

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

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

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

1 November 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, 9th November, 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

### PART 1 - PUBLIC

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2. Declarations of Interest

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To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 28 September 2016

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

**PART 2 - PRIVATE**

13. Urgent Items

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

## **MEMBERSHIP**

Cllr Mrs F A Kemp (Chairman)  
Cllr S R J Jessel (Vice-Chairman)

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

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

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 2 PLANNING COMMITTEE

Wednesday, 28th September, 2016

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

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

Apologies for absence were received from Councillors Mrs S M Barker, Mrs S L Luck and Miss J L Sergison

### PART 1 - PUBLIC

#### **AP2 16/54 DECLARATIONS OF INTEREST**

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

#### **AP2 16/55 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 17 August 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 16/56 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 16/57 TM/12/01892/FL - EAST ACRES, BRANBRIDGES ROAD,  
EAST PECKHAM**

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 at East Acres, Branbridges Road, East Peckham.

**RESOLVED:** That:

- (1) Planning permission be REFUSED for the following reasons:
1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in 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 appearance, 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.

- (2) Enforcement Action concerning the continued non-compliance with the Enforcement Notice upheld by the Planning Inspector be instigated.

[Speakers: East Peckham Parish Council (Ms P Graham)]

**AP2 16/58 TM/15/03084/FL - PHASE 4, PLATT INDUSTRIAL ESTATE, MAIDSTONE ROAD, PLATT**

This item was WITHDRAWN from the agenda to enable sufficient time for those who had previously made representations to attend and/or address the Committee.

**AP2 16/59 TM/16/00776/FL - BARNFIELD COTTAGE, STONE STREET ROAD, IVY HATCH**

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 at Barnfield Cottage, Stone Street Road, Ivy Hatch

Members asked that clarity and guidance regarding the differences between rural and agricultural buildings and the associated policies and rules that applied be circulated out of meeting for information and future reference.

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

- (1) The proposed development would involve significant rebuilding of an existing building and a change of use of a private sand school to residential garden and as such amounts to inappropriate development in the Metropolitan Green Belt, which is harmful by definition and for which no very special circumstances exist. The proposal is therefore contrary to paragraphs 87-90 (inclusive) of the National Planning Policy Framework 2012 and policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.

[Speakers: Ightham Parish Council (Mr R Chartres); Mr Champion – Member of the Public and Mr J McElroy – applicant]

**AP2 16/60 TM/16/02105/FL - RAILWAY COTTAGE, MAIDSTONE ROAD, WROTHAM HEATH**

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 at Railway Cottage, Maidstone Road, Wrotham Heath

**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.

[Speakers: Platt Parish Council – Mrs P Darby]

**AP2 16/61 TM/16/01600/FL - THE OLD STABLE BUILDING,  
OLD PARSONAGE COURT, WEST MALLING**

Two storey side extension at The Old Stable Building, Old Parsonage Court, West Malling

**RESOLVED:** That the application be DEFERRED for a Members' Site Inspection so that the Committee had a better understanding of any potential impact on residential amenity.

[Speaker: West Malling Parish Council – Mr R Selkirk; Mr T Duncan on behalf of Mr and Mrs Cook, and Mrs J Wilkinson – members of the public; and Mrs S Taylor – applicant]

**AP2 16/62 16/00016/USEM - LAND SOUTH WEST OF CLAYGATE HOUSE,  
WINFIELD LANE, BOROUGH GREEN**

The joint report of the Director of Planning, Housing and Environmental Health and the Director of Central Services provided an update on enforcement action taken using emergency powers in connection with the development on land south west of Claygate House, Winfield Lane, Borough Green.

It was reported that enforcement investigations concerning various activities had concluded that a number of uses had ensued and operational development had taken place without the benefit of planning permission. An Enforcement Notice had been served on 9 September 2016 and would become effective on 11 October if no appeal was lodged by the developer. The period of compliance in each case was 11 January 2017.

Members expressed their appreciation for the work undertaken in addressing this site.

**AP2 16/63 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.20 pm



## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

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

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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#### GLOSSARY of Abbreviations and Application types

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

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

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

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

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

**Wrotham**

**9 November 2015**

**TM/15/03051/FL**

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Wrotham, Ightham And  
Stansted

**Proposal:**

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

**Location:**

St Georges Court West Street Wrotham Sevenoaks Kent TN15 7DN

**Applicant:**

Russet Homes Limited

**Go to:**

[Recommendation](#)

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## 1. Description:

- 1.1 Members will recall that this case was initially reported to the 18 August 2016 APC2 for the purposes of considering a Members' Site Inspection which subsequently took place on 28 September 2016. Since that time, there has been a revised proposal on housing tenure mix, the results of an independent appraisal thereon and further responses to consultation. The applicant has also submitted comparison drawings to assist Members in comparing the heights and bulk of the existing and proposed development at 4 viewpoints and 2 cross sections at the rear and front boundaries.
- 1.2 This application relates to the redevelopment of a vacant sheltered housing development of 57 units of accommodation. All of the buildings would be demolished and replaced by 60 units of housing accommodation in the form of 5 blocks of apartments, together with a terrace of 5 houses and a further terrace of 3 houses.
- 1.3 The residents in the existing complex have been rehoused by Circle Housing Russet into suitable alternative accommodation during the last few years. This dedicated decant process has been in accordance with the Homes & Communities Agency's (HCA) requirements and undertaken in conjunction with the Council's housing service. This process included the statutory requirement to offer a Home Loss & Disturbance Payment along with any reasonable expenses as a result of the move.
- 1.4 The 8 proposed houses would be 2 storeys and would be in the NW corner of the site. The flatted blocks would be sited as follows: Block 1 of 15 flats (2-3 storeys) is proposed in the north central part of the site and Block 2 of 8 flats (2-3 storeys) in the NE corner. Blocks 3 of 8 flats (2-3 storeys), 4 (12 flats) and 5 (9 flats) (both 3 storeys) would all on the south site frontage with West Street.

- 1.5 The access would remain as existing, to West Street. This has a footway to the east leading towards the High Street; there is no footway on the western side of the access.
- 1.6 The layout would include 74 parking spaces, 3 external and 3 internal bin stores, 2 external and 1 internal cycle stores, and an area of external cycle stands totalling 50 communal spaces.
- 1.7 The 8 houses and 2 of the ground floor flats would have private gardens with cycle storage/sheds.
- 1.8 The application has been revised since originally submitted to respond to some of the representations made and matters identified by officers. The main changes are:
  - Block 2 near to Courtyard Gardens would now have 2 x bed flats in the roof space rather than 2 x 2 bed flats in a full second floor. This would allow the eaves to drop from 8m to 6m (existing block here is 6.2m to the eaves) and the ridge to drop from 12m to 9.8m (existing block here is 8.4m to the ridge), together with the reconfiguration of all second floor windows to face into the site (and not towards Courtyard Gardens) with the exception of 4 high level roof lights facing east.
  - Block 3 would have the same accommodation, but the amendments propose that the ridge and eaves of the main gable would be reduced by 0.6m. The eaves and ridge of the eastern wing nearest Courtyard Gardens would be reduced by 1.4m.
  - Block 5 would now have one of the 2-bed flats on the second floor replaced by a 1 bed flat in the roof space. This would allow the eaves and ridge of the western wing near Mountain Close to drop by 2m.
- 1.9 The materials palette would be light red multi-stocks, or mid red smooth brick, slate effect concrete tiles, grey/green artificial timber effect cladding to feature double height protruding rectangular “oriel” windows (also grey/green to match), dormers with metal PPC (pre powder coated) cladding, grey gutters and fascias. Feature gables would have brick header courses to the parapet and some gables would have the feature of protruding brick courses.
- 1.10 The frontage hedge and trees would largely be retained, with some removal/thinning to remove suppressed trees or those of less quality. Trees within the centre of the site would be removed to facilitate the buildings and parking, but landscaping would include replacement trees. Two trees are shown to be removed for a brick bin store on the eastern boundary, but these are stated in the submitted tree report to be “category C” trees which means those of “low quality and value” (an Acer and a cherry). A Tree Preservation Order has been served to provide long term protection to important trees along the site frontage to West Street.

- 1.11 The applicant has provided an ecological report that states that mitigation measures will be needed with regard to breeding birds and further survey work for bats and reptiles would be needed due to potentially suitable habitats and features, to inform the need for mitigation measures.
- 1.12 The applicants have advised in their Design and Access Statement that the existing dwellings have been difficult to let due to their aged design and bedsit layout and that there have been long term voids resulting in lost revenue. This experience is not uncommon across Kent, with many Providers reporting difficulties in letting some forms of sheltered accommodation. People's aspirations have changed over time with space standards, access to transport, shops and amenities now at the forefront. The applicant states that the existing dwellings would require considerable investment to bring them up to modern day standards and that the proposed approach to the redevelopment of the site will provide high quality, purpose built homes to high standards of design and thermal efficiency.
- 1.13 A Transport Statement has been submitted which concludes that:
- A parking stress survey has been carried out on the roads in proximity to the site in order to assess the current levels of parking demand in the area, based on the overnight parking levels deemed to show the 'peak' parking demand which is comfortably below the point where an area is deemed to suffer from high parking stress.
  - There is an acceptable provision of parking for this development in accordance with the Council's policy expectations.
  - The results of the worst case scenario PICADY assessment demonstrates that the High Street/West Street junction will continue to operate well within its maximum operating capacity in the AM and PM peak periods. No mitigation measures are considered to be necessary to offset the very minor increase in the use of this junction under the proposals.
  - The roads and turning heads associated with the site will not be compromised by the new development, and will be in keeping with the existing arrangements for refuse collection in the local area.
- 1.14 Prior to formally submitting this planning application, Circle Housing Russet (CHR) carried out its own extensive stakeholder engagement for a redevelopment scheme on the basis of several options, concluding the process with one based upon a wholly affordable housing scheme. However, at a later juncture when this application was submitted, the applicants advised that wide ranging and significant fiscal changes from the July 2015 Budget relating to how Housing Associations are funded and the impact of the removal of HCA grant for Social and Affordable Rented provision had, unsurprisingly, significant implications giving rise to a review of the proposals in relation to tenure. This resulted in a formally submitted tenure mix to include 29 affordable flats (12 flats of Affordable Rent, 17 flats for low cost

home ownership) and 31 units for market sale (23 flats and 8 houses). Low cost home ownership in this case means Shared Ownership. The percentage mix was 48% affordable and 52% market housing. Within the affordable housing offered, the split was 41% Affordable Rent and 59% Shared Ownership. That was the situation at the time of the previous committee report and the Members' Site Inspection.

- 1.15 Since that time, the "*Shared Ownership and Affordable Homes Programme 2016 to 2021*" has been introduced and marks a decisive shift towards support for home ownership. £4.7bn of capital grant is being made available with the expectation that 88% of homes built through the programme will be for shared ownership. CHR has indicated that they would take the opportunity to bid for this grant and consider that they would be able to significantly increase the affordable housing component as follows: 52 affordable flats (17 flats of Affordable Rent, 35 flats for low cost home ownership) and 8 units for market sale (8 houses). Low cost home ownership in this case means Shared Ownership.
- 1.16 The revised proposal addresses the identified housing need across the Borough and has been subject to an independent viability appraisal. It is concluded that it represents a viable proposal and, although it is dependent on the successful grant application, the prospects of the applicant securing this are considered to be good.
- 1.17 The scheme was originally advertised in the press and on site as Major Development. It has also been re-advertised as a departure from the development plan. This period will expire on 18 November 2016.

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

- 2.1 The scheme has generated a significant degree of local interest and representations.

## **3. The Site:**

- 3.1 The site lies in the confines of the Rural Settlement of Wrotham. The site and Wrotham as a whole is washed over by the AONB. Wrotham Conservation Area is beyond the Courtyard Gardens development to the east; it does not abut the site but lies about 75m away.
- 3.2 The site lies over a Water Gathering Area.
- 3.3 The site measures 0.94 ha and currently accommodates 2 storey buildings previously in use as sheltered housing comprising 57 dwellings (26 x 1-bed sheltered bedsits and a mix of 31 flats – 21 x 1-bed, 9 x 2-bed and 1 x 3-bed). The built form is concentrated in the centre of the site with grass banks, trees and hedges at the periphery. There are currently 28 parking spaces.



- 3.4 The land is generally upwards sloping SE to NW with the SE corner being approximately 128.3m OD rising to approximately 132.3m in the NE corner - a rise of 4m over a distance of 80m (1 in 20). The SW corner is approximately 130m, rising 1.7 m over 116m (1 in 68). The NW corner is the highest at 134.2m but that is at the top of a steep bank and generally the land is 132.3m in the NW corner of the site.
- 3.5 There are mature trees mainly on the southern frontage to West Street and on the western boundary to public footpath MR236 that runs adjacent to Mountain Close and Goodworth Road towards the primary school. The majority are protected under a Tree Preservation Order 16/00011/TPO confirmed on 19 September 2016.
- 3.6 The boundary to Courtyard Gardens comprises a 1.6m high concrete panel wall. A well-maintained hedge belonging to Courtyard Gardens currently screens much of the existing buildings from the amenity areas serving those neighbouring properties.
- 3.7 To the east are over 55's dwellings at Courtyard Gardens and the dwellings and garage courts of 111-116 West Street: ground levels are similar to the application site along the common boundary. There is hedge approximately 4m high belonging to Courtyard Gardens along much of the western boundary.
- 3.8 To the north is a boundary of concrete panel fencing with the bungalows of Childs Way set at levels 133.3m to 132.7m OD. On average, these bungalows have ground levels 1.2m higher than the ground level of the application site, which is set down in the NE corner. There is almost a full Leylandii hedge along that boundary in the gardens of Childs Way, screening most of the gardens of these neighbouring bungalows. Beyond the bungalows are conventional 2 storey houses in Childs Way, which are on rising land.
- 3.9 To the south beyond West Street itself are pairs of semi-detached houses. These are generally 24m from the edge of the site but at a lower land level. Some have hardstandings for parking in their frontages.

**4. Planning History (relevant):**

MK/4/73/847	Local Government Review Transfer	1 April 1974
	Planning papers transferred to file TM/74/86 on 1/4/74. Proposed wardens scheme comprising 45 flats	
TM/74/86	No Objection	5 December 1974
	Proposed wardens Scheme comprising 45 flats. (previous application MK/4/73/847)	

TM/75/1100                      No Objection                      30 April 1976

Warden scheme comprising of 35 no. 1 person flatlets, 9 no. 2 person flatlets, 4 no. 2 person bungalows, wardens house and communal facilities.

TM/77/816                      grant with conditions                      5 October 1977

Wardens Scheme of 17 one person flatlets, 9 two person flatlets, and one five person house, common room, laundry, 23 two person, 9 three person flats.

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

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

TM09/00255/FL                      Grant With Conditions                      20 May 2009

Conversion of existing wardens house into 2 no. residential flats

## 5. Consultees:- update

- 5.1 KCC (Heritage): The site of the application lies within an area of high potential associated with Early Medieval and Medieval activity. Wrotham is considered to have had a Medieval Bishops Palace complex and was a medieval market town. However, this is an area which has revealed Anglo-Saxon burials and as such this may have been an early medieval settlement too. Although the site has been developed before, there is some potential for archaeological remains to survive on the site and recommend archaeological field evaluation works
- 5.2 KCC (SuDS) - a sustainable drainage scheme for surface water is necessary due to the increase in hard surfacing
- 5.3 EA: no comment
- 5.4 Southern Water: Initial investigations indicate that the developer will need to provide additional local infrastructure for wastewater sewerage system and conditions will be necessary for both surface water and foul sewerage to be approved in consultation with sewerage undertaker.
- 5.5 Kent Police: (Original Comments) Concern that the applicant has not included crime prevention in their DAS and no communication on other issues including a formal application for BREEAM and Secured By Design (SBD) if appropriate. The Design Initiative (KDI) will assist with Crime Prevention and Community Safety.
  - 5.5.1 Kent Police comment that a planning condition should ensure that Crime Prevention is addressed effectively. The use of a condition will address both statutory duties under Section 17 of the Crime and Disorder Act 1998 and will show a clear audit trail for Design for Crime Prevention and Community Safety.

