

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

Contact: Committee Services
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20 September 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, 28th September, 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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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, 17th August, 2016

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson, Cllr Mrs S M Barker, Cllr R P Betts, 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 and Cllr T B Shaw

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

Apologies for absence were received from Councillors S R J Jessel (Vice-Chairman), M A C Balfour, M A Coffin, Miss J L Sergison and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 16/44 DECLARATIONS OF INTEREST

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

AP2 16/45 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 6 July 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 16/46 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 16/47 TM/15/03051/FL - ST GEORGES COURT, WEST STREET, WROTHAM

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 at St Georges Court, West Street, Wrotham.

RESOLVED: That a Members' Site Inspection be arranged to fully explore and assess issues regarding the:

- Relationship with Courtyard Gardens to the East
- Relationship with Childs Way to the North
- Relationship with Goodworth Road/Mountain Close to the West
- Relationship with West Street
- Parking issues in West Street
- Context of the form and materials within the AONB and setting of the Conservation Area
- Trees
- Junction of West Street and High Street
- Location of Primary School
- Location relative to the local services

In addition, Members requested that a list of those concerns raised and highlighted by consultees and the public speakers be available at the Site Inspection for information.

[Speakers: Mr P Gillin on behalf of CPRE; Mrs C Savill, member of the public; Mr B Bell on behalf of the Courtyard Gardens Residents; and Wrotham Parish Council (Mr H Rayner)]

AP2 16/48 TM/16/01231/FL - OAKDENE CAFE, LONDON ROAD, WROTHAM

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 at Oakdene Café, London Road, Wrotham.

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

- (1) Referral to the National Planning Caseworker Unit as a departure from the Development Plan

(2) An updated Plans List being noted

(3) Amended Condition:

10. Prior to the first occupation of any part of the building hereby approved, the vehicular access arrangements, including changes to markings on London Road shall be fully implemented in accordance with 8120R/902 Rev B dated 17.06.16 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 Section 278 Agreement and they shall be retained as approved.

Reason: The protection of highway safety.

14. No drainage systems for the infiltration of surface water drainage into the ground are permitted from the modular attenuation tank or the underground parking drainage system, 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 National Planning Policy Framework 2012.

(4) Additional Condition(s):

22. No development shall take place until details and results of the site specific borehole investigation have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the underground car park does not affect ground water contamination.

23. (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed without increase to on site or off site flood risk. Any discharge to the public surface water sewer shall be agreed in advance in writing with the Local Planning Authority and Southern Water.

(ii) No building hereby permitted shall be occupied until details of the implementation; maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by

the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- A timetable for its implementation
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

[Speakers: Ms J Fleming, agent]

AP2 16/49 TM/16/01245/FL - 4 WROTHAM ROAD, BOROUGH GREEN

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 at 4 Wrotham Road, Borough Green.

RESOLVED: That the application be DEFERRED to allow further negotiations with the applicant to take place.

[Speaker: Mr G Morris – applicant]

AP2 16/50 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00112/USEH - STUBBLESDOWN, LONDON ROAD, ADDINGTON

The Director of Planning, Housing and Environmental Health reported the unauthorised change of use of land from residential to a mixed use of residential and commercial car sales at a site to the south of the A20 London Road.

It was reported that the use of the site for car sales was clearly visible from the A20 when approaching the village of Addington and was considered to have an adverse impact on the appearance of the site. Accordingly, the development was harmful to the character and visual amenity of the area and, therefore, contrary to policies CP24 of the TMBCS and policy SQ1 of the MDE DPD.

RESOLVED: That, following the outcome of the application seeking a Lawful Development Certificate, 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.

AP2 16/51 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00388/WORKM - LAND REAR OF 19-29 STATION ROAD, BOROUGH GREEN

This item was WITHDRAWN from the agenda as the developers had made changes to the fence since the enforcement case was opened which meant it was no longer expedient to take action on visual amenity grounds.

Members were advised that Officers continued to investigate any breaches of planning control of the garden levels with regard to other amenity issues that might arise.

AP2 16/52 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00299/WORKH - THE OLD BAKERY, LONDON ROAD, ADDINGTON

The Director of Planning, Housing and Environmental Health reported the unauthorised creation of a large area of hardstanding to the south of the property.

It was reported that the site was in the Green Belt and, therefore, Section 9 of the NPPF applied. The significant amount of engineered hard surfacing constructed and the large amounts of furniture and other products likely to be stored on this area would have a harmful effect on the openness of the site and would not preserve the openness of the Green Belt. Therefore, this was considered inappropriate development and was harmful to the character and visual amenity of the area and was contrary to policies CP2 of the TMBCS and policy SQ1 of the MDE DPD.

RESOLVED: That 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.

AP2 16/53 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.50 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

East Peckham
East Peckham And
Golden Green

27 November 2012

TM/12/01892/FL

Proposal: Retention of change of use of land to use as a residential caravan site for one gypsy family, including the laying of a hard standing, erection of fencing, detached amenity building and steps and decked areas to mobile home. Land raised by 300 mm hardcore/pavers

Location: East Acres Branbridges Road East Peckham Tonbridge Kent TN12 5HD

Applicant: Mr Kevin Eastwood

1. Description:

1.1 Members may recall that an Enforcement Notice in respect of this development was issued in February 2010. The Notice was subject to an appeal. The Notice was upheld by the Planning Inspector but the period for compliance was varied by the Inspector to a period of 18 months (meaning that the applicants should have vacated the site by 02.09.2012). The Inspector gave the reason for extending the time period for compliance as follows:

“The appellant argued that three months was not enough bearing in mind the difficulty of finding alternative sites. The Council has a duty to facilitate the appellant’s way of life and 18 – 24 months was realistic in this instance. Whilst I recognise that the site is in a vulnerable location, there is an early flood warning service that the appellant can sign up to which would help to secure the family’s safety bearing in mind the vulnerability of the site.”

1.2 Following the Inspector’s decision to uphold the Enforcement Notice (subject to the varied time for compliance), planning application TM/12/01892/FL was submitted on 16.06.2012 to allow for the continued occupation of the site. Further action has been held in abeyance to allow for the consideration of this application.

1.3 It is acknowledged that a significant period of time has elapsed since the submission of the current planning application and bringing the matter to APC2 for determination. The reason for this centres on the fact that we have been awaiting a number of key decisions from the Planning Inspectorate, High Court, and subsequently Court of Appeal, which would form material planning considerations and which needed to be considered within the context of this case.

1.4 A central consideration was the awaited Planning Inspectorate’s decision in respect of Woodford, Old Lane, Ightham. The Hearing regarding this case took place in December 2013 although, for various reasons, the final decision was not made by the Planning Inspectorate until 24 July 2015.

- 1.5 This was followed by a second appeal relating to a site in Hadlow (Alan's Hectare, Cemetery Lane) which was determined by the Planning Inspectorate in June 2016. This decision, when read in conjunction with the earlier 'Woodford' decision gives a clear direction in terms of unmet need for Traveller provision within the Borough, a matter which is discussed in detail throughout the report.
- 1.6 Furthermore, given that a key consideration in the assessment of the case to which this application relates centres on matters of Green Belt policy and the application of the requirements set out in the NPPF (Section 9), the *Redhill Aerodrome* case was also considered to have some important implications.
- 1.7 The Redhill case ultimately went to the Court of Appeal, with the Judgement being made on 24 October 2014; the long-standing approach to assessing very special circumstances ultimately remaining unchanged as a result ("any other harm" including other harm relevant to planning purposes, not solely other harm to the Green Belt). This sequence of events had a very clear bearing on the consideration of the appeal case given that there was a need to assess the scheme in terms of "any other harm" and what the Courts held that to mean within the context of the NPPF; particularly in light of the flooding issues surrounding this site specifically.
- 1.8 It is therefore now necessary to consider the planning application alongside the relevant planning policy framework, in light of the prevailing circumstances of the site and surrounding land and within this wider context. I refer to these as relevant throughout the assessment that follows:

2. Reason for reporting to Committee:

- 2.1 Given the planning history of the site and at the request of Cllr Rogers.

3. The Site:

- 3.1 The site lies within the Metropolitan Green Belt and within Flood Zone 3b.

4. Planning History (relevant):

TM/10/00073/FL	Application Not Proceeded With	26 April 2011
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Change of use of land to use as a residential caravan for one gypsy family with two caravans, construction of hardstanding and erection of amenity building

TM/12/01534/DEEM		18 October 2010
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Deemed application as a result of Enforcement Appeal (10/00012/ENFNOT) for change of use of the land to a residential caravan site and the creation of a hard surface

5. Consultees:

- 5.1 PC: Object on grounds that development is inappropriate in Green Belt, in an area at risk from flooding and considered too obtrusive for village environs.
- 5.2 KCC (H+T): No objections subject to the imposition of conditions.
- 5.3 UMIDB: Opposed to any loss of flood storage (without appropriate compensatory storage) or the obstruction of flood flows. As this site is directly alongside the River Medway, request that EA advice is sought and followed in respect of flood plain issues.
- 5.4 EA: Object to the application for the following reasons:
- 5.4.1 The development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. The development type is classified as highly vulnerable in accordance with Table 2 of the technical guide to the NPPF. Tables 1 and 3 of the technical guide make clear that this type of development is not compatible with this flood zone and should therefore not be permitted.
- 5.4.2 The site lies within Flood Zone 3b defined by the technical guide to the NPPF as having a very high probability of flooding where the risk to life and/or property from fluvial inundation would be unacceptable.
- 5.4.3 We recommend that the application be refused on this basis.
- 5.4.4 Supporting Notes: The site lies in an area considered to be functional flood plain ie flood zone 3b. This flood risk arises from the River Medway and is not dealt with in paragraph 3.12 of the FRA. There are no defences in place to reduce this risk and flows are expected to be deep and fast. Accordingly to the NPPF, caravans are considered to be highly vulnerable to flooding and therefore unsuitable for this location. The Council will also wish to note that during a serious flood event there will be no safe egress or access at the site.

[DPHEH: Given the passage of time, Officers have sought more up to date advice from the EA to ensure their position remains as set out above. The EA has confirmed that their previous objections remain.]

- 5.5 Private Reps: 28/0X/0R/0S.

6. Determining Issues:

- 6.1 The main issues in the consideration of this case relate to the principle of the development within the Green Belt, its impact upon openness, its impact upon the rural character of the locality more generally, the vulnerability of the site and development in terms of flood risk and the issues surrounding the provision and need of Traveller sites across the Borough. These matters form the basis of the

assessment that follows.

Planning Policy for Traveller Sites (PPTS):

- 6.2 This forms part of the NPPF and should be read in conjunction with that document. PPTS makes clear that the policies set out in the NPPF will apply also to decision-taking for Traveller sites. In applying those provisions to Traveller sites, references in those provisions to policies in the NPPF should, where relevant, be read to include policies in the PPTS.
- 6.3 PPTS states that the government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community, and gives guidance in respect of the use of evidence, plan-making and decision-taking. It sets out that government's aims in respect of Traveller sites are:
- that local planning authorities should make their own assessment of need for the purposes of planning;
 - to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;
 - to encourage local planning authorities to plan for sites over a reasonable timescale;
 - that plan-making and decision-taking should protect Green Belt from inappropriate development;
 - to promote more private Traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;
 - that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective;
 - for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies;
 - to increase the number of Traveller sites in appropriate locations with planning permission, to address under-provision and maintain an appropriate level of supply;
 - to reduce tensions between settled and traveller communities in plan-making and planning decisions;
 - to enable provision of suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure;

- for local planning authorities to have due regard to the protection of local amenity and local environment.

6.4 Specific planning policies for Traveller sites, including sites within the Green Belt, are clearly set out within this document. The requirements set out in PPTS are considered in detail throughout this report.

Human Rights and Equalities Considerations

- 6.5 A key matter in this type of application is the European Convention on Human Rights as applied by the Human Rights Act 1998 along with the Council's requirement to act in accordance with the Equalities Act 2010.
- 6.6 In terms of Equalities legislation, Gypsies and Travellers have a protected status that must be considered in all decisions made by Public Authorities. The Council needs to coherently apply the PPTS, as described above, which itself has been subject to Equality Impact Assessment (EqIA) by the Government. Specifically, the Council in the exercise of its statutory functions (in this case the determination of planning applications) has a clear duty to have due regard to particular needs and lifestyles when making decisions.
- 6.7 The Public Sector Equality Duty is set out at Section 149 of the Equalities Act 2010. It imposes a duty on all public authorities that they must, in the exercise of their functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.8 This is a duty that applies to Local Planning Authorities, the Planning Inspectorate and the Secretary of State. The key point is that whilst the duty is not a lone justification to grant planning permission or to not take enforcement action, decision makers must have regard to it when considering Traveller cases.
- 6.9 For example, it is necessary for consideration to be given as to whether refusing planning permission (which could potentially mean that the applicants would have to resort to roadside encampments) would be an action which would "foster good relations" between the settled community and Travellers. This is a matter to which the Planning Committee must give due regard in the consideration of this case, and one that the Planning Inspectorate will have regard to in determining any subsequent appeal lodged in the event that planning permission is refused and enforcement action reinstated.

Impact on the Green Belt:

- 6.10 The site lies within the Metropolitan Green Belt where the NPPF affords strict control to development stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy CP3 of the TMBCS sets out that national Green Belt policy will apply.
- 6.11 Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.12 Policy E of the PPTS states that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development; such development is harmful to the Green Belt and should not be approved except in very special circumstances. In July 2013, in a Ministerial Statement, the Secretary of State made clear he considered that the single issue of unmet need, whether for Traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt, and other harm, such as to constitute the very special circumstances justifying inappropriate development in the Green Belt. A further written Ministerial Statement in January 2014 re-emphasised this point. Policy CP20 of the TMBCS also states that there is a presumption against Traveller sites in the Green Belt unless there are very special circumstances.
- 6.13 With the above considerations in mind, it is clear that the development constitutes inappropriate development, which is by definition harmful to the Green Belt thus requiring very special circumstances to exist which outweigh the degree of harm caused to the Green Belt.
- 6.14 Having established this, it is also necessary to consider whether the development causes any other harm, which includes any other harm to the Green Belt itself, along with any other harm that is relevant for planning purposes. In this respect, I would draw attention to the Inspector's previous decision, in which he stated:

"The land is open and development on the site is visually intrusive particularly from the bridge on Branbridges Road from where the open views into the countryside have been lost. The development appears as a piecemeal spread of the urban area into the Green Belt across a very clearly defined edge to the settlement.

It is a very clear encroachment into open countryside and is, therefore contrary to one of the five main purposes of designating land as Green Belt. As such it also reduces considerably the openness of the Green Belt at this point."

- 6.15 There has been a clear encroachment of development within the Green Belt in direct conflict with one of the purposes for including land within the Green Belt, as set out at paragraph 79 of the NPPF.

Impact on the countryside

- 6.16 Policy CP14 of the TMBCS restricts development within the countryside to certain types. The development to which this application relates does not fall within any of those listed by CP14 and the development is therefore contrary to this policy. A core principle of the Framework is that planning should recognise the intrinsic beauty and character of the countryside. Policy CP20 of the TMBCS requires consideration of the visual effect of the development on the character and appearance of its surroundings and rural amenity.
- 6.17 More generally, policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD require all development to be well designed, of a high quality, appropriately respecting the site and its surroundings.
- 6.18 For the reasons quoted above, the previous Inspector also stated unequivocally that there was encroachment onto open countryside which was materially harmful to the character and appearance of the countryside. This remains the case to date.

Any other harm

- 6.19 Paragraph 13 of the 2015 PPTS states that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. LPAs should, therefore, ensure that their policies (inter alia) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans. It therefore follows quite logically to say that the same should be said of individual planning decisions made by the LPA.
- 6.20 Returning the previous Inspector's decision, the following extracts are of particular note:

"I consider that the raising of a small part of the site makes no difference to the fact that it is on the functional flood plain in Zone 3b or, at best, in the High Probability Zone 3a. Caravans and mobile homes are considered to be one of the most vulnerable uses and should not be permitted in Zone 3 areas at all. Whilst the occupants could sign up to the EA Flood Warning service which is good in this particular area that is not a reason to allow development in a place that is high risk and where national advice states that uses of this nature should not be allowed."

