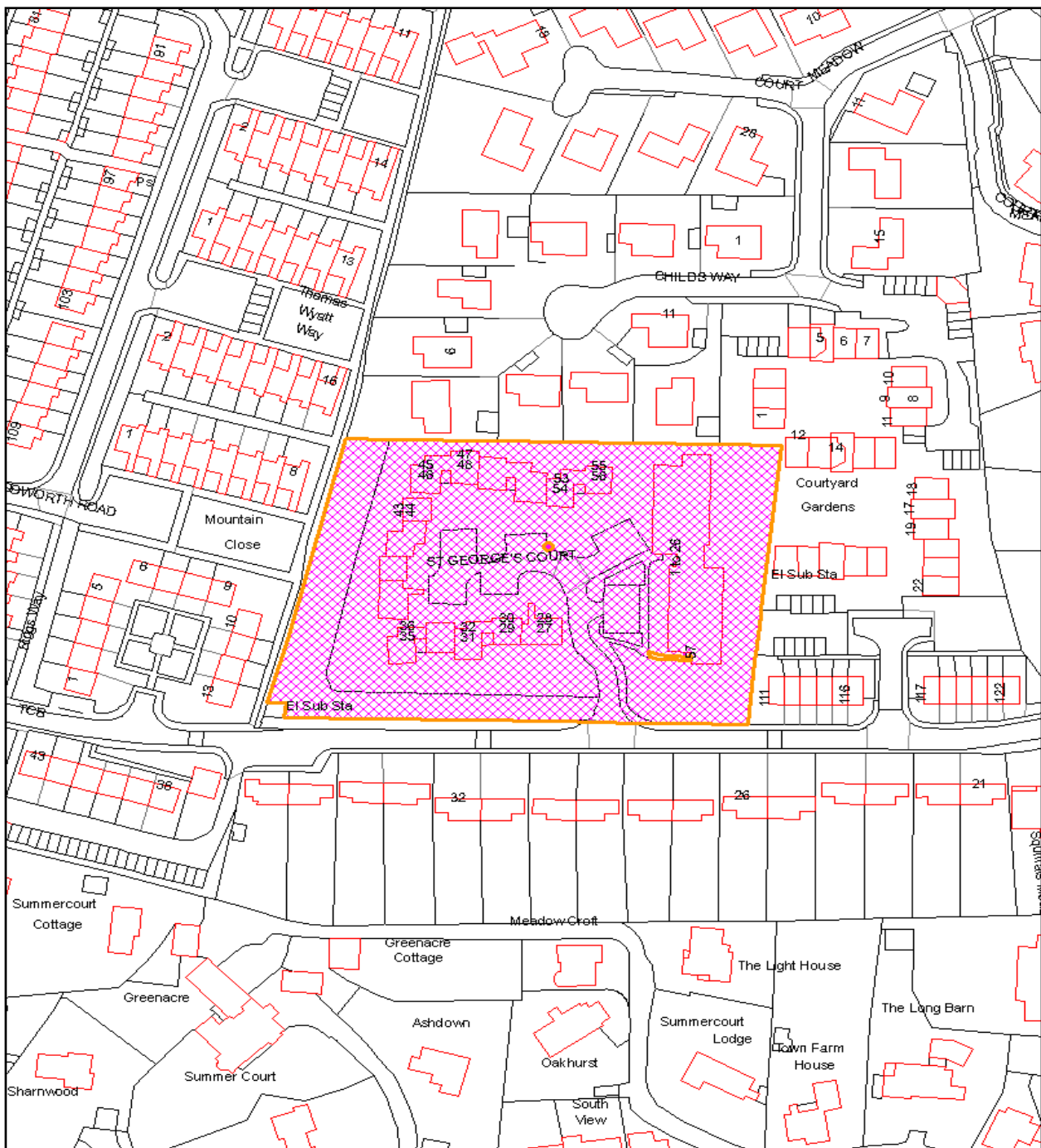
Contact: Marion Geary

TM/15/03051/FL

St Georges Court West Street Wrotham Sevenoaks Kent TN15 7DN

Demolition of the existing housing to be replaced with new residential flats and houses, with associated ancillary buildings, parking and amenity space: 5 apartment blocks 2-3 storeys in height consisting of 9 X 1 bed and 43 X 2 bed units; 6 X 2 bed houses and 2 X 3 bed houses with private garden amenity space

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Wrotham

21 April 2016

TM/16/01231/FL

Wrotham, Ightham And
Stansted

Proposal: Demolition of existing single storey structure and associated outhouses (A3 and C3 uses) and creation of new part 2, part 3 storey mixed use complex (A3 restaurant and C1 business hotel) plus basement and surface parking spaces across 3077sqm of the site. 5360sqm to the rear of the site will be planted with native species trees as an improved nature reserve

Location: Oakdene Cafe London Road Wrotham Sevenoaks Kent TN15 7RR

Applicant: Sylvia Godfrey, Cheryl Godfrey & Lorraine Smith

1. Description:

- 1.1 Planning permission is sought to redevelop this site with a part two and part three storey building comprising a 67 bedroom business hotel with ground floor meeting rooms and a basement car park for 77 cars plus motor cycle and cycle parking and external parking for a further 18 cars and landscaping including 0.54 ha area of land to the east (rear) that could be utilised for landscaping enhancement and surface water run-off. The hotel building has been designed in a U shape around a central courtyard garden.
- 1.2 Clarification was sought from the Agents as to the proposed uses on the site and they intend to operate as follows :

The restaurant is intended to be open for passing trade - this is a necessity in this area to make the scheme viable from an operator's point of view. We would be hopeful that this would receive up to c. 40 covers from passing trade at any one time - the rest from the hotel users, which we would assume will occupy c. 20 car parking spaces, and therefore likely use the forecourt parking for this passing trade.

The B1(a) use will be operated under the hotel as it is an integral part of the scheme use - in this type of location the operator often looks on the restaurant and event spaces as the income generator with rooms added on - rather than a hotel with restaurant and event space. It will not be open to external (non-event) use, therefore any hotel rooms occupied by those attending business conferences/workshops will be occupying the same space as those in the business suites, not additional to this. It's also common for people to car-share heading to these events, but we would not rely on that as a factor. Assuming we had 65 of the 76 bedrooms occupied by a conference then this would occupy the basement car parking spaces approximately, allowing for one space per bedroom (62 spaces),

but in reality there will be some travelling to the conference traveling together so we would estimate that this is a generous and fair allowance.

As regards concerns over wedding attendances, it is unlikely that the function rooms would be rented out at the same period as any business conferences (as both parties would require the same space). It would be a safe assumption that a large proportion of any wedding party would be parking and staying in the hotel rooms (most operators discourage outside guests when there is a wedding or similar function), whilst the remainder would be either traveling by coach/bus, getting taxis from the local train station. Hotels offer a pick-up service from the local train station too (common place for hotels in semi-rural locations).

- 1.3 In support of the application, the Agents have commented that the adjoining site at Nepicar Park has recently been redeveloped: the buildings on that site exceeded the existing level of development but it was considered necessary for modern industrial buildings, the proposal had a wider footprint but met market needs and the impact on the landscape was considered to be minimal due to the topography of the land. Additionally, the proposal provided for additional employment needs within the area. The Agents comment that this application shares many similarities with the adjacent site permission in that it is also within the Major Developed Site area in the LDF, there is land available adjoining the site for landscape enhancement, the scheme is an improvement to the present appearance of the site, it will generate employment opportunities and the scheme will not significantly alter the amount of vehicular traffic compared to the present use as a transport café.
- 1.4 In support of the application are a Design And Access Statement, an ecological appraisal, a landscape assessment, a flood risk assessment, a noise impact assessment, a contamination assessment, a transport statement, a drainage strategy and an archaeological statement.
- 1.5 The application has been screened and does not need separate Environmental Statement based upon guidance in the Environment Impact Assessment Regulations 2011 and the NPPG.
2. **Reason for reporting to Committee:**
 - 2.1 Major development within the Green Belt – contrary to Policy M1 (m) of the DLA DPD as height / scale of proposed buildings exceed existing.
3. **The Site:**
 - 3.1 The total site area is 0.84 ha of which to be developed is approx. 0.3 ha. The entire site is within the Metropolitan Green Belt, countryside, and in the Area of Outstanding Natural Beauty.

- 3.2 The 0.3ha of the site that will form the development area lies within an area allocated as a Major Developed Site (Nepicar Area East) in the Green Belt, subject to Policy M1(m) of the DLA DPD. Major Developed Sites in the Green Belt are defined as being acceptable for infill development or redevelopment subject to a number of criteria concerning the scale and footprint of the development along with requirements relating to landscape setting and traffic generation. The site is also within a Water Gathering Area.
- 3.3 The majority of the site within the red line area to be developed is covered with buildings, hard standings or hard core. There is a transport café with adjacent lorry and car park and residential bungalow.
- 3.4 To the rear of the development site (but within the wider red lined application site) is a 0.54 ha grass agricultural paddock owned by the applicants beyond a dividing fence in situ. This 0.54 ha is not within the Policy M1 designation in the Proposals Map of the TMBCS. The applicants have been indicated that this area of land could be utilised for landscaping enhancement and surface water run-off.
- 3.5 To the west of the application site there is a residential dwelling, Fairview; to the north is open agricultural land; to the west is the Nepicar Industrial Park (currently under construction).
- 3.6 Vehicular access to the A20 London Road is currently directly onto London Road. Minor works are proposed on the site and public highway to initiate the development's implementation.