- 5.5.2 Kent Police: (Extra Comments) The applicants have now been in contact and they have promised to commit to Secured By Design (SBD). They have all the necessary information required to get them at least the Silver Award SBD which covers the physical side of the development.
- 5.6 KCC (Developer Contributions): no objection and will not be pursuing any education or other obligations with regard to this application. KCC Social Care has requested 1 Wheelchair Accessible Home be delivered as part of this affordable housing scheme. KCC would also request a Condition be included for the provision of Superfast Fibre Optic Broadband.
- 5.7 KCC (H&T): Car parking is proposed largely in accordance with the standard for a suburban edge/village/rural environment as designated in IGN3, with a shortfall of 3 spaces (74 instead of 77). Desirable to provide 77 spaces if possible at the expense of some landscaping and/or maybe a cycle store where perception is that the cycle parking standard is rarely taken up fully.
- 5.7.1 The applicant's consultant has demonstrated that the development traffic (without discounting the previous over 55's use) will not have a material impact on the operation of the adjoining highway network as measured by industry standards and in the context of current planning policies. The Transport Study has also reviewed crash records and there is no particular crash history that has the potential to be exacerbated by this development. No objection to this proposal but conditions relating to the following are recommended should approval be given:-
- construction vehicle loading/unloading and turning facilities
  - parking facilities for site personnel and visitors
  - prevent the discharge of surface water onto the highway
  - wheel washing facilities
  - provision and permanent retention of the vehicle parking spaces
  - provision and permanent retention of the vehicle loading/unloading and turning facilities
- 5.7.2 It may be advisable to require a construction traffic management plan for approval prior to commencement, designed to maximise safety and minimise disruption during this period.
- 5.8 Kent Downs AONB: The redevelopment offers the opportunity to improve the standard of development, particularly in view of the increased height and density of the proposed buildings and there should be an improved palette of materials to raise the quality of the development here and make it more appropriate to the AONB. Of particular concern are the dark grey slate effect concrete tiles: these do

not successfully emulate natural slate and clay tiles are the predominant roofing material and it is recommended that clay tiles are used, care will also be needed in brick selection. Replacement trees should be included to break up the extensive areas of hard surfacing for car parking.

#### 5.9 Wrotham PC: original comments (summarised)

- The priority occupants of the site in future are elderly people in socially rented stock. This has been the main use of the site for over 35 years and the need for it remains due to ongoing requirements and a dearth of alternative such accommodation in the area.
- The ideal arrangement would be for the renewal of the existing fabric with improved facilities. The conversion of bedsits to one-bedroom flats could be achieved by reconfiguration, with a small loss of overall number of units. Reuse would be the preferred sustainable development.
- Wrotham has a large proportion of socially rented accommodation: the applicant should be responsible for providing social facilities like a hall as a communal meeting place.
- The scheme is fundamentally an over-development of the site. Buildings on the southern frontage of the site are proposed too close to the trees alongside West Street. There would be pressure for lopping or felling them. A greater setback would avoid this and allow more light into properties in summer when the trees are in leaf.
- Removal of attractive mature trees for a cycle store and car parking on the west side of the site demonstrate the pressures from over-development.
- The development has a massive, institutional character quite unsuited to this village: three storeys; high, steeply pitched roofs with gables.
- There is an over-powering mass closer to West Street than the existing building and new buildings on the eastern side would tower over Courtyard Gardens with an overall adverse effect on neighbours to the north and east.
- Nowhere for children (and their supervisors) to play (other than in the few private gardens).
- Car parking arrangement would amount to a significant loss of character.
- Permanent shade will make much of the scheme a more melancholy place.
- Will generate a need for more car parking than the number of spaces to be provided. Kent County Council's guidance is likely to understate car ownership and parking space requirements. If 93 spaces are likely to be needed, but only

74 provided, there would be significant overspill of parking requirements into surrounding streets (mainly West Street) and would exacerbate existing on-street parking there, impede traffic flow, create highway safety problems and impair local amenities.

- Should be a greater proportion of homes for elderly people who are much less likely to use cars, and reduce the over-development on the site.
- The design would be detrimental to the character of the settlement - fails to satisfy Policy CP24.
- Substantial loss of housing for people unable to afford market rents as only 29 dwellings would remain subsidised compared with 57 until now. The number of dwellings with affordable rents would be just 12 (compared with 31 until now). Very substantial loss of affordable housing, by an organisation whose fundamental reason for existence is to provide this kind of home. Instead of retaining support for vulnerable elderly people, the scheme proposes to meet the simpler needs of the affordable sector. Not acceptable on a site specifically provided originally to meet the needs of elderly people.
- St George's Court has been a highly significant sheltered housing facility and there is a lack of alternative schemes like this available in the locality, as indicated by Circle Housing Group's need to decant residents as far away as Snodland and Tonbridge. The large number of affordable dwellings in Wrotham generates an ongoing requirement for affordable sheltered housing for local residents in old age, to remain close to their families and friends in the village.
- Prior to the decanting, about 8 of the flats were unoccupied. No inherent lack of demand. Voids were the bedsit units due largely to the poor quality of the bedsits and the lack of investment in their renewal over the years. Almost all the dwellings with bedrooms were occupied.
- Residents who responded to the Circle Housing Group 'consultation' asked for refurbishment of the site rather than its demolition and rebuilding.
- The need for sheltered affordable housing in the Borough has recently been made clear in the Strategic Housing Market Assessment (SHMA): a 26% growth in the number of people over 55 in Tonbridge and Malling by 2021; with the over 65 population projected to grow by 59%.
- Given that the number of older people and single person households is expected to increase, there will be a notable demand for affordable housing from the ageing population.
- The Borough Council should give special weight to proposals which increase affordable sheltered housing and strongly resist losses in this tenure.

- The Affordable Housing SPD of July 2008 concluded that demand for supported accommodation for older people was predominantly for independent accommodation with external support but will be kept under review.
- The scheme would introduce a large number of families with children of school age: inadequate school places in the village. The secondary school is also understood to be at capacity. An insufficiency of school places would impose difficulties on the education service, local transport and the households unable to secure school places locally.
- Contrary to Policy CP13: the scheme is not appropriate to the scale and character of the settlement: would generate significant additional trips, especially by car; there would be no significant improvement to the appearance, character and functioning of the settlement.
- Policy CP17: only 41% of the affordable homes would be social rented, not 70%. A dismal contribution to local housing need from reducing the supply of affordable housing and by reducing the proportion of the social rented tenure.
- Pedestrian movements would remain roughly the same in the peak hours but reduce throughout the day. However, the total number of person trips across all modes (car, pedestrian, cycling, bus and train) would increase by about 25%. Because of the lack of public transport in the locality, additional vehicular trips will be generated above estimated. Junction of West Street with High Street needs ameliorative measures to assist pedestrian and vehicular movements.
- The proposals should provide at least 77 car parking spaces but only 74 are proposed. 2011 Census data for car ownership in the area immediately surrounding the proposal site shows the proposals would generate a demand for 93 cars to park. The proposals would therefore lead to on street car parking on adjoining residential streets to the detriment of highway safety and the amenities currently enjoyed by existing local residents.

#### 5.9.2 Wrotham PC: comments on revised plans and Transport Statement (summarised)

- The State of the Nation's Housing study by the International Longevity Centre said that demand for retirement housing could outstrip supply by more than 375,000 homes by the middle of this century.
- Fails to comply with CP24: over-development and not appropriate to the scale and character of the settlement.
- There would be deterioration to the appearance, character and functioning.
- Would generate significant additional trips, especially by car, harming the safety of the area.

- Policy CP19 does not apply.
- The existing use is suitable because the proportion of supported elderly residents who drive cars is relatively low, so parking was accommodated within the site and there was no impact on local schools, which are all running at capacity. The proposed use adversely affects the sustainability of the rural location that would be more suitably accommodated in a rural service centre as required by the Local Plan.
- The proposed development would result in a substantial loss of housing for people unable to afford market rents by an organisation whose fundamental reason for existence is to provide this kind of home. Far from the development providing affordable housing, the applicant is selling this off.
- Instead of retaining support for vulnerable elderly people, the scheme proposes to meet the simpler needs of the affordable sector with a majority emphasis on shared ownership rather than affordable rent. Not acceptable on a site specifically provided originally to meet the needs of elderly people.
- Borough Green and Wrotham benefits from a large proportion of affordable housing and in particular the socially rented sector. This in turn generates considerable need for sheltered affordably rented accommodation for the elderly that has been satisfied by St George's Court. This is also evidenced by SHMA findings.
- Fails to meet the social housing requirements of the Local Plan. 8 empty properties were bedsits. A difficulty in renting them is entirely due to a lack of investment in the infrastructure. Needs reconfiguration of the bedsits into 1-bedroom flats and general refurbishment throughout including replacing kitchens and bathrooms. More sustainable than demolition and rebuilding mixed use housing.
- Loses a very important Community Hall with kitchen for the greater elder community in Wrotham contrary to social element of sustainability as set out in paragraph 7 of the NPPF.
- Changes to rooflines are very minor changes to selected buildings, accompanied by marginal changes with no change to roof height, and creation of flat roofs with additional rectilinear protrusions. The steep angle rooflines remain high.
- Reduced impact of the proposals on Childs Way and on Courtyard Gardens is marginal: remains considerable loss of privacy to Courtyard Gardens and the massing of the proposal is barely altered, continues to constitute over-development.

- Lack of public transport in the locality: it is highly likely that additional vehicular trips will be generated above those estimated in the TRICS analyses (six fold increase in vehicular traffic during both highway network peak periods and a fivefold increase throughout the day. Pedestrian movements would double and the total number of person trips across all modes (car, pedestrian, cycling, bus and train) would quadruple.
- A significant impact on the junction of West Street with High Street where visibility, particularly toward the south, is deficient.
- Large increase in pedestrian movements and lack of infrastructure to accommodate them. 2011 Local census data shows will be a demand for 93 cars to park, which exceeds the proposed spaces, leading to car-parking on adjoining residential streets to the detriment of highway safety and the amenities currently enjoyed by existing local residents: overspill of 19 vehicles not 3, parking stress level of 98%.
- The site is not well served by public transport. Two services are commuter coach trips to central London, 2 are school bus services and route 228 provides one service per day. There are in fact 3 local bus services close to the site, one of those, route 222, provides only 5-8 services a day which only serve Wrotham Village at peak times.
- The overnight car parking survey overestimates street car-parking available. The total number of car-parking bays available should therefore be counted as 85 bays.
- Refuse vehicle is required to undertake very long unacceptable reversing manoeuvres, up to 70m long, egress tracking analysis clearly shows the refuse vehicle unacceptably overhanging and crossing footway and verge areas.
- WPC has sought Counsel's advice regarding the use and planning status of the Communal Hall within St George's Court which was built as part of the central complex of supported dwellings and includes a small adjoining kitchen facility with counter. No planning conditioning excluded use external to the complex and has been used for a multitude of uses for at least 30 years. Various Freehold Owners of the Hall have allowed people over 55 years of age externally resident to have unimpeded access to its facilities, also medical and health related services such as physiotherapy, chiropody, GP Nursing Vaccination programmes to both internal and external residents that fulfil the age related covenant criterion. They also allow external entertainers to perform to internal and external residents that fulfil the age related covenant criterion: local Morrismen, Scouts and Guides Marching Band and Bingo Nights. External community clubs have been allowed to book the hall; the Wrotham Historic Society. The use of the hall is clearly discretionary and at the behest of the Freehold Owners. Circle Russet has closed the facility. All community



facilities exhibit similar principles in that there are freehold owners who either directly, or via tenants or management committees provides discretionary access. The arrangement is similar to other community facilities such as the village hall or the pubs of Wrotham. There are other communal facilities in Wrotham although not specifically for that age group and across the borough that provide discretionary use by a management organisation in one form or another over decades and all are within the scope of CP26 of TMBC's Core Policy document so it would be perverse to differentiate between all of these facilities that provide external community access and the Communal Hall located in St George's Court therefore this facility is within the scope of the policy. The proposed development does not include any provision of a communal hall event though there is clearly an ongoing need for the facility as evidenced by the many letters of objection from surrounding elderly residents who are currently denied access to a facility that has been previously available for 30 plus years. WPC is of the view that there is need for local provision of supported elderly places with affordable rented tenure and those people would also require such a facility as before. The non-compliance with CP 26 is another reason for refusal of the application.

- 5.10 Borough Green PC: Wholly support the detailed objections submitted by Wrotham Parish Council and CPRE, and endorse them. Also object to the loss of this important local facility and its impact on the elderly in Borough Green. There is nowhere else locally that provides this important "halfway house" between normal family and village life, and accommodation in a full nursing home, and the area would be diminished greatly by its loss. Already ample social and market housing in Wrotham in particular, and the area in general, and any future are in the developing Local Plan, and the LDF it supersedes. But there are no proposals to replace this loss.
- 5.11 (additional Comments) Borough Green Parish Council absolutely opposes this redevelopment and supports everything already submitted by Wrotham PC. We consider that: 1) it will remove important senior accommodation from the area that is already suffering from a shortage and Borough Green depends on that availability as much as Wrotham itself. A supply of housing of this sort means single elderly can release their large family houses in the area for growing young families. 2) TMBC's housing assessment already acknowledge the need for increased senior accommodation. 3) The proposal for market housing flies in the face of the ethos of senior accommodation in this area begun by the Goring covenant. Whilst the covenant itself is not a planning matter, preserving the elderly community and its services is. 4) Wrotham already has a heavily skewed ration of market to general social housing, and this excess of social housing has caused social problems for many years. To further increase social housing will generate even more problems that various agencies are struggling with already. 5) Whilst the developer has done much work to ensure windows are omitted from the looming proposed buildings and so do not overlook existing residents and try to maintain a lot of their privacy, they are still massive and overbearing. 6) The

proposal seeks to make the case that they are replacing 60 existing with 57 new. The fact that the small flats are being replaced with full dwellings means an increase of population and traffic, in an area with difficult parking and traffic issues already. The West St junction is already difficult.

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

- 3 storey steeply pitched blocks are out of character
- incongruous material choice
- does not blend in with the surroundings
- loss of green areas and spacious feel
- little sunlight will penetrate
- overpowering to bungalows on Mountain Close and Courtyard Gardens
- overdominant - eg Block 2 is too massed within 12m of Courtyard Gardens
- urban form, unsympathetic to the village character
- poor design
- should be 2.5 storeys and hipped roofs
- roof space will protrude above the historic roofline and be visible from St Georges Tower and long views of the village
- The developer has not taken account of the AONB
- Insufficient social rented units are provided, contrary to Policy CP17
- Wrotham has an ageing demographic and needs private supported elderly accommodation to support the extensive social housing in the area - eg Courtyard Gardens - this is shown in the TMBC's own SHMA
- The ex-residents were dispersed to Snodland and Tonbridge - evidencing that there is a lack of alternate accommodation in the village. They were happy at St Georges but decanted widely across West Kent to build predominantly private dwellings for the open market
- Local primary and secondary schools are full
- This is major development, not complying with CP13 which allows minor redevelopment

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

#### 5.12.2 Revisions do not overcome objections:

- The overall form and massing of the blocks of flats, generally 3 storeys with steeply pitched roofs and high gable ends, results in an urban, almost industrial feel that would relate poorly with this historic village environment. The vertical styling of the architecture, close packed into a relatively small site, is discordant with the rest of the rural village and within its AONB setting.
- The chosen materials of a dark red brick combined with slate grey concrete tiles will add to the sombre atmosphere where little sunlight will penetrate. The height and massing has an overbearing and dominant relationship with surrounding architecture which particularly affects West Street and Courtyard Gardens. In particular, the courtyard communal garden currently enjoys a pleasant open aspect to the west with trees above a low tiled roof. This will be replaced with successive tiers of austere flat blocks.

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

5.13 Private Reps: (111/73R/0S/0X) and Major development site and press notice. Members are advised that 67 initial letters of consultation were sent on 23 and 30 November 2015, plus site and press notices displayed on 2 December 2015. However, it appears that an anonymous resident utilised the TMBC notification letter, edited it to be a letter specifically seeking objections and posted it by hand to a wider area on Sunday 13 December 2015. This is the reason why a number of

objectors have stated that the time to respond was inadequate, as they are not referring to a bona fide TMBC notification letter.