"There would also be some minimal loss of floodwater storage capacity due to the raising of part of the site and this has an impact on adjoining occupiers whose land might be flooded as a result of the reduced storage capacity. The appellant was prepared to lower part of the land by about 250mm on the western part of his site"

which would more than compensate for the lost storage capacity but that would do nothing to overcome the other objections I have found on this issue. Taking all the above factors into account I conclude that the site is unsuitable for this use due to the flood risk.”

- 6.21 In more general terms, policy CP10 of the TMBCS requires that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk.
- 6.22 The current planning application is accompanied by a Flood Risk Assessment dated April 2012. This report still categorises the site as flood Zone 3a, and the representations received from the EA state it is functional flood plain (Zone 3b). Notwithstanding this continued dispute, it is clear that the previous Inspector concluded that the site was unsuitable for the use due to flood risk no matter whether it is designated as Zone 3a or 3b.
- 6.23 In any case, the EA maintains its objections to the grant of a permanent permission here for reasons of flood risk, which are set out in detail at paragraphs 5.4 – 5.4.4 of this report.
- 6.24 Policy CP20 (d) of the TMBCS requires that sites can adequately be accessed by vehicles towing caravans and that there is safe pedestrian and cycle access to the site. More generally, policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where the traffic generated by the development can adequately be served by the highway network. Kent Highways has raised no objections to this development on the grounds of highway safety. In this respect, regard must also be had to paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.25 Criterion (e) of policy CP20 requires that the site is reasonably accessible to shops, schools and other community facilities on foot, by cycle or public transport. Again, I have no overriding objections to the site for its continued use for this purpose on grounds of accessibility.

Other material considerations

Meeting need

- 6.26 In respect of need, regard must now be had to the most recent decisions of the Planning Inspectorate in the case of Woodford, Old Lane, Ightham and Alan’s Hectare, Cemetery Lane, Hadlow. These decisions are important material planning considerations and must be given considerable weight in the assessment of this case, particularly as this made a number of key statements concerning the need for Traveller sites within the Borough that require detailed consideration.

- 6.27 The Inspectors identified that at the present time the Council is unable to demonstrate a supply of deliverable Traveller sites for the next five years. Therefore the strategy for meeting need in Policy CP20 is not considered to be up-to-date. As Members know, the Council is preparing a new Local Plan, which provides an opportunity to deliver additional pitches and to assess whether or not need is able to be accommodated within the constraints similar to those posed by the existing criteria based policies.
- 6.28 The main mechanism for delivery of sites is therefore through the new Local Plan. The plan led system is the means of achieving sustainable development in traveller site provision and PPTS provides a framework for plan-making. At this early stage of the plan making process there is no firm indication of the policy approach, and how and when pitches will be achieved but this is actively being pursued by Officers in the preparation of the Local Plan.

Personal Circumstances

- 6.29 At the time the application was submitted, it was understood that a single family resided on the site and that the applicants had four children of school age. Some information concerning medical and educational requirements of the children was provided within the supporting documentation.
- 6.30 As a matter of law, there is a requirement for decision makers to treat the best interests of any children affected by a decision to grant/refuse planning permission or to issue/uphold an enforcement notice as 'a primary consideration'. The requirement comes from Article 3(1) of the *UN Convention on the Rights of the Child* (UNCRC) and is considered by the European Court of Human Rights to be integral to the consideration of Article 8 rights in any case where a decision of a public body will affect children.
- 6.31 Insofar as planning decisions are concerned, the best interests of the children are discussed in the case of *Stevens v Guildford Borough Council* [2013] EWHC 792 (Admin) which related to stationing of the caravans on the site as a single family site. The Judgement acknowledges that the Courts have long recognised that town and country planning involves acute, complex and interrelated social, economic and environmental implications, requiring judgements of fact and degree. The *Stevens* Judgement states that once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue. The Judgement recognises that most planning cases will have too many competing rights and interests, and will be too factually complex, to allow such an exercise.
- 6.32 However, it equally recognises that no other single consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case. Further, the best interests of any child must be kept at the forefront of the decision-maker's mind as he examines all material considerations and performs the exercise of planning judgment on the basis of them; and, when considering

any decision he might make (and, of course, the eventual decision he does make), he needs to assess whether the adverse impact of such a decision on the interests of the child is proportionate.

- 6.33 What is clear in these respects is that the children's best interests and the other factors weighted in favour of the grant of planning permission in any given case have the potential to be outweighed by the harm that could be caused by such a grant of permission; the key point being that those best interests are not necessarily determinative and could properly be found to be outweighed by the identified harm.
- 6.34 With the duty to consider the best interests of the children in mind, and bearing in mind the submissions made within the planning application but equally recognising that circumstances may well have changed since the time of the original submission, further information can be sought through an Equalities Statement to be conducted by Officers and, should any further details be forthcoming, they will be reported as a supplementary matter.

Very special circumstances

- 6.35 With the above assessment in mind, it is necessary to establish whether very special circumstances exist which outweigh the identified harm to an extent to justify the grant of planning permission. The NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This requirement sets a very high threshold.
- 6.36 Policy CP20 of the TMBCS provides a strong direction that the development of a Traveller site within the Green Belt will not be acceptable unless there are very special circumstances. The Government attaches great importance to Green Belts. A stated aim in PPTS is that plan-making and decision-taking should protect Green Belt land from inappropriate development. PPTS confirms a Traveller site is inappropriate development and should not be approved except in very special circumstances. It also states that personal circumstances and unmet need alone are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances and that meeting a specific identified need should be achieved through the plan making process, not in respect to a planning application.
- 6.37 However, the Inspectors in the cases of 'Woodford' and 'Alan's Hectare', having had regard to this policy context, both identified that there is an unmet need for Traveller sites within the Borough.
- 6.38 Both Inspectors however concluded that the "need" considerations fell short of outweighing any permanent harm to the Green Belt and as such very special circumstances were not found to exist to justify the inappropriate development. In those cases, the development of the Traveller sites was found to be contrary to

Policy CP20 of the TMBCS, NPPF and PPTS. The stance taken based on Green Belt policy is that permanent planning permission should not be granted for the use of this application site as a caravan site. The Inspectors considered that to allow the respective sites permanently, without allowing an opportunity for the Council to complete the local plan process within the context of PPTS, would not represent a sustainable form of development.

Temporary planning permission

- 6.39 The key objections to the development are that it lies within the Green Belt and is inappropriate development; it causes material harm to openness and “other” harm to rural amenity more generally and in terms of the fact that the site lies within the functional floodplain. Members will appreciate that much of the Borough is covered by the Green Belt designation and the existing public Gypsy sites stand at full capacity and have a low turnover. Whilst the applicant has not submitted any evidence of searching for alternative sites including those outside the Green Belt (other than to provide brief statements as to why the two public sites within the Borough are not feasible options), it is generally accepted that suitable sites within rural or urban settlements are unlikely to be readily available at this time.
- 6.40 Given the level of harm caused by the development, and having full regard to the conclusions made by the Inspectors determining the recent appeals elsewhere in the Borough, I do not consider that a permanent planning permission is justifiable in these circumstances. However, temporary planning permissions were granted in both cases to ensure that the identified harm would not be permanent and in the meantime to allow the Borough Council time to progress the Local Plan and make allocations accordingly.
- 6.41 It therefore appears, on the basis of these very recent decisions by the Planning Inspectorate, that unless a site suffers from clear and overwhelming site specific problems it is likely that temporary planning permissions will be granted by the Planning Inspectorate even for sites in the Green Belt such as this.
- 6.42 With these factors in mind, and when considering the overarching aims of PPTS, it is necessary to consider whether a further temporary planning permission is the most appropriate way forward at this point in time in this particular case.
- 6.43 Members will be aware that, generally, guidance states that a temporary planning permission may be appropriate where it is expected that planning circumstances will change in a particular way at the end of the period. More specifically, PPTS emphasises the importance of positive planning to manage development and sets clear objectives to increase the number of authorised Traveller sites in appropriate locations to address under-provision and maintain an appropriate level of supply. It also states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of

temporary planning permission, albeit one of the exceptions cited in this regard is for proposals on land designated as Green Belt.

- 6.44 Alongside this, the NPPG makes clear in general terms that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently.
- 6.45 Notwithstanding these considerations, it is necessary to establish whether the level of harm identified in this case is such that it could not be accepted even on a temporary basis and even when having due regard to the issue of identified unmet need.
- 6.46 In this respect, given the identified flood risk here and the continued objections from the EA as a result, it is my conclusion that the level of harm is such that it could not be continually accepted on a further temporary basis. In revising the terms of the Enforcement Notice, the previous Inspector made that position abundantly clear and ample time has been afforded to the applicant in which to find an alternative site in a less vulnerable location.
- 6.47 In reaching this conclusion, I have also considered whether any planning conditions could reasonably be imposed that would limit the degree of harm arising in order to render the development acceptable in planning terms for a further temporary period of time (in accordance with the requirements of the PPTS). Planning conditions covering matters of occupation, use of the land, landscaping, boundary treatments and so on would all seek to mitigate further harm to the Green Belt, countryside and general amenity but would not ameliorate the harm identified in terms of flood risk in a way that would render it acceptable to remain on site for a further temporary period of time.
- 6.48 This is a matter of careful balance but in these particular circumstances, when having regard to the level of harm identified and the clear vulnerability of the site, I do not believe there is a reasoned justification for the grant of a further temporary planning permission for this development pending the progression of the Local Plan. In making this conclusion, I am mindful that there is an identified unmet need to be addressed
- 6.49 In light of the above considerations, on balance, I recommend as follows:

7. Recommendation:

7.1 Refuse planning permission for the following reasons:

Reasons

- 1 The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraphs 89-91 of the National Planning Policy Framework 2012 and paragraph 16 of the Planning Policy for Traveller Sites 2015 and Policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007. The development constitutes inappropriate development which is harmful to the Green Belt by definition. Furthermore, the development by virtue of its specific nature, siting and scale causes material harm to the open function and character of the Metropolitan Green Belt and gives rise to an encroachment of built development into the countryside, contrary to the requirements of paragraph 79 of the National Planning Policy Framework 2012. There are no very special circumstances which outweigh the degree of harm caused to the Green Belt by inappropriateness and harm to openness. The development is therefore contrary to the requirements set out in Section 9 of the National Planning Policy Framework 2012, the Planning Policy for Travellers Sites 2015 and policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.
 - 2 The development, by virtue of its nature, siting and scale, detracts from the character of the rural locality and causes harm to the rural amenity of the countryside and is therefore contrary to Policies CP14 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.
 - 3 The site lies within flood zone 3b, which is designated as functional floodplain and as having a very high probability of flooding where the risk to life and/or property from fluvial inundation would be unacceptable. The development is considered to be highly vulnerable to flooding and therefore unsuitable for this site and contrary to the requirements of paragraph 13 of the Planning Policy for Travellers Sites 2015 and policies CP10 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.
- 7.2 Enforcement Action concerning the continued non-compliance with the Enforcement Notice upheld by the Planning Inspector to be instigated

Contact: Emma Keefe

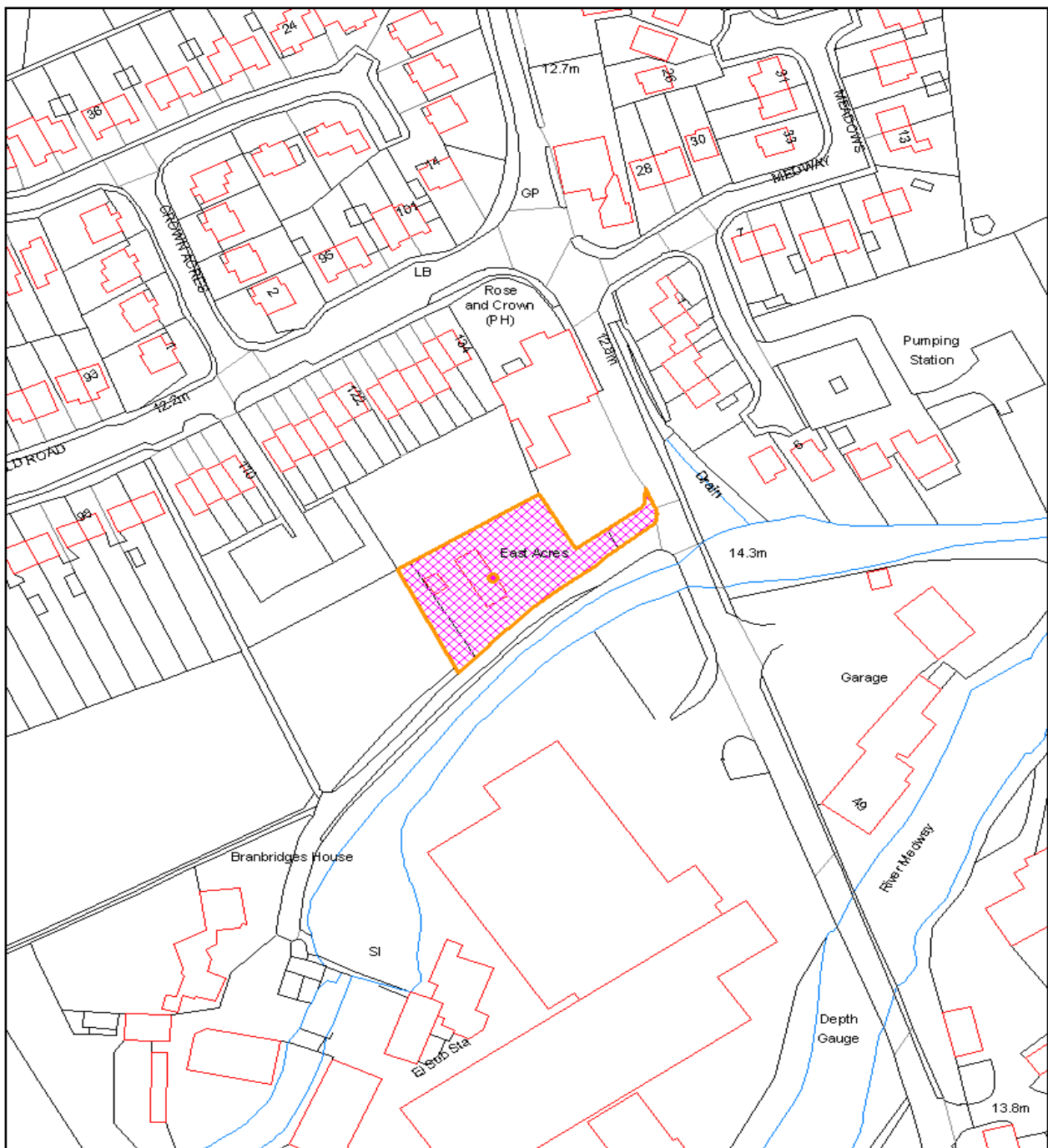
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TM/12/01892/FL

East Acres Branbridges Road East Peckham Tonbridge Kent TN12 5HD

Retention of change of use of land to use as a residential caravan site for one gypsy family, including the laying of a hard standing, erection of fencing, detached amenity building and steps and decked areas to mobile home. Land raised by 300 mm hardcore/pavers

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Two warehouse units.

TM/81/10223/FUL grant with conditions 15 June 1981

Phase 4, erection of 2 warehouse units including improvements to junction of estate road with A25.

TM/84/10834/FUL grant with conditions 27 February 1984

Parking of commercial vehicles together with ancillary maintenance for period of one year.

TM/85/10137/FUL grant with conditions 25 March 1985

Renewal of planning permission TM/84/69 for parking and ancillary maintenance of commercial vehicles for further period of one year.

TM/98/00085/OA Grant With Conditions 3 November 1998

Erection of two warehouse units with ancillary office accommodation and vehicular parking spaces

TM/06/00930/OA Refuse 27 March 2008

Erection of 2 no. warehouse units with ancillary office accommodation and vehicular parking spaces

5. Consultees:

5.1 PC: Objection to the application on the following grounds:

- Highway safety concerns from increased traffic
- Increased noise and pollution levels would impact residential properties and the proposed new primary school
- No restriction of hours of operation would be unacceptable
- Concerns relating to the access to Platt Industrial Estate.