4. Planning History (relevant):

TM/84/10558/FUL TM/84/981,, Extending existing car park by approx. 0.4 ha. (1.1 acres) for use as overnight car and lorry park.	Refuse	22 October 1984
TM/88/11577/FUL Real ref pls Restaurant and managers bungalows.	grant with conditions	15 December 1988
TM/88/11672/OUT TM/88/890, Outline application for 12 bedroom motel.	Refuse	30 September 1988
TM/89/10798/OUT TM/89/1280 Outline application for motel with 24 bedrooms (showing siting and access).	Refuse	27 September 1989

TM/93/01752/FL grant with conditions 22 October 1993

Renewal of permission TM/88/1680 for restaurant and managers bungalow

TM/98/00517/FL Grant With Conditions 12 May 1998

renewal of permission TM/93/0930FL for restaurant and managers bungalow

TM/99/00371/FL Grant With Conditions 22 July 1999

detached bungalow

TM/02/00314/FL Grant With Conditions 29 July 2002

New WC extension and extension to cafe

TM/03/01042/FL Grant With Conditions 2 June 2003

Variation of condition 1 of planning permission TM/98/00517/FL: renewal of permission TM/93/0930FL for restaurant and managers bungalow

5. Consultees:

- 5.1 PC: No objection in principle although PC has concerns regarding the possible privacy issues that may impact on the neighbouring property of Fairview and the residents' enjoyment of their garden amenity.
- 5.2 Environment Agency: No objections subject to conditions relating to protection of ground water from contamination.
- 5.3 Kent Fire brigade: No response.
- 5.4 KWT: No response.
- 5.5 KCC Heritage: No objection subject to archaeological condition.
- 5.6 KCC Highways: No objections raised subject to the following:-
 - 5.6.1 I note that left and right turns in are proposed at the northern access point and that left turns out only are proposed at the southern egress point. The positioning of a central island is proposed to prevent right turns out. A central right turning lane will be created at the northern access point. It is considered that this configuration represents the best balance between an efficient and safe operation for the vast majority of motorists who drive appropriately. Works to the A20 London Road will

need a S278 agreement and should be completed prior to occupation. A construction phase programme should be undertaken for approval prior to commencement. I note that the frontage parking comprises 9 spaces for the swept path analysis drawing 8120R/901 compared to 11 spaces shown on drawing 8120R/902. Clearly only 9 spaces should be designated to allow for efficient servicing access and egress. It is considered that opportunity for some landscaping/planting should be taken at each end of this parking bank to prevent any additional indiscriminate parking at the ends creating a potential service vehicle access or egress safety issue. I consider that the car parking levels proposed, at 80, are in line with the KCC maximum car parking standards for hotels which is 1 space per bedroom plus 1 space per 2 staff. It should be noted however that there should be additional provision where bars or restaurant facilities are open to the general public. Resolution of this issue is therefore required. I accept the findings of the transport assessment regarding trip generation and agree with the conclusion given in paragraph 3.03.

5.7 KCC SUDS: Although the site may be at low-risk from tidal and fluvial flooding, there is no assessment of the pre or post-development surface water management provisions, or how the soakaway system mentioned on the application form has been designed. Accordingly, we are unable to confirm that adequate or suitable drainage will be provided to accommodate the runoff from this proposal. We are therefore still unable to recommend that this application is approved. (Additional information has been consulted on and any further response will be reported in the Supplementary Report).

5.8 Private Reps: (5/0X/3R/0S + Departure site notice + Press Notice) The following concerns are raised

- No privacy in their garden due to overlooking
- There are enough hotels in the area already
- Underground car park might affect the foundations to their property and area well known for underground springs
- Additional traffic generated – A20 already heavily congested and difficulties getting out of their drive with new development at Nepicar Park
- Noise issues 24 hours a day from the hotel use
- Have a right to a peaceful existence in this area
- The café needs to be listed and retained in its entirety as an example of a road side transport vade in the same way that Ace cage in London has been preserved as an iconic piece of our heritage. It is a meeting point for hundreds of motorcyclist and other clubs, is very popular with good food.

6. Determining Issues:

6.1 Principle of development within the Green Belt:

6.2 The whole site lies within the Metropolitan Green Belt and within an area allocated under the Major Developed Sites (MDS) Policy M1 (m) of the Development Land Allocations Development Plan Document (DLA DPD) that allows for infill, development or redevelopment.

6.3 The NPPF indicates that new buildings within the Green Belt are considered to be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are, however, specific exceptions to this position detailed in para 89 which include:

- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

6.4 It is clear that the construction of a new hotel building of this size on the site of a café does have a greater impact on openness and so is inappropriate development.

6.5 Policy M1 of the DLA DPD identifies this site as a Major Developed Site in the Green Belt (MDS) which, notwithstanding the Green Belt location, confirms this site as one where infill development or redevelopment will be permitted in principle. This is consistent with section 89 of the NPPF which seeks to achieve environmental benefits from encouraging reasonably beneficial uses for such previously developed land in the MGB.

6.6 Policy M1 includes a number of criteria to be applied when considering applications for redevelopment. These include:

- It does not lead to any greater impact on the openness of the Green Belt and the purposes of including land within it;
- It leads to an overall improvement in the environment, does not harm the landscape setting, includes provision for maintenance of landscaped areas and appropriately integrates within its surroundings;
- Any changes to traffic generated can be satisfactorily accommodated without conflict with rural amenity and without prejudice to highway safety;
- It does not exceed the height of existing buildings;
- For infill development, it does not result in an extension to the currently developed extent of the site; and

- For redevelopment, the proposed coverage of the site by buildings is no larger than the ground floor extent of the original buildings.

6.7 In addition there are also site specific caveats in respect of Nepicar Area East, London Road, Wrotham (m). These are:

- Respecting the setting of the site within the AONB;
- Integration of development into the area;
- Inclusion of a high quality roofscape to protect long distance views;
- Provision of satisfactory access to the A20;
- Achievement of a satisfactory climate in accordance with Policy SQ6 having regard to the proximity of the A20 and the M20 and M26 motorways;
- Investigation and remediation of any land contamination; and
- Any necessary mitigation measures identified as a result of an archaeological assessment.

6.8 The scheme does not comply with the general or site specific requirements of policy M1 and so departs from the development plan.

6.9 In addition to the departure from the development plan and the harm caused by virtue of the fact that the hotel building constitutes inappropriate development, it is also necessary to consider whether the development causes any other harm and, having done so, whether there are other considerations relevant to the overall balance that are a case of “very special circumstances” and material considerations.

6.10 With the above in mind, it is clearly necessary to establish whether very special circumstances and material considerations exist which outweigh the harm caused by the proposed development by virtue of both its inappropriateness by definition, non-compliance with Policy M1, its physical impact on openness and any other harm.

6.11 The construction of the new hotel is a redevelopment of a previously developed site (brownfield land). Previously Developed Land is specifically defined within the NPPF as being

“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings...land in built up areas such as private residential gardens...and land

that was previously developed by where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”.

- 6.12 The proposal results in an increased and intensified level of development on this site that exceeds the existing level of development both in footprint, height and overall floor area. The impact of the development on the openness of the area is not just about the amount of built form but also the below ground and surface car parks and the possible development of the nature reserve at the rear of the site.
- 6.13 However the development needs to be considered in terms of its similarities with the adjoining site subject to the same policy constraints that has been redeveloped at Nepicar Park. It is considered that the effect of this development on the openness of the area is no worse than that proposed with this current application. Both schemes serve a purpose in kick starting the intentions behind policy M1 which is to encourage a positive redevelopment. This is part of a brownfield site which has had a positive planning policy for redevelopment for many years.
- 6.14 Moreover, in visual terms the site is in need of improvement, it currently has extensive hardstanding and a mis-match of buildings, a single building with quality materials and finishing would improve the visual quality of the area. There is also scope for creation of the landscape screening to the rear which is the view most visible from the wider AONB.

Development in the countryside:

- 6.15 Policy CP14 of the TMBCS states that:

“In the countryside development will be restricted (inter alia) to:

- (f) *Redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability,*

Within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy will still need to be justified by very special circumstances.”

- 6.16 CP14 (f) allows for the redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability. The scheme does not enhance openness or improve sustainability compared to the café in situ but there are overall benefits which are considered to be material considerations in its favour as discussed.

Setting of the site within the AONB (include roofspace/long distance views)

- 6.17 In respect of the submitted Landscape Appraisal, it has been identified that the site is generally seen in limited views from the adjoining AONB and open countryside and is largely obscured from view by the existing landscape, landforms and the

topography of the area. Consequently, the proposed development will result in a very limited impact on the surrounding landscape and there is a very limited impact on the AONB from any public viewpoint. I do not therefore consider that there will be any detrimental impact on the landscape and visual amenities of the AONB as a result of this development, subject to an appropriately subtle colour palette.

6.18 Consequently, I am of the opinion that the proposed development will not worsen the existing impact on the landscape character of the AONB and the proposed development on the MDS and is therefore well integrated into the surrounding area. It must be recognised that views of the site from the surrounding AONB are limited, due to existing vegetation and the topography of the land, and the hotel building would be seen against the backdrop of the wider built environment of the adjoining Nepicar Park, thus limiting its visual impact on the wider countryside. The application in relation to the MDS does not therefore harm the landscape setting.

6.19 Notwithstanding that conclusion, an appropriate landscaping scheme for the site is still required and should be fully implemented in accordance with the plan provided with the addendum, which will ensure the site integrates into the local landscape further and enhances the overall character of the site. A condition requiring a full landscaping scheme and maintenance of the landscaping scheme has therefore been imposed. It would therefore accord with paragraph 115 of the NPPF, policy CP7 of the TMBCS and the appropriate section of policy M1 of the DLA DPD.