5.13.1 Seventy three letters of objection from 56 households have been received (summarised):

- 600 people voted for a refurbishment but were ignored
- Distressed by the loss of the existing housing
- Wasteful to knock down this development and rebuild rather than refurbish
- The net loss of social rented is opposite to what Circle were created to do
- Inadequate publicity of the application and inadequate time to respond
- The project has changed from the original redevelopment for 100% affordable – the residents were coerced out under false pretences by force or money
- Density and height/form of roofline dominating and out of character, no building should be higher than any existing
- Changes are tinkering at the edges. Look like Barracks blocks
- Roofline will be 6.5m higher than Courtyard Gardens, overwhelming them
- This will be more intrusive on the old part of Wrotham than the past additional developments
- Change in age of occupants will affect the tranquillity of the area and lead to more anti-social behaviour by more adolescents living in a remote location
- Overdevelopment more suited to London - doubling of built space and massive reduction in green space that will be at the sloping boundaries, unsuited for rest/play/recreation
- Loss of wildlife
- Materials out of character
- The new houses will not meet the needs of Wrotham's elderly population; Wrotham is not prioritised and 3 storeys will be unsuitable
- Inadequate proportion of social rented
- Ignores that the over 55 age group is expanding and needs sheltered housing to relieve pressure on NHS beds

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

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

- Bought our property in 2013 after being told there were no building plans. Will be overlooked and will seek compensation for property devaluation
- Will harm views from the Downs and the Church
- Drainage problems
- Aware of the Council's relationship with Circle but the Council should represent villagers and local council tax payers
- Will deter walkers as the village will lose its quaintness
- People requiring affordable or social housing will require their own vehicles
- Reduction in rateable band
- TA is wrong to say there are 3 cars between my drive access and my neighbours, and a total of 93 parking spaces along West Street. A ridiculous figure from drawing little rectangles on a piece of paper is not real life: all carried out by a company who are based in South London
- Revisions have not addressed any of the concerns raised by the residents I don't see much point in me listing again all the concerns brought up before as you have not addressed them
- Relying on parking outside all the residents of West Street houses, ( which are already taken)
- The amended plans for the redevelopment indicate only minor alterations and make no practical attempt at responding to the very many serious criticisms levelled at the proposal. Does nothing to alleviate the oppressive and overbearing scale of the proposed structures when drawn up against the adjacent buildings in Courtyard Gardens. Will continue to dominate western skyline. Tenants in the new blocks will have a wonderful view of our gardens; we will have a vast expanse of apartment walls, windows and a steep roof to live with. The design, scale and density of the proposed development will totally overwhelm our homes and feature gardens
- Comments made by CPRE Kent are fully endorsed
- We have three second-floor apartments that are directly affected by the loss of privacy from this redevelopment of St George's Court
- The Design and Access Statement has a number of questionable statements made that fail to stand up to scrutiny. Urge TMBC to treat the entire document as suspect. Page 10 - a very misleading representation of the relative scale of the proposed buildings and the existing neighbouring homes. Nobody in



Courtyard Gardens desires “court building/massing”. This high-rise building is a destructive mass impinging upon our privacy to our west. Far from being an opportunity to create, Circle and their designers are planning to destroy a secluded community area by introducing an overbearing and inappropriately considered block to our landscape and skyline. The new building is considerably closer to Courtyard Gardens

- This redevelopment is in the wrong place, is inappropriately designed, will damage the neighbourhood and the entire village, is not what the parish needs and is definitely not wanted by the residents of Wrotham
- These properties will not sell in this area, with its problems
- Suggest lower the buildings to the same level as the houses opposite in West Street, add a footpath and chicanes
- There are too many buildings - tiny flats and houses which will be overcrowded and will inevitably become a hothouse for problems
- there are already fights and threats of violence over the parking in Wrotham due to overcrowding
- There is nowhere for the children to play out in these plans
- What’s the point of gifting land when the authorities can just come along and ride roughshod over it - if they feel the existing plots need demolishing then replace it with something nice and spacious for the elderly of this village
- Circle Housing cannot look after the properties they already have on the estate, carrying out very few repairs and only when they have to. Shocked at the state of some of the properties and the people living in them
- Risk of undesirables shipped in from other areas because they have nowhere else to go all in the name of profit
- The occupiers will mostly work outside the borough; the house prices will be too high for locals, this will ruin community spirit
- Village unsuitable for young people - lack of services or infrastructure or shopping or entertainment facilities for teenagers - suffer mindless vandalism
- The flats here were well kept and spacious and ideal to allow the elderly of Wrotham to be near family and looked after in their declining years.

## **6. Determining Issues:**

### *Principle of Redevelopment:*

- 6.1 The site lies in the rural settlement of Wrotham where policy CP13 applies.
- 6.2 There are 2 distinct strands to CP13. The first relates to new development and states that it should be restricted to minor development appropriate to the scale and character of the settlement. This scheme is major not minor development because it exceeds a gross of 10 units (albeit the net number of dwellings gained is 3 units); however it is not “new development” on an undeveloped site, rather it is the redevelopment of a previously developed site, and so this strand of CP13 does not apply.
- 6.3 However, CP13 goes on to detail matters relating to redevelopment which clearly is the type of scheme represented by this planning application. It states that for redevelopment to be permitted, one of the following should be the case: the overall trip generation is projected to be lower, or there is some significant improvement to the appearance, character and functioning of the settlement or there is an exceptional local need for affordable housing in terms of Policy CP19.
- 6.4 The redevelopment of the site with 60 flats/houses is in conflict with policy CP13 measured against the precise requirements. However, bearing in mind the existing site context and the features of the proposed development, the degree to which the proposal offends the elements of this policy is not great. In other words the degree of overall trip generation does not attract any local highway or amenity concern and the issue over appearance, character and functioning (whilst subjective) is in my view neutral at worst and in some respects might be considered to improve matters slightly (for example relationships between some existing properties and elements of the new development).
- 6.5 Nevertheless, for a positive recommendation it is necessary to identify and assess any other material considerations which would weigh favourably in the planning balance in the specific circumstances of the case, sufficient to outweigh the policy conflict.

Sustainability:

- 6.6 A key policy is CP1 which says that proposals for new development must result in a high quality, sustainable environment. Housing should meet the needs of existing and future residents of the Borough in line with local studies informing the need for, and form of, development required, balanced against the need to protect and enhance the natural and built environment. In determining planning applications, the quality of the natural and historic environment, residential amenity and land, air and water quality should be at least preserved.
- 6.7 CP1 also goes on to state that where practicable, new housing development should include a mix of house types and tenure and must meet identified needs in terms of affordability. Development will be concentrated at the highest density compatible with the local built and natural environment mainly on previously developed land and at those urban and rural settlements where a reasonable

range of services is available and where there is the potential to be well served by sustainable modes of transport. Best use will be made of the existing housing stock. Development must minimise the risk of crime and should make appropriate provision for the infrastructure necessary to serve new development.

- 6.8 Whilst not a Rural Service Centre Wrotham, being one of the largest villages in the Borough, does have some local services and the change from the previous sheltered flats to 60 general needs units has a similar call on local services that are either present in the village or can be found in Borough Green or further afield. I therefore find the site to be acceptable in terms of sustainability.

Housing Needs:

- 6.9 Policy CP15 states that housing will be permitted on sites which accord with the sustainability principles established in Policy CP1, the settlement hierarchy defined in Policies CP11, 12 and 13 and other Core Policies as appropriate.
- 6.10 The application site is part of a much larger area of land that has a covenant for over 55's accommodation dating from when it was transferred to the Borough Council. St Georges Court was built and run by TMBC as sheltered housing under planning permission TM/77/816 in compliance with the covenant. That covenant remained when the land was transferred to Russet Homes Ltd.
- 6.11 The removal of the covenant would be necessary to implement any planning permission should it not relate solely to over 55's accommodation. It is clear that the current proposal is not to be restricted in terms of age of occupation, although 52 of the units are proposed as affordable homes within the current planning definition. There is, however, no express planning control on the land that duplicates or reflects the objective of the covenant. The planning permission was described as "warden housing" but that in itself would not restrict the age of occupation from a planning point of view. The complex is in Use Class C3 (dwellinghouses) with no condition that the units be sheltered or for over 55s. There is simply no planning control from past planning decisions at the application site that could bear in terms of development control on the age of the occupants either in the existing scheme or following a redevelopment. It should also be noted the original implemented planning permission did not include any planning control measures regarding affordable tenure.
- 6.12 The Local Planning Authority cannot lawfully be dictated to by the terms of the covenant in making its planning decisions as a covenant is not a material land use planning consideration. The matter of the covenant is for the landowner and any beneficiaries of the covenant. It is understood that the applicant is pursuing a separate application to the Lands Tribunal to amend the covenant and that is yet to be resolved. Some objectors have repeatedly questioned the LPA's interpretation of the covenant not being a land use planning consideration. However, the NPPG clearly states "*Land ownership, including any restrictions that may be associated with land, is not a planning matter.*"

- 6.13 This is reiterated in the DCLG's 2015 Plain English Guide to the Planning System: Paragraph 54 *"In some instances there may be a covenant on the land or building which restricts its future use. Covenants cannot be disregarded or removed unless this is done by agreement, discharged by the Lands Tribunal or the land comes into single ownership. This is a separate legal regime to planning. The existence of any planning permission does not remove this legal issue, and in some cases a planning permission may not be capable of being implemented without the removal of the covenant."*
- 6.14 Members will note that the PC and the local CPRE refer to an interpretation of the SHMA (Strategic Housing Market Assessment) that they say is justification for the LPA to resist the loss of the sheltered housing here in favour of the gain in non-age restricted affordable housing and market housing. This argument relates to CP1 referring to meeting the housing needs of existing and future residents of the Borough in line with the evolving housing requirements of the South East Plan and local studies.
- 6.15 The objectors are accurate in their comments on the SHMA regarding the loss of social housing and the growth in the numbers of the over 65 age groups. However, the representations do not mention the SHMA Update Report published in June 2015 that takes account of the ONS 2012-based Sub-National Population Projections and the DCLG 2012-based Household Projections for the period up to 2031 (the most current sets of projections available). Based upon this data, the overall household growth between 2011-2031 for T&M is projected to be 25.2% and the growth in the over 65 population is projected to be 62.4%. However, it is not correct in my view for the objectors to state that *'Households are the unit for housing rather than people'*. A vacancy rate needs to be applied because at any one time not all of the housing stock is occupied by a household. Whilst the SHMA does recognise the need for affordable housing for elderly people, it also recognises the need for smaller units, adaptation of existing properties and sheltered/extra care homes, not all of which will necessarily be affordable. The SHMA does **not** conclude that the Borough Council should, as a matter of planning policy, specifically resist the loss of affordable sheltered housing.
- 6.16 I therefore cannot agree with the objectors' statements that the SHMA findings show a transformation from the Housing and Market Needs Survey (2005). The main SHMA Report (March 2014) recognises that public policy *'...may seek, for instance, to promote the delivery of extra care housing which can be tailored to households changing needs as an alternative to residential care...'* Furthermore it states that *'...over time changes in technology, such as telecare, may also influence the extent to which households may be able to remain in existing homes rather than need to move to specialist accommodation...'* The SHMA does give evidence that there is still likely to be a need to support independent accommodation with external support. In any event the SHMA also recognises that there are significant needs for general affordable housing for the Borough to continue to respond to.

6.17 In addition, the NPPF provides a clear framework that promotes housing development by delivering a wide choice of high quality homes. Members will be familiar with the overall thrust of the NPPF and, in particular, Paragraph 49 which states that housing applications should be considered in the context of the presumption in favour of sustainable development. This presumption is described as a 'golden thread' that runs through the NPPF and, taken as a whole, would support the redevelopment and effective use of this Previously Developed site, which is a core planning principle of the NPPF.

Communal Hall:

6.18 The objectors refer to the loss of the public social function that was provided by sharing of the complex's "Communal Hall" to outside groups and non-residents and thus that TMBCS Policy CP26 should apply to safeguard it. This policy seeks to safeguard a range of essential community services to be available for communities to be sustainable; shops, petrol filling stations and public houses, particularly where these might be the only such facilities in a village.

6.19 Objectors refer to a "Communal Hall" at St Georges, which is indicated as a "common room" on the approved drawings from 1977. My interpretation is that it was intended to serve the residents of the complex. Undoubtedly since that time its use has been by the public to some degree. The applicants are aware of the community value attributed to the facility but have chosen not to include it in the redevelopment in this planning application. Whilst I understand the objectors' concerns and disappointment, I have to advise Members that the "Hall" is not safeguarded to continue as a public social facility by any planning condition and there is no development control mechanism that can bear on the matter. The objectors also argue that the Hall was separate enough from the sheltered housing to form its own planning unit rather than being incidental or ancillary to the main planning unit of the sheltered housing complex. The argument is being mooted in order to engage Policy CP26 that protects such facilities. I am not convinced by the argument; the Hall by its ownership, management, nature and size relative to the complex as a whole would have been incidental and ancillary in my view. There is no planning condition and, as it was ancillary and incidental to the housing, I do not consider that it formed its own planning unit.

6.20 In any event, at any time the "Hall" could have closed completely or been restricted to residents only or used for some non-community use without breaching any planning condition or other planning legislation. Its loss and non-replacement is therefore not controllable in development control terms in my view and cannot be a material planning consideration.

6.21 The Communal Hall evolved to become a wider "public" facility only in a discretionary manner rather than a stand-alone facility or building with a specific objective of serving the wider public community. It is distinct from the types of standalone community uses referred to in Policy CP26 as clearly a planning policy

is only worthwhile if it can be brought to bear on matters where planning control is relevant and that is not the case for the common room of St Georges Court.

Affordable Housing:

- 6.22 Policy CP17 of the TMBCS applies: Affordable housing provision will be sought, at a level of 40% of the number of dwellings in any scheme. Unless circumstances dictate otherwise, 70% of the affordable dwellings provided on each site should be social rented housing with the remainder being intermediate housing (which can include shared ownership). Members will be aware that social rented units can no longer be realistically provided by Housing Associations because government grant for new public sector rented homes was switched from social rent to affordable rent in guidance dating from 2011.
- 6.23 The application proposal only has to accord with policy CP17, notwithstanding the previous use of the buildings on site. This is a previously developed site with approved Use Class C3 dwellinghouses, unfettered by any planning conditions restricting occupation or tenure type and the proposal is to construct a scheme which will also be within Use Class C3 dwellinghouses.
- 6.24 The CP17 requirement in terms of absolute numbers of a 60 gross unit residential redevelopment would be 24 and this scheme proposes 52 units. The scheme does not provide social rented accommodation because circumstances dictate otherwise. This is acceptable because it accords with a specific caveat of CP17. Social rent as a tenure is no longer supported in Government Policy to the extent it was when CP17 was formulated back in 2007. Specifically, since 2011, Councils and Housing Associations have effectively been steered by both DCLG policy and grant regimes to replace social rented housing with the product of affordable rent and subsidized home ownership products, such as shared ownership, which can leverage greater borrowing.
- 6.25 The LPA has to take account of shifts in the regulatory, welfare, planning, and funding environments that the applicant, and the Council as Local Housing Authority, are obligated to operate within. Since 2007, when the Core Strategy was adopted, relevant significant changes include the NPPF, which redefined affordable housing to include Affordable Rent within the tenure. It also includes a redefinition of "intermediate housing" to include homes for sale, types of affordable housing and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition of the NPPF. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent.
- 6.26 The final proposed mix of affordable housing on this site would be 17 units of affordable rent and 35 units for low cost home ownership (shared ownership). The percentage mix is now 87% affordable and 13% market housing. The policy requirement of 40% is 24 affordable units. A 70/30 split in favour of rent to intermediate would give figures of 17 rent and 7 intermediate. The proposal

provides an **extra** 18 units of shared ownership provision, which aligns with the current Government objectives towards shared ownership as affordable housing as evident in the terms of the new grant regime 2016-2021. Bearing in mind the overall affordable housing need in the Borough and the opportunity to secure this level of provision on a previously developed site it is, in my view, a consideration that should be welcomed and afforded significant weight in the planning balance for this case.

- 6.27 Outside the planning regime but relevant to it in terms of viability (which is a land use planning consideration) are restrictions on traditional rented provision, the changes to the operation of housing benefit and other provisions contained within the Welfare Reform and Work Act 2016, including the 1% rent reduction in social rent charges to 2020 and the corresponding impacts on a registered housing provider's business plan. These are key drivers for regenerating the site and have a clear and profound influence on development viability.
- 6.28 Therefore from a housing perspective, whilst I can understand the disappointment expressed by objectors concerning the loss of the previous scheme, I am satisfied that the proposed affordable housing number, types, sizes and tenures comply with and exceed the requirements of policy CP17 . If planning permission was to be granted, this provision could be made subject to appropriate planning controls unlike the present circumstances. The proposals are then justified in the current financial regime in which RPs need to operate and are appropriate to satisfactorily meet current local needs to keep this important parcel of housing resource serving housing needs judged in the overall Borough wide context.
- 6.29 A key concern of many objectors is that they would rather a refurbishment takes place with the sheltered nature and age restrictions remaining. However, there is no planning policy that can be engaged to achieve that end in the context of considering the planning application before the Council. In any event, the current proposal would seem to be the most cost effective and practicable way for the applicant, as a registered RP meeting their wider objectives to deliver affordable housing, taking account of the current regulatory and financial regime and local needs. A planning decision needs to be made on the application as submitted on its own merits and cannot be refused because there is an alternative scheme that objectors would prefer.

AONB:

- 6.30 Policy CP7 relates to AONB: development should not be permitted if detrimental to the natural beauty and quiet enjoyment of the AONB, including their landscape, wildlife and geological interest. Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.
- 6.31 The site is within the village of Wrotham and enclosed by relatively modern development on all 4 boundaries which is all washed over by the AONB. In the

specific context in which the development will be viewed, I do not agree with the views of objectors (which include the AONB unit and CPRE) that the greater footprint, form or materials or any other aspect of the development impacts on the AONB's overall beauty or landscape interest or indeed has any significant impact on the enjoyment, tranquillity or other merit of the AONB.