5.2 KCC (Highways): The following comments were received (18.02.2016):

- A systematic Transport Statement should be provided that methodically sets out existing and current traffic flows, committed and predicted development traffic flows, determination of an anticipated year of opening and total forecast traffic flows at opening
- Access, turning and leaving for goods vehicles have not been satisfactorily demonstrated

5.2.1 Comments received in relation to the revised transport statement (19.05.2016):

- The definitive site layout should be clarified and what lorries are intended to use it
- Full entry and exit turning movements need to be demonstrated to establish servicing ability
- The junction improvements plan should be revised to provide a square parking bay
- 31 car parking spaces is acceptable but 2 spaces should be designated for the mobility impaired
- Clarification as to the pedestrian visibility in front of No.1 Whatcote Cottages

5.2.2 Comments received in response to additional transport statement and AADT traffic flow information (23.08.2016):

- It is noted that turning for service vehicles includes manoeuvres within the building and therefore such a facility should be retained for that use in perpetuity
- It is suggested that cycle parking be provided within the northwest corner of the forecourt
- Drawing No. 614034/SK16 is acceptable given visibility to the east for emerging is realistically to the westbound carriageway
- The operation of the junction, with the proposal, is well within capacity
- Construction of the amended junction should be completed prior to commencement of implementation of the development
- In the subsequent response, pedestrian visibility to traffic of all vehicle types on the private road will not be any worse, as advised in a safety audit, than that existed prior to the alterations made to 1 Whatcote Cottages
- Subject to the above, the highway authority has no objection to the application

5.3 KCC (Heritage): The site lies within an area which has revealed evidence of Roman activity. Roman pottery, possibly a cemetery is known to the north east and associated activity may extend into the application site. This site seems to be unquarried but there has historically been quarrying in this area for many years. Brickworks are noted to the north on the 1st Ed OS map and further quarrying developed to the east. There is also a post medieval or earlier farm (Bassett's Farm) known just to the east and associated remains may extend into the application site. In view of the above potential for archaeology it is recommended that a condition requiring a programme of archaeological work to be submitted for approval be placed on any forthcoming consent.

5.4 KCC (SuDS): No objection to the proposed drainage strategy. Ground investigations should be undertaken to confirm the soakage potential of the

underlying soils and confirm that sufficient unsaturated zone can be accommodated below the proposed cellular soakaway. We would recommend the EA's groundwater protection team are consulted to confirm whether they have any additional requirements to be considered within the detailed design given that the site lies within a Zone III groundwater source protection zone

- 5.5 KCC (PROW): Public Rights of Way MR251 footpath runs inside the southern end of the boundary and is currently the vehicular access track to the site and should not affect the application.
- 5.6 EA: We have assessed this application as having a low environmental risk. We therefore have no comments to make.
- 5.7 Network Rail: The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the existing or future structures on Network Rail land.
- 5.8 Private Reps: 9/0X/9R/0S + site notice + press notice (departure/PROW and Major Development). The objections raised have been summarised below:
- The development will add to the traffic and pollution already generated by the heavy use of the access road to the Estate which would impact on adjacent residential amenity and the future new school
 - The development would be detrimental to the living conditions and privacy of adjacent residential occupiers due to the 24 hours 7 days a week use of the site, constant vehicle movements, noise and pollution generated and light impact from floodlights and vehicle lights
 - The increase in traffic volume from the development would exacerbate traffic congestion at the narrow bridge and pedestrian safety at the unsatisfactory junction
 - The development would exacerbate noise and dust impact from increased vehicle movements to and from the Estate which would affect health
 - The junction works would reduce pedestrian visibility

6. Determining Issues:

- 6.1 The site is part of the long standing commercial/industrial area of Platt Industrial Estate which is situated outside of the settlement confines of Platt. The site has been the subject of a number of planning permissions over the years. The most relevant are TM/80/1268 (2 warehouse units and junction improvements) and TM/98/00085/OA (2 warehouse units), neither of which have been implemented.
- 6.2 A further application (TM/06/00930/OA) was refused in March 2008 due to its impact on the Green Belt, its size and scale and impact on traffic and highway safety as a result of the sub-standard junction at Maidstone Road. It is noted that since this time the Council's MDEDPD and DLA DPD have been adopted and

permission has been granted for development on the Phase 3 site under reference TM/11/03020/OA.

- 6.3 It is also noted that temporary permissions were granted in the mid-1980s for the temporary parking of commercial vehicles on the site.
- 6.4 These previous permissions and applications remain material considerations in the assessment of this current scheme.

Green Belt

- 6.5 The application site is situated in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply, which is Section 9 of the NPPF. Paragraph 89 within this Section advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. One of the exceptions to this is “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.”
- 6.6 The site is currently vacant and overgrown. Several permissions granted in the mid-1980s suggest that the site may have been used for the temporary parking of commercial vehicles but from Council records this cannot be verified. However, whether considered to be previously developed land or not, the new industrial building would have a greater impact on the openness of the Green Belt and would therefore be *inappropriate development*.
- 6.7 Paragraph 87 of the NPPF states 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.”
- 6.8 Paragraph 88 of the NPPF states that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt 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”.

Development Plan designations

- 6.9 The site is also allocated in the DLA DPD as a Major Developed Site in the Green Belt, under Policy M1. This allows for infill development or redevelopment provided that:
- 1) it does not lead to any greater impact on the openness of the Green Belt and the purposes of including land within it;

- 2) it leads to an overall improvement in the environment and does not harm the landscape setting and appropriately integrates with its surroundings;
 - 3) any changes in traffic can be satisfactorily accommodated without conflict with the rural amenity, without prejudice to highway safety and bring beneficial changes if possible;
 - 4) it does not exceed the height of existing buildings;
 - 5) for infill development, it does not result in an extension to the currently developed extent of the site; and
 - 6) for redevelopment, the proposed coverage of the site by buildings (i.e. the footprint) is no larger than the ground floor extent of the original buildings unless occupying a larger footprint would achieve a reduction in height which would benefit visual amenity and reduce impact on the wider Green Belt
- 6.10 This policy also provides site specific requirements for Platt Industrial Estate, requiring any development to protect trees on the site, achieve a satisfactory noise climate having regard to the proximity of the railway line, minimise conflicts with mineral operations in the area, investigate and remediate any land contamination, include any necessary mitigation following archaeological assessment and include any necessary improvement to the access (Maidstone Road junction).
- 6.11 The proposed new industrial building is considered to be infill development within the designated Platt Industrial Estate but would clearly impact on the openness of the Green Belt given there are no existing buildings on the site. The development would therefore not comply with provision (1) of Policy M1 (1). It would also not comply with provision (4), which restricts the height of new buildings to that no higher than existing buildings, or with provision (5) as the proposal extends the currently developed extent of the site. Provision (6) is not applicable as the proposal is not 'redevelopment'.
- 6.12 The building is sited directly adjacent to the existing light industrial buildings to the west and north, is set at a level noticeably lower than the level of the carriageway and the site is enclosed on the south side by the railway line which forms a substantial excavated feature within the landscape. Existing lines of mature cypress trees along the north and south boundaries of the site are to be retained and additional landscaping is proposed along the front of the site. As a result, I am of the view that the development would appropriately integrate with its surroundings and would not harm the landscape setting. The development would therefore satisfy provision (2) of Policy M1 (1).
- 6.13 Provision (4) of Policy M1(1) which relates to traffic and highway safety will be dealt with in a later section of this report.
- 6.14 The site (and the whole of Platt Industrial Estate) is also designated as 'Other Employment Land' under Policy E2 of the DLA DPD. Areas under this policy are considered suitable for continued employment use subject to new development

creating no unacceptable impact on residential or rural amenity by virtue of noise, dust, smell, vibration or other emissions, or by visual intrusion, or the nature and scale of traffic generation. The proposed B1 light industrial use would therefore be acceptable in principle. The specific matters relating to impact on residential amenity, visual impact and traffic generation will be discussed later in this report.

6.15 In respect to the economic benefits of the proposed employment use, paragraphs 18 and 19 of the NPPF support sustainable economic growth, on which significant weight should be placed. Paragraph 28 supports a prosperous rural economy and confirms the commitment to supporting economic growth in rural areas to create jobs and prosperity. It advises that support should be given for the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings.

6.16 The Council's Employment Land Review identifies Platt Industrial Estate as an 'average' employment site that currently meets a local need. It provides the following review:

Platt Industrial Estate was constructed in the 1970s, but was recently partially refurbished. It comprises of well maintained, relatively good quality B1, B2 and B8 units that range from 2,000 to 80,000sqft. There is scope to intensify the site within the current boundary. However, access would require upgrading as part of any redevelopment. The site is isolated from nearby settlements by the rail line. The A25 is accessed via Maidstone Road and in terms of public transport, the site is approximately 1.5km from Borough Green train station and is served by a local bus service, there is also car parking provided on site. This is a reasonable employment site that offers a range of employment floorspace types to meet local requirements.

6.17 In response to the Employment Land Review, the Council is looking to allocate up to 33ha of additional employment land in the Borough in the new Local Plan, with the demand largely being for B2/B8 premises.

6.18 It is also noted that the established units within the estate appear to be fully occupied which would indicate there is notable demand for industrial premises in the local area.

6.19 The amount of employment land development in 'Malling Area Rural' is relatively limited and therefore the delivery of this site for employment purposes with the improvements to the access is considered to be highly desirable to accommodate future short term growth that would bring economic benefits to the local rural economy.

6.20 I also consider that these designations and the previous permissions for similar type of development on the application site provide a clear commitment through the Development Plan to facilitate industrial development within the undeveloped parcels of Platt Industrial Estate.

6.21 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. New industrial development is not specifically listed and therefore the proposal would not comply with this policy. The scheme would therefore not be in accordance with the Development Plan in force. It would thus need to be demonstrated that the scheme presents material considerations that would justify its acceptability in planning terms.

Character and visual amenity

6.22 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should 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.

6.23 The layout of the development and design and appearance of the building are typical of light industrial development in the Borough. The building is set at the rear of the site with car parking and vehicle turning/manoeuvring areas to the front of the site. The building is rectangular in shape with a 7m high parapet roof as viewed from the front. Due to the significant drop in the land to the west the height of the building will be about 10m in height at the rear. The external materials proposed comprise a mix of facebrick and olive coloured metal wall panels, details of which have been described on the application plans. It is preferred though that the metal sheet wall and roof cladding be darker in colour to minimise visual impact from long range views. Overall though, I am satisfied that the proposed building would be of a size, scale and appearance and siting to effectively integrate with adjacent buildings on the Estate.

6.24 A line of existing mature trees are situated along the south and north boundaries that provide a high level of screening of the site. The retention of these trees can be secured by their inclusion within a landscaping scheme to be required by condition. Indicative landscape plantings have also been proposed along the front boundary between a proposed 2m high acoustic fence and the edge of the highway. This would provide necessary additional screening of the development from the access road.

6.25 A TPO tree is located adjacent to the front northeast corner of the site. Parking spaces have been shown within the crown spread of the tree but these will be provided via "no dig" construction methods. A condition relating to the protection of existing trees on the site could be added to any permission granted.

6.26 A large number of solar panels are proposed to be positioned on the roof of the building. These would be predominantly set behind the roof parapet and in any event solar panels are specifically designed to absorb sunlight rather than reflecting it. To ensure that the solar panels are arranged close to the roof planes,

a condition can be imposed requiring details of the height of the solar panels above the roof to be submitted for approval.

6.27 Accordingly, subject to conditions as above, I am satisfied that the proposed development would not harm the character of the area or visual amenity of the locality. The proposal would therefore satisfy Policies CP24 of the TMBCS and SQ1 of the MDE DPD. I am also satisfied that the development would accord with Part 7 of the NPPF relating to good design.

Access, parking and highway safety

6.28 Improvements to the junction at the A25, which were endorsed by the Local Highway Authority, were secured under a unilateral undertaking offered by the applicant for planning permission TM/11/03020/OA. The works have not yet been implemented. Therefore, the applicant has again submitted a unilateral undertaking for the same junction improvements but with a slight revision incorporating a square parking bay nearest to the junction, as requested by the local highway authority. The proposed works are now shown on Drawing No.614034/SK16, which was submitted as part of the Transport Statement (received 19.07.2016). The Local Highway Authority has confirmed that the revised junction improvements are acceptable in respect to visibility for emerging vehicles and pedestrian.

6.29 The securing of these junction improvement works are in line with the requirements of Policy M1 of the DLA DPD and will be beneficial in terms of highway safety. The Unilateral Undertaking confirms that the applicant is to covenant with the Council to undertake and complete the junction works before commencement of the development.

6.30 Concern has been raised about the ownership of the land associated with the junction works as the applicant has recently sold 1 Whatcote Cottages. However, the ability of the applicant to implement the junction works is a matter for them to resolve with relevant parties and not a matter that affects the merits of the scheme. Importantly, the legal agreement offered is explicit in not allowing the proposed development to be commenced until the junction works have been completed, incentivising the developer to secure the necessary legal consents.

6.31 The Local Highway Authority is satisfied that the improved junction with the A25 is well within capacity for the increase in the number of vehicles using the junction and access road to the estate when considering the cumulative impact of the development on the junction and road network in the immediate area.

6.32 In respect to pedestrian safety, although the public footway on the east side of the junction in front of 1 Whatcote Cottages is to be reduced, the Local Highway Authority has advised that pedestrian visibility to traffic (of all vehicle types) on the private estate road will not be any worse than that existing prior to the alterations to 1 Whatcote Cottages, as advised in a safety audit submitted as part of

application TM/11/03020/OA, and therefore would be acceptable. To improve awareness for both road users and pedestrians at the junction/crossing, a 'pedestrian crossing ahead' warning sign and a 'beware of vehicles turning' sign will be provided in appropriate locations for pedestrian awareness.

- 6.33 A total of 37 car parking spaces are proposed for the development, which includes 2 spaces for the mobility impaired. Swept paths show turning paths for articulated and non-articulated vehicles that are to access the site. The parking provision is acceptable. Turning for service vehicles in the site includes manoeuvres within the building and therefore such a facility would need to be retained at all times.
- 6.34 Accordingly, I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be "severe". The proposal therefore accords with Policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.

Residential amenity

- 6.35 There are several residential properties that are situated on the eastern side of the access road to Platt Industrial Estate in relative close proximity to the application site. These include Bassett's Cottage which lies directly opposite the proposed access to the site, Hollymount House further to the north and The Old Stables for which permission has recently been granted for conversion to a dwelling.
- 6.36 The proposed new building is set well back into the site, set well below the level of the road and is situated some 40m or more from the nearest property of Bassett's Cottage. I am therefore satisfied that the new building would not be visually intrusive to the nearby residential properties.
- 6.37 The forecourt of the application site is to be completely tarmac which would minimise dust impact from vehicles and the light industrial uses by nature would not generate unacceptable levels of dust.
- 6.38 The development will result in additional traffic movements to and from the site, including cars and larger articulated and non-articulated vehicles. In light of the existing levels of traffic relating to the Estate, I do not consider that the additional traffic generated by the development would represent a significant increase. However, unrestricted hours of use of the development have the potential to harm residential amenities. This could result in noise impact from vehicle movements to and from the site and from activities from the use, as well as from headlights of vehicles directed over Bassett's Cottage. In order to ensure that these impacts are minimised, I consider that the hours of the use should be restricted to 07:00-19:00 Monday to Friday and 07:00-13:00 Saturday, with no working on Sundays and Public and Bank Holidays. The applicant has agreed to these revised hours of use.

- 6.39 Impact on air quality in the area as a result of the cumulative effect of the proposed development has been raised by local residents. The Council's Environmental Protection Team is currently monitoring air quality at the Platt Industrial Estate access/A25 junction for a period of 12 months. The monitoring points are on 1 Whatcote Cottages, closest to the junction, and 19 Whatcote Cottages, on the other end of the terrace. Three months data has been collected so far which shows that Nitrogen Dioxide levels are well below the national air quality objective. It is considered that 12 months data is required to understand whether there are any significant seasonal variations.
- 6.40 In addition to this monitoring, which shows levels well below the national objective, the vehicle flow movements put forward by this development are not considered to trigger air quality concerns. Analysis of the Transport Assessment indicate that the proposal will add 45 vehicles and 8 goods vehicles eastbound and 5 vehicles and 1 goods vehicle westbound to/from the site (including cumulative impact from the approved/proposed development in the Industrial Estate) on a 13,000 vehicle/day flow on the A25. No evidence has been put forward to suggest there will be an air quality concern that could result in an exceedance of an air quality National Objective. As a result, I do not consider the proposed development would result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals and existing uses in the vicinity. The proposal would therefore not conflict with Policy SQ4 of the MDE DPD or paragraph 124 of the NPPF. Low emission design features such as the planting of landscaping with high urban tree air quality absorbing trees across the front of the site (ie.Silver birch) can be incorporated within the scheme.
- 6.41 In light of the above, I do not consider that the proposed development would result in demonstrable harm to neighbouring residential amenity or living conditions.