Integration of development into the area

6.20 Firstly consideration needs to be given to the height of the proposed building: Policy M1 specifically requires new buildings to be no higher than the existing buildings. This hotel will be clearly higher than the café it is to replace but this is a policy wide criteria and not specific to the sub-part of the M1 (m) designation that is the application site. The highest point of the building is 9m, 1m higher than the buildings currently under construction on Nepicar Park. The development of Nepicar Park replaced buildings that were originally large bulky agricultural buildings which had been used for a variety of haulage and industrial or storage uses. Also, it would not be reasonable to resist a building of this height when buildings of a similar height have been permitted on the adjoining site within the same policy designation and hence there would be a beneficial visual integration. The proposed roofs will be flat with vegetation and the walling is proposed to be a mixture of perforated bronze panelling, timber cladding, glazing (on the ground floor) and a green wall on the courtyard face. In time, it is considered that the building will blend into the landscape, site and wider views of the area.

6.21 Therefore, although the proposed development will cover a wider footprint and area than the existing built development, the design, materials and height of the development has been designed to minimise the impact as far as possible. I am of

the view that the development overall results in no significant detrimental impact on the landscape or immediate locality factoring in the positive policy stance towards redevelopment in this specific location. The proposed landscaping and enhancement scheme further minimises this impact and brings about an overall improvement to the site as a whole, this should be given due weight when considering the policy context for MDS sites. For these reasons I am satisfied that the variation from the specific details of policy requirements in M1 are justified in this case.

Residential amenity

6.22 With regard to the comments made by the residents of the neighbouring bungalow to the north west of the site (Fairview), it is considered that the separation involved will not materially affect the outlook from this property. In order to avoid overlooking issues to the neighbouring property at Fairview and to reduce bulk next to their site, the mass of the building is on the south-eastern side of the site, adjacent to the Nepicar site, which will house buildings of a similar size (currently under construction). The boundary with Fairview will be planted with new trees and hedging to act as a visual screen and additional planting will occur in the 'open' side to the courtyard which will further shield the neighbouring Fairview. Moreover, the entirety of the courtyard will be covered in green 'living walls' to soften the outlook from the Fairview property. The two 'wings' which protrude from the long, main building mass towards Fairview have been stepped-down to just one storey above ground floor. Furthermore, the gables to these wings contain no windows, and therefore negate the possibility of overlooking the property at closer range (23m from the face of the wings to the property at Fairview). The windows at 2nd floor are 41m away from Fairview's dwelling, and 22.3m away from the site boundary. I am therefore of the opinion that policies CP1 and CP24 of the TMBCS are met satisfactorily.

Access onto A20

6.23 Policy M1 (3) requires any changes to traffic generated to be satisfactorily accommodated without conflict with rural amenity and without prejudice to highway safety. In respect of highway issues, the existing access arrangements within the site will be remodelled to form separate in and out crossovers with the ingress being on the northern boundary and the egress on the southern boundary. There will be a reshaping of the exit kerb lines along with the relocation of the centre island on London Road to prevent right turning out of the site and all vehicles leaving the site will turn left towards the M26 junction. These works will be done under a Section 278 Agreement to be entered into with KCC and a planning condition will ensure that these works are completed.

6.24 The submitted Transport Statement identifies that the increased use of this access will not have a material impact on the operation of the local highway network, and the additional trips will be fairly evenly spread throughout the day due to the nature

of the operation. KCC Highways comment that the car parking levels proposed, at 80, are in line with the KCC maximum car parking standards for hotels which is 1 space per bedroom plus 1 space per 2 staff. It should be noted however that they wish for additional provision where bars or restaurant facilities are open to the general public. The agents have therefore submitted a revised basement drawing which would add a further 15 spaces to take account of these concerns.

- 6.25 Alterations are being proposed to the road markings on London Road. Such matters that relate to this site would be fully controlled via a separate agreement direct with the Highway Authority. This would also include the provision of the changes to the road markings and signage. Notwithstanding this, a condition will also be imposed to ensure the access arrangements comply with the plans submitted for consideration. As a result, KCC Highways raise no objections, subject to conditions, and clarification concerning whether any bar or restaurant facilities would be open to the public, as this could create a higher evening demand. Further conditions will also be imposed relating to the provision of parking, loading, off-loading and turning areas, construction vehicles and parking, vision splays and retention of car parking provision. The proposed development therefore complies with the requirements of paragraph 32 of the NPPF and Policy SQ8 of the MDE DPD.

Noise

- 6.26 Policy M1 cites the noise policy SQ6 of the MDE DPD but that policy has since lost its materiality due to the new national noise guidance. A Noise Impact Assessment has been submitted and the site assessed in accordance with BS 2833: 2014. The Assessment identifies that noise from the site will not give rise to an unsatisfactory noise environment for adjoining properties, due to the existing level of background noise from the major roads nearby.
- 6.27 There are a number of possible recommendations identified in the submitted noise report that could be implemented if necessary. I am of the view that due to the nature of the proposal and the adjoining industrial estate that most of these need to be secured by the use of a planning condition. These recommendations are considered necessary, prior to occupation, to ensure any noise impact is minimised as far as possible. These requirements include acoustic fencing to the Nepicar Park boundary and appropriate insulation to the hotel building. A condition to require these recommendations to be complied with and controlling noise from any plant and the function room would ensure that the impact of noise on adjacent properties is controlled and minimised as far as possible and consequently should not give rise to significant disturbance to those residential properties.

Land contamination

- 6.28 A Desk Top Study and Walkover Report have been submitted in respect of potential contamination of the site. These reports find limited evidence of

significant contamination and recommends that further site investigation is not necessary. However, if further potential contamination should be revealed during the construction of the site, then this must be notified to the Council. An appropriately worded condition will be attached to this end. Furthermore the Environment Agency has also requested that further conditions are imposed in respect of potential contamination. I am therefore satisfied that the issue of contamination and its future control is adequate in relation to this site and the application therefore complies with the requirement identified in policy M1 of the DLA DPD and paragraphs 109, 120 and 121 of the NPPF.

Archaeology

- 6.29 An archaeology report has been submitted and concludes that there may be archaeological remains on the site: KCC Heritage Unit have requested that a condition be applied as the site lies within an area associated with early medieval activity.

Other Material Considerations

- 6.30 With regard to a Flood Risk Assessment and Sustainable Drainage Strategy, very limited information was originally submitted. More information regarding the pre or post-development surface water management provisions for this site and how the proposed soakaway system will be designed have been submitted and comments from KCC SUDS are awaited. An appropriate SuDS drainage system would need to be secured by a suitable condition. This approach also accords with policy CC3 of the MDE DPD.
- 6.31 Foul drainage is to the main sewer which is satisfactory.
- 6.32 The agents have submitted information that the basement will be in the Gault Clay and will be approx. 13.5m above the Folkestone Sand Formation. A response is awaited from the EA regarding it being satisfied that this does not harm the groundwater resource.
- 6.33 A protected species report has been submitted in support of this application. The whole site was assessed and a full survey undertaken to determine if protected species are using this site. The survey concluded no bats were found on the site but there is some evidence of bats foraging and commuting within and adjacent to this site. It is however recommended that integrated bat boxes should be installed into the main design of the new buildings. A low level of common lizard has also been found on the site and ecological enhancements to the rear of the site will assist. In this respect, the application therefore complies with paragraph 118 of the NPPF and policies M1 of DLA DPD and NE2 and NE3 of the MDE DPD.

Conclusion

- 6.34 To conclude, the proposed development results in additional employment provision in accordance with policy CP21 of the TMBCS, which should be supported, in line with the NPPF and in particular paragraphs 18-21. The proposed development would result in a high quality building that would comply with policies CP1 and CP24 of the TMBCS and policies CC1 and SQ1 of the MDE DPD.
- 6.35 A number of conditions have been imposed to maintain control over the site, its use and the development. These conditions are considered necessary to allow this development on this sensitive and complex site.
- 6.36 This application is a departure and on face value is contrary to MGB policy. However, overall Members may agree that it represents an acceptable solution to the future of this site, as envisaged in LDF policies for Previously Developed Land. I therefore recommend approval, subject to the appropriate conditions. It will need referral to the National Planning Casework Unit

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Email BASEMENT LEVELS related to groundwater dated 07.07.2016, Email ADDITIONAL INFORMATION agent dated 30.06.2016, Drainage Statement ADDITIONAL INFORMATION suds dated 11.07.2016, Proposed Plans 001 c dated 02.08.2016, Email dated 16.06.2016, Elevations V01 Neighbouring views dated 16.06.2016, Email dated 17.06.2016, Drawing 8120R/902 B dated 17.06.2016, Email KITCHEN EXTRACT dated 06.06.2016, Specifications KITCHEN EXTRACT dated 06.06.2016, Archaeological Assessment dated 15.04.2016, Protected Species Report dated 15.04.2016, Existing Plans 111-000 dated 15.04.2016, Proposed Elevations 111-010-C dated 15.04.2016, Landscaping 111-LA APPRAISAL dated 15.04.2016, Other 8120R/901-A VEHICLE SWEEP PATH ANALY dated 15.04.2016, Location Plan 1_2500(1) dated 15.04.2016, Transport Statement dated 15.04.2016, Proposed Plans 002 PROPOSED GROUND FLOOR PL dated 18.04.2016, Proposed Plans 003 PROPOSED FIRST FLOOR PLA dated 18.04.2016, Noise Assessment dated 15.04.2016, Planning Statement dated 15.04.2016, Proposed Plans 004 PROPOSED SECOND FLOOR PL dated 18.04.2016, Proposed Plans 005 PROPOSED ROOF PLAN dated 18.04.2016, Other DOCUMENT LIST dated 18.04.2016, Aerial Photo 2 dated 21.04.2016, Design and Access Statement dated 21.04.2016, Contaminated Land Assessment PART 1 dated 21.04.2016, Contaminated Land Assessment PART 2 dated 21.04.2016, Contaminated Land Assessment PART 3 dated 21.04.2016, Contaminated Land Assessment dated 27.04.2016,, subject to

- Referral to the National Planning Casework Unit as a departure from the Development Plan

- the following conditions:

Conditions:

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

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

- 2 The premises shall be used for a business hotel and associated restaurant open to non-residents and for no other purpose and the restaurant shall not be operated independently or used for any use other than Class A3 without the prior written approval of the Local Planning Authority.