Character and Materials:

- 6.32 Policy CP24 (Achieving a High Quality Environment) states that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings; all development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and should make a positive contribution towards the enhancement of the appearance and safety of the area. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside should not be permitted. Policy SQ1 of the MDE DPD has similar objectives (All new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity) and policy CC1 relates to sustainable design.
- 6.33 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty that in the exercise of any powers with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area. The site is 75m from the Conservation Area and there is intervening development such that the redevelopment would not affect the Conservation Area or its setting. Similarly, I do not believe that the roofscape would harm the view from St Georges Church in the village centre.
- 6.34 The materials palette is acceptable in my view. The site is enveloped by relatively modern dwellings of no particular architectural merit and, in my opinion, the materials and form of the proposed development strikes an acceptable compromise between a contemporary design and respecting the local colour palette and key architectural forms. I note the AONB unit request clay tiles, and whilst I share the view that natural materials are sometimes preferable in the context of this site and the immediate built form, I do not consider that clay rooftiles can be justifiably insisted upon. The character and appearance of the buildings will be acceptable and comply with policy in my view.
- 6.35 The new buildings would generally be of larger scale than those existing on site and surrounding properties. However, the higher elements are positioned away from the boundaries with the exception of block 4 to West Street. The front elevation of that block is however over 30m from the dwellings opposite and, whilst



there will be a change of outlook in that respect, I do not consider it will be dominating or overbearing to the residents of those dwellings. There are land level variations due to the local topography and a degree of dig down. The applicants have submitted some 3-D images from 4 viewpoints outside the site and some comparison of massing drawings to illustrate the differences. All aspects considered I find these to demonstrate an agreeable approach. Again, the buildings along the street scene to West Street are undoubtedly of a larger scale than the existing buildings, but the site context, space available and the existence of preserved trees mean, in my view, that the proposed scheme will not be to the detriment of the Street Scene. In fact taking advantage of the space available provides the opportunity to achieve variation in the street scene which, again in my view, could be a positive contribution.

6.36 This analysis indicates to me that the scale, layout and siting would be acceptable overall. The intent of policies to respect the street scene and amenities are not intended to prevent any changes. It is inevitable that the redevelopment of a site built in the 1970s would have greater site coverage and larger form bearing in mind the general policy to make the best use of previously developed land within settlements; the test is whether the proposal is acceptable or not rather than whether there is a change per se.

6.37 The density of the scheme is greater than existing, due to the extra 3 units and the increased internal space of the units proposed, but it is not significantly denser than other areas in the vicinity to warrant refusal.

Residential Amenity:

6.38 A number of objectors refer to impact on residential amenity. The issue of overlooking from windows has been addressed by the revisions to Block 2 in my opinion. In some aspects, overlooking from the proposed scheme is no worse (and in some instances improved) compared with existing, where there is some quite significant loss of privacy already from first floor flank windows.

6.39 Loss of outlook is mentioned by objectors and it has to be remembered that is not an amenity impact that results from being able to see a development. For a scheme to be considered to harm outlook to a degree such as to warrant a refusal, there needs to be an overbearing nature due to the form, height and proximity. I accept that Block 2 is higher and closer than the existing flat block nearest Courtyard Gardens and Childs Way but, whilst it will have more visibility (especially of the roof), that does not equate to a degree of overbearing or loss of outlook that necessarily means the scheme should be refused.

6.40 I do not consider that any of the proposed buildings following the revisions to Block 2 are overbearing or create a loss of outlook to any neighbouring dwellings that is contrary to policy. This has been verified by the additional drawings submitted following the Members' Site Inspection.

6.41 There is no worsening of sunlight or daylight loss to neighbouring property that would justify a refusal of planning permission in my view.

Parking:

6.42 Policy SQ8 on Road Safety states that proposals will need to demonstrate that any necessary transport infrastructure is in place or is certain to be provided. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. Development proposals should comply with parking standards. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

6.43 The proposal would provide 74 parking spaces and 60 cycle parking spaces. The adopted Kent Vehicle Parking Standards (IGN3) required 65 spaces for the units and 12 visitor spaces, making 77 in all. For clarification, the parking standards are as follows:

- 9 X 1 bed and 43 X 2 bed flats- 1 space per unit = 52
- 6 X 2 bed houses = 1.5 spaces per unit = 9
- 2 X 3 bed houses = 2 spaces per unit = 6

Unallocated Parking:

This gives a total of 65 spaces which are all to be provided on site. Visitor space standards are 0.2 per unit which equates to 12. Of these, 9 are proposed on this scheme. This leaves a deficiency on site of 3 visitor spaces.

6.44 The 0.2 per unit standard for visitor spaces: *“may be reduced where main provision is not allocated. Not always needed for flats”* (see IGN3, footnote 5).

6.45 The supporting text to the parking standards also states: *Location has a significant influence on vehicle ownership. Where effectively enforced on-street parking controls (or positively managed covenants/agreements) limit the opportunities for residents to own cars that they cannot accommodate in dedicated parking areas, lower levels provision will not cause problems..... Care needs to be taken in these situations to ensure that the reasonable needs of **visitors** are catered for, even if only in nearby public car parks.....However, a design-led allowance for on-street parking will normally be the best way to cater for visitors, and additional vehicles owned by residents, where there are no on-street restrictions in place.*

6.46 There would be a 96% provision, which in my view means there would be a marginal deficit. The marginal lowering of the standard for visitor spaces would be

acceptable here; firstly due to the predominance of flats and in circumstances where the parking is not allocated. Secondly there is adequate scope for some on-street parking in West Street which fronts the site for its entire length. That this part of West Street can cope with a nominal 3 visitors spaces is endorsed in the submitted Transport Statement. I am aware that a number of objectors disagree, but no evidence has been submitted to indicate that the TS is wrong on this point.

- 6.47 Also of relevance is that SQ8 pre-dates the NPPF. The NPPF states that whilst LPAs can set local parking standards, it also states in paragraph 32 that development should only be prevented or refused on transport grounds where the impact is "severe". It is not considered that such a small parking deficit in this part of Wrotham would create a knock on effect on West Street or beyond that would give a "severe" impact on highway safety. A refusal on parking provision would not be defensible in my opinion, in the light of the test set out in the more up to date national stance set out in the NPPF which reduces the weight that can be given to part 4 of Policy SQ8 and the caveats of the Parking Standards themselves outlined above.
- 6.48 The utilisation of the cycle space provision has been criticised by the objectors as unrealistically optimistic in the light of the local hilly topography. The provision comprises 50 communal internal and external spaces for the flats plus shed spaces for the 10 units with private gardens. The parking standards requirement would generate a need for 77 spaces.
- 6.49 I understand the point being made in a pragmatic sense. The views of the objectors could be met here by a condition for a partial construction of the 50 communal cycle stores, phased in accordance with demand.

Highways:

- 6.50 KCC H&T has not objected to the scheme on Highway grounds and thus paragraph 32 of the NPPF and policy SQ8 of the MDED DPD are complied with in my view. They have suggested conditions regarding construction traffic and it will be noted that there is local concern from the objectors on this matter. The impacts of construction are rarely a matter that can form a reason for refusal. However, it is noted that the access to the site is rather convoluted whether from the east or west. There is a narrow width of the carriageway close to the junction of West Street with the High Street and that is the heart of the Conservation Area and includes both a number of important listed buildings and a pedestrian route to the primary school. In the circumstances of this case, if Members are minded to permit the application, then a planning condition relating to a Construction Management Plan would be necessary and reasonable in my view.
- 6.51 Policy CP2 on Sustainable Transport relates to new development that is likely to generate a significant number of trips. It is my view that the trips from this development would not be significant in the context of the village but, in any event, it is proper planning that new housing should be well located relative to public

transport, cycle and pedestrian routes and with good access to local service centres. The development would be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated, and there is no reason to question why the detailed scheme in compliance with Building Regulations would not ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

Education and KCC contributions:

- 6.52 Policy CP25 of the TMBCS states that the service, transport and community infrastructure necessary to serve development is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.
- 6.53 On this matter, LPAs are obliged to take account of national legislation which states: *“Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework”*.
- 6.54 Essentially, it is not lawful for an LPA to seek developer contributions where there is no evidenced need. Members will note that many of the objectors refer to the need for an enlargement to the local primary school (St Georges) to take account of a high likely pupil production from the development of the site. KCC Education is the statutory body charged with providing evidence of need that is a pre-requisite for any education contribution to be sought from the developer. They are fully aware of the change in occupation type of St Georges Court that would result if the scheme were to be developed as per this application, but their assessment factors in pupil numbers arising in the wider catchment and the situation with regard to other primary schools accessible from that catchment. They conclude that an full and detailed assessment of St Georges Primary School, Platt CE School, Borough Green Primary School and Ightham Primary School indicates that the 5 pupils it forecasts from the 60 new units on this site can be accommodated.
- 6.55 KCC therefore confirm that they cannot provide any evidence of need for education or indeed other financial obligations related to their statutory function with regard to this application. Whilst I understand the local concerns with regard to the primary school, in the absence of a request from the Authority responsible for assessing local schooling needs, there is no justification on which to base a financial contribution.

6.56 KCC does ask that 1 Wheelchair Adaptable Home (under Part M (2) of the Building Regulations) is delivered as part of the Affordable housing on this site to meet local needs, and this has been agreed by the developer.

Ecology/Trees:

6.57 Policy NE3 relates to biodiversity and Policy NE4 to Trees, hedgerows and woodland. There are not considered to be any ecological concerns from the redevelopment in principle. There will be some tree loss as is inevitable with a more intensive use of the site, but the important trees subject to the Tree Preservation Order in terms of public visual amenity are to be retained and conditions will be suggested to minimise any impacts on their long term health.

Waste:

6.58 In accordance with CP1 and the detailed Waste Policy CC2, this is a redevelopment proposals which has demolition forming part of a new build process and so conditions can maximise the potential for the re-use of demolition waste with Site Waste Management Plans to include procedures for minimising waste produced on site as well as sorting, re-using and recycling the waste that is produced. This can also be dealt with by condition.

6.59 Policy CC2 goes on to state that proposals for development should incorporate adequate space for the storage of recyclable and non-recyclable waste, where different waste streams can be segregated and collected, and, in the case of residential schemes, each dwelling with private garden space is equipped, where practicable, with a composting bin.

6.60 The layout in terms of the storage and the collection arrangements have been looked at by the waste team and they have no remaining concerns. It is noted that some objectors are concerned about smell and other problems from the location of external bin stores near to the boundaries but it is not considered that the location of the stores is particularly unneighbourly and the design can be dealt with by condition to minimise such concerns.

Drainage:

6.61 Policy CC3 on Sustainable Drainage and Policy SQ5 on Water Supply and Quality Development relate. Proposal will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations or an appropriate alternative means of surface water drainage is incorporated.

6.62 The views of Southern Water and KCC as the Sustainable Drainage Authority can be dealt with by condition.

Leisure:

6.63 This is a net gain of 3 dwellings and hence the open space policy OS3 of the MDE DPD is not triggered as that is for a net gain of 5 units. However, it is clear that the redevelopment from over 55's sheltered to family housing will have implications for the demand for children's play in particular, and Members may agree that a toddler play area on site is warranted nonetheless. This can be secured by condition.

Crime Prevention:

6.64 Policy SQ9 Crime and Disorder Development proposals for 10 or more dwellings or for commercial developments of more than 1,000 sq. m will only be permitted if they can demonstrate how the design and layout will deter crime, and reduce the fear of crime and anti-social behaviour and that, where appropriate, measures such as the provision of on or off-site CCTV have been considered. Kent police are satisfied that the applicant can secure a Silver award and that such matters can be dealt with by condition.

6.65 The proposal incorporates a mix of units and tenures to the extent that the mix is likely to provide a sound basis for the development of a new local community within the wider community of the village itself. I am satisfied that the scheme can comply with SQ9 and the relevant parts of CP1.

Contamination:

6.66 Given the proposal for private gardens contamination land conditions would need to be attached to any permission. Prior to any demolition works being undertaken, the existing buildings should be assessed for the presence of any asbestos containing materials; and if present a method statement for their safe removal should be approved by the HSE.

Noise:

6.67 The internal layout of the proposed development ideally needs to avoid incompatible uses being adjacent to one another (e.g. bedroom adjacent to stairwell and/or bin store). BS8233:2014 "Guidance on sound insulation and noise reduction for buildings – Code of Practice" advises that "precautions should be taken where practical to minimize noise transfer". Any approval would need a planning condition for a noise insulation scheme, together with appropriate cross-sections.

Other matters raised by objectors:

6.68 Some objectors comment that due to lack of local Post Office, GP, shopping and train station, this redevelopment will increase traffic movements. It is accepted that public transport is not ideal for Wrotham but the level of local services is similar for

the previous use in terms of lack of access to services and there is only a net gain in 3 units.

- 6.69 Some comment that the junction of West Street with High Street needs ameliorative measures to assist pedestrian and vehicular movements. The need for off-site highway improvements is not supported by KCC (H&T) although I do suggest a condition for a Construction Management Plan to deal with potential larger vehicle problems in the construction phase.
- 6.70 Some objectors comment that West Street residents affected by vibration and noise in construction period will need compensation. Provided that the vehicles which use the public highway are legally entitled to do so, this is not a land use planning matter. Similarly, that Historic buildings could be damaged by vibrations from the demolition and construction traffic is not a reason to refuse planning permission and the suggested construction management plan should minimise the risk in any event.

Conclusion:

- 6.71 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.72 The NPPF is a material consideration in planning decisions. The relative weight to be afforded to specific provisions of the NPPF depends to a large extent as to how compatible the Statutory Development Plan is with the direction of Government thinking in the NPPF and any policy changes.
- 6.73 In addition to paragraph 49 referred to above the key paragraphs from the NPPF that bear on the application are as follows:
- Paragraph 8 states that economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
  - Paragraph 9 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live and widening the choice of high quality homes. Paragraph 14 states that LPAs should approve development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- Paragraph 47 requires LPAs to boost significantly the supply of housing
- Paragraph 50 requires delivery of a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should (where they have identified that affordable housing is needed) set policies for meeting this need on site: such policies should be sufficiently flexible to take account of changing market conditions over time.
- Paragraph 55 requires LPAs to promote sustainable development in rural areas such that housing should be located where it will enhance or maintain the vitality of rural communities.

6.74 Based on the analysis of determining issues as set out in this report, I am satisfied that the scheme is in accordance with the development plan except in regard to Policy CP13 for the reasons detailed above. The degree of 'offense' that the proposal offers to policy CP 13 is, in my view, not significant in the overall context of this case.

6.75 I am of the view that the enhanced Affordable Housing proposal of 87% which is significantly over and above the policy requirement of 40% is an important material consideration to which significant weight can be attached. Members will be aware that there have been a series of national housing policy changes which have eroded the ability of LPAs to secure affordable housing from private developers even to the 40% proportion. This is especially the case following the Government policy change which overnight removed the application of CP17 to small sites (under 10 units or 1000sqm) which are extremely numerous in this Borough. In my view, therefore the enhanced affordable housing offered in this application outweighs the "breach" of policy CP13.

6.76 In conclusion, it is important to understand that the starting point for the determination of this planning application rests with the adopted Development Plan. Against that starting point there are other material planning considerations that must be given appropriate regard, not least the requirements set out within the NPPF which is an important material consideration. The weight to attribute to each of those other material planning considerations, on an individual and cumulative basis, and the overall balance is ultimately a matter of judgement for the Planning Committee. My view is that the balance can lie in favour of granting planning permission.

6.77 Members will be aware that the application has been re-advertised as a departure in anticipation of this positive recommendation for approval. However, it is not a type of case that needs to be referred to the National Planning Casework Unit.



**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter received 17.09.2015, Location Plan 14-044/D001 received 17.09.2015, Existing Elevations 14-044/D010 received 17.09.2015, Other PRE-APPL ADVICE Appendix to appl form received 17.09.2015, Letter received 18.09.2015, Email received 29.09.2015, Ecological Assessment received 29.09.2015, Tree Report received 29.09.2015, Arboricultural Survey 15-1116-TPP-NT Rev C received 29.09.2015, Topographical Survey 14-044/D005 received 29.09.2015, Letter received 27.10.2015, Email TENURE SPLIT received 27.11.2015, Letter response to objectors received 01.02.2016, Letter response to objectors received 11.02.2016, Site Plan 14-044/D050 A received 02.06.2016, Proposed Floor Plans 14-044/D100 B received 02.06.2016, Proposed Floor Plans 14-044/D101 A received 02.06.2016, Proposed Floor Plans 14-044/D102 A received 02.06.2016, Proposed Floor Plans 14-044/D103 A received 02.06.2016, Proposed Elevations 14-044/D200 A received 02.06.2016, Proposed Elevations 14-044/D201 A received 02.06.2016, Proposed Elevations 14-044/D202 A received 02.06.2016, Proposed Elevations 14-044/D203 received 02.06.2016, Sections 14-044/D300 A received 02.06.2016, Design and Access Statement received 03.06.2016, Transport Statement received 07.06.2016, Viability Assessment TENURE MIX received 30.09.2016, Viability Assessment BUILD COST COMPARISONS received 30.09.2016, Viability Assessment received 10.10.2016, Letter DIXONSEARLE Viability Review received 10.10.2016, Other 3D Massing Views received 17.10.2016, Elevations SK3052 A received 20.10.2016, Plan SK(00)3001 existing/proposed received 20.10.2016, Elevations SK3051 A received 20.10.2016, subject to the following:

**Conditions**

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

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

- 2 The development shall not begin until a scheme for the provision of affordable housing and wheelchair accessible housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing and wheelchair accessible housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - i. The provision of a total of 52 units of affordable housing to comprise 17 units of affordable rent and 35 units for low cost ownership (shared

ownership) and the number, type and location of wheelchair accessible housing

- ii. The timing of the construction of the affordable housing, and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements to ensure such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: In the interests of securing affordable housing and wheelchair accessible housing.