Ecology

- 6.42 An extended habitat survey has been submitted. The report concludes that the site is suitable to support reptiles: with populations of common lizard and slow-worm (exceptional), adder (good) and grass snake (low) known to be present within 500m of the site. A reptile survey is therefore required along with any necessary mitigation strategy, to be approved and implemented prior to commence of any development on the site. The TPO tree, adjacent to the northeast corner of the site, was the only tree considered to be suitable for bats, which will not be affected. The development is unlikely to negatively impact on local bat populations and no further survey relating to bats is therefore required.
- 6.43 There was no evidence of badgers or their setts on the site but two mammal holes that could support badgers were found within the railway embankment close to the site. A further survey has been recommended to investigate these holes prior to works commencing.

- 6.44 The report advises that the potential for great crested newts, dormice, water voles and otters being present on the site is considered to be negligible. The habitat on the site is unlikely to be important for invertebrates and therefore no further surveys in respect to these species are required.
- 6.45 The trees and scrub on the site has a high potential to support nesting birds and therefore it has been advised that works to these areas of the site should be carried out outside of the core breeding season for birds (late February to late August).
- 6.46 I consider that subject to conditions requiring reptile and badger surveys and the development being undertaken in accordance with the recommendations and enhancements outlined in the submitted Extended Phase 1 Habitat Survey (Greenspace Ecological Solutions), protected species would be adequately protected. The proposal would therefore accord with Policy NE2 of the MDE DPD.

Other planning matters

- 6.47 The submitted site Phase 1 Desk Study advises that a Phase 2 intrusive site investigation should be undertaken. Relevant conditions are therefore required to ensure that the land is satisfactory for its end use in terms of land contamination.
- 6.48 The EA has also reviewed the application details and considers the proposal to have a low environmental risk.
- 6.49 A surface water drainage strategy has been submitted. The Lead Local Flood Authority (KCC SuDS) has no objection to the strategy but has advised that ground investigations need to be undertaken to confirm the soakage potential of the underlying soils and to confirm that a sufficient unsaturated zone can be accommodated below the proposed soakaway. Conditions have been suggested to secure a detailed SuDS strategy that addresses the above requirements and to restrict the infiltration of surface water into the ground as the site is within a Zone III groundwater source protection zone (Water Catchment Area). These conditions are necessary to protect the existing groundwater resource.
- 6.50 An existing mains sewer is situated close to the site and the application states that foul water is to be disposed of to this mains sewer.
- 6.51 The development, subject to the conditions suggested, would therefore accord with paragraphs 120-121 of the NPPF.
- 6.52 The County Archaeologist has advised that the site lies within an area which has revealed evidence of Roman activity, including Roman pottery and possibly a cemetery. Bassetts Farm is a post medieval (or earlier) farm from which remains may extend into the application site. A condition requiring a written specification and timetable for a programme of archaeological work for the development has

therefore been recommended. I consider such a condition to be necessary in this case.

- 6.53 The proposed plans include the provision of a waste refuse enclosure within the front southeast corner of the site. A condition to secure details of the appearance of the enclosure will be added to any grant of permission.
- 6.54 As per Policy M1 of the DLA DPD, the site is identified as being in close proximity to the railway line which is a potential source of noise pollution. The site is located only 10m or so from the railway line; however, given the nature of the proposed B1 Business units as a place of employment, albeit relatively quiet ones, I do not consider that the noise impact from the railway line would result in a significant adverse impact on the health and quality of life of the occupants of the new building, as outlined in the Noise Policy Statement for England (DEFRA March 2010). The development would therefore accord with paragraph 123 of the NPPF.
- 6.55 Policy M1 also requires development on the site to minimise any potential conflict with mineral operations within the vicinity (i.e. noise and dust). The proposal provides tarmacked hard surfacing to the entire front of the site and the light industrial use would not, in my view, give rise to any activities that would conflict with the existing mineral workings in the area, in terms of noise or dust.

Representations

- 6.56 I note the comments made by the Parish Council and local residents. The main concerns raised include the increase in traffic at the A25 junction and along the estate access road from the development and its resultant impact on the amenity and living conditions of neighbouring residents from noise, dust, air quality and light pollution; and pedestrian safety at the junction with the A25. I consider that these concerns have been addressed above.

Green Belt balancing exercise

- 6.57 The proposed development would result in some harm to the openness of the Green Belt as a result of the new building and associated engineering operations. This is reflected in the provisions in Policy M1 of the DLA DPD that relate to building height, coverage of the site and impact on openness, for which the development does not comply. However, I am satisfied that the proposed scheme adequately meets the other relevant provisions in Policy M1, those prescribed in Policy E2 and the other Development Plan policies relevant to the application, except for Policy CP14 of the TMBCS which will be addressed below.
- 6.58 A Unilateral Undertaking to carry out improvement works to the junction with Maidstone Road prior to the commencement of the proposed development has been submitted. This legal undertaking reflects that submitted as part of the permission granted for development on the Phase 3 site within the estate under

reference TM/11/03020/OA, but with minor changes to the parking bay design in line with best practice

- 6.59 In light of the industrial nature of the immediate setting and surroundings, the designation of the site which clearly sets the land aside for the provision of employment development within this Green Belt location, the intended allocation of additional employment land to meet projected demand in the Borough and the benefits that the development in conjunction with the established parts of Platt Industrial Estate would have on the local economy, I consider the resulting inappropriateness and impact on the openness of the Green Belt can be considered acceptable in this case.
- 6.60 I therefore conclude that, on balance, the benefits of the development would amount to 'very special circumstances' that would outweigh the harm to the Green Belt as a result of the development's inappropriateness, taking into account other harm I have identified in the report.
- 6.61 I also consider that the material considerations that have established the very special circumstances above under Green Belt policy are sufficient to overcome the scheme's non-compliance with Policy CP14 of the TMBCS relating to development in the Countryside.
- 6.62 In light of this, I consider that the proposed development, with the imposition of suitable conditions, satisfactorily accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.
- 6.63 The application was advertised as a technical departure from the development plan but I am of the view that, following the analysis above and the history of other planning decisions in the Estate, it does not warrant a referral to the NPCU.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Section 4741-007 received 22.09.2015, Email received 30.09.2015, Certificate B received 29.09.2015, Design and Access Statement received 29.09.2015, Proposed Floor Plans 4741-002 A received 29.09.2015, Proposed Roof Plan 4741-003 B received 28.10.2015, Ecological Assessment J20281 received 06.10.2015, Desk Study Assessment 15260/DS received 04.11.2015, Location Plan 4741-005 C received 11.11.2015, Sustainable drainage scheme 201 received 14.01.2016, Email received 02.02.2016, Transport Assessment 614034 REPORT 875 received 23.03.2016, Email received 23.03.2016, Land Registry Documentation received 23.03.2016, Land Registry Documentation received 23.03.2016, Proposed Elevations 4741-006 A received 23.03.2016, Email received 11.08.2016, Transport Assessment TC/617274/LAB AADT Traffic Flows received 11.08.2016, Proposed Floor Plans 4741-001 C received 09.09.2016, Drawing 4741-020 B Cross-over received 09.09.2016, Cross Section 4741-009 C received 09.09.2016, Transport Statement TC/614034/LAB received 19.07.2016,

Site Plan 4741-004 H received 26.05.2016, Unilateral Undertaking received 09.09.2016, Email received 09.09.2016, subject to 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 No development shall take place until details or samples of all materials to be used externally on the building and a schedule of works detailing the application of the materials to the existing building to be converted 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 area or the visual amenity of the locality.

- 3 The premises shall be used for Class B1(b) or (c) Business use only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: To protect the amenities of neighbouring occupiers and to ensure that the development does not harm the character of the area or affect highway safety.

- 4 No development shall take place until a plan showing the finished floor level of building and finished ground levels within the site in relation to existing ground levels has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

- 5 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 development shall be carried out within Class I or T of Part 3, or Class H of Part 7, of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To control development that could otherwise be carried out under permitted development rights that may have the potential to harm the character of the area and highway safety.

- 6 No retail sales shall take place from the premises.

Reason: To safeguard the amenities of nearby residential occupiers and the character of the area.

- 7 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

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

- 8 The building(s) shall not be occupied until the areas shown on the submitted layout as turning and vehicle parking space have been provided, surfaced and drained. Thereafter those areas 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 and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved turning and parking space.

Reason: Development without adequate vehicle turning and parking provision is likely to lead to hazardous on-street parking.

- 9 The buildings shall be made available at all times for the turning and manoeuvring of service vehicles, as shown on the Proposed Site Plan (Drg.No.4741-004H) hereby approved.

Reason: The operation of the premises without this turning and manoeuvring facility is likely to impact on the safe and free flow of traffic in the area.

- 10 The premises shall not be in use (including for any deliveries to or from the site) outside the hours of 07:00 to 19:00 Mondays to Fridays and 7:00 to 13.00 Saturdays, with no working on Sundays or Public and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance to nearby residential properties.

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

Reason: To avoid obstruction of vehicle parking/turning areas and to ensure the

character and appearance of the development and the locality is not significantly harmed.

- 12 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment (including the acoustic fencing along the site frontage). All existing trees to be retained shall be shown and landscape plantings across the front of the site shall include suitable species with a high urban air quality score. 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 similar structures as may be approved shall be erected prior to first occupation of the building(s).

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

- 13 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of any approved landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

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

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

- 14 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

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

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

- 16 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting that has been submitted to and approved by the Local Planning Authority. Any such scheme shall have regard to Bat Conservation Trust guidance relating to lighting. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect bats and the visual amenity of the locality.

- 17 No air-handling or air-conditioning unit shall be installed without the prior written approval of the Local Planning Authority.

Reason: In the interests of nearby residential amenity.

- 18 Prior to the installation of any solar panels, a section/elevation plan showing the height of the solar panels above the roof and parapet of the building(s) shall be submitted to and approved by the Local Planning Authority. The solar panels shall be installed in accordance with the approved details.

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

- 19 The development shall be carried out in accordance with Section 5 (Conclusions and Recommendations) and Section 6 (Ecological Enhancements) set out in the submitted Extended Phase 1 Habitat Survey (Report No.J20281 – October 2016) prepared by Greenspace Ecological Solutions, unless any variation is approved in writing by the Local Planning Authority.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 20 Prior to the commencement of the development, a reptile survey and mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the

approved survey and mitigation strategy, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that reptiles found on site are adequately protected.

- 21 Prior to the commencement of the development, a badger survey and mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved survey and mitigation strategy, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that badgers are adequately protected.

- 22 (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off the site; and

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposal and to ensure ongoing efficacy of the drainage provisions.

- 23 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources

- 24 No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:
- (a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;
 - (b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

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

- 25 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:
- a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

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

- 26 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

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

Informatives

- 1 This permission has a unilateral agreement attached relating to improvements to the road junction between Maidstone Road (A25) and the main access road to Platt Industrial Estate.
- 2 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 3 If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
- 4 In implementing the above consent, regard should be had to the requirements of the Bye-Laws of the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.
- 5 A formal application for connection to the public sewerage system is required in order to service the development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water,

Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW
(Tel.0330 303 0119) or www.southernwater.co.uk.

- 6 The applicant should also liaise with Southern Water to ascertain the exact position of the public sewers and should ensure that no development or tree planting is located within 3m either side of the centre line of the main sewers and all existing infrastructure should be protected during construction works.
- 7 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
- 8 With regard to works within the limits of the highway, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181.
- 9 You are advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB.
- 10 The proposed development is within a road which does not have formal street numbering and, if built, the new properties will require new names, which are required to be approved by the Borough Council, and post codes. To discuss suitable property names you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Mark Fewster

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Ightham

7 March 2016

TM/16/00776/FL

Wrotham, Ightham And
Stansted

Proposal: Part demolition and re-use of existing riding arena building as a dwelling with associated external alterations to the building, engineering works, access, parking and residential curtilage

Location: Barnfield Cottage Stone Street Road Ivy Hatch Sevenoaks
Kent TN15 0NH

Applicant: Mr & Mrs John and Iwona McElroy

1. Description:

- 1.1 The application proposes to re-use a redundant private indoor riding arena building associated with Barnfield Cottage as a single dwelling. It is proposed to remove part of the building and carry out external and internal alterations to facilitate its use as a dwelling. The development will also involve engineering works comprising the removal of the existing sand school, re-profiling of the land and the provision of hard surfaced areas for vehicle access and parking. A new residential curtilage will also be formed comprising primarily the area of the existing sand school to the north of the building.
- 1.2 The riding arena building will be reduced in width by 6m (one span) providing a revised building measuring 37m x 21.5m. The converted building will provide ground floor accommodation consisting of 5 bedrooms with en-suites, kitchen/family room, drawing room, dining room, living room and a study. The external alterations are to consist of red/brown brick plinth and dark brown horizontal timber wall cladding, natural slate roof and painted or stained timber doors and windows. An arrangement of roof lights is proposed each side of the ridge of the building.
- 1.3 Access to the site will be provided by sharing the main access drive for Barnfield Cottage. A parking and turning area is to be positioned adjacent to the front northeast corner of the building.
- 1.4 Surface water from the building is to be drained to a new soakaway and foul water is to be directed to a new package treatment plant, both to be situated to the south of the building.
- 1.5 A Design and Access Statement, Planning Statement, Structural Report, Extended Phase 1 Habitat Survey and Bat Building Survey and a Tree Survey have been submitted with the application.

1.6 Amended plans were submitted on 12 August 2016, providing revisions to the design and external appearance of the building. The gable entrance roof extension has been removed and alterations to the fenestration provided.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Coffin in order to consider the principle of the development.

3. The Site:

3.1 The application site comprises an area of 0.53ha (1.3 acres) and is located on the south side of Stone Street Road, about 150m to the west of Pine Tree Lane, in the countryside, to the west of the hamlet of Ivy Hatch. It comprises an area of land to the west of the host dwelling of Barnfield Cottage that includes a disused competition scale equestrian riding arena building and a sand school. The building is sited about 80m from Stone Street Road and 6.5m back from PROW bridleway MR425 that extends past the western boundary of the application site. The land slopes markedly down from north to south with the riding arena building being set approximately 13m lower than the level of Stone Street Road. A small dormant cobnut orchard is situated between the application site and Stone Street Road.

3.2 The riding arena building was erected in the early/mid 1980s under planning permission TM/82/726, subject to planning conditions requiring the building to be used only for the exercise and training of horses owned by the occupiers of Barnfield Cottage and for purposes incidental to the residential enjoyment of this dwelling, and the implementation of a scheme of landscaping. This permission was varied under reference TM/82/1144. The building has a footprint of 43m x 21.5m, with an eaves height of 4.1m and ridge height of 6.5-7m. It is of steel framed construction and clad in corrugated asbestos sheeting. The building is set into the slope of the land and positioned at the bottom of a valley in the landscape.

3.3 A sand school (60m x 20m) is situated to the north of the riding arena positioned on an engineered plateau that sits well above the floor level of the riding arena building but well below the land further to the north. This was granted planning permission in the early 1990s under reference TM/90/1024. This also has not been used for many years.

3.4 The site is within the Metropolitan Green Belt, countryside, Kent Downs AONB and a Water Catchment Area. An area of woodland on the northern side of Stone Street Road is designated as Ancient Woodlands and SSSI.

3.5 The residential properties of Catmint Cottage, Point House and Beaconsmount are situated on the northern side of Stone Street Road to the north/northeast of the application site. The field to the west of the bridleway rises to a ridge that is

significantly above the level of the application site. The land to the west of the bridleway is within Sevenoaks District Council.

4. Planning History (relevant):

TM/82/10483/FUL grant with conditions 21 October 1982
(TM/82/726)
Erection of pre-cast concrete framed building (40m. x 19m) as cover for horse exercising area.

TM/83/10975/FUL grant with conditions 25 February 1983
(TM/82/1144)
Erection of new building for horse exercising (revised application).

TM/90/10691/FUL grant with conditions 26 September 1990
(TM/90/1024)
Retrospective application for change of use and formation of sand riding area including the laying of new drainage system under existing horse schooling area.