Reason: To accord with the terms of the application.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no enlargement of the premises by extension or mezzanine shall take place unless planning permission has been granted on an application relating thereto.

Reason: In the interests of controlling further inappropriate development in the Green Belt and ensuring adequate car parking.

- 4 No development other than demolition 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.

- 5 No development other than demolition shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. This shall include acoustic fencing along the north west and south east flank boundaries of the site if required as noise mitigation. 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, to protect and enhance the appearance and character of the site and locality and in the interests of the of residential amenities.

- 6 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as motor cycle, cycle parking and 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 2015 (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 motor cycle, cycle or vehicular access to these reserved parking and cycle spaces.

Reason: To ensure adequate accommodation for the parking of vehicles.

- 7 Provision shall be made on the site, at all times for vehicles loading, off-loading and turning.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in order to maintain the safe and free flow of traffic.

- 8 The development shall be carried out incorporating the mitigation measures within the Protected Species Report hereby approved.

Reason: The protection and enhancement of habitat for protected species.

- 9 Before works other than demolition commence details to include the construction, maintenance, planting and materials of the proposed surface water drainage, attenuation/wildlife pond, treatment swales and rainwater harvesting shall be submitted to and approved by the Local Planning Authority and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: The protection of surface water flows and to prevent the risk of

- 10 The vehicular access arrangements, including changes to markings on London Road shall be fully implemented in accordance with 8120R/902 Rev A dated 15.04.16 or any approved variation thereof. Unless otherwise agreed in writing, the works shall include a ghosted right turn lane and be subject to additional signing, lining, lighting and surfacing works in accordance with the Section 278 Agreement. These works shall be undertaken prior to first occupation of the buildings and retained as approved.

Reason: The protection of highway safety.

- 11 Before works other than demolition commence, a further noise report should be submitted to the Local Planning Authority for approval. The report needs expand upon the recommendations referred to in Section 5 of the hereby approved Noise

Impact Assessment by also considering the potential for noise from the proposed development affecting adjacent residential properties. The report should show that a combined limit for all external plant as being 35 (NR 35) at the site boundary (this being 5dB (A) below the lowest background level measured of 49dB LA90) can be met with suitably specified plant/equipment and/or attenuation. The report should also assess the potential for any other noise coming from the proposed development and its effect upon adjacent residential properties; in particular to address the noise from use of any function rooms. The required works shall be fully implemented and maintained in accordance with those approved details. These measures shall not be varied without the prior written approval of the Local Planning Authority.

Reason: The protection of the aural environment of nearby residential properties.

- 12 No development shall take place until details of a scheme for the handling; storage and disposal of all waste materials and refuse have been submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall show provision for the covered storage of such materials, shall be fully implemented before the use of the premises is commenced, and shall be retained and utilised at all times thereafter.

Reason: In the interests of pollution control in general and residential amenities in particular.

- 13 Before works commence on site, maintenance and management plan in respect of the ecological interest and maintenance of the landscaped areas, grassland, meadow, wildlife pond and all proposed planting shall be submitted to and approved by the Local Planning Authority. Such scheme as approved shall be fully implemented in accordance with the approved plan and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: The protection of the visual amenities of the site and wider environment.

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

Reason: To protect pollution of controlled waters and comply with the National Planning Policy Framework 2012.

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

the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the National Planning Policy Framework.

- 16 Piling or any other foundation /underground car park designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of groundwater in deep aquifers beneath the site through pathways formed by inappropriate foundation works during development.

- 17 The use shall not commence until full details of a scheme of mechanical air extraction from the kitchen, including arrangements for the continuing maintenance of this equipment and any noise attenuation measures required in connection with the equipment have been submitted to and approved in writing by the Local Planning Authority. The submission should include details of an Odour Abatement system, with due reference to the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. Any submission should include a risk assessment for odour as detailed in Annex C of the DEFRA guidance. The approved scheme shall be fully installed before use of the kitchen commences and shall thereafter be maintained in strict accordance with the approved details. No cooking of food shall take place unless the approved extraction system is being operated.

Reason: In the interests of the amenities of nearby properties.

- 18 No development shall take place within the site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of archaeological research.

- 19 No development shall take place until details of a scheme for the handling, storage and disposal of all waste materials and refuse have been submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall show provision for the covered storage of such materials, shall be fully implemented before the use of the premises is commenced, and shall be retained and utilised at all times thereafter.

Reason: In the interests of pollution control in general and residential amenities in particular.

- 20 No fans, louvres, ducts, similar apparatus, or public address system audible from outside the building shall be installed without the prior written approval of the Local Planning Approval.

Reason: In the interest of visual amenity.

- 21 No external lighting shall be erected on the site without the prior written approval of the Local Planning Authority. Any external lighting scheme submitted for approval should include intended hours of use and measures to reduce light spillage and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure the character and appearance of the development and the locality is not significantly harmed.

Informatives

1. During construction, provision shall be made on the site to accommodate operatives' and construction vehicles, loading, off-loading or turning on the site.
2. Prior to the works commencing on site parking for site personnel, operatives and/or visitors shall be provided and retained throughout the construction of the development
3. Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.
4. An asbestos survey will be required and will be necessary prior to demolition work commencing. More information can be found in the HSE publication 'Asbestos-The Survey Guide, which can be downloaded free of charge from the HSE website www.hse.gov.uk.
5. This is a business/trade property and therefore must comply with all Duty of Care regulations.
6. Facilities for staff need to be provided in accordance with Regulation 20 of the Workplace (Health, Safety & Welfare) Regulations 1992 for each of the proposed units or collectively if WC's are to be provided in a communal area.
7. Your attention is drawn to the need to fully comply with the requirements of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010, particularly in regard to protected species.

8. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
9. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Contact: Rebecca Jarman

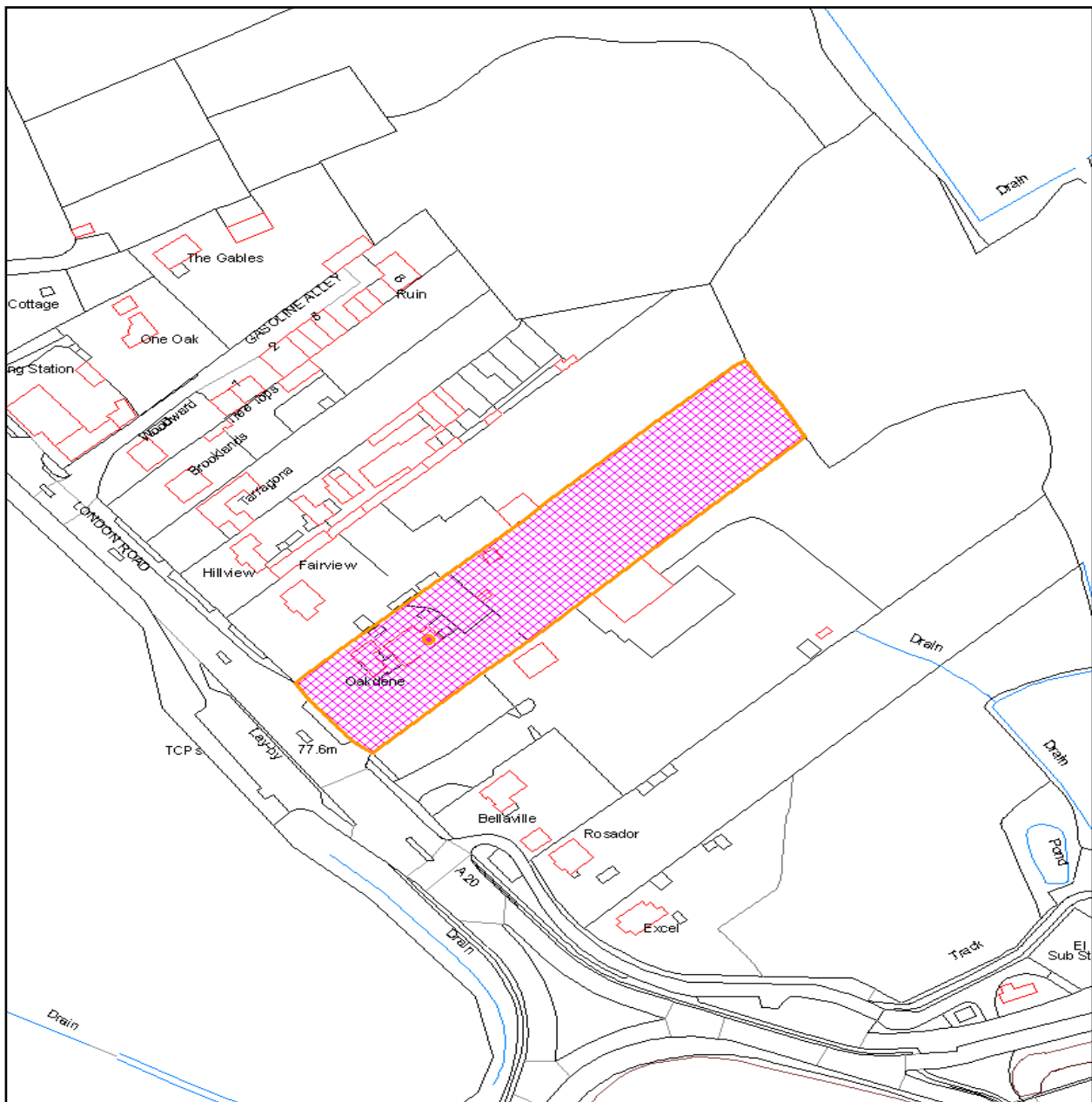
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TM/16/01231/FL