- 3 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 4 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

- 5 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

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

variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

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

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

- 8 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

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.

- 9 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 and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 10 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 and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 11 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 these 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 and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 12 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

- 13 No development shall be commenced on the site until an ecology mitigation strategy has been submitted to and approved by the Local Planning Authority. The strategy shall set out method statements for protecting bats, birds and reptiles during and subsequent to development and shall be carried out as approved.

Reason: In the interest of minimising the impacts of the development on local wildlife

- 14 No external lighting shall be installed within the application site unless details of the location, design, mounting, intensity and shielding of the lighting have been submitted to and approved in writing by the Local Planning Authority, and the schemes shall be installed in accordance with the approved details.

Reason: In the interests of amenity and the control of light pollution.

- 15 The approved refuse storage and collection arrangements 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 building within any part of the site hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone,

electricity, CCTV and communal television services to be connected to that building without recourse to the erection of distribution poles and overhead lines. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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, prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

- 17 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained. Reason for the condition: In the interest of Security, Crime Prevention and Community Safety and in accordance with Policies of the Borough/District Council's Core Strategy Plan (dated, page, section) and in line with guidance within The Kent Design Initiative (KDI) and protocol.

Reason: In the interests of Crime Prevention.

- 18 No development shall commence until details of surface and foul water disposal have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of the building and retained thereafter.

Reason: In the interests of pollution prevention.

- 19 No development (including demolition of the existing building) shall take place until details of a management plan to address the physical practicalities of carrying out the demolition and construction work have been submitted to and approved in writing by the Local Planning Authority. The plan shall specify access routes into the site for construction traffic and contractors' vehicles, and maximise contractor parking within the site. The plan shall specify protection of listed buildings at the High Street/West Street junction and pedestrian safety measures across and adjoining the site. The development shall be carried out in strict accordance with the details approved.

Reason: To maximise safety and minimise disruption during this period.

- 20 Within 1 month of the commencement of development, details and timetable for the provision of a toddler play space shall be submitted for the approval of the Local Planning Authority, and the work shall be carried out in strict accordance with those details prior to first occupation.

Reason: To ensure the availability of toddler play areas for the recreational needs of the occupiers of the dwellings.

- 21 A noise insulation scheme, together with appropriate cross-sections. The use hereby permitted shall not commence until a scheme for sound insulation has been submitted to and approved by the Local Planning Authority and the building has been insulated in accordance with the approved scheme.

Reason: In the interests of residential amenities.

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

Reason: In the interests of archaeological research.

### **Informatives**

- 1 The scheme should be designed to reduce energy consumption having regard to the need for 10% of energy requirements to be generated on-site from alternative energy sources and the potential for recycling water.
- 2 The scheme should be designed to accommodate the BT GPON system currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises and the site should incorporate this infrastructure.
- 3 During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.
- 4 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. No bonfires should be had at the site.
- 5 Planning permission does not convey approval for any works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation ([www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

- 6 It is recommended that there be provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- 7 Drainage shall be provided within the site such that surface water from the vehicular access, turning areas and parking does not drain into the public highway. Surfaces shall be porous or shall discharge run off to permeable areas within the curtilage or to a soakaway.
- 8 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited 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](mailto: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: Marion Geary

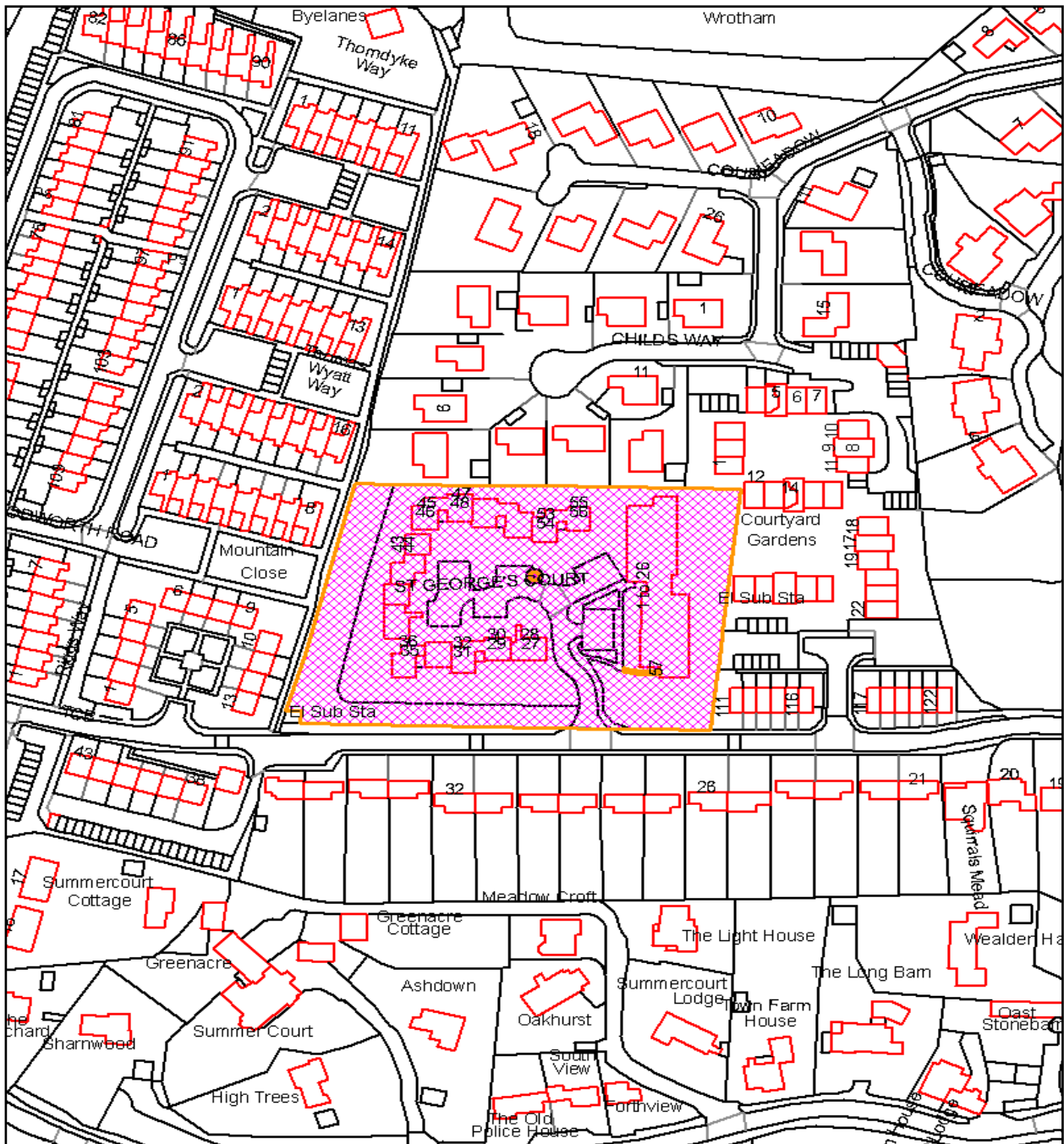


**TM/15/03051/FL**

**St Georges Court West Street Wrotham Sevenoaks Kent TN15 7DN**

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

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## 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  
Go to: [Recommendation](#)

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### 1. Description

- 1.1 This application was deferred from the APC2 on 28 September 2016 to allow a Members' Site Inspection to take place. A copy of the previous committee report is annexed for ease of information.
- 1.2 The Members' Site Inspection took place on 1 November 2016.

### 2. Determining Issues

- 2.1 The relevant determining issues remain as identified and discussed in the original report. Any new issues arising as a result of the Members' Site Inspection or from any other source since the report was published will be included in a Supplementary Report.
- 2.2 The Recommendation remains unchanged.

### 3. Recommendation:

- 3.1 **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 received , Tree Report received 27.06.2016, /subject to the following:

### Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.
- 2 All materials used externally shall 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.

Contact: Leslie Sayers

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**Report from 28 September 2016**

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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

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## **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.

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## **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-19<sup>th</sup> 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 60m<sup>2</sup> of floorspace on the two main floors, although there is some additional usable space within the roof area. The extension would add some 32m<sup>2</sup> 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

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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.

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**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.

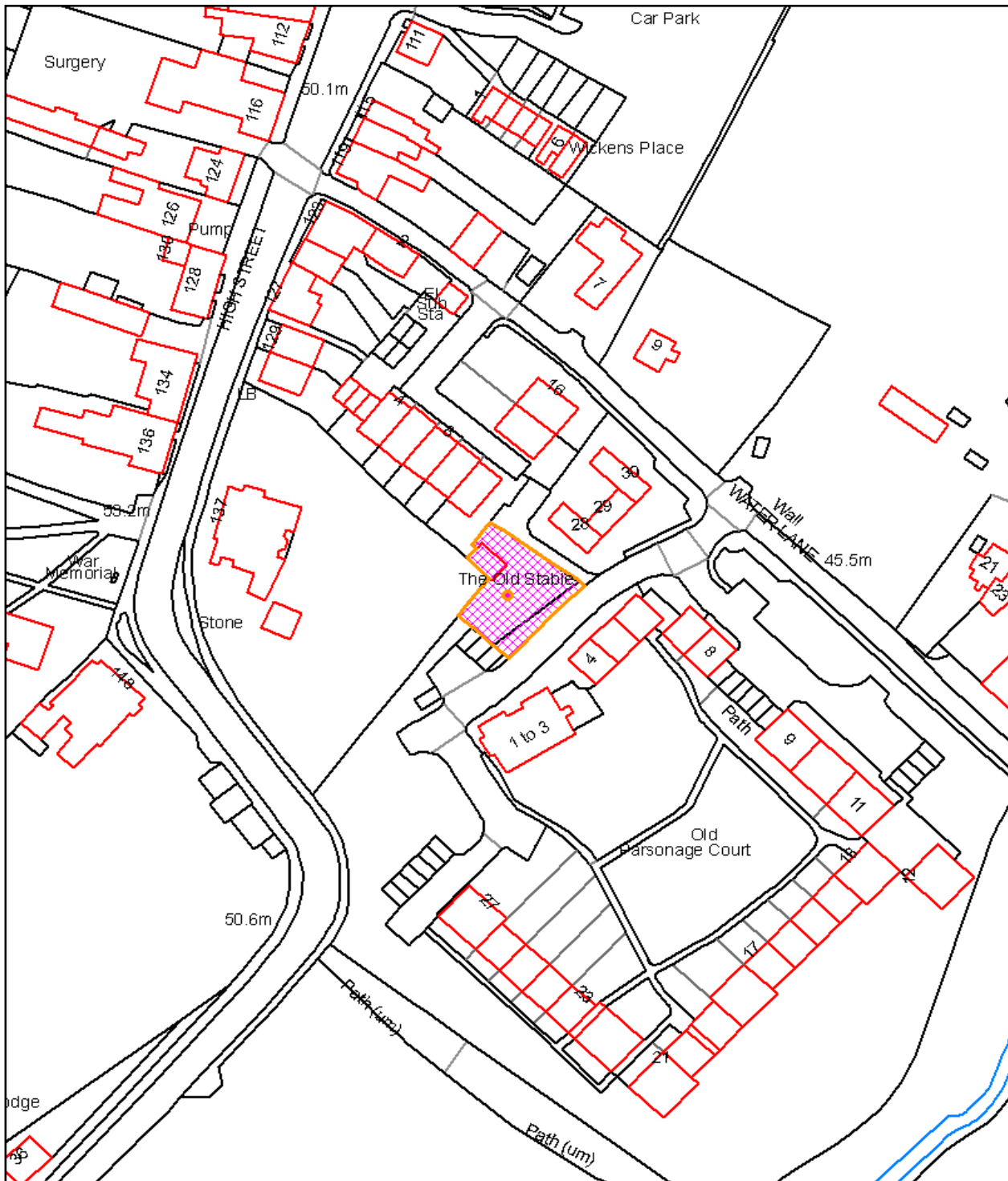
Contact: Leslie Sayers

**TM/16/01600/FL**

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

Two storey side extension

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**Addington**  
Downs And Mereworth

**13 July 2016**

**TM/16/02153/FL**

Proposal:                      Erection of 6 detached bungalows with associated garages, parking, landscaping, engineering operations and new access to Plowenders Close

Location:                     Plowenders Close Addington West Malling Kent ME19 5AX

Applicant:                    Clarendon Homes

Go to:                         [Recommendation](#)

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## 1. Description:

- 1.1 A previous application submitted under planning reference TM/15/02498/FL proposed 4 detached two storey dwellings with associated garaging and new access from Plowenders Close. This previous application was refused due to the layout of the development, the size, scale, bulk, siting and visual prominence of the dwellings and the subsequent impact on visual amenities and the character of the area. The scheme was also considered to be harmful to neighbouring residential amenities, to the outlook from the Public Right of Way (PROW) footpath and broader landscape and to the Tree Preservation Order (TPO) trees on the site.
- 1.2 This current application proposes a revised scheme comprising 6 detached bungalows on a site that has been reduced in size. The site proper now only comprises the rearmost sections of the gardens of 2-4 Plowenders Close, with the land associated with 5 Plowenders Close being excluded. The new access drive from Plowenders Close, between 2 and 3 Plowenders Close leading northwards into the main body of the application site, reflects that of the previous scheme. Six detached bungalows are proposed, to be arranged as tandem backland development in a general linear form along the rear garden boundaries of the 3 host dwellings. Plot 6 is to be dug down by about 2m as part of the proposed ground works.
- 1.3 The dwellings each provide an integral or detached single garage and 2 open car parking spaces. Plots 1, 2 and 6 provide 3 bedroom dwellings. Plots 3-5 provide 2 bedroom dwellings with a study/bedroom. The dwellings provide floor areas of between 125-145m<sup>2</sup>, eaves 2.6m high and ridges 4.7-5.3m high.
- 1.4 External materials for the dwellings are to consist of multi and mixed red stock brick, off white render, fibre cement roof slates, black UPVC rainwater goods and white UPVC fascias, soffits, windows and doors. The shared access road and driveway areas are to be laid with permeable block paving (Charol/Brindle).
- 1.5 Foul drainage is to the mains sewer and surface water is to soakaways.

- 1.6 A Design and Access Statement, Arboricultural Report and Visual Impact Assessment have been submitted with the application.
- 1.7 Members should also note that a second application for a 5 dwelling scheme (Reference TM/16/02154/FL), similar in general layout, is currently being considered under delegated powers.

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

- 2.1 At the request of Councillor Kemp due to potential overdevelopment of the site.

**3. The Site:**

- 3.1 The application site comprises land that extends across the deep sections of the rear gardens of 2-4 Plowenders Close, situated on the northern side of Plowenders Close at the outer edge of the settlement of Addington. A strip of land between 2 and 3 Plowenders Close also forms part of the site to provide access to the site proper. The site provides an area of 0.46 ha. The main body of the site has a general depth of about 30m (north-south) and width of 150m (east-west). The boundaries of the site are generally defined by well-established tree and hedge screening. The boundary to the public footpath (north) is a 1.8m high close board fence with a line of poplars to the rear of 2 Plowenders Close.
- 3.2 The site slopes noticeably up from south to north and from west to east, with a change in ground level from west to east of about 6m. The level of the highway at Plowenders Close is about 1.5m lower than where the access road meets the site proper. The site consists of large rear gardens with areas of lawn, trees, shrubs and garden sheds.
- 3.3 The site is within the settlement confines of Addington and a Water Catchment Area. The western section of the site is within an AAP. PROW footpath MR170 runs adjacent to the northern boundary of the site. Two trees (pine) protected by a TPO lie within the rear garden of 5 Plowenders Close, set back from the eastern boundary of the application site.
- 3.4 Plowenders Close is a cul-de-sac within the south-eastern part of Addington that extends north from Trottiscliffe Road. It is a narrow single carriageway with no passing places except at the junction with Trottiscliffe Road or at the turning head. It also has one narrow footpath. The host dwellings are from the 1960s and are conventional detached houses with large mature gardens.
- 3.5 The surrounding area is characterised by detached dwellings on generous sized plots to the west and southwest and more mixed dwelling types and plot sizes to the east and northeast. Open fields lie to the north of the PROW.