TM/14/01695/FL Refuse 15 July 2014
Appeal Dismissed 23 March 2015
Redevelopment of redundant indoor riding arena, sand menage and engineered banks with a single dwelling, detached garage and associated new vehicular access

5. Consultees:

5.1 PC: Support.

5.2 EA: No comments to make as the proposed development is low risk.

5.3 Fire Brigade: No comments received.

5.4 Sevenoaks DC: Objection. The proposed development will result in significant rebuilding and changes to all external elevations to facilitate the proposed development and use. It can therefore not be demonstrated that the conversion can take place without significant rebuilding as set out in the National Planning Policy Framework. The proposals therefore constitute inappropriate development in the Green Belt and are unacceptable in principle. The council objects to the proposal unless TMBC is satisfied with the very special circumstances provided by the applicant to justify the development.

5.5 KCC (PROW): No objection. Public Right of Way MR425 Bridleway runs alongside the application site. The new hedgerow should be installed 1.5 metres away from the boundary to the bridleway and the applicant made aware they shall be responsible for any maintenance required on the hedge.

- 5.6 Kent Wildlife Trust: Objection. The application site lies within a rural area on the edge of Ivy Hatch. It forms part of a well developed corridor of woodland, hedges and open fields between the Ancient Woodland blocks at Seal Chart (SSSI) and north of Ightham Mote. Such wildlife corridors are valuable local biodiversity assets in their own right whilst, at the same time, they enable the essential movement of wildlife between more valuable habitats. The biodiversity of the whole area is enriched by interconnected habitats. Green Belt and countryside planning policies give welcome protection to such corridors and, in the circumstances of this case, I'm not convinced that the development "assists in safeguarding the countryside from encroachment" (Paragraph 80). Consequently, the proposal fails to satisfy the test to be applied when considering the conversion of permanent buildings in the Green Belt set down in the NPPF at paragraph 90. The domestic occupation of the arena building will fragment the rich habitat structure of this part of the countryside, contrary to NPPF (paragraph 109) and TMBC (policy NE3) planning policies. The dis-benefits of the change of use include a greater level of human activity, external illumination and domestic animal predation.
- 5.7 CPRE: Objection. CPRE considers that conversion is an inappropriate term for this proposal, which appears to be significant rebuilding. The building will be stripped back to a steel girder frame and then significant further works would be required to move load-bearing walls. The building would be re-clad introducing windows and doors on each façade of the building; even the roof would be changed in form and with numerous windows appearing in different locations. The location is rural and unsustainable, as it would substitute an intermittent equestrian use with a permanent residential one which would inevitably require constant vehicle use to access services and employment. The location is part of an important wildlife corridor between two areas of ancient woodland. The introduction of permanent habitation with the attendant lighting, including lighting from numerous roof lights and noise will disturb and negate the use of the wildlife corridor.
- 5.8 Private Reps: 7/0X/7R/0S + Article 15 site notice. The following concerns were raised by 7 objectors:
- The development would have an adverse effect on the rural character and visual amenity of the countryside and AONB
 - The dwelling and access would introduce urban built forms to the rural area
 - The proposed hedge adjacent to the western boundary of the site would impact on views from the public bridleway
 - The new dwelling would cause light and noise pollution
 - No very special circumstances in the Green Belt have been provided to justify the development
 - A new dwelling would impact on the environment and traffic in the area

- The site provides a habitat for bats, owls, dormice and badgers and wildlife would be disturbed by the development of the site
- The development would harm the established wildlife corridor
- The shared main vehicle access is dangerous.

6. Determining Issues:

6.1 A previous application submitted under planning reference TM/14/01695/FL involved the proposed entire demolition of the riding arena building, removal of the sand school and the erection of a new dwelling and garage with a new access to Stone Street Road that followed the boundary with the bridleway. This application was refused by the Local Planning Authority under delegated powers and was subsequently dismissed at appeal by the Planning Inspectorate. The reasons for refusal in that case are summarised as:

- *Inappropriate development in the Metropolitan Green Belt and designated countryside*
- *Harm from the proposed new 'bell-mouth' vehicular access and associated driveway adjacent to a rural bridleway*
- *Incongruous features in the AONB, from public vantage points along the adjacent PROW and in the rural locality generally*
- *Inadequate ecological survey.*

6.2 The Inspector concluded that the proposal would constitute an isolated dwelling in the countryside which would have an adverse effect on the character and appearance of the countryside and AONB and that there were no material considerations that would amount to very special circumstances needed to outweigh the harm of the development's inappropriateness in the Green Belt.

6.3 In assessing this scheme, it is necessary to consider whether the previous reasons for refusal, along with the reasons the Inspector gave for dismissing the appeal, have been overcome. The current scheme is substantially different to the previous scheme as it proposes the reuse of an existing building rather than demolition and construction of an entirely new dwelling with associated garage and residential curtilage.

6.4 The main issues are whether the proposal would be harmful inappropriate development within the Green Belt or cause any other harm, and if so whether any very special circumstances exist that would outweigh any identified harm, whether the building is suitable for conversion to a dwelling and whether the conversion and proposed external alterations to the building would affect the appearance and character of the area, visual amenity of the broader rural locality, including the PROW, or the amenity of neighbouring residents.

Development in the Green Belt

- 6.5 The application site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 9 of the NPPF).
- 6.6 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.”*
- 6.7 Paragraph 90 of the NPPF advises that the re-use of buildings that are of permanent and substantial construction, along with engineering operations, are a certain form of development that are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 6.8 The proposed development reuses an existing private riding arena building. A structural report from a structural and civil engineering consultant has been submitted that confirms that the existing steel frame, including the existing foundations, could be used for the proposed conversion and that the lateral stability of the structure is sound, as are the pad foundations. It concludes that the building structure in its current state is structurally sound and in engineering terms is suited for the proposed conversion to a domestic dwelling. I therefore consider the building to be of permanent and substantial construction.
- 6.9 A 6m x 21.5m section (one span) of the building is to be demolished and the building is to be re-clad. The alterations to the building would result in a clear net reduction in the size of building. The recladding to remove asbestos sheets would also be supported in principle. Engineering works are proposed which include a new hard surfaced access and parking area. The access utilises the main vehicle access road to Barnfield Cottage which continues part way to the riding arena building. The access will be extended by only 15-20m to a parking area adjacent to the northeast corner of the building. These new hard surfaced areas are situated within the previously developed areas of the site and are relatively modest in their extent.
- 6.10 A residential curtilage is also proposed that would be inappropriate development and therefore harmful by definition. It would also introduce domestic paraphernalia associated with the dwelling which could further impact on openness. In this case, however, the curtilage is mostly confined to the areas around the arena building and sand school and the level of paraphernalia for the dwelling would not, in my view, be over and beyond that which could be associated with the lawful equestrian use. Also, the existing sand school area is to be removed and re-graded and planted out with grass which would bring visual benefits to the openness of the land on the ground. I therefore consider that the development would result in an overall improvement to the openness of the Green Belt in physical terms and this can be considered to be very special circumstances sufficient to override the definitional harm arising from the change of use.

6.11 The development is therefore compliant with the requirements of policy CP3 of the TMBCS and paragraphs 80, 87 and 90 of the NPPF.

Development within the Countryside

6.12 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. One of these is conversion of an existing building for residential use and therefore the proposal would comply in principle with this policy.

6.13 Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances, such as where the development in question would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In this case, the new dwelling would be isolated in that it would be outside of any nearby settlement. However, the development would re-use a redundant building and, by way of reducing the size and substantially improving the appearance of the building and reinstating the sand school to open grassed land, would enhance the immediate setting subject to relevant controls over future further development within the curtilage. As such, I am satisfied that the requirements of paragraph 55 have been met and the second reason for refusal previously cited successfully overcome.

6.14 Policy DC1 of the MDE DPD relates to the re-use of rural buildings. Parts 1 and 2 of this policy are relevant to this proposal and require specified criteria to be met. These are addressed below.

6.15 The proposed development reuses an existing building and, as discussed above, a structural report submitted concludes that the building is of permanent sound construction and capable of conversion. A span of the building is to be demolished but the revised side of the building would be re-clad like the rest of the retained building. I do not consider that this would represent 'rebuilding'. It is important to note that internal works, including internal wall reinforcements, would not constitute 'development' under the Act. Also, it is generally accepted that the installation or replacement of windows, doors, roofs and exterior walls to the extent reasonably necessary for the building to function as a dwelling does not amount to "substantial reconstruction". I am therefore satisfied that the building has been shown to be of permanent and sound construction and is capable of conversion to a dwelling in this case.

6.16 The reduction in the size of the building, new external materials, which include red/brown brick plinth and dark brown horizontal timber wall cladding, slate roofing and the proposed fenestration comprising timber doors, windows and shutters, would provide an appropriate rural barn-like appearance that would be sympathetic to the character of the area.

- 6.17 The building is well separated from nearby residential properties and is also well screened by the topography of the land and the dormant cobnut orchard to the north. The development would therefore be acceptable in terms of residential amenity. The building would be clearly visible from the bridleway but I am satisfied that the alterations to the building could enhance visual amenity from this public vantage point. I have noted that several local residents have concerns with the location of a proposed hedgerow shown adjacent to the bridleway. This hedge can be relocated closer to the building to retain views of the section of cobnut orchard to the northwest of the building. This can be secured by a condition requiring a comprehensive scheme of landscaping to be approved. The building is situated within a valley in the landscape and therefore would not be visible from long range. The building is also of a size that is more than adequate for use as a dwelling.
- 6.18 The proposed use will not affect any surrounding agricultural land holding.
- 6.19 A landscaping scheme can be required by a condition that repositions the hedge currently indicated adjacent to the public bridleway to a location away from the bridleway, as well as other suitable native species to screen the side wall of the building and appropriately rural fencing.

Ecology

- 6.20 An Extended Phase 1 Habitat and Bat Building Survey has been submitted, prepared by Corylus Ecology. The survey advises that there are no rare or nationally scarce plant species on the site and a relatively limited diversity of plants and habitats. An old bat feeding roost was identified inside the judge's box in the barn but this is not considered to be a day roost and the building is too draughty and light to support bats. No further surveys were deemed necessary in respect to the building. Two goat willow trees with cavities were inspected but no evidence of roosting bats was recorded. The report recommends evening bat emergence surveys. If a bat roost is identified then a Natural England licence would be needed to destroy the roost. The felling of these trees should be supervised by an ecologist. Although there is a low risk of reptiles on the site, areas of the site are becoming more suitable due to rough vegetation developing and therefore the report provides precautionary reptile habitat management measures. There was no evidence of the presence of barn owls in the building and no habitat suitable for dormice on the site. No badger setts were identified on or within 20m of the site and therefore no further surveys are recommended. There is some suitability for amphibians but the likelihood of great crested newts being present on the site is very low due to a poor local pond network.
- 6.21 I consider that, subject to the development being undertaken in accordance with the recommendations outlined in Section 4.0 Evaluations and Recommendations of the Extended Phase 1 Habitat and Bat Building Survey, protected species

would be adequately protected. The proposal would therefore accord with Policy NE2 of the MDE DPD.

6.22 The building is of no historic interest.

6.23 There are no operations or uses nearby that would compromise the residential use of the site.

6.24 The residential curtilage proposed is mostly confined to the previously developed areas of the site and, as mentioned in the Green Belt section of the report above, the level of paraphernalia for the dwelling would not be over and beyond that associated with the lawful equestrian use. Therefore, I do not consider that this would have an adverse impact on the rural character of the countryside.

6.25 Accordingly, the proposed development would satisfy Policy DC1 of the MDE DPD.

Character, Landscape and Visual Amenity

6.26 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.

6.27 The external alterations to the building, as mentioned above, include the removal of a 6m x 21m bay from the east side of the existing building, insertion of new windows and doors in all elevations and the recladding of the building in red-brown brick (plinth) and dark brown stained horizontal timber weatherboarding with slate roof and timber windows and doors. It is noted that the shallow gable roof extension to the centre of the building originally proposed has now been designed out and the fenestration revised to retain more of the existing appearance through the conversion by incorporating modest sized windows of a glazing bar design, arched timber door openings and timber hinged shutters. The roof lights are to be of a conservation style and have been arranged close to the ridge which, in my view, would minimise their visual effect on the building. I consider that the proposed elevation changes provide a sympathetic agricultural barn type appearance that would enhance the character and visual amenity of the rural area.

6.28 The existing sand school is to be removed and the land re-graded and made into a lawned garden area with additional landscaping. As the land varies substantially in its topography I consider it necessary for details to be provided showing the finished grading of the land. This can be secured by a planning condition.

6.29 The domestic curtilage is considered to reasonably reflect the extent of the existing equestrian development and would be of an appropriate size within this rural area. It is however recommended that the hedgerow proposed along the

boundary with the bridleway be relocated away from the boundary, preferably closer to the building, to remove possible future encroachment into the PROW and to assist in screening the building. A detailed landscaping scheme, including boundary treatments, can be secured by condition to help screen and enhance the development.

- 6.30 The new dwelling is proposed to be served via the existing vehicular access serving Barnfield Cottage, thus significantly reducing the amount of associated hardstanding to serve the development. This is in contrast to the previous scheme which proposed a substantial new access from Stone Street Road through the cobnut orchard. This is considered to be a sympathetic way of accessing the site which overcomes the previous reason for refusal (Reason 3).
- 6.31 A Tree Survey been submitted which assesses the trees on the site and their suitability for retention in light of the proposed development. The report indicates that 40 trees have been assessed as category 'C' (Trees of low quality), of which 39 are to be retained. A Common Beech tree is to be removed to accommodate the extension to the access drive. Thirty-seven (37) trees have been assessed as category 'U' (Trees unsuitable for retention), of which 4 trees are to be retained. The other 33 trees are to be removed as they have been identified as having poor structure and form or are unstable. These are mainly around the south, north and west sides of the building and on the slope between the arena building and the sand school. None of the trees recommended for removal are considered to be worthy of retention. The trees further from the building will not be affected and those either side of the proposed access road are to be retained and protected. On balance, I do not consider the removal of the trees proposed would adversely affect the visual amenity of the area.
- 6.32 The development would significantly enhance the appearance of the existing building and the land to the north due to the removal of the sand school and reinstatement of the landscape in this area. Although the use of the building as residential would bring some impact from domestic lighting, car movements and general residential activity and paraphernalia, I do not consider that these would adversely affect the natural beauty and quiet enjoyment of the AONB given the existing lawful equestrian use of the building and site. The proposal would therefore satisfy Policy CP7 of the TMBCS.
- 6.33 An area of cobnut trees extends from Stone Street Road to the north of the application site, and partially within the northwest section of the site adjacent to the western side of the riding arena building. To the north of this small orchard across Stone Street Road lies an Ancient Woodlands/SSSI area. Kent Wildlife Trust has objected to the development due to the impact that greater human activity, external illumination and domestic animal predation would have on the habitat corridor/structure and biodiversity of the area. In taking into account the established equestrian nature and impact of the sand school and indoor riding arena, the reduction in the size of the domestic curtilage to correspond more

closely to the developed parts of the land, control of external lighting for the site and implementation of the recommendations outlined in the submitted Extended Phase 1 Habitat and Bat Building Survey for the planting of new trees, hedges and new lawn to enhance biodiversity in the area, I am satisfied that the development would not adversely affect biodiversity or habitats in the immediate area. The site is 65m from the SSSI and the highway intervenes and therefore I do not consider that the development would be likely to affect the SSSI. The development would therefore not conflict with Policies NE2 and NE3 of the MDE DPD or paragraph 109 of the NPPF.

- 6.34 I am therefore satisfied that the proposals with regard to trees would not result in any harmful impact on the appearance or character of the area or the visual amenity of the rural locality.

Parking/Highways/PROW

- 6.35 A car parking area has been provided adjacent to the northeast corner of the building which provides ample parking and turning for the development. The site is also relatively isolated in the countryside and uses an existing access road from Stone Street Road. The existing vehicle entrance to Barnfield Cottage, which will be used for the proposed development, is of a high quality with gates set well back from the highway.

- 6.36 Bridleway MR425 extends past the western boundary of the site. KCC PROW has reviewed the proposal and has not submitted any objection but has asked that the hedgerow shown on the plans be located 1.5m away from the boundary to the bridleway and that the applicant would be responsible for any maintenance required to the hedge. An informative can be added to any permission granted in this regard.

- 6.37 I am satisfied that adequate access to the site is provided for fire service vehicles. The main access from Stone Street Road is of a generous size and the access road to the site is spacious and unimpeded.