Oakdene Cafe London Road Wrotham Sevenoaks Kent TN15 7RR

Demolition of existing single storey structure and associated outhouses (A3 and C3 uses) and creation of new part 2, part 3 storey mixed use complex (A3, B1(a) and C1) plus basement for 62 car parking spaces and 18 surface parking spaces across 3077sqm of the site. 5360sqm to the rear of the site will be planted with native species trees as an improved nature reserve

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Borough Green
Borough Green And
Long Mill

14 June 2016

TM/16/01245/FL

Proposal: Section 73 Application to vary condition 13 of TM/14/03560/FL (as varied by non material amendment TM/16/00688/NMA) to remove the chamfer from the rear of the building, relocation of escape door, insertion of additional escape door, retention of existing covered porch, amendment to main entrance door, reduction in width and relocation of new access stairs, revised position of two car parking spaces

Location: 4 Wrotham Road Borough Green Sevenoaks Kent TN15 9DB

Applicant: Sainsbury's Supermarkets Ltd

1. Description:

1.1 Members resolved to grant planning permission for single storey side and rear extensions, installation of plant machinery and reconfiguration of access to the existing residential accommodation above on 12 December 2014 (TM/14/03560/FL).

1.2 The plans approved as part of the above application were not listed within a condition. Therefore, the applicant took the step of submitting an application for a Non-Material Amendment to list the approved drawings (TM/16/00688/NMA), which was approved with the drawings listed within condition 13, an extra condition.

1.3 The applicant has made changes to the approved scheme and rather than resubmit a fresh planning application, in this s73 application they are seeking approval for that change as a "minor material amendment".

1.4 This application therefore seeks to vary condition 13 of TM/14/03560/FL (as inserted by TM/16/00688/NMA) to include a revised drawing to remove the chamfer from the rear of the building, relocate the escape door, insert an additional escape door, retain the existing covered porch, amend the main entrance door, reduce the width and location of the new access stairs and to revise the position of two car parking spaces.

1.5 Condition 13 of TM/16/00688/NMA states

13. The development hereby approved shall be undertaken in accordance with the following approved plans and supporting documentation:

Proposed Floor Plans P-121603-102 C received 27.11.2014, Elevations P-121603-203 A received 27.11.2014, Elevations P-121603-204 A received 27.11.2014, Existing Floor Plans P-121603-101 received 17.10.2014, Floor Plan P-121603-111 received 17.10.2014, Drawing P-121603-115 B received

17.10.2014, Elevations P-121603-201 received 17.10.2014, Elevations P-121603-202 received 17.10.2014, Drawing P-121603-300 received 17.10.2014, Location Plan P-121603-100 received 17.10.2014.

Reason: For the avoidance of doubt.

- 1.6 This is a retrospective application. The work has been carried out on site and the store has now opened. It is understood that delivery vehicles are not turning on site in the manner indicated when TM/14/03560/FL was granted.
- 1.7 The building previously operated as a public house at ground floor, with manager's flat and separate flat at first floor and above. The General Permitted Development Order 2015 permits the change from A4 (drinking establishment) to A1 (shops) without the need for a planning application. Therefore, had the applicant not required an extension they would have occupied the building for retail purposes without referral to the Local Planning Authority.
2. **Reason for reporting to Committee:**
 - 2.1 Called in by Cllrs Taylor and Perry in order to consider the implications resulting from the loss of the chamfer to the rear of the building on highway safety, and comparison with the situation of other large convenience shops in the village.
3. **The Site:**
 - 3.1 The site lies on the eastern side of the A227 Borough Green Road, directly north of the London to Maidstone railway line, to the south of 10 Western Road and to the west of some commercial units within Bourne Enterprise Centre. To the west of the application site, on the opposite side of Borough Green Road, lies the Borough Green and Wrotham Railway Station and Co-op store, both of which are served by Station Approach. A small parade of shops lies on the junction of Station Approach with Wrotham Road.
 - 3.2 The application site includes 5 existing A1/A2 units which lie on the northern boundary on the site between 10 Maidstone Road and the Henry Simmonds PH.
 - 3.3 The site lies within the built confines of Borough Green and an Area of Archaeological Potential. The site is within the retail policy boundary for Borough Green as defined by Policy R1 of the DLA DPD 2008.
 - 3.4 The site is relatively flat with vehicular access off Maidstone Road toward to the north-west corner of the site. There is a pedestrian access off the Wrotham Road footway in the south west corner. A zebra crossing lies outside the site serving the Railway Station.

4. Planning History (relevant):

TM/14/03560/FL Approved 12 December 2014

Single storey side and rear extensions to existing building, installation of ATM, changes to elevations, installation of plant machinery and reconfiguration of access to the existing residential accommodation above

TM/14/03570/AT Approved 12 December 2014

3 no. internally illuminated fascia signs, store entrance sign, ATM surround, Totem sign (externally illuminated) and various car park/parking signage

TM/15/02849/RD Approved 17 March 2016

Details of materials (2), external lighting (6), alternative location for commercial bin store (8), screening for proposed mechanical plant (9), and watching brief (10) to be undertaken by an archaeologist pursuant to conditions of planning permission 14/03560/FL (single storey side and rear extensions to the existing building, the installation of ATM, changes to elevations, the installation of plant machinery and reconfiguration of access to the existing residential accommodation above)

TM/16/00688/NMA Approved 24 March 2016

Non Material Amendment to TM/14/03560/FL (Single storey side and rear extensions to existing building, installation of ATM, changes to elevations, installation of plant machinery and reconfiguration of access to the existing residential accommodation above) to list the approved drawings as listed under a new condition

5. Consultees:

5.1 PC: No observations

5.2 KCC (Highways): Concerns in relation to the changes to the building resulting in an inadequacy of space for manoeuvring safely around the site;

5.2.1 At the time of visiting the site a Ford Ka had difficulty turning from the rear of the site to the southern side of the site and therefore delivery vehicles will also experience problems. Complaints have been received relating to delivery vehicles associated with this store reversing onto the highway, having a detrimental impact upon highway safety. The “squaring off” of the building at the rear restricts visibility of pedestrians and this too is considered detrimental to highway safety. The alterations to the disabled parking space also appear to restrict manoeuvring space, which may lead to conflict.

5.2.2 In light of this, recommend that the application is refused on highway grounds as there is inadequate manoeuvring space within the site causing conflict between

vehicles and pedestrians and leading to vehicles reversing within the highway which is contrary to highway safety.

5.3 Private Reps: Art 15 site notice and (16/0S/0X/0R). No comments received.

6. **Determining Issues:**

6.1 The imposition of a condition on a planning permission is not set in stone – the applicant has the prerogative under s73 of the Town and Country Planning Act 1990 to seek a variation and the LPA must consider such requests on their planning merits in the context of the Development Plan and other material land use planning considerations. The Government has endorsed s73 of an NMA (non-material amendment) application with a plans list as a condition as a way by which developers can seek approval for Minor Material Amendments.

6.2 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. I am of the opinion that the removal of the chamfer from the rear of the building, relocation of the escape door, insertion of additional escape door, reduction in width and relocation of new access stairs would not have a detrimental impact upon the visual amenity of the site and its surroundings.

6.3 The planning permission for TM/14/03560/FL (the parent application) included a list of submitted details. This included 3 plans relating to vehicle tracking and a Transport Statement.

6.4 Condition 11 of TM/14/03560/FL states

“The extension hereby approved shall not 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 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.”

6.5 The tracking diagrams submitted within the approved Transport Statement show how the delivery lorries would turn on the site. It had a swept path analysis for a delivery lorry going into the site, travelling around the rear of the building, and parking in a marked delivery bay to facilitate to manoeuvre entirely in a forward gear. The Transport Statement, at paragraph 3.7 states *“The service area of the development adjacent to the front of the store would be accessed from the car*

park and, like cars, service vehicles would access and egress into and out of the existing access on Wrotham Road. Track plot

***SSLBOROUGHGREEN(LOCAL).1/TK01**, presented in **Appendix B**, shows how the 18t (9.9m) rigid delivery vehicle would be able to access the site.”*

- 6.6 At paragraph 9.8, the Transport Statement states “*The delivery vehicle will turn left slowly into the site before turning manoeuvring around the car park in a clockwise direction, minimising the use of excessive brakes, before stopping in the loading area adjacent the front of the store. The engine will then be turned off after manoeuvring*”.
- 6.7 The Transport Statement forms part of the approved documents for TM/14/03560/FL. Given that it demonstrates that there was manoeuvring space around the building for delivery vehicles, in my view it is necessary for the applicant to demonstrate that delivery vehicles are still able to turn around on site notwithstanding the amendments that have been made to the scheme when built out.
- 6.8 The tracking shown on these diagrams includes the area where the building has now been squared off to remove the chamfer, and the hatched area surrounding disabled parking space SSL6, which has been moved 1.6m away from the building.
- 6.9 Therefore, I am of the opinion that amending only condition 13 on the plans list is inadequate, as the amended drawings would as a consequence be in direct conflict with condition 11. Condition 11 was clearly predicated on keeping the “turning area” available, and the original permission was granted based in part on the information provided in the Transport Statement regarding the proposed vehicle movement.
- 6.10 The application description needs to also vary (or remove) condition 11. Various attempts have been made to get the applicant to revise the proposal in this respect, and to submit an updated Transport Statement detailing an alternative delivery strategy.
- 6.11 The applicant is of the opinion that condition 11 is unenforceable because it refers to a “turning area” that does not exist and is not shown on any plans. They consider that a track plot is not a turning area, and therefore we would not be able to require an area to be kept available if it could not define the parameters of that area. The applicant suggests that even if a track plot could be interpreted as a “turning area”, there is nothing in condition 11 (or any other condition) to ensure that deliveries must take place in the manner envisaged during the course of consideration of TM/14/03560/FL.
- 6.12 Whilst a planning condition to ensure that vehicles **always** enter and exit the site in a forward gear would be unenforceable in a practical sense, it is still of benefit to the highway safety of the surrounding locality and proper planning to ensure that

there is an area on the site where vehicles can turn, as required by condition 11 of TM/14/03560/FL.