**4. Planning History (relevant):**

TM/60/10607/OLD grant with conditions 28 December 1960

Six houses, garages and access road.

TM/60/10681/OLD grant with conditions 24 May 1960

6 Detached Dwellings and Layout.

TM/15/02498/FL Refuse 24 February 2016

Proposed development of four detached properties with associated garaging, creation of a new access onto Plowenders Close plus new landscaping and boundary provision

TM/16/02154/FL Pending

Erection of 5 detached bungalows with associated garages, parking and landscaping and new access to Plowenders Close

**5. Consultees:**

- 5.1 PC: Objection to the above proposal on the basis that the bulk of 6 new dwellings would be an over development of the site and harmful to the residential amenities. We also have concerns about the increase in trip generation.
- 5.2 EA: We do not consider this proposal to be high risk. Therefore we will not be providing detailed site-specific comments with regards to land contamination issues for this site. We would appreciate being informed if contamination is subsequently identified that poses a significant risk to controlled waters. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.
- 5.3 KCC (Highways): No objection subject to the following:
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
  - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
  - Provision of measures to prevent the discharge of surface water onto the highway.
  - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
  - Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
  - Use of a bound surface for the first 5 metres of the access from the edge of the highway.
  - A construction management plan should be submitted for approval, including a before and after condition survey.
- 5.4 KCC (PROW): No objection. Public Right of Way MR170 footpath runs along the northern boundary of the application site and should not affect the application.
- 5.5 KCC (Heritage): The proposed development site lies in an area of high potential associated with prehistoric activity. Two of the Medway Megaliths, Scheduled Monuments and important Neolithic burial sites, lie to the west and a Mesolithic activity site lies to the north. Prehistoric or later remains may survive on the development site and I recommend the suggested condition is placed on any forthcoming consent.
- 5.6 Kent Fire & Rescue Service: The access to Plot 6 is unsatisfactory as it exceeds the required 45m and would require sprinklers or a turning head.
- 5.7 Private Reps: 40/2X/27R/11S + Article 15 site notice + PROW press notice: 40 letters of representation have been received, which are summarised below.
- 5.8 27 objections:
- Garden grabbing and overdevelopment of the site
  - Disproportionate and inappropriate housing
  - Loss of amenity for surrounding properties
  - Loss of privacy from overlooking
  - Loss of a significant number of trees, shrubs and hedgerows that will affect the sylvan character of the area
  - Impact on wildlife in particular common lizards and slow-worms
  - Significant increase in traffic onto Trottiscliffe Road
  - The new access road would have an urbanising impact on the street-scene affecting the character of the area
  - The approach road is unsuitable for more traffic and large vehicles such as refuse lorries

- The number of dwellings would provide a density and scale of development that is out of character with other properties within the village which have medium to large gardens
- The proposal would harm the outlook from the public right of way.

5.9 2 neutral representations:

- The development would be in breach of covenants covering the land in Plowenders Close
- The development would exclude 5 and 6 Plowenders Close from future development opportunities
- Public walkways are regularly used by locals and should be protected
- Trees along the public footpath should be retained to screen the development
- No roof extensions should be allowed to protect privacy.

5.10 11 letters in support:

- There is a need for these type of dwellings for retired people
- The design and layout is non-intrusive to the surrounding area
- The development provides new housing that will contribute to the housing shortage
- The properties will not overlook other properties
- No visual or light impacts on the surrounding area
- Trees are to be retained
- Traffic will only increase slightly
- The proposed scheme is vastly different to the previous one.

**6. Determining Issues:**

- 6.1 The main issues are whether the proposed development would affect the pattern of development, appearance and character of the area, the visual amenity of users of the public footpath or neighbouring residential amenities.

*Character and Visual Amenity*

- 6.2 The settlement of Addington is defined as a rural settlement where new development will be restricted to minor development appropriate to the scale and character of the settlement as advised in Policy CP13 of the TMBCS.

- 6.3 Policy CP6 of the TMBCS states that development on the edge of a settlement should not harm the setting or character of that settlement when viewed from the countryside.
- 6.4 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.
- 6.5 The form of development within Plowenders Close consists of detached two storey dwellings on large plots, several of which taper out at the rear providing large spacious gardens. It is noted that other than the residential property of Clematis, which lies to the southwest, the prevailing pattern of development within the village that forms the character of the local area comprises medium to small residential plots. Development on both sides of East Street is characterised by a mix of detached and terraced dwellings on narrow small to medium sized plots. The 6 proposed dwellings, although on relatively small plots, would, in my view, strike a reasonable balance between the wide plots of the host dwellings and the narrow plots to the east.
- 6.6 It is acknowledged that the backland location for the development does not provide a traditional residential setting but in this case the site is large and the access road proposed is acceptable in width and would sit comfortably between 2 and 3 Plowenders Close. The depth of the site is sufficient to provide bungalows of a modest but functional size with gardens adequate in size to cater for the needs of future occupiers. Adequate space is also provided for driveways, on-site turning and parking. As a result, I do not consider the layout and form of the development, on balance, to be demonstrably harmful to the overall pattern of development in the area, notwithstanding it does differ.
- 6.7 The proposal provides 6 bungalows of a relatively modest size and scale that have been designed with shallow pitched roofs that would appear low key within the backland site. The bungalows would also, as a result, be acceptable in their relationship with the host dwellings and their setting with adjoining properties. This represents a significant improvement on the previous scheme which proposed 4 large bulky two storey dwellings within a backland location that were visually intrusive.
- 6.8 The external materials are to comprise red stock brickwork and off white render with artificial slate roofing and white UPVC windows and doors. I consider that these would adequately complement the established dwellings in the area, which are mixed in their design and use of external materials.

- 6.9 Finished floor levels of the dwellings and the surrounding finished ground levels have been shown on Drawing No.PL102 and a cross section east-west through the site illustrating how the dwellings will relate to the existing ground level has been shown on Drawing No.PL103. I consider the finished floor levels of the dwellings provide a satisfactory balance with the existing ground levels, with only Plot 6 requiring noticeable ground works. However, I consider that this is reasonably required to respond to the slope of the land and would be beneficial visually by setting this dwelling lower in its relationship with the neighbouring residential properties to the north and east.
- 6.10 An arboricultural report has been submitted. The report advises that the two TPO trees located within the rear garden of 5 Plowenders Close will be a sufficient distance away from the development such that they would not be affected. The report also suggests that 19 individual trees and 4 groups of trees would need to be removed to accommodate the development. However, the groups of poplars and birches along the northern boundary of Plots 5 and 6 are shown to be retained on the Detailed Site Plan (Drawing No.PL102). This also shows root protection zones. Other existing trees and hedges are also to be retained, including those along the eastern boundary with 5 Plowenders Close, the long group of poplars and larches along the northern boundary of Plots 1 and 2, and the birch trees immediately north of the turning head. I consider the removal of the remaining trees would be reasonably necessary to accommodate the development. A landscape scheme can be required by condition to provide additional trees along the northern boundary to provide reinforced screening of the development from the PROW footpath.
- 6.11 The PROW that runs along the northern boundary of the site would not be physically impacted by the development but there is potential for the development to impact on the outlook from the PROW. However, unlike the previous scheme that proposed the construction of 4 tall and bulky new two storey dwellings close to the PROW on elevated land, the current scheme proposes single storey bungalows of modest overall height. With the provision of additional tree planting adjacent to the boundary with the PROW, I consider the level of impact on the visual amenities and rural outlook from the footpath would now be acceptable.
- 6.12 Accordingly, I am satisfied that the proposed development would not harm the character of the area or visual amenity of the locality and would therefore satisfy Policies CP6, CP13 and 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.

Parking / Highways

- 6.13 The Kent Design Guide IGN3 Residential Parking Standards require 2 independently accessible spaces per dwelling, not including garage spaces.

Two spaces are provided in front of the garages to Plots 1-4. Plot 5 shows 3 spaces and Plot 6 shows 1 space, providing 4 spaces for these two dwellings. The proposed parking provision therefore complies with the residential parking standards.

- 6.14 A vehicle passing space within the new access road and the site can incorporate the necessary manoeuvring space for delivery and refuse vehicles. In respect to access for fire service vehicles, the Kent Fire and Rescue Service has advised that a fire sprinkler system would be required for Plot 6 as the access to the dwelling is more than 45m from the turning head. The provision of fire sprinklers can be provided under the Building Regulations 2010 in order to extend the length of travel for fire tender vehicles. An informative can be provided to this effect.
- 6.15 I note concerns have been raised by local residents regarding the surrounding local road network and potential impact from additional traffic from the development. However, I do not consider the 6 new dwellings would generate a significant amount of additional traffic in the local area. The local highway authority has raised no objection to the scheme in respect to vehicle capacity or highway safety. A construction management plan has been submitted which the local highway authority considers to be acceptable. An informative can be added advising the applicant that a 'before' condition survey of Plowenders Close in the form of a series of photographs of the road, footways and boundaries, drains and covers should be provided to the local highway authority before commencement of the development.
- 6.16 I am therefore 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.

#### Planning Obligations

- 6.17 Policy OS3 of the MDE DPD requires an open space provision in accordance with the quantitative standards set out in the annex to this policy on all residential development of 5 units or more. The sequential approach and methodology set out in Annex D of the MDE DPD has been applied to determine the level of provision required. It has been determined that a financial contribution of £22,506 will be sought for off-site open space provision. Consideration would be given to Addington Recreation Ground and associated play facilities. The applicant will be required to enter into a legal agreement with the Council so this provision can be secured.

#### Neighbouring Residential Amenity

- 6.18 The bungalows proposed display a modest single storey height and are well set back from boundaries of neighbouring properties. The dwellings to the



east side of the site, closest to the adjacent dwellings of Frenchay and 5 Plowenders Close, (Plots 5 and 6) are cut into the slope of the land which would further reduce their visibility. Existing trees and hedging are to be retained along the northern and eastern boundaries of the site and additional tree plantings can be required to strengthen the landscaping to further screen the development from these neighbouring residential properties.

6.19 The bungalows do not provide any first floor accommodation and therefore privacy of neighbours would not be affected. Indeed the height of the buildings would not be sufficient to accommodate a first floor. I consider that a condition removing permitted development rights for extensions to the dwellings, including to the roof, is justified in this case given the size of the curtilages associated with the dwellings and their relationship with neighbouring properties.

6.20 I am therefore satisfied that the proposed development would not harm neighbouring residential amenity.

Other Planning Matters

6.21 The site is within a Water Catchment Area but has historically been rear domestic gardens and therefore does not pose any land contamination concerns. The EA has also advised that the proposal is not high risk in respect to land contamination.

6.22 Residents have expressed concerns that slow-worms and common lizards may be present on the site. Although the site is formed of domestic rear gardens, the gardens are expansive and well landscaped and lie adjacent to a rural public footpath with open countryside to its north. Given this setting protected species could be present on the site. I therefore consider it necessary for a condition to be imposed on any permission granted requiring an ecological appraisal and any resultant mitigation measures required to ensure protection of protected species to be submitted to and approved by the Local Planning Authority. The development would need to be undertaken in accordance with the approved details and would thus comply with Policies NE2 and NE3 of the MDE DPD and paragraphs 118 and 119 of the NPPF.

6.23 The site is also partially within an AAP. The County Archaeologist has advised that the site lies in an area of high potential associated with prehistoric activity with two of the Medway Megaliths, Scheduled Monuments and important Neolithic burial sites situated to the west and a Mesolithic activity site to the north. Prehistoric or later remains may survive on the development site and therefore it has been recommended that any forthcoming consent contain a condition requiring archaeological field evaluation works and further investigation in accordance with an approved specification and timetable.

Representations

6.24 A number of concerns were raised by local residents and the Parish, mainly relating to overdevelopment of the site, impact on neighbouring residential amenities, traffic generation and protection of protected species. These matters have been discussed in some detail within the above sections of this report.

Conclusion

6.25 Members will note that the proposed 6 unit scheme, although proposing 1 more dwelling than the previous scheme refused under reference TM/15/02498/FL, now provides modest bungalows instead of large two storey dwellings that would appear relatively low key within the immediate area, minimising impact on the character and visual amenities of the area. The associated plots are of an appropriate size, such that they would not harm the pattern of development in the area sufficient to refuse. Neighbouring residential amenities would also not be demonstrably harmed, in my view. Consequently, I consider that the reasons for refusal of the previous scheme have satisfactorily been overcome.

6.26 The scheme would also not differ greatly in terms of built form and plot sizes compared to the 5 unit scheme currently being considered under planning reference TM/16/02154/FL.

6.27 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 subject to the s106 contributions for play space enhancement.

**7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Other CONSTRUCTION MANAGEMENT PLAN received 17.10.2016, Plan PL112 SITE MANAGEMENT received 17.10.2016, Visual Impact Assessment received 28.07.2016, Email received 28.07.2016, Location Plan EX01 received 13.07.2016, Site Survey EX02 received 13.07.2016, Site Plan EX03 Analysis received 13.07.2016, Site Plan EX04 Analysis received 13.07.2016, Site Plan PL101 received 13.07.2016, Site Plan PL102 received 13.07.2016, Cross Section PL103 received 13.07.2016, Proposed Plans and Elevations PL104 Type 1 received 13.07.2016, Proposed Plans and Elevations PL105 Type 2 received 13.07.2016, Proposed Plans and Elevations PL106 Type 3 received 13.07.2016, Proposed Plans and Elevations PL107 Garage received 13.07.2016, Drawing PL108 Refuse Strategy received 13.07.2016, Drawing PL109 Materials Schedule received 13.07.2016, Street Scenes PL110 received 13.07.2016, Proposed Plans and Elevations PL111 Type 2 received 13.07.2016, Arboricultural Survey

SA/1183/16 received 13.07.2016, Design and Access Statement received 13.07.2016, subject to:

- the applicant entering into a legal agreement in respect of
  - Open space provision
- the following conditions

### **Conditions / Reasons**

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

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

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

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

- 3 The development shall be carried out in strict accordance with the dwelling finished floor levels and finished ground levels shown on Drawing No.PL102 hereby approved, unless otherwise agreed in writing by the Local Planning Authority to any variation.

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

- 4 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 and B 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.

- 5 No dwelling shall be occupied until the area shown on the submitted layout as space for turning and vehicle parking 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 turning and 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.

- 6 No building shall be occupied until the access road that provides access from Plowenders Close to the dwellings has been constructed in accordance with the approved plans and drained to prevent discharge of surface water onto the highway.

Reason: To ensure the safe and free flow of traffic and to prevent surface water entering the highway.

- 7 The development shall be carried out in accordance with the submitted Construction Management Plan and Site Management Plan (Drawing No.PL112).

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

- 8 Prior to first occupation of any of the dwellings, a scheme of soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. This shall include all trees to be retained and additional suitable tree plantings along the northern boundary to reinforce the landscape screening along this boundary. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first occupation of any of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

- 9 No development shall take place until an ecological appraisal of the site and, where necessary, a scheme of mitigation in respect to protected species has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved ecological report.

Reason: To ensure that protected species and their habitats are protected.

- 10 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

- ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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.

- 11 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.

- 12 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 on Drawing No.PL102 hereby approved, 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.

### **Informatives**

- 1 This permission has a Section 106 agreement attached relating to a contribution towards open space provision.
- 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 Before commencement of the development the applicant should provide the Local Highway Authority with a 'before' condition survey of Plowenders Close in the form of a series of photographs of the road, footways and boundaries, drains and covers.
- 5 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 or Bank Holidays.
- 6 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.
- 7 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.
- 8 A fire sprinkler system should be installed within the Plot 6 dwelling to satisfy fire safety requirements. The Kent Fire & Rescue Service wishes 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.
- 9 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.
- 10 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited 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](mailto: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.