- 6.38 Accordingly, I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be severe. The proposal therefore accords with Policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.

Other Material Considerations

- 6.39 The site is not considered to present any concern regarding land contamination but, as the building has been acknowledged as being clad in asbestos sheeting, an informative relating to asbestos will be added. The development would therefore accord with paragraphs 120-121 of the NPPF.

- 6.40 Given the position of the building within the site and its relationship with its nearest neighbours, there would be no adverse impact on residential amenity arising from the proposals.
- 6.41 The foul sewage is shown to use a package treatment plant but the first preference is for connection to a main sewer especially as the site is within a Water Catchment Area, so a condition will be imposed accordingly. There are no objections to the soakaway for surface water.

Conclusions

- 6.42 It is noted that the proposed scheme is substantially different to the previous scheme (TM/14/01695/FL) that was dismissed at appeal. The current scheme re-uses an existing building in the Green Belt, provides changes to the exterior of the building that result in an overall building appearance that is sympathetic to its rural setting and minimises the need for additional hard surfacing by using the existing access for Barnfield Cottage. This compares to the previous scheme which proposed the demolition of the existing building and replacement with a large detached house and new long access road from Stone Street Road that provided an urbanising form of development that was harmful to the rural area.
- 6.43 In light of the above, I consider that the proposed development accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan 101 P2 received 12.08.2016, Site Plan 102 P2 received 12.08.2016, Artist's Impression 103 P2 received 12.08.2016, Proposed Elevations 104 P3 received 12.08.2016, Proposed Floor Plans 105 P2 received 12.08.2016, Roof Plan 106 P2 received 12.08.2016, Supporting Statement received 03.05.2016, Supporting Statement Response to Sevenoaks DC received 03.05.2016, Structural Survey received 07.03.2016, Design and Access Statement received 07.03.2016, Planning Statement received 07.03.2016, Email pre-application received 07.03.2016, Ecological Survey received 07.03.2016, Arboricultural Survey received 07.03.2016, Cross Section 107 P1 received 07.03.2016, Existing Elevations 108 P1 received 07.03.2016, Topographical Survey 109 P1 received 07.03.2016, Photographs 110 P1 received 07.03.2016, subject to 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 No development shall take place until details or samples of all materials to be used externally on the building and a schedule of works detailing the application of the materials to the existing building to be converted 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 site or the visual amenity of the rural locality.

- 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 development shall be carried out within Classes A-F of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

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

- 4 The dwelling shall not be occupied, until the areas shown on the submitted layout as new access, turning area and vehicle parking space have 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 and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved parking space.

Reason: In the interests of orderly development and highway safety.

- 5 Prior to the occupation of the dwelling, the sand school and hardstanding shown to be removed on Drawing No.101 P2 shall, along with all arisings therefrom, be removed from the site and the land made good in accordance with details to be submitted to and approved by the Local Planning Authority. The details to be submitted for approval shall include cross-sections showing the finished reinstatement of the land between the building and the land beyond the northern extent of the sand school.

Reason: To protect the openness of the Green Belt and visual amenity of the rural area.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and boundary treatment. This shall include the repositioning of the proposed hedgerow from the western boundary to a position closer to the building and provision of additional native landscaping to assist in screening the development from the public bridleway. 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 similar structures as may be approved shall be erected before first occupation of the building.

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

- 7 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, other than those specified for removal in the approved Tree Survey (Tree Craft Ltd, March 2016) by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

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

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

- 8 The development shall be carried out in accordance with the recommendations set out in Section 4.0 'Evaluation and Recommendations' outlined in the submitted Extended Phase 1 Habitat Survey and Bat Building Survey (February 2016) prepared by Corylus Ecology.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 9 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect the visual amenity of the rural area.

- 10 Notwithstanding the proposed package treatment plant shown on the approved plans, foul water shall be disposed of directly to the main sewer, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of groundwater.

Informatives

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no work on Sundays or Public or Bank Holidays.
- 3 In implementing the above consent, regard should be had to the requirements of the Bye-Laws of the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.
- 4 Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 5 The proposed development is within a road which does not have formal street numbering and, if implemented, the new property will require a new name, which is required to be approved by the Borough Council, and post codes. To discuss a suitable house name you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new property is ready for occupation.
- 6 You are also advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek

further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB.

- 7 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.
- 8 It has been stated in the application details that asbestos containing materials are known to be present in the structure. Before commencing any works, the applicant is advised to seek further advice to ensure the necessary precautions are implemented for the duration of the demolition. More information can be found <http://www.hse.gov.uk/asbestos/> and <http://www.hse.gov.uk/asbestos/faq.htm#domestic-properties>.
- 9 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 10 The hedgerow shown on the plans should be located 1.5m away from the boundary to the bridleway. With regard to any works that may affect the public bridleway, the applicant should contact Kent County Council, Strategic Planning, West Kent PROW, 8 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT. Tel: (01732) 872 829.

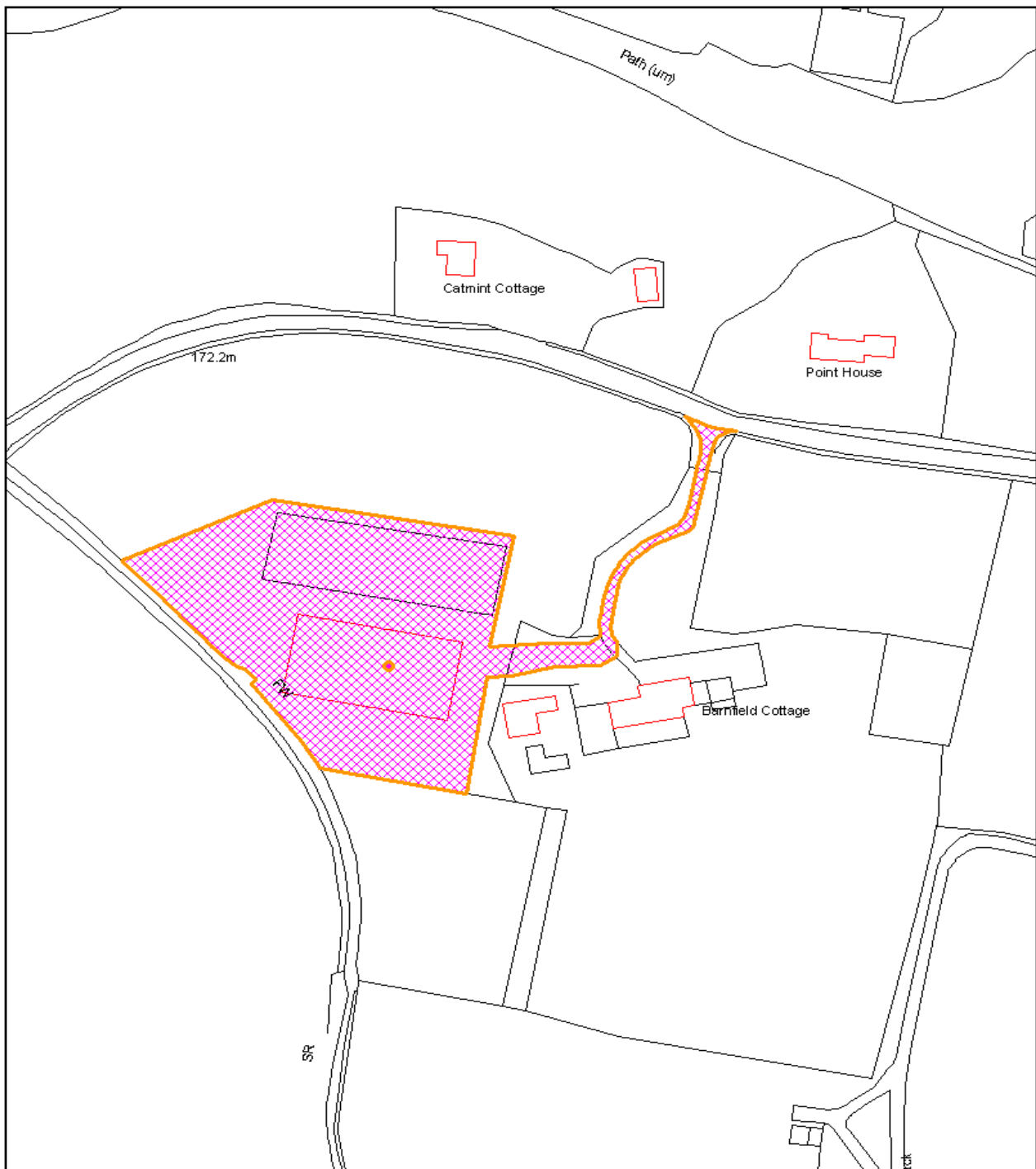
Contact: Mark Fewster

TM/16/00776/FL

Barnfield Cottage Stone Street Road Ivy Hatch Sevenoaks Kent TN15 0NH

Part demolition and re-use of existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking and residential curtilage

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Platt
Borough Green And
Long Mill

11 July 2016

TM/16/02105/FL

Proposal: Section 73 application to vary condition 12 of planning permission TM/15/00453/FL (As varied by non-material amendment TM/16/01843/NMA) to provide design changes to the dwellings

Location: Railway Cottage Maidstone Road Wrotham Heath Sevenoaks Kent TN15 7SZ

Applicant: Magnum Opus Developments (Wrotham) Limited

1. Description:

- 1.1 The application proposes minor material amendments to planning permission TM/15/00453/FL. This permission granted approval for the demolition of an existing detached two storey dwelling and the erection of a new two storey terrace block of four 3-bedroom dwellings facing east, with car parking for 8 vehicles to the front of the site. This parking area measures approximately 18m wide x 10m deep. The main approved drawings included Proposed Site Plan (Drg.No.13/31/03A) and Proposed Plans and Elevations (Drg.No.13/31/02A).
- 1.2 A non-material amendment has since been approved under planning reference TM/16/01843/NMA. This added Condition 12 to planning permission TM/15/00453/FL which lists the approved plans. The current application proposes to replace the approved drawings above with revised Drawing Nos. 13/31/02B (received 8 July 2016) and 13/31/03A (received 8 July 2016).
- 1.3 The proposed amendments to the scheme comprise the following:
 - Increase in the ridge of the building by 600mm from 8.5m to 9.1m to accommodate a new loft room in the roof space of each dwelling, and associated enlargement of side gable ends
 - Glass infill panels provided to the front gable of each dwelling
 - Removal of the 2 false chimneys
 - Insertion of 2 rear roof lights to each dwelling
 - Revised design of the rear single storey extensions to the dwellings
 - Addition of bathroom window to both side flank elevations of the building
 - Minor alteration to car parking layout.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Taylor due to the impact of the changes on the character of the area.

5. Consultees:

- 5.1 PC: We object to this application. We see this as an attempt to maximise the developer's profits and not as an improvement to the area. We are aware that the developer tried to change the original approval to a block of flats, but failed. The addition of a second floor with glazed walling to the front elevation and rooflights to the rear is totally out of keeping with the area. It is now virtually up to the boundary of the adjacent property and the additional floor will limit the light and view of the existing dwellings. We would urge you to refuse this application, so we revert to the original approval.
- 5.2 KCC (Highways): No objection.
- 5.3 KCC (PROW): No issues with the amendments made to the application and reiterate what was stated in the previous application.
- 5.4 EA: No comments received.
- 5.5 Fire Brigade: No comments received. However, I consider that comments to the original application remain relevant. These comments were as follows: No objection provided that:
- The road width is no less than 3.7m
 - Any pinch points ie. gates are no less than 3.1m
 - A hammer head or turning circle is made available for a fire appliance
 - The road is constructed to take the weight of a 12.5 tonne fire appliance
 - There are no overhead cables/obstacles less than 4m.
- 5.6 Private Reps: 1/1X/0R/0S + Article 15 site notice + PROW Press Notice. No objections have been received.

6. Determining Issues:

- 6.1 The main issues are the effect of the proposed design changes on the appearance of the approved building and its subsequent effect on the character of the area, and their effect on neighbouring residential amenity.

Character and Appearance

- 6.2 Policy CP24 of the TMBCS requires development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Policy SQ1 of the MDE DPD advises that new development should 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.
- 6.3 The building has been increased in height by 600mm, from a ridge height of 8.5m to 9.1m. This has been proposed in order to provide additional living

accommodation in the roof space. This has also enlarged the side flank gable end walls. The proposed elevations would also regularise an error on the approved elevations plan which shows side hips to the building's roof instead of gable ends as shown on the approved front and rear elevations.

- 6.4 The increased ridge height of the building, although not substantial, would increase the overall size, scale and bulk of the terrace viewed from east to west (front to rear, respectively) due to its 18m width. However, the terrace is set perpendicular to the neighbouring residential properties to the north and this flank elevation is well separated (by more than 20m) from the neighbouring dwellings at Bay Cottage, 1-4 Forge Cottages, 4 Lime Cottages and Oak Cottage. The bulk from the south flank only impacts on the railway land. The terrace would face east towards non-residential uses, including a light industrial/art studio building, car park and Premier Inn further to the east. Therefore, I do not consider the additional height proposed would result in an overly large building that would visually harm the character of the area.
- 6.5 Flat roof single storey extensions 2.8m deep have been added across the full width of the rear of the dwellings. These will replace the approved pitched roof single storey elements. I consider these rear elements to be low key in visual terms.
- 6.6 The removal of the false chimneys would not, in my view, affect the overall design and appearance of the dwellings. The rear roof lights are also minor alterations that are non-material in this case, given they are in the rear roof slope and face west across deep rear garden areas.
- 6.7 Glass infill panels are to be added to the front gables of the dwellings, either side of the central vertical decorative beams. The triangular panels are not considered to be substantial in size and will be broken up by the feature vertical and horizontal decorative beams that define the gable. I am of the opinion that the buildings in the immediate area are relatively mixed in respect to external materials and finishes and do not provide a distinct character that requires strict adherence to specific claddings. The building would also be largely screened by other development that lies between the application site and the highway. I therefore considered that the addition of the proposed glazed gable elements would not result in a building appearance that would be out of the character or visually harmful to the immediate area.
- 6.8 I am therefore satisfied that the proposals would not harm the character of the area or the visual amenity of the locality and would satisfy policies CP24 of the TMBCS and SQ1 of the MDE DPD. The development would also accord with Part 7 of the NPPF relating to good design.

Parking / Highway Safety

- 6.9 The layout of the front parking area has been altered slightly to provide a more linear arrangement, which is suitable for the development.
- 6.10 A new loft room is to be added to the roof space for each dwelling, accommodated by the increase in the ridge height of the building. This essentially adds a further bedroom making the dwellings 3-bedrooms. However, 2 individual parking spaces are provided for each dwelling which satisfies the requirement set out in the Kent Design Guide IGN3 residential parking standards. This same standard is also set for 4-bedroom dwellings in villages. This parking provision is therefore acceptable.
- 6.11 The local highway authority has also advised that they have no objection to the amended scheme on highway grounds.
- 6.12 Accordingly, I am satisfied that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be severe. The proposal therefore accords with policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.

Neighbouring Amenity

- 6.13 The building would be slightly more visible from the existing residential properties to the north but these adjacent dwellings are more than 20m from the north side elevation of the building. Therefore, I am satisfied that the additional scale and bulk of the building and enlarged gable would not make it overbearing or harmful to the visual amenity of neighbouring residential properties.
- 6.14 There would not be any unacceptable overshadowing from the enlarged building given the separation of the building to adjacent dwellings.
- 6.15 A small sized bathroom window is to be added to each side flank wall at first floor level. A condition can be added requiring the first floor window in the north side flank elevation facing the adjacent residential properties to be fitted with obscure glass and fixed.
- 6.16 Accordingly, I am satisfied that neighbouring residential amenities would not be harmed by the proposals.

Other Planning Matters

- 6.17 The proposal does not propose any amendments that would alter the original assessment of the scheme in respect to access to fire service vehicles, land contamination, effect on adjacent national rail land or impact from noise from the nearby railway and highways. Conditions relevant to these will be carried forward to this permission if granted.