- 6.13 There are a number of other small “supermarkets” within Borough Green. Having considered the planning history for these, two of these were converted to supermarkets under the provisions of the General Permitted Development Order because of the uses of the buildings into which they located, and did not require the benefit of express planning permission (Co-op and Loco). The planning permission for the Nisa relates to an historical consent (MK/4/65/183), and has no conditions relating to delivery vehicles. However, given that this Sainsbury site is controllable under planning conditions, the other sites within Borough Green should not form a precedent and through planning, in my view the Council should seek to ensure that the use of the site as a retail shop should have minimal detrimental impact on highway safety and the free flow of traffic.
- 6.14 In light of this concern relating from the proposed changes resulting in inadequate turning conditions, I am of the opinion that the application to amend only condition 13 of TM/14/03560/FL would be in direct conflict with condition 11 of TM/14/03560/FL, which was predicated on keeping the “turning area” available. The tracking plans submitted as part of the Transport Statement approved under TM/14/03560/FL (which shows a delivery vehicle entering and leaving the site in a forward gear and thus “turning” on site) indicates that the area where the chamfer has not been built and one of the parking spaces relocated to encroaches into the tracking, and therefore breaches condition 11. In light of this, I recommend that the application be refused and enforcement action taken.

7. **Recommendation:**

7.1 **Refuse**

Reasons

- 1 The Local Planning Authority considers that amending condition 13 in isolation from amending condition 11 is inadequate because removing the chamfer and relocating parking will be in direct conflict with condition 11 of TM/14/03560/FL, by encroaching into the turning area for the delivery vehicle, as set out in the approved Transport Statement under TM/14/03560/FL. Insufficient information has been submitted within this application to demonstrate that delivery vehicles can enter and exit the site in a forward gear and therefore the proposal could give rise to hazardous conditions on the highway, on the A227 and within the site itself, contrary to paragraphs 32-35 of the National Planning Policy Framework and Policy SQ8 of the Managing Development and Environment DPD 2010.

2. An Enforcement Notice **BE ISSUED** to seek the construction of the site in accordance with the approved plans of TM14/3560/FL, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Glenda Egerton

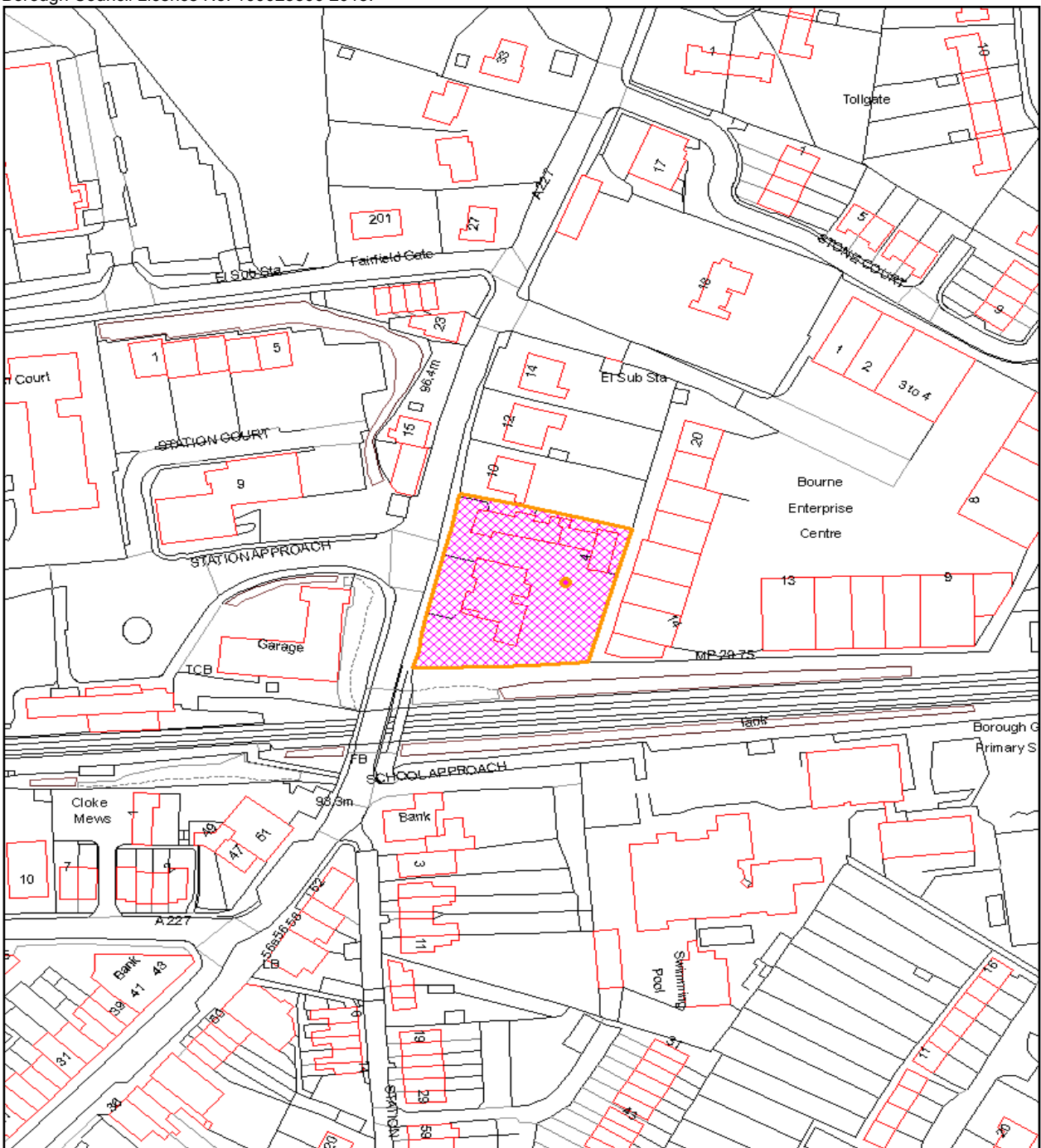
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TM/16/01245/FL

4 Wrotham Road Borough Green Sevenoaks Kent TN15 9DB

Section 73 Application to vary condition 13 of TM/14/03560/FL (as varied by non material amendment TM/16/00688/NMA) to remove the chamfer from the rear of the building, relocation of escape door, insertion of additional escape door, retention of existing covered porch, amendment to main entrance door, reduction in width and relocation of new access stairs, revised position of two car parking spaces

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Alleged Unauthorised Development
Addington 16/00112/USEH
Downs And Mereworth

Location: Stubblesdown London Road Addington West Malling Kent
ME19 5AL

1. Purpose of Report:

1.1 To report the unauthorised change of use of land from residential to a mixed use of residential and commercial car sales.

2. The Site:

2.1 The site is to the south of the A20 London Road with the main house set on a higher level to the road. The cars are displayed at the front of the site curtilage adjoining the highway.

3. Planning History:

3.1 None.

4. Alleged Unauthorised Development:

4.1 Without planning permission the change in use of land from residential to a mixed residential and car sales business.

5. Determining Issues:

5.1 A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

5.2 The potential change of use of this site has been investigated on a number of occasions in connection with an alleged change in use for commercial car sales. On each of the previous occasions the owner has indicated that these car sales have been purely sold on a private basis and that no commercial car trade has been undertaken.

5.3 As part of the earlier investigations, in 2014 a Planning Contravention Notice was issued to establish if any commercial activity was being undertaken. At that time the owner once again indicated that the car sales were purely private and that no trade or business was operated from the property. At that time, the Council had no evidence to dispute that assertion and no further action could be taken.

- 5.4 The site has been investigated again more recently, and following further inspections and a meeting with the owner, it was determined that a material change of use of the property had occurred due to the fact that it was clear that the sale of vehicles from the land was clearly more than just on a private basis. At the time of inspection there were four vehicles displayed for sale. Over recent months the site has been inspected and the number of vehicles displayed for sale has remained at this level.
- 5.5 At this time, the owner stated that he had been dealing in second hand goods, and that commercial car sales had taken place from the site for more than 10 years and was therefore immune from any enforcement action; a starkly different position from that taken in 2014.
- 5.6 At this point in the investigation, officers made enquires with Kent Trading Standards who advised that the owner of the site had been registered at the address for business purposes but this registration had been from November 2008, meaning that the commercial use of the site is not immune from enforcement action under Section 191 of the Act.
- 5.7 The site is in the Green Belt and therefore Section 9 of the NPPF applies. Development within the Green Belt is inappropriate unless it specifically relates to one of the exceptions provided for within the NPPF. Changes of use of land are not listed as an exception and therefore amount to inappropriate development which is harmful by definition and for which very special circumstances must be demonstrated (paragraph 88 of the NPPF). In addition, I consider that the use of the land for car sales by virtue of the parking of potentially a high volume of cars on the land is harmful to the openness of the Green Belt in physical terms.
- 5.8 Paragraphs 18 and 19 of the NPPF support sustainable economic growth on which significant weight should be placed and Paragraph 28 also supports new development that would contribute to a strong rural economy. In principle, small businesses can be supported; however, I do not consider there to be any additional benefit to the local economy from the use in question sufficient to outweigh the harm arising from the use in question.
- 5.9 Policies CP24 of the TMBCS and SQ1 of the MDEDPD require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 5.10 The use of the site for car sales is clearly visible from the A20 when approaching the village of Addington and is considered to have an adverse impact on the appearance of the site. Accordingly, the development is harmful to the character and visual amenity of the area and therefore is contrary to policies CP24 of the TMBCS and policy SQ1 of the MDE DPD.