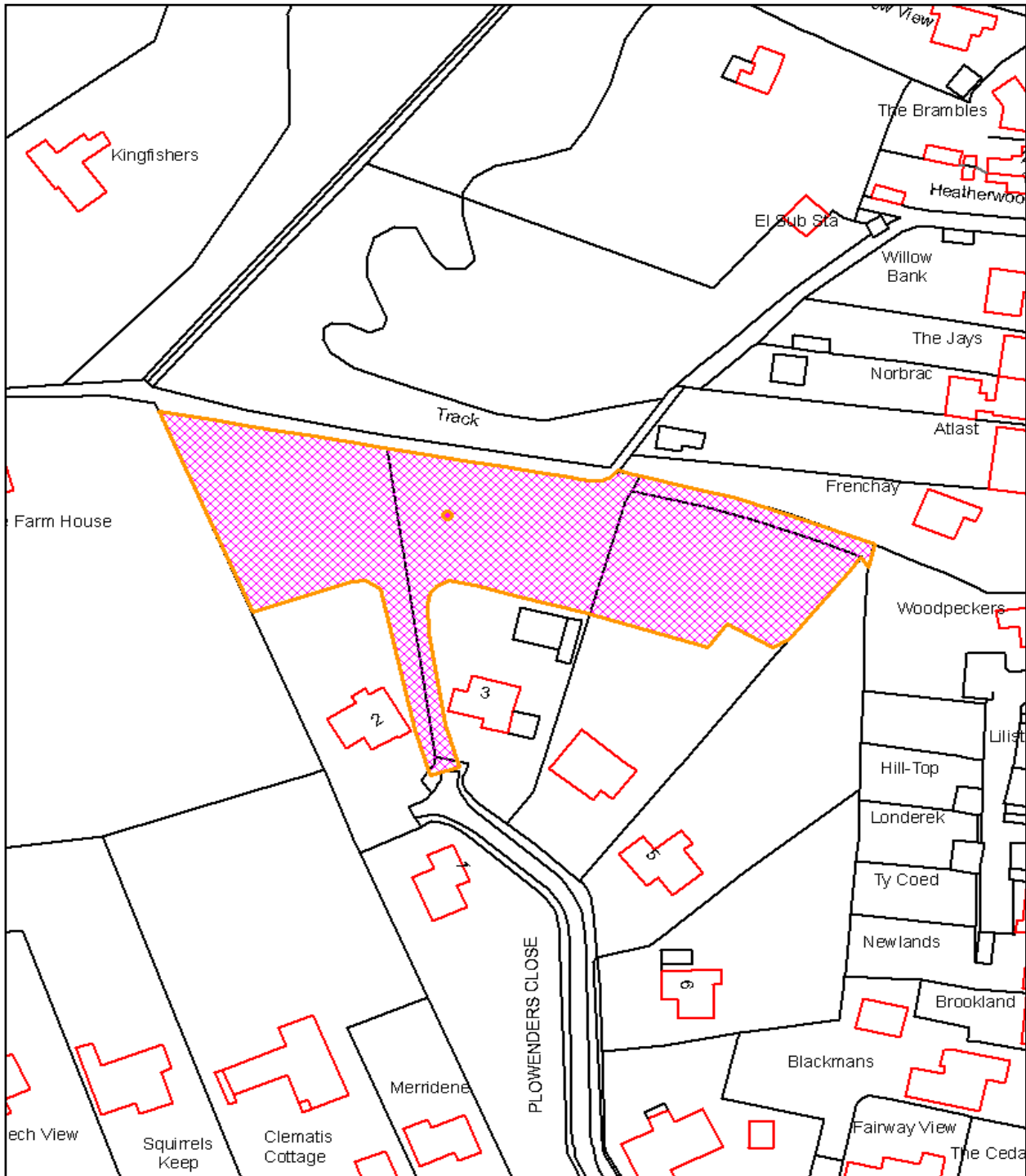
Contact: Mark Fewster

**TM/16/02153/FL**

Plowenders Close Addington West Malling Kent ME19 5AX

Erection of 6 detached bungalows with associated garages, parking, landscaping, engineering operations and new access to Plowenders Close

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**Shipbourne**  
Borough Green And  
Long Mill

**9 December 2015**

**TM/15/03865/FL**

Proposal: Demolition of existing stable block and hay barn buildings and construction of a 3 bedroom dwelling house  
 Location: Great Oaks House Puttenden Road Shipbourne Tonbridge Kent TN11 9RX  
 Applicant: Mrs E Cohen  
 Go to: [Recommendation](#)

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**1. Description:**

- 1.1 Members will recall that this application was originally reported to APC2 on 2 March 2016, when it was deferred to enable a Members’ Site Inspection to take place.
- 1.2 The Members’ Site Inspection took place on 11 April 2016, where a number of further issues were raised.
- 1.3 Since this time, the applicant has amended the description of the proposal to now be for *“demolition of existing stable block and hay barn buildings and construction of a three bedroom dwellinghouse”*. The previous description of the proposal was for *“Proposed conversion of existing stable and hay barn into dwellinghouse (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities”*.
- 1.4 The applicant has also submitted a Statutory Declaration in relation to the main use of the existing buildings and paddock, stating that they have been used for private equestrian use since the applicant purchased the property.

**2. Planning History (relevant):**

TM/75/47	grant with conditions	4 April 1975
Stables.		
TM/77/668	grant with conditions	9 August 1977
Erection of Hay Store.		
TM/11/01085/FL	Application Withdrawn	15 June 2011

Three bay oak framed garage with playroom above linked by external staircase, provision of drive and use of access from Puttenden Lane

TM/12/00189/LDE Refuse

11 June 2012

Lawful Development Certificate for existing use of land as residential curtilage

**3. Consultees:**

- 3.1 Re-consultations with the Parish Council and neighbours have taken place upon receipt of the amended plans and description of the proposal. The following responses have been received:
- 3.2 PC: Pleased to see the reduction in bulk in the revised proposal. No objections.
- 3.3 Private Reps (2/0X/9S/0R + Site Notice): 9 letters of support received.

**4. Determining Issues:**

- 4.1 For Members' assistance, the relevant policies are set out in verbatim within the following assessments where applicable:

*Development within the Green Belt:*

- 4.2 Any planning application for development within the Green Belt clearly needs to address Green Belt policy, both at national and local level.

- 4.3 The description of the proposal by the applicant has been amended to:

*"Demolition of existing stable block and hay barn buildings and construction of a 3 bedroom dwelling house".*

- 4.4 In applying national Green Belt policy, inappropriate development in the Green Belt is harmful by definition and "should not be approved except in very special circumstances". The weight given to the harm (both by definition and any other harm) is "substantial" (paragraph 88).

- 4.5 Paragraph 89 of the NPPF states:

*"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *Buildings for agriculture and forestry;*
- *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

- *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *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.”*

4.6 As such, the construction of new buildings which consist of limited infilling 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 would not be considered to be inappropriate development for the purposes of applying Green Belt policy.

4.7 Previously developed land is specifically defined within the NPPF as being

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

4.8 Crucially, the test in paragraph 89 (6<sup>th</sup> bullet point) has two limbs: firstly whether what is proposed is either limited infilling or complete redevelopment of PDL within the terms of the definition; and secondly, if so, whether what is proposed has a greater impact on the openness of the Green Belt and the purpose of including land in the Green Belt.

4.9 In this regard, the purposes of including land within the Green Belt are set out at paragraphs 79 and 80 of the NPPF, which state:

*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*

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

4.10 It is important to recognise that changes in physical bulk can be just as relevant in terms of Green Belt impact as changes to the footprint of a building. The applicant has suggested that the proposal would result in a 4% increase in volume to the existing buildings. I am of the view that the physical changes to the roof form and distribution of bulk within the building would clearly have a greater impact on the openness of the Green Belt and would cause encroachment into the countryside. As such, the greater impact on the openness of the Green Belt still leads me to conclude that the development amounts to inappropriate development by definition, requiring very special circumstances to be demonstrated.

4.11 The applicant outlines a number of positive aspects of the development in order to justify a case of very special circumstances. These include the following:

- The applicant currently lives in Great Oaks but has recently become widowed and as a result of this the property is too large, too expensive and too difficult to maintain. This proposal would provide an alternative, smaller dwelling, that would allow the applicant to remain in the area;
- The proposed dwelling will be a contemporary style building constructed to a high standard and specification in terms of energy efficiency and sustainability whilst retaining an agricultural appearance and high quality materials that are sympathetic with the local vernacular. It is proposed to use photovoltaic roof slates, air source heat pump, solar panels, triple glazing, installation of a wood burner, thermostatically controlled rainwater harvesting and grey water, along with good insulation. Chestnut boarding would be used to clad the elevations and slates for its roof.

4.12 I acknowledge that this approach to enhance energy performance by improving thermal performance, and the use of solar protection on the roof can be seen as innovative aspects of the design. However, I do not consider that the design is 'truly outstanding or innovative'. All other matters put forward, whilst acknowledged, simply amount to personal circumstances of the applicant rather than very special circumstances justifying permanent development in this location.

4.13 The development is therefore contrary to policy CP3 of the TMBCS and paragraphs 80 and 87-90 of the NPPF.

- 4.14 Turning to the use of land as residential curtilage to serve the proposed dwelling, the proposed residential curtilage mainly consists of land to the front of the stable building and hay barn. The majority of this land has been deemed to be residential curtilage by TM/12/00189/LDE. In addition to the area included in TM/12/00189/LDE it is proposed that the residential curtilage will extend to either side of the existing buildings and 3.5m to the rear of the existing barn. This area to the side of the buildings is currently a gateway and hedging to bound the area to the rear of the stable building.
- 4.15 Whilst given that the site falls within the domestic curtilage of Great Oaks, the proposal is likely to intensify the amount of domestic paraphernalia by the introduction of an additional dwelling. However, I am of the opinion that, on balance, this aspect would not have a significantly detrimental impact on the openness of the Green Belt particularly given that a condition could be imposed limiting permitted development rights in the event of a grant of planning permission.

*Development within the Countryside:*

- 4.16 Paragraph 55 of the NPPF states that “*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances*”. I note the comments relating to the proximity of the site with the post box and public house. However, I am of the opinion that the proposal is contrary to this policy, and that this approach is consistent with other sites elsewhere in the Borough.
- 4.17 Policy CP14 of the TMBCS states that:
- “In the countryside development will be restricted to:*
- (a) Extensions to existing settlements in accordance with Policies CP11 or CP12; or*
  - (b) The one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use; or*
  - (c) Development that is necessary for the purposes of agriculture or forestry, including essential housing for farm or forestry workers; or*
  - (d) Development required for the limited expansion of an existing authorised employment use; or*
  - (e) Development that secures the viability of a farm, provided that it forms part of a comprehensive farm diversification scheme supported by a business case; or*
  - (f) Redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability, or*

- (g) *Affordable housing which is justified as an exception under Policy CP19; or*
- (h) *Predominantly open recreation uses together with associated essential built infrastructure; or*
- (i) *Any other development for which a rural location is essential.*

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

4.18 There is therefore no scope within the terms of policy CP14 to demolish a non-residential building and replace it with a residential dwelling, even if that dwelling took the exact same form and structure as the building it replaced. It is clear that the development will amount to demolition and rebuild and that is not in accordance with the requirements of policy CP14.

4.19 I am aware that Policy CP14 dates from 2007 but in my view it remains as part of the development plan and has not been superseded by any national guidance in the meantime.

*Replacement Buildings in the Countryside:*

4.20 Policy CP14 of the TMBCS is in effect supported by detailed provisions set out in policy DC2 of the MDE DPD.

4.21 Policy DC2 of the MDE DPD applies to replacement buildings in the countryside, i.e. the hay barn, and states

*1. A replacement building in the countryside will be permitted subject to meeting all of the following criteria:*

- (a) It would not be materially larger than the existing building and it would be appropriate in scale and design to its setting and any neighbouring buildings and to the character of the area within which it is located as defined in the Character Area Appraisals SPD;*
- (b) The proposal does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit;*
- (c) Full account is taken of any biodiversity interest in accordance with Policy NE3;*
- (d) It is not in an isolated position in relation to infrastructure and services; and*
- (e) The demolition of the existing building would not result in the loss of a building of architectural or historic interest or a building that contributes to local character.*

2. *The replacement of non-residential buildings in the countryside with residential development will be considered on the basis that it is new residential development and will therefore also be subject to Core Policy CP14. Proposals in the Green Belt will be considered in light of PPG2.*

4.22 Policy DC2 of the MDE DPD does not support the replacement of non-residential buildings in the countryside with residential development as it states that these proposals will also be subject to Policy CP14 of the TMBCS.

Other Material Considerations:

- 4.23 As Members will be aware, the Council in its role as Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise. Policy CP14 of the TMBCS and policy DC2 of the MDE DPD are the key policies within the Development Plan fundamental to the determination of the application. It is therefore necessary to establish whether or not there are any material considerations that would lead to a different conclusion to that set out above. I do not consider that the circumstances put forward by the applicant amount to material planning considerations sufficient to override the Development Plan policies in this instance.
- 4.24 There has been some comparison made by Members to a new dwelling that has recently been constructed at Hookwood Farm (TM/13/02150/FL). However, that case is not comparable to this current application as it was a scheme for a replacement dwelling. Whilst the bulk of the replacement dwelling was considerably greater than the existing, this was on the basis the proposal involved the removal of a number of large agricultural buildings, considered to have an overall beneficial impact.
- 4.25 The applicant also draws comparisons with Silverhill Stables (TM/14/04200/FL) and Ryarsh Farm (TM/15/02445/FL). No. 3 Silverhill Cottages (TM/14/04200/FL) approved the demolition of all livery stables, detached garage/ store, shed building, concrete hardstandings and erection of a detached dwelling and garage/ stable block. Whilst the proposal provided an increase in volume and height from the existing, which was recognised as being “inappropriate development”, the proposal provided a substantial improvement to the appearance and visual amenity of the site. It included the loss of a commercial livery stables which is a benefit not presented by this application – essentially the Silverhill site as a commercial livery enjoys a different policy in the NPPF to the type of buildings in this application.
- 4.26 Ryarsh Farm (TM/15/02445/FL) allowed the demolition and removal of existing commercial livery barns and portakabins and the replacement with a new Class B8 storage unit with ancillary B1 office. This case differed from the application case in a number of ways, in particular that the site was previously used as a commercial

livery, and that the proposal would consolidate a number of dispersed buildings and would tidy up the site.

4.27 Other relevant policies relating to the proposal are Policies CP7 (AONB) and CP24 (Achieving a High Quality Development) of the TMBCS and policy SQ1 (Landscape Protection/Enhancement) of the MDE DPD. I am satisfied that the proposal satisfies these policies, as per the considerations set out in my reports to APC2 on 2 March and 13 April 2016.

Conclusions:

4.28 In conclusion, I am of the opinion that the proposal to demolish the existing stable building and hay barn and rebuild would have a greater impact on the openness of the Green Belt, thus comprising inappropriate development for which there are no very special circumstances. The proposal is contrary to policy CP14 of the TMBCS and policy DC2 of the MDE DPD as it involves demolition and rebuild to an alternative use. There are no material planning considerations in my view that override the policy position in respect of this development. As such, the following recommendation is put forward:

**5. Recommendation:**

5.1 **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 by paragraph 87 of the National Planning Policy Framework 2012. The proposal would involve the redevelopment of a previously developed site (brownfield land), but would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, and would therefore be contrary to paragraphs 87-90 of the National Planning Policy Framework 2012 and thereby contrary to policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.
2. The development proposes rebuilding the existing stable block and hay barn. The proposal is not a form of development that is normally permitted in the countryside as listed in Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC2 of the Managing Development and Environment DPD 2010, and no material considerations exist that justify setting aside this provision.