Conclusion

- 6.18 The proposed design changes are considered to be minor in the context of the approved scheme and their overall effect on the scheme would not be substantial. The appearance of the revised residential building, and development as a whole, would remain acceptable in visual terms and would not, in my view, result in any demonstrable harm to the character or visual amenity of the area.
- 6.19 In light of the above, I consider that the proposed development accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan A810/PL/001 dated 08.07.2016, Site Plan 13/31/03 A dated 08.07.2016, Proposed Plans and Elevations 13/31/02 B dated 08.07.2016, Notice ADVERT dated 08.07.2016, Other CERTIFICATE D dated 08.07.2016, subject to 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 No development shall take place until details or 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 of the area or visual amenity of the locality.
- 3 No development shall take place until a plan showing the existing levels of the site and adjoining land and the proposed slab level(s) of the dwellings and associated finished ground levels of the site have been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
- Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.
- 4 No development shall take place until a scheme of noise attenuation to protect the proposed dwellings from noise from the nearby railway and classified highways has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

- 5 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 development shall be carried out within Class A, B or D of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that any future enlargement of the dwellings do not have a harmful impact on the character or visual amenity of the area.

- 6 No building shall be occupied until the area shown on the submitted layout as vehicle parking space for the dwellings 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 and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

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

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

- 8 No development shall take place until a scheme of surface water disposal for the development has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reasons: To protect groundwater.

- 9 Foul water shall be disposed of directly to the main sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

- 10 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal telephone services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and 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 distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 11 No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until:

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

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

Design and Access Statement received 11.02.2015, Noise Assessment MRL/100/682.1V1 received 11.02.2015, Transport Statement SKP/MAH/32486 received 11.02.2015, Topographical Survey received 11.02.2015, Existing Plans and Elevations 13/31/01 received 11.02.2015, Other CERTIFICATE D received 11.03.2015, Notice ARTICLE 11 received 11.03.2015, Site Plan 13/31/03 A received 08.07.2016, Proposed Plans and Elevations 13/31/02 B received 08.07.2016, Location Plan A810/PL/001 received 08.07.2016.

Reason: For the avoidance of doubt.

- 13 The first floor window within the north side elevation of the building shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking of adjoining property.

Informatives

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
- 3 The applicant is advised to contact Network Rail prior to any works commencing on the site - AssetProtectionKent@networkrail.co.uk.
- 4 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.
- 5 Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 6 With regard to any works to the footpath/bridleway, the applicant should contact Kent County Council, Strategic Planning, West Kent PROW, 8 Abbey Wood Road, Kings Hill, West Malling, Kent, ME19 4YT. Tel: (01732) 872829.

- 7 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 8 The applicant should ensure that adequate access is provided to the site for fire service vehicles in-line with the following advice from the Kent Fire Brigade:
 - The road width is no less than 3.7m
 - Any pinch points ie. gates, are no less than 3.1m wide
 - A hammer head or turning circle is made available for a fire appliance
 - The road is constructed to take the weight of a 12.5 tonne fire appliance
 - There are no overhead cables/obstacles less than 4m high

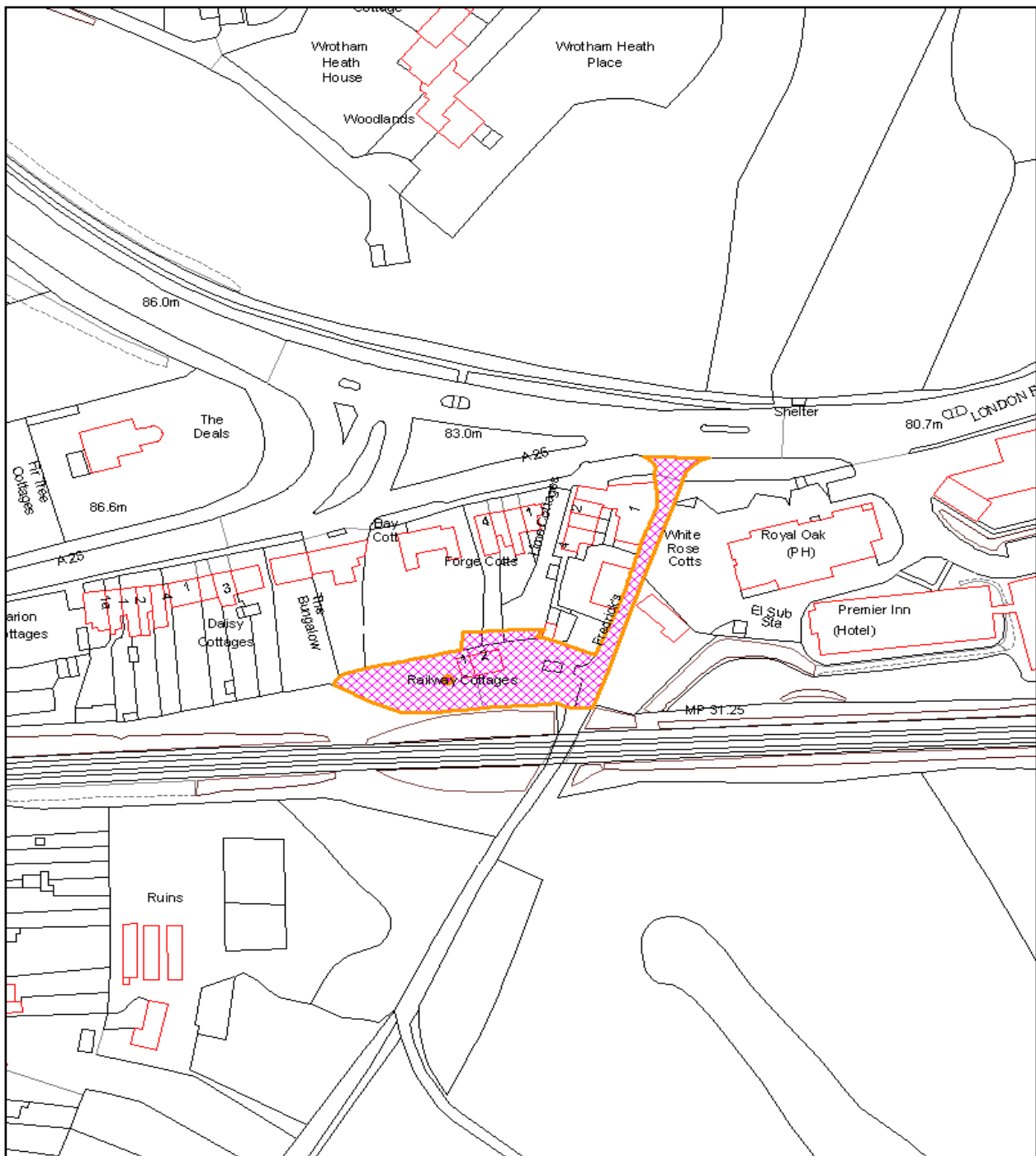
Contact: Mark Fewster

TM/16/02105/FL

Railway Cottage Maidstone Road Wrotham Heath Sevenoaks Kent TN15 7SZ

Section 73 application to vary condition 12 of planning permission TM/15/00453/FL (As varied by non-material amendment TM/16/01843/NMA) to provide design changes to the dwellings

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West Malling
West Malling And
Leybourne

23 May 2016

TM/16/01600/FL

Proposal: Two storey side extension
Location: The Old Stable Building Old Parsonage Court West Malling
Kent ME19 6NZ
Applicant: Ms Taylor

1. Description

- 1.1 The application seeks planning permission for a two-storey extension to a detached one-bedroom residential property to provide space for a kitchen on the ground-floor and a second bedroom above.
- 1.2 The extension would be added to the northeast-facing elevation of the dwelling, to a width of 4m and depth of 4m. It would be set back from the northwest elevation by 500mm and from the southeast face by 2.5m. A dual-pitch roof is proposed, including a rooflight in each slope, within a parapetted gable end to match the design of the gables to the main roof. The walls would be finished in ragstone to match the existing finish and the roof in slate, also to match.
- 1.3 The walls facing northwest and northeast would be imperforate. The third wall facing southeast would feature, on one side, two similar windows, one on each floor, with a timber door/window feature on the other (inner) side.
- 1.4 The application includes an Arboricultural report, incorporating Arboricultural Impact Assessment, and a supplementary Arboricultural Method Statement prepared by a qualified arboricultural consultant.
- 1.5 The initial Arboricultural report provides the results of a Tree survey carried out in April 2016, including a Tree Location Plan to show the existing situation and the situation post-development, together with appendices setting out standard advice on: survey methods and terminology; calculation of root protection zones; and tree protection methods, including fencing, ground protection, and construction exclusion zones
- 1.6 The applicant's supplementary Arboricultural Method Statement sets out details of: the intended management of the construction process, including a pre-commencement meeting, supervision of specific stages, regular monitoring visits, and procedures for dealing with any unforeseen issues requiring arboricultural input or advice.
- 1.7 The agent has also submitted a shadow diagram designed to identify the potential additional shading of adjacent sites likely to arise as a result of the extension, and an amended shadow study in response to objectors' comments.

2. Reason for reporting to Committee

- 2.1 At the request of Councillor Luker on the basis that the proposal may amount to an overintensive development of the site, bearing in mind the proximity of neighbouring properties.

3. The Site

- 3.1 The site lies within the built confines of West Malling Rural Service Centre, and within the West Malling Conservation Area, off the south/west side of Water Lane. It lies within the envelope of The Old Parsonage Court sheltered housing complex, although it does not form part of the complex. The sheltered housing site is served by an access road running southwest from Water Lane from a point some 110m southeast of its junction with the High Street.
- 3.2 To the north is 'The Retreat', a recent development of two-storey dwellings, with rooms in the roof, on land to the rear of the former KCC office complex at 123-129 High Street, which itself has been converted to residential units. To the west is the residential property Church House, 137 High Street, a listed building standing in extensive grounds.
- 3.3 The sheltered housing complex comprises the original mid-19th century Old Parsonage building, which is now subdivided into three dwellings, together with a more recent group of units arranged around a landscaped area, lying to the south of the access road. A further terrace of three single-storey dwellings lies to the north of the access road, just inside the stone boundary wall.
- 3.4 The red-line site for this application encloses an 'L'-shaped area, on the north/west side of the access road, which wraps around the rear garden of Church House.
- 3.5 Within the site, The Old Stable Building stands directly adjacent to the northern boundary wall of Church House and also abuts the boundary wall of the most easterly dwelling in the recently-developed terrace of five two-storey dwellings addressed as 4-12 (even) Water Lane.
- 3.6 The building itself is a two-storey detached ragstone property which was converted to a dwelling in the later 1990s. It stands on a rectangular footprint of 7m by 4m, and features dual-pitch roof with twin gable-ends to an eaves level of 4.8m and ridge at 6.7m. The accommodation comprises a lounge and kitchen on the ground-floor, a bedroom and bathroom above, and ancillary space within the roof. There are no windows or openings in either the southwest-facing or northwest-facing walls, principal windows being in the elevation facing northeast. A timber porch/conservatory with a lean-to roof has been added to the southeast elevation.
- 3.7 The garden area is dominated by several mature trees which are protected by a TPO dating from 2001. Nearest the building, at a separation distance of around 4m, is a Sweet Chestnut which is approximately 15m high. Two protected Beech

trees stand in the corner of the site nearest Water Lane and there is a Yew about 10m south of the main building. The garden houses a timber shed and there is space for vehicle parking.

3.8 The site lies within an identified Area of Archaeological Potential.

4. Relevant Planning History

TM/84/10959/FUL grant with conditions 24 February 1984

Provision of 27 no. dwelling units comprising conversion of existing house into 3 no. sheltered housing units, erection of 23 no. sheltered housing units and erection of resident secretary's house; construction of ancillary parking areas and vehicular access to Water Lane West Malling

TM/84/10970/LBC grant with conditions 24 February 1984

Demolition of wall to form new access to Water Lane

TM/96/00786/LB Grant With Conditions 24 July 1996

Listed Building Application: conversion of old stables into residential accommodation

TM/96/00788/FL Grant With Conditions 24 July 1996

conversion of old stables into residential accommodation

TM/00/01783/LB Grant With Conditions 22 November 2000

Listed Building Application for conversion of building 'as built' as alternative scheme to that approved under ref: TM/96/00786/LB

TM/00/01785/FL Section 73A Approved 18 December 2000

Section 73A application seeking approval for conversion of building 'as built' as alternative scheme to that approved under ref: TM/96/00788 and including new timber side porch, wattle fence to boundary and shingle parking bay

TM/16/00878/TPOC Approved 17 May 2016

T1 Sweet Chestnut to reduce the crown by 2.5m in width and 3m in height, removing all deadwood and hangers. T2 Yew to remove deadwood, girdle Ivy at base of the tree and crown thin by 15%. T3 Beech to crown thin by 15%. T4 Beech to remove lateral limb at 8m above ground level, overall crown reduction in height of 4m and with of 3m, crown thin by 20%

5. Consultees

5.1 PC: initially objected as follows:

- The size of the planned extension is disproportionate to the size of the existing building.
- The size of the planned extension is disproportionate to the size of the plot on which the existing building sits.
- The size of the planned extension would have a very real impact on neighbouring properties as it is located in a very confined space. This is a very real concern expressed by a large number of local residents and we as a Parish Council support their view.

5.1.1 In response to the supplementary Arboricultural Method Statement and shadow study, the PC Vice-Chairman commented further (22 August) as follows:

- It is not appropriate to use the shadow study because it omits a number of trees, particularly a line of trees to the rear of houses numbered 8, 10, and 12. It also omits a high wall running the length of the rear of these properties. Can the study be updated?
- Secondly, the Council's planning application records indicate that the property is listed and this issue needs to be addressed so that the planning application can be considered in its entirety.
- Thirdly, the Arboricultural Statement appears to show works to trees that would require separate consent. Is this correct and if so, when will such applications be notified to the PC?

5.2 KCC Heritage Conservation Unit: No comments received.

5.3 Private Reps: 12/0X/11R/0S + site and press notice. The following issues and concerns are raised:

- The building is listed and the development would harm the building's historic character. An application for listed building consent should be submitted. Loss of historical form and character of the building. The proposal would not be in keeping with the conservation area and would detract from its character and the surrounding area. Poor relationship to adjacent properties: would not respect the adjacent building line. Loss of visual amenity to nearby residents, loss of valued view of trees, loss of already severely limited open space, encroachment on very limited skyline;
- The site is too small to accommodate such a large extension, which would be totally out of proportion. The site would be overdeveloped as a result and cause too high a density within the plot;
- The development cannot be carried out without seriously harming the protected trees on the site. Danger of soil compaction. Trees would be badly affected by

varying degrees of moisture removal caused by changing ground conditions during construction. If the extension were built, there would inevitably be pressure from residents to carry out serious pruning, which would harm their character and contribution to the locality, or even to fell them. The extent of special measures considered necessary to protect the trees during construction strongly suggests the high degree of risk to them. There is anyway no guarantee that these measures will succeed in preserving the trees;

- The extension would add unacceptably to the existing serious shadowing of gardens of dwellings to the northwest (particularly the nearest), which are very limited in size and are already affected by the shadowing impact of the 3m high boundary wall of Church House at the end of their gardens as well as shading from mature trees close to the boundary, in addition to the impact of Old Stable Building as it currently stands. Sense of enclosure caused to near neighbours, feeling 'hemmed-in', oppressive and enclosing aspect. One neighbour has commissioned a shadow study which shows the extent of the existing problem and demonstrates how the extension would worsen the situation;
- Possible damage to adjacent buildings and boundary walls.