5.11 For the above reasons the above breach of planning control is considered to be contrary to the relevant provisions of the Development Plan and NPPF, and therefore it is recommended that enforcement action be taken to seek the cessation of the use.

6. Recommendation:

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

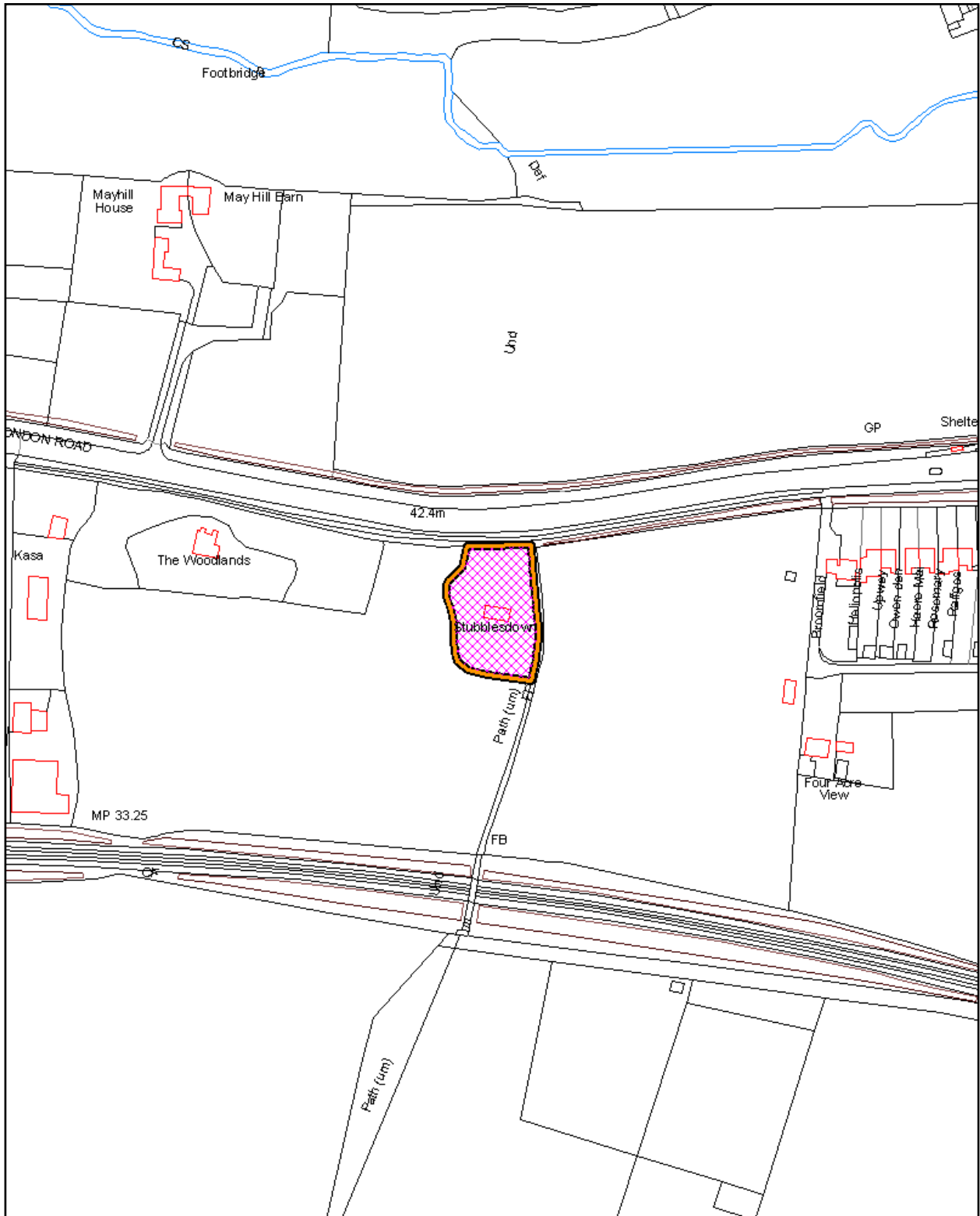
Contact: Richard Edmonds

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16/00112/USEH

Stubblesdown London Road Addington West Malling Kent ME19 5AL

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Alleged Unauthorised Development
Borough Green 15/00388/WORKM
Borough Green And
Long Mill

Location: Land Rear Of 19-29 Station Road Borough Green Sevenoaks
Kent

1. Purpose of Report:

- 1.1 To report the development of the site, not in accordance with the approved landscaping details. Planning permission for the development itself was granted under planning reference TM/12/02970/FL, with details of landscaping reserved by condition. The condition was subsequently formally discharged under planning reference TM/14/03394/RD.

2. The Site:

- 2.1 The application site is situated close to the central area of Borough Green which is defined as a rural service centre. The site is surrounded by residential properties.
- 2.2 The application site is currently at a higher ground level than most of these dwellings and the access road to the south and west of the site.

3. Planning History (most relevant):

TM/12/02970/FL Approved 2 May 2013

Proposed construction of two 3 bedroom semi detached dwellings and associated walls (Resubmission of TM/12/02034/FL)

TM/14/03394/RD Approved 1 April 2015

Details pursuant to condition 4 (landscaping), 6 (garden sheds), 13 (energy, waste and water) and 14(a and b) (soil contamination) of planning permission TM/12/02970/FL (Proposed construction of two 3 bedroom semi detached dwellings and associated walls)

21 July 2016 Enforcement Notice and Stop Notice requiring removal of unauthorised development.

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the unauthorised development of the site, otherwise than in accordance with the approved landscaping scheme as approved under application reference TM/14/03394/RD.

5. Determining Issues:

- 5.1 Through investigation, it is clear that a wall has been constructed on the eastern boundary of the site at a height of 1.8m. On top of this wall, a 1m fence has been erected. The approved plans indicated the installation of a 1m high retaining wall and 1.8m high fence to be erected. It would also appear that the gardens to the rear of the site are at a level which is higher than shown on the approved plans.
- 5.2 Although the total height of the boundary treatment at this point approximately mirrors the approved details, the much more substantial brick wall element has a far greater visual impact and is significantly more imposing on the locality than what was approved under condition 4 of planning permission TM/12/02970/FL.
- 5.3 As such, the development as constructed does not respect the appearance of the locality and is therefore detrimental to the amenity of the area. For these reasons the development as constructed is contrary to policy CP12 and policy CP24 of the TMBCS. Furthermore, the higher level gardens could give rise to the possibility of overlooking of adjoining properties which are set at a lower level.
- 5.4 For the above reasons I believe it is expedient to take enforcement action to seek the removal of the existing boundary treatment, and the construction of the boundary treatment in accordance with the previously approved landscaping details.

6. Recommendation:

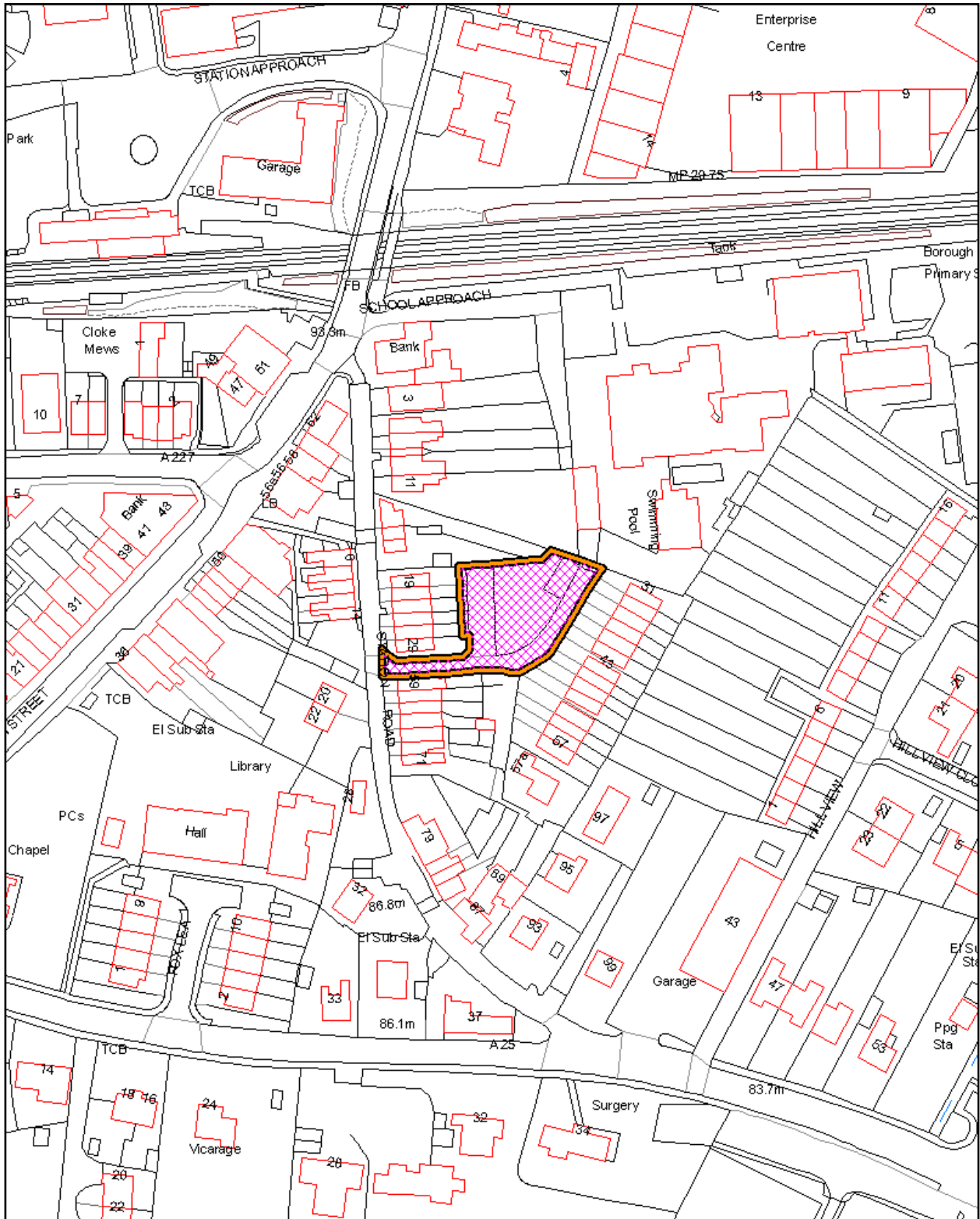
- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised wall and fence and to require the landscaping and boundary treatment to be undertaken in accordance with the plans approved under planning references TM/12/02970/FL and TM/14/03394/RD, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Richard Edmonds