Contact: Glenda Egerton

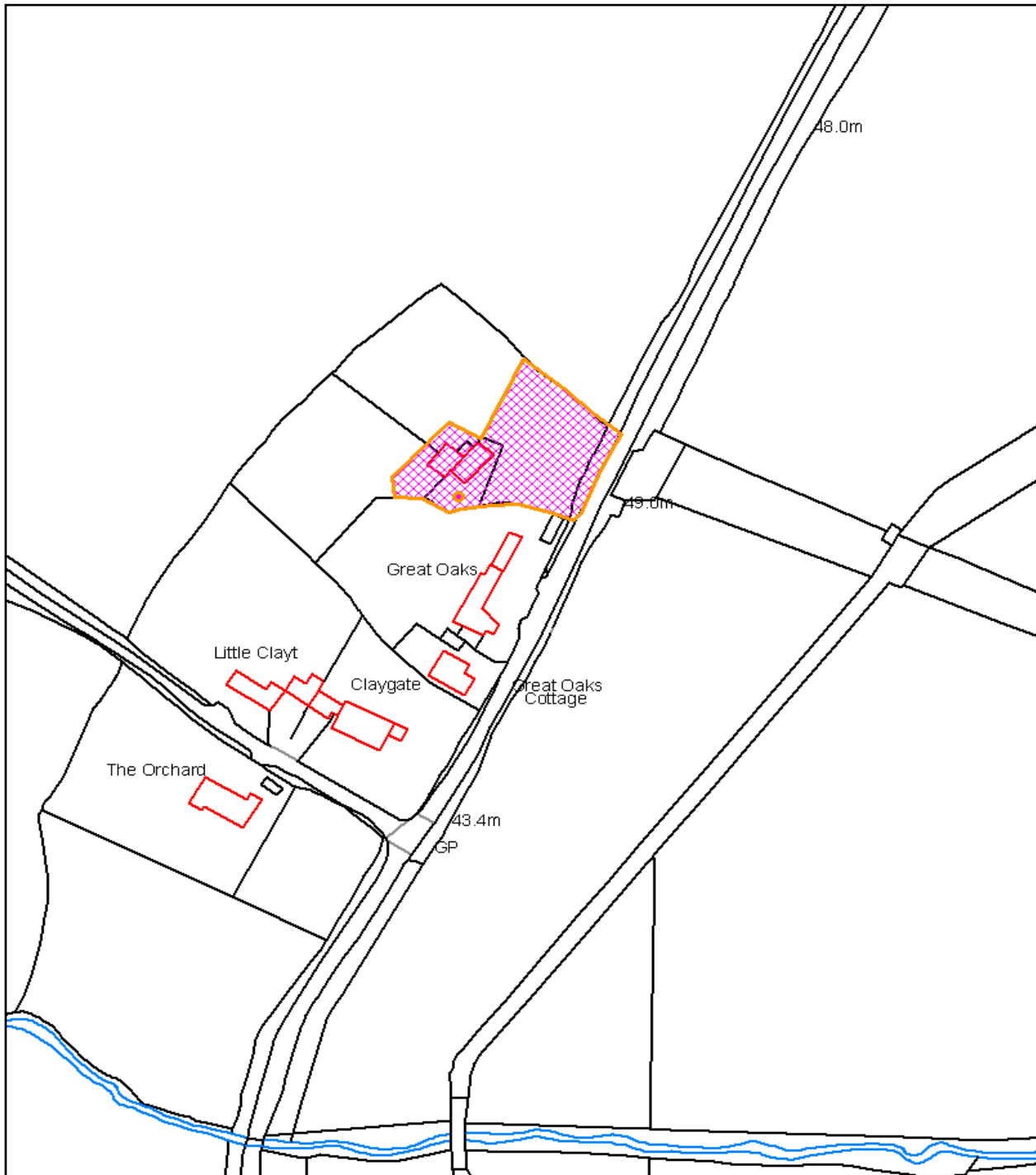


**TM/15/03865/FL**

Great Oaks House Puttenden Road Shipbourne Tonbridge Kent TN11 9RX

Demolition of existing stable block and hay barn buildings and construction of a 3 bedroom dwelling house

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**Ryarsh**  
Downs And Mereworth

**18 August 2016**

**TM/16/02512/FL**

Proposal: Demolition of existing dwelling and erection of three detached bungalows; creation of new vehicular access and provision of access drive, landscaping and other ancillary works  
Location: Brionne The Street Ryarsh West Malling Kent ME19 5LQ  
Applicant: Clarendon Homes  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 The proposal seeks planning permission for the demolition of the existing detached house and for the erection of three detached bungalows, creation of a new vehicular access and provision of an access drive, landscaping and other ancillary works.
- 1.2 Plot 1 is proposed as a one bedroom bungalow, whilst plots 2 and 3 are proposed as two bedroom bungalows.
- 1.3 Development is currently underway at the front of the site for the construction of a two storey house, as permitted under TM/14/03008/FL, with a new access onto The Street. Minor amendments are currently being sought (TM/16/03068/NMA).
- 1.4 It is proposed to replace the existing driveway with a new driveway, which would be located between Scannells Cottage and the new dwelling under construction. Plots 2 and 3 are shown to have two parking spaces, and Plot 1 is shown to have one parking space.

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

- 2.1 At the request of Cllr Balfour because of local concerns relating to over development of the site.

## **3. The Site:**

- 3.1 The application site measures 0.24ha (0.6 acres) and is situated partly within the settlement confines of Ryarsh.
- 3.2 The area to the south-east of the site, where TM/14/03008/FL is being developed, lies within the Conservation Area and within the rural settlement boundary.
- 3.3 The west of the site, which is the garden of Brionne (and is the proposed garden area for Plots 2 and 3) lies outside the settlement confines and within the MGB. The MGB and open countryside also bounds the north of the site.
- 3.4 Ryarsh also lies within an AONB.

- 3.5 The Street comprises a mixture of property styles, mostly sited along the road frontage. The existing dwelling is currently set back from the highway, with a large garden to the front. The existing private garden area is located to the west side of the dwelling.
- 3.6 The site is a relatively flat site. There are a number of trees screening the north and west of the site, and a number of fruit trees within the site.

**4. Planning History (relevant):**

TM/12/02460/FL      Application Withdrawn      22 October 2012

Erection of 3 detached, 4 bedroom houses, each with 2 car parking spaces, together with the demolition of the existing house, and improvements to the existing drive and turning space

TM/14/03008/FL      Approved      7 November 2014

Erection of a two storey, three bedroom detached house and construction of a vehicular access, all as approved under reference TM/11/03066/FLX

TM/15/02952/FL      Application Withdrawn      11 November 2015

Proposed demolition of existing property and erection of three detached dwellings, detached garages, new highways access plus other ancillary works

TM/16/00211/FL      Refuse      1 June 2016

Proposed demolition of existing property and erection of three detached dwellings, detached garages, new highways access plus other ancillary works. Resubmission of TM/15/02952/FL

TM/16/02003/RD      Pending Consideration

Details of conditions 2 (materials), 3 (joinery) and 7 (landscaping) submitted pursuant to planning permission TM/14/03008/FL (Erection of a two storey, three bedroom detached house and construction of a vehicular access, all as approved under reference TM/11/03066/FLX)

TM/16/03068/NMA      Pending Consideration

Non material amendment to planning permission TM/14/03008/FL: Variations to proposal as illustrated on drawings 137-501 and 137-502

**5. Consultees:**

5.1 PC: Object on the following grounds:

- The reasons for refusal of application TM/16/0211/FL still apply and are very pertinent. This application will still be detrimental to the character and

appearance of the Conservation Area and visual amenities of the streetscene. The three bungalows are of such a bulk and scale that they will take up the same floor space as the houses refused in TM/16/00211/FL. The proposed bungalows have a large floor area compared with the house the applicant is currently building and other houses in the area;

- The proposal would result in overdevelopment of the site;
- The PC is unclear as to whether the property should be in the Green Belt or outside of the village envelope when taking into account neighbouring properties or whether the site lies within the Conservation Area;

5.2 KCC (Highways): No objection, subject to conditions.

5.3 EA: No comments;

5.4 Kent Fire: The provision of an access roadway of 3.7m in width, at all points 45m from all points within the dwelling must be provided. Alternatively, the installation of a domestic sprinkler system in the dwelling will increase the distance of Fire Service access to 90m within the proposed dwelling.

5.5 Private Reps: 14/0S/0X/4R + site & press (CA): 4 letters received, objecting on the following grounds:

- The site is currently under development with the construction of a two storey dwelling to the front of the site. The development of three further properties would result in over-intensive development of a sensitive site within the Conservation Area;
- The proposal will result in noise, light and visual intrusion, particularly for Scannells Cottage and The Hollies. This could be mitigated by a proposal for two dwellings rather than three dwellings;
- Any planning permission should prohibit roof space development or the future addition of additional storeys to the dwellings;
- Any proposal should condition the existing hedgerow on the eastern boundary to be retained to ensure that privacy of adjacent dwellings is ensured;
- The construction works to the front of the site to develop TM/14/03008/FL do not follow this consent. They are attempting to build a larger dwelling;
- Whilst the applicant has stated that The Street does not meet the definition of a main road, it is an important road into the village and often used as a cut-through at peak times in the morning and evening, when hold-ups occur at the narrower points;
- Refuse collection and access for emergency vehicles problematic;

- The proposal is out of character with the area and, if implemented, will have a detrimental effect on the Conservation Area, falling short of the requirements of Policy CP24 of the TMBCS;
- The proposal would harm the visual amenity of the locality and, in particular, the immediate neighbours;
- The proposal will be visible from The Street;
- The proposal does not protect the amenity and/ or privacy of adjoining properties;
- The proposed dwelling is too large and overwhelming from the village and surrounding properties, contrary to Policy CP13 of the TMBCS;
- The proposal is comparable to a recent case in Dartford for the demolition of two bungalows and replacement with two detached dwellings, which was determined to be an undesirable erosion of the character of the area...diminishing the visual quality of the streetscene;
- The footprint of the proposal is still not proportionate in relation to the surrounding dwellings;
- The proposal does not conserve or enhance the character of the locality;
- Changes to legislation now mean that gardens are no longer considered land that has been previously developed;
- Local policy outlines the importance not to urbanise the character of rural areas. The proposal is of uniform appearance which lacks character and is more in-keeping with new developments on Kings Hill, Leybourne Chase or Ryarsh Park. This proposal will detract from the character of the village;
- The proposal would destroy important habitats for wildlife;
- The proposal would result in additional traffic generation and highway safety issues;
- Strain on existing sewers and drainage;
- Inaccuracies with the submitted tree survey, block plan, site plan and boundaries;
- Vehicles entering and exiting the proposed driveway will be of great disturbance to adjacent dwellings.

**6. Determining Issues:**

- 6.1 In considering applications it is necessary to determine them in accordance with the Development Plan unless other factors indicate otherwise. The more growth orientated character of the NPPF, published in March 2012 as National Government policy, has to be taken into account.
- 6.2 Policy CP1 of the TMBCS 2007 sets out the Council's overarching policy for creating sustainable communities. This policy requires, inter alia, that proposals must result in a high quality sustainable environment; the need for development will be balanced against the need to protect and enhance the natural and built environment, and preserve, or where possible enhance the quality of the countryside, residential amenity and land, air and water quality; where practicable, new housing development should include a mix of house types and tenure and must meet identified needs in terms of affordability; and development will be concentrated at the highest density compatible with the local built and natural environment mainly on PDL. I note the comments relating to the definition of previously developed land. However, the case cited by the representation is located within the Green Belt, where different policies apply.
- 6.3 Part of the application site lies within the rural settlement confines of Ryarsh, where policy CP13 of the TMBCS applies. This policy states that new development within the confines of Ryarsh should be restricted to minor development, appropriate to the scale and character of the village.

*Impact on Green Belt and open countryside:*

- 6.4 Part of the site does fall outside of the settlement confines, within the MGB and open countryside.
- 6.5 Paragraph 89 of the NPPF and Policy CP3 of the TMBCS states that the construction of new buildings is inappropriate development within the Green Belt. However, the proposed dwellings themselves would be sited within the settlement confines of Ryarsh and it is the proposed garden areas of Plots 2 and 3 that would be located within the MGB. As this is already Brionne's garden and thus there is no built development or material change of use, the proposal overall does not amount to inappropriate development within the MGB.
- 6.6 Policy CP14 of the TMBCS sets out acceptable development within the countryside. The construction of new buildings is not one of the developments listed. However, it is also the proposed garden areas of Plots 2 and 3 that would be located outside of the settlement confines, within the open countryside, and therefore as this is already garden, the proposal overall does not amount to unacceptable development in the countryside.
- 6.7 It is acknowledged that two of the proposed bungalows abut the MGB line, but that situation has been accepted by the Planning Inspectorate or in similar situations.

Policy CP6 of the TMBCS states that development will not be permitted within the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside. Revisions have secured Plot 3 to be set further south within the plot, away from the northern boundary of the site with the adjacent countryside, where there are relatively open views. Plot 3 is set 1.6m south of the northern boundary of the site and I am of the opinion that this bungalow will not be significantly detrimental to views of Ryarsh from the countryside.

Area of Outstanding Natural Beauty:

- 6.8 The application site (as is all of Ryarsh) is located within the Kent Downs AONB. Policy CP7 of the TMBCS states that development will not be permitted, which would be detrimental to the natural beauty and quiet enjoyment of the AONB. Paragraph 115 of the NPPF requires that LPAs give great weight to conserving landscape and scenic beauty within the AONB, which have the highest status of protection in relation to landscape and scenic beauty. I am of the opinion that the proposal is not a form of development that would adversely affect the natural beauty and quiet enjoyment of the AONB bearing in mind it is generally within character with the rest of Ryarsh.

Conservation Area:

- 6.9 In terms of the impact on the CA it is also necessary to refer to paragraphs 131, 132, 133 and 137 of the NPPF; these outline the importance of the heritage assets that includes CAs. I am of the opinion that the proposal will have a limited impact upon the character or setting of the CA or the streetscene given that it will be set back behind the dwelling currently being developed at the front of the site.

Amenity:

- 6.10 Policy CP24 of the TMBCS relates to achieving a high quality environment. This policy requires that development must be well designed, be of suitable scale, density, layout, siting, character and appearance and be designed to respect the site and its surroundings. Policy SQ1 of the Tonbridge and Malling Borough Council Delegated Report MDE DPD reinforces this requirement that all new development should protect, conserve and, where possible, enhance (a) the character and local distinctiveness of the area including its historic and architectural interest and the prevailing level of tranquillity; (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and (c) the biodiversity value of the area, including patterns of vegetation and property boundaries.
- 6.11 The proposed dwellings are larger than the footprint of the majority of the surrounding buildings. Whilst the density of the proposal is low, given that the proposed dwellings have had to be positioned to the east of the site to avoid developing within the Green Belt, this gives the appearance of a high density cul



de sac style development. On balance, I am of the opinion that the footprint of the proposed dwellings is acceptable in terms of local character and not an overdevelopment. The overall density is 11 dph.

- 6.12 The proposed dwellings have been designed to be single storey bungalows. Whilst there are few bungalows characterising the surrounding locality, I am of the opinion that the proposal is consistent with the objectives of Policy CP1 of the TMBCS by introducing a wider mix of house types into the locality. Subject to submission of materials, I am of the opinion that the proposal is in keeping with the surrounding locality.
- 6.13 Given that the proposed dwellings are bungalows, the proposal will not result in significant privacy issues. There will be no direct overlooking of surrounding existing dwellings as a result of the proposal. I am satisfied that the proposal will not result in a significant loss of privacy or residential amenity to the other adjoining dwellings.

Access and Parking Provision:

- 6.14 MDE DPD Policy SQ8 states that, inter alia, development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can be served by the highway network. In this context the NPPF has a significant bearing; it is now clear that the nationally applied test in terms of highways impact is that an impact must be “severe” in order for the Highways and Planning Authorities to justifiably resist development on such grounds. Development proposals should comply with parking standards which are set out in a Supplementary Planning Document. In this instance, the adopted parking standards set out in Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (IGN3) and are met.
- 6.15 Whilst I note the local concerns raised regarding the surrounding local road network, in light of no technical objections to the scheme from the Highway Authority on either a capacity or safety perspective, advice which is given in the context of paragraph 32 of the NPPF, I am of the view that there are no overriding highway grounds to justify the refusal of planning permission in this instance. The proposal accords with KCC VPS.
- 6.16 I note that Kent Fire and Rescue has raised no objection to the proposal.

Trees:

- 6.17 In terms of the submitted Tree Survey, I note that some of the fruit trees on the site have not been shown on the plan. However, these would not be suitable for a formal Tree Preservation Order in any case. I am satisfied with the submitted Tree Survey.

Other Issues:

- 6.18 I note the concerns relating to a loss of view from the proposal. However, this is not a material consideration.
- 6.19 In terms of sewage connection, it is proposed to connect the proposed dwellings to the main sewer. I note the concerns raised regarding the existing sewer connection. However, this is a matter for Southern Water to address.
- 6.20 I note the concerns relating to additional light at night and the loss of Human Rights. However, these matters are not of significant material consideration in this case that would give weight to the outcome of the application.
- 6.21 In light of the above considerations I am of the opinion that the proposal is acceptable and overcomes the reasons for refusal of TM/16/00211/FL.

**7. Recommendation:**

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

This was approved in accordance with the following submitted details: Site Plan 200 A dated 10.10.2016, Location Plan 1034-100 dated 18.08.2016, Proposed Plans and Elevations 1034-201 Plot 1 dated 18.08.2016, Proposed Plans and Elevations 1034-202 Plot 2 dated 18.08.2016, Proposed Plans and Elevations 1034-203 Plot 3 dated 18.08.2016, Artist's Impression 1034-210 1 dated 18.08.2016, Artist's Impression 1034-211 2 dated 18.08.2016, Tree Protection Plan BR/TPP/1067-02 Appendix B dated 18.08.2016, Survey BR/TSP/1045-01 Tree Plan Appendix A dated 18.08.2016, Design and Access Statement dated 18.08.2016, Arboricultural Survey dated 18.08.2016,

**Conditions**

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

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

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

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

3. Within 1 month of the commencement of development, a scheme of landscaping and boundary treatment shall be submitted for approval by the Local Planning Authority. There shall be no occupation of any dwelling until the scheme is

approved. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

4. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

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, C and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of amenity.

6. No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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 turning area.

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

7. Within 1 month of the commencement of development, a scheme of surface water disposal for the development shall be submitted for approval by the Local Planning Authority. There shall be no occupation of any dwelling until the scheme is approved. 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

8. Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

9. No dwelling shall be occupied until the refuse storage area shown on the approved plans has been provided. The refuse storage area shall be retained at all times thereafter.

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

### **Informatives**

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited 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](mailto: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.
2. The applicant must liaise with KCC Highways prior to and during the construction phase to ensure that safety of all users of the public highway is maintained at all times.
3. Tonbridge and Malling Borough Council operates a wheeled bin, kerbside refuse collection service. In addition the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. On the day of collection, the wheeled bin from each property should be placed on the shared entrance at the collection point adjacent