6. Determining Issues

- 6.1 The main issues are: the impact of the proposal on the appearance of the dwelling, and on the character of the area, with particular reference to the location within a conservation area; whether the proposal would result in the overdevelopment of the site; the impact on the amenities of neighbouring residential properties; and the potential impact on the protected trees close to the site of the extension.
- 6.2 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 to 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.
- 6.3 Policy NE4 of the MDEDPD seeks to maintain and enhance the extent of tree cover, amongst other things.
- 6.4 NPPF Chapter 12 generally (Conserving and enhancing the historic environment).
- 6.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, in the exercise of planning functions, that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 6.6 Saved Policy P4/12 of the TMBLP deals with residential extensions. Such extensions will be resisted if they would adversely impact either (i) the character of the building or the street scene, in terms of form, scale, design, materials and existing trees or (ii) the amenities of neighbouring properties, in terms of light, privacy and overlooking of garden areas.
- 6.7 The building stands within West Malling Conservation Area. Although it is not prominently visible from the busier local thoroughfares, it is clearly visible from the internal access road serving Old Parsonage Court and from within the curtilages of neighbouring residential properties.
- 6.8 The proposal would amount to a significant addition of floorspace and volume to a small building currently providing about 60m² of floorspace on the two main floors, although there is some additional usable space within the roof area. The extension would add some 32m² of floorspace over two floors, or about 50% of the current floorspace. This is not considered to be an unduly large or disproportionate addition. Although the extension would approach closely to the eastern site boundary, to within about 1m of it, a substantial undeveloped part of the site would remain as garden area, albeit dominated by the protected trees, so that the proposal would not amount to 'overdevelopment' of the plot.
- 6.9 The new roof would follow the format of the main roof, with the distinctive parapet treatment and corbelling to the sides, and with slate tiles to match those on the main roof. New areas of wall would be finished in ragstone to match the existing finish. The timber door with full-height window above, which are attractive features on the existing east wall, would be either relocated or reproduced in the new south-facing wall of the extension. The other two walls would be imperforate.
- 6.10 The application includes an arboricultural survey and an additional method statement which sets out a programme for managing the building works to minimise possible damage to the protected trees. This would involve crown-lifting the Sweet Chestnut and Yew to provide a minimum 5m ground clearance to allow movement of materials. Separate notification would be required for these works.
- 6.11 It is considered that, provided the development is carried out in accordance with the method statement, which may be secured by a planning condition, the development would not cause an unduly adverse impact on the health and continued development of the four protected trees on the site. In the longer term, there may be pressure from residents at the site to prune the trees, particularly the Sweet Chestnut which is closest to the dwelling. However, this is a robust species which typically responds vigorously to pruning and can reasonably be expected to continue in good health even if subject to periodic pruning. The Yew and the two Beech are further from the building and less likely to be affected either by the building works or future pressure for pruning.
- 6.12 Overall, the proposal would meet the requirements of part (i) of saved Policy P4/12. It would also satisfy Policies CP1, CP24, and SQ1 of the MDEDPD and

would satisfy the 'preserve or enhance requirement in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.13 Part (ii) of saved Policy P4/12 focuses on the amenity of neighbouring sites, with particular reference to light and privacy, and overlooking of garden areas. Policy Annex PA4/12 sets out detailed design criteria which must be met. The Annex draws attention to the potential for an extension to give rise to an overly oppressive or dominating impact and identifies three specific areas of concern: privacy, outlook and daylight, and sunlight.
- 6.14 In this case, there are no significant concerns as to privacy, as no first-floor windows or openings are proposed in the elevations facing north or east towards the nearest dwellings at numbers 12 and 28 Water Lane. A condition may reasonably be imposed to remove the permitted development right to form any further windows in these more sensitive elevations, or roof extensions. The new first-floor bedroom windows would face southeast towards front elevation windows in units 4-6 of the sheltered scheme, at a separation distance of about 25m. This exceeds the minimum 21m suggested in the Policy Annex.
- 6.15 In dealing with outlook and daylight, the Annex seeks to ensure that any rear extension, whether single-storey or two-storey, does not breach a 45° angle zone, taken from the middle of a neighbouring property's habitable room window nearest the boundary. The extension would meet this test.
- 6.16 The Policy Annex indicates that *Proposals for extensions should minimise loss of sunlight and overshadowing on the private garden area of adjoining dwellings* ,, , *The private area is normally considered as being an area 3 metres in depth from the rear main wall of a property.*
- 6.17 In this case, the only property likely to be affected is number 12 Water Lane to the northwest. As the residents have pointed out, their garden is already at certain times affected by shadowing from the Old Stable Building as it currently stands, as well as from the boundary wall of Church House and from substantial tree growth on adjoining sites. The proposed extension would give rise to some additional impact, but this would be limited to the area of the side garden and would be unlikely to encroach into the 'private area'. This impact of the extension in itself is therefore not considered to amount to a sustainable reason for refusal.
- 6.18 Consideration should also be given to the incremental impact of any additional shadowing arising from the extension, as to whether its cumulative effect, taken together with the existing level of shadowing being experienced, would justify refusal of permission. Currently, most of the shading of adjacent gardens in the terrace 4-12 derives from trees, particularly to the southwest, and this would not change if the current proposal were implemented. The proposed extension lies to the southeast and, given its fairly minimal impact, taken by itself, on an area of the garden which would not normally be subject to protection under para 17, it would

be unreasonable to refuse permission on the grounds of the additional shadowing resulting from the proposed development.

- 6.19 Annex PA4/12 also seeks to protect neighbours from an overly oppressive or dominating impact overall. In this case again, the neighbours most likely to be affected are those in the terrace 4-12 Water Lane and those living in the single-storey block 28-30. It is unlikely that the extension would have any significant impact on the outlook from windows of any habitable rooms, because of the relationships between the properties and/or the separation distances. In particular, it is unlikely that the extension would be visible from inside any rooms of the properties at numbers 4-12.
- 6.20 The extension would, however, be clearly visible from rear gardens of that terrace and would present an additional mass of masonry where currently a more open view is available towards the protected trees on the application site and beyond. The upper parts of the Sweet Chestnut would still be visible above the roof of the extension, the impact of which would be softened by the slope away from the eaves. It may also be noted that the presence and impact of The Old Stable Building is somewhat reduced because it stands about 1m lower level than the adjacent terrace, as a result of the slope in the land down towards the stream.
- 6.21 On balance, it is concluded that the extension would not give rise to an overly oppressive or dominating impact on the residents of any neighbouring dwelling.
- 6.22 A query has been raised as to whether the building is listed, either in its own right or as a curtilage building. The building is not separately listed but would at some time have been within the curtilage of Old Parsonage Court. However, at the time the latter was first listed, in November 1993, the Old Stable Building had already been severed from the curtilage of Old Parsonage Court as a result of the redevelopment of the site as a sheltered housing scheme, including the construction of the new access road from Water Lane, for which planning permission was granted under reference 84/10959/FUL dated 24 February 1984.
- 6.23 Nevertheless, it is appropriate to consider whether the development might affect any listed buildings or their settings (that duly being set out in Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990). The nearest such building is Old Parsonage Court itself, but the location of the proposed extension is about 30m from the nearest part of the building, and facing away from it, on the north side. The Old Stable Building now has its own clearly-defined, enclosed curtilage, clearly separated from the listed building by the access road, and the proposed extension would have no material impact on either the listed building or its setting.
- 6.24 Similarly, the extension would be unlikely to harm the setting of Church House to the west side because of the separation and the location of the extension on the other side of The Old Stable Building. It is unlikely that any other listed buildings would be affected.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Method Statement ABORICULTURAL received 01.08.2016, Existing Plans and Elevations BDS-1449-01 received 23.05.2016, Proposed Plans and Elevations BDS-1449-02 received 23.05.2016, Location Plan BDS-1449-03 BLOCK PLANS received 23.05.2016, Other AMENDED DAYLIGHT STUDY Revision A, Tree Report received 27.06.2016, subject to 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 All materials used externally shall match those of the existing building.

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

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

- 4 The development shall not be carried out except in accordance with the procedures and methods set out in the Arboricultural Method Statement prepared by GRS Arboricultural Consultant, issue date 31 July 2016.

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

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the north-facing or east-facing elevations of the extension without the prior written consent of the Local Planning Authority.

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

- 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the extension without the prior written consent of the Local Planning Authority.

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

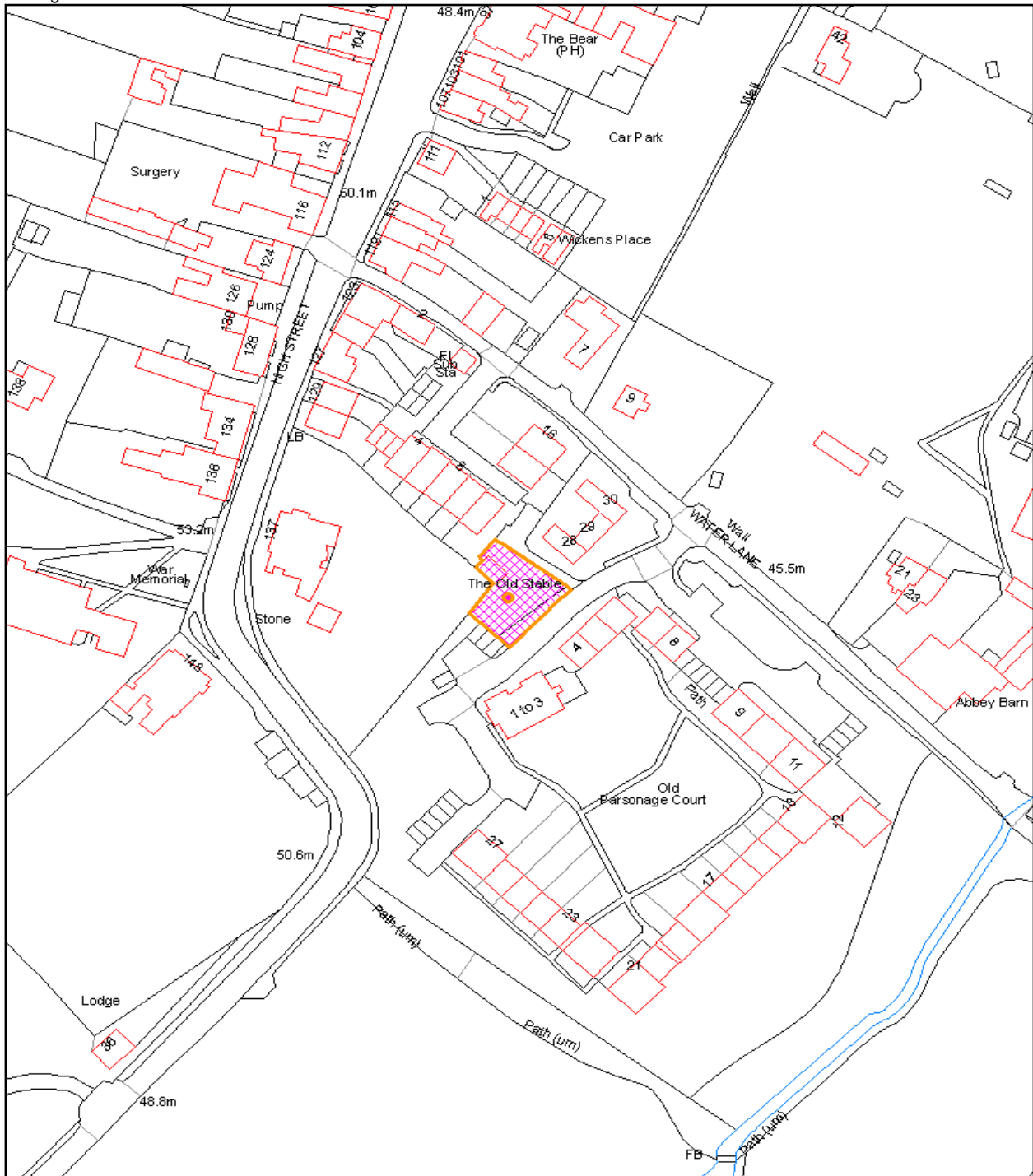
Contact: Leslie Sayers

TM/16/01600/FL

The Old Stable Building Old Parsonage Court West Malling Kent ME19 6NZ

Two storey side extension

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

28 September 2016

Report of the Director of Planning, Housing and Environmental Health and Director of Central Services

Part 1- Public

Matters for Information

ENFORCEMENT ACTION IN CONNECTION WITH DEVELOPMENT AT LAND SOUTH WEST CLAYGATE HOUSE, WINFIELD LANE, BOROUGH GREEN – UPDATE REPORT

To update Members on enforcement action taken using emergency powers in connection with the development on land south-west of Claygate House, Winfield Lane, Borough Green. (16/00016/USEM)

1.1 Introduction

1.1.1 Enforcement investigations concerning various activities and operational development in connection with this land recently concluded that a number of uses had ensued and operational development had taken place without the benefit of planning permission. To summarise, these breaches of planning control include the following:

- Siting of a caravan believed to be in residential occupation;
- Creation of an associated residential curtilage in connection with the occupation of the caravan;
- Open storage across portions of the site; and
- Creation of areas of hardstanding and access track.

1.1.2 Given the specific nature of the site - it is located within the Metropolitan Green Belt and open countryside and is situated adjacent to the Conservation Area - and in order to ensure that none of the elements under investigation became immune from planning control, the decision was taken to use the emergency powers of the Director of Central Services to serve a series of Enforcement Notices requiring the removal of the unauthorised development and cessation of unauthorised uses.

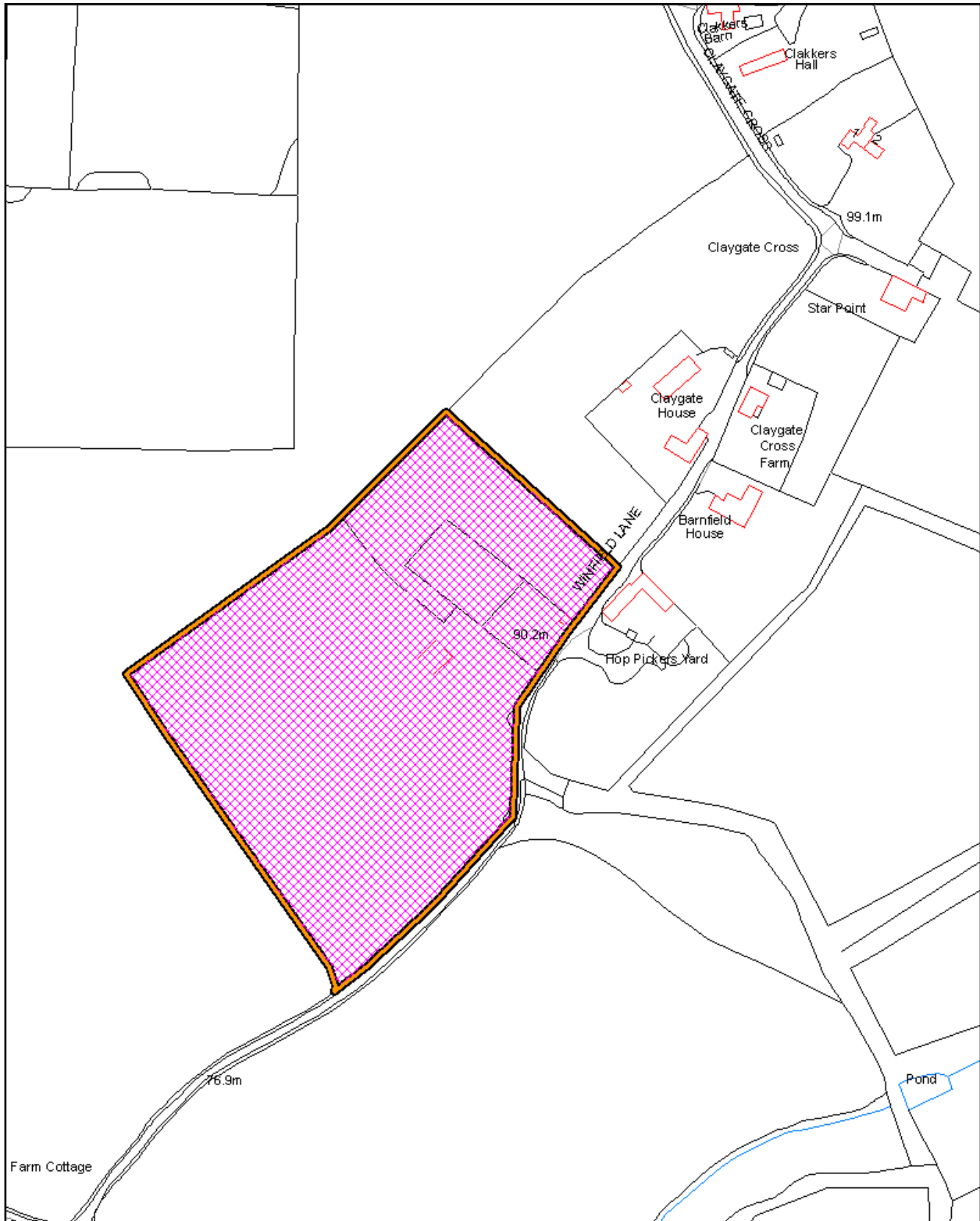
1.1.3 The Enforcement Notices were served on 09 September 2016. If no appeal is lodged by the developer, the Notices will become effective on 11 October 2016 with the period for compliance in each case being by 11 January 2016.

FOR INFORMATION

16/00016/USEM

Land South West Of Claygate House Winfield Lane Borough Green Sevenoaks Kent

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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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