15/00388/WORKM

Land Rear Of 19-29 Station Road Borough Green Sevenoaks Kent

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Alleged Unauthorised Development
Addington 15/00299/WORKH
Downs And Mereworth

Location: The Old Bakery (aka Jubilee Bungalow) London Road
Addington West Malling Kent ME19 5PL

1. Purpose of Report:

- 1.1 To report the unauthorised creation of a large area of hardstanding to the south of the property.
- 1.2 This report follows the refusal of retrospective planning permission (under delegated powers) for the development in question. Permission was refused for the following reasons:
 - 1 *The proposal constitutes inappropriate development which by definition is harmful to the Green Belt. The Local Planning Authority does not consider that very special circumstances exist that would outweigh the harm from the development's inappropriateness and by loss of openness. The proposed development is contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and Paragraphs 80, 87, 88 and 90 of the National Planning Policy Framework (2012).*
 - 2 *The proposal, due to the amount of hard surfacing, would have a detrimentally harmful effect on the character and visual amenity of the locality. The proposal is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 56, 60 and 64 of the National Planning Policy Framework 2012.*

2. The Site:

- 2.1 The site is within the Metropolitan Green Belt and a Water Catchment Area. The rear section of the site is within an Area of Archaeological Potential (AAP). London Road (A20) is a Classified Road.
- 2.2 The site is located on the south side of London Road (A20), about 140m to the east of St Vincents Lane, to the east of the settlement of Wrotham Heath. The site lies between the BMW car sales premises to the east and Endeavour Business Park to the west. The site adjoins National Rail land at the rear.
- 2.3 It is occupied by a bungalow (Jubilee Bungalow) and an antiques shop (Adpine Antiques) both set back about 25m from the London Road frontage and both under the ownership of the applicant with a shared curtilage. The family antiques business buys, sells and exchanges furniture and collectables. Storage, repair and restoration of furniture and antiques are also undertaken on the site.

3. Planning History (relevant):

TM/16/00763

Refuse

10 July 2016

Retrospective application for the construction and use of a hardstanding area to the rear of the commercial unit (Adpine Antiques) for storage purposes on the land at London Road

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the creation of a large area of hardstanding to the south of the site.

5. Determining Issues:

- 5.1 The site is in the Green Belt and therefore Section 9 of the NPPF applies. Paragraph 90 advises that engineering operations are a certain form of development that is not inappropriate in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.
- 5.2 The engineered hard surfacing that has been constructed on the site (dark grey gravel) covers a substantial area at the rear of the site, including 300-400m² of access track along the western boundary and a flat terraced area of hardstanding of about 730m² at the rear of the site. The retrospective planning application submitted stated that the hardstanding area was intended to provide an additional storage area to accommodate the supply of furniture for the expanding business.
- 5.3 The significant amount of engineered hard surfacing constructed and the large amounts of furniture and other products that are likely to be stored on the hardstanding area would have a harmful effect on the openness of the site. The proposed development would therefore not preserve the openness of the Green Belt and, accordingly, the development amounts to inappropriate development.
- 5.4 Paragraph 87 of the NPPF advises that “as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 88 follows by stating that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 5.5 In refusing planning permission for the development, it was considered that ‘very special circumstances’ sufficient to outweigh the harm to the Green Belt do not exist. The development is therefore contrary to policy CP3 of the TMBCS and paragraphs 87-88 and 90 of the NPPF.

- 5.6 Policies CP24 of the TMBCS and SQ1 of the MDEDPD require development to be well designed and, through its scale, density, layout, siting, character and appearance, respect the site and its surroundings. It should also protect, conserve and, where possible, enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 5.7 The gravel hard surfacing/hardstanding that has been constructed is substantial in area and, although not overly visible from neighbouring properties, is considered to have an adverse impact on the appearance of the site which is otherwise open and grassed. Accordingly, the development is harmful to the character and visual amenity of the area and therefore is contrary to policies CP24 of the TMBCS and policy SQ1 of the MDE DPD.
- 5.8 As the planning application has been refused for the development for the reasons given above, it is recommended that enforcement action be taken to seek the removal of the unauthorised development and the restoration of the land to its former condition.

6. Recommendation:

- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised hardstanding and the land restored to its former condition, the detailed wording of which to be agreed with the Director of Central Services.

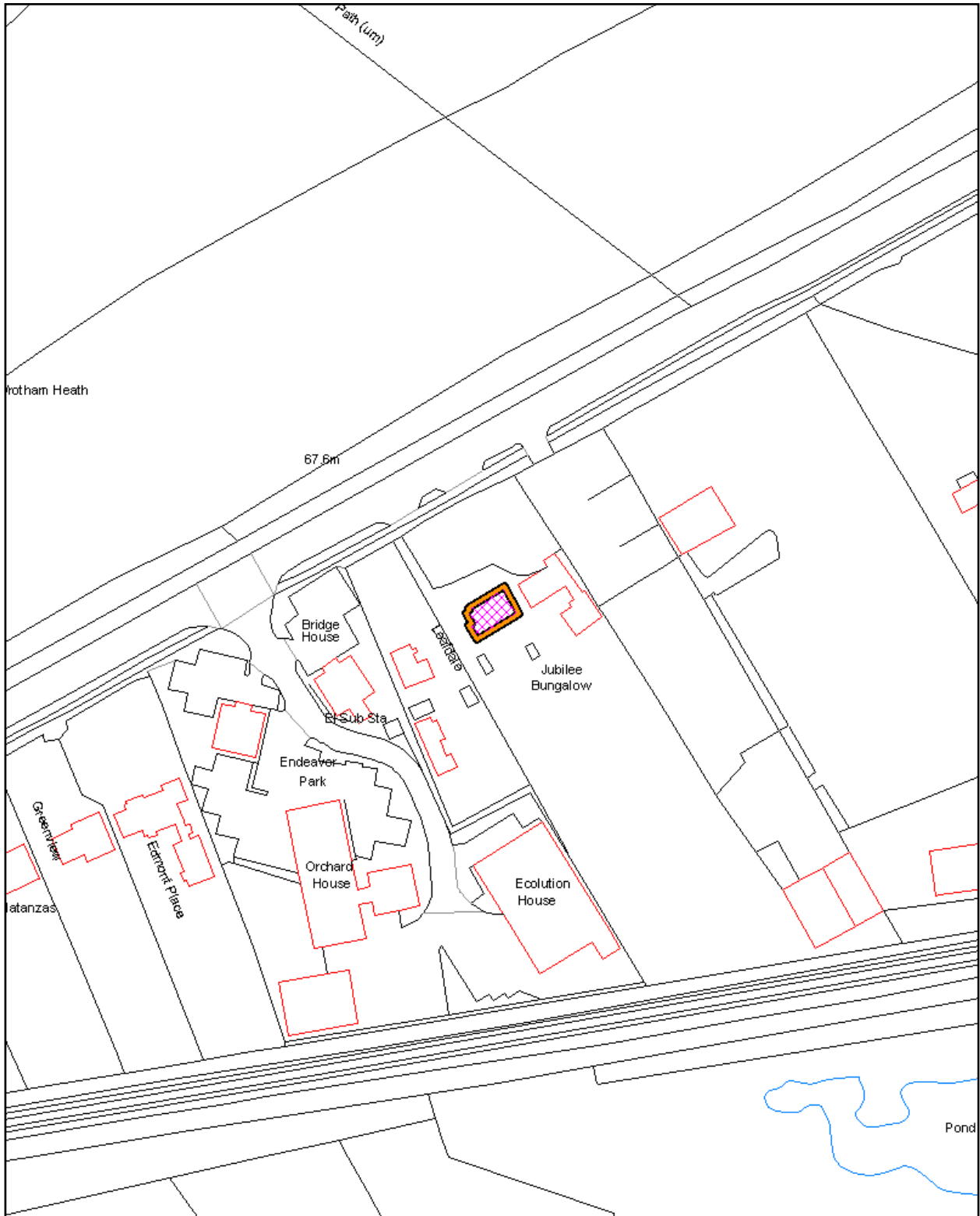
Contact: Richard Edmonds

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15/00299/WORKH

Jubilee Bungalow London Road Addington West Malling Kent ME19 5PL

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Agenda Item 12

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

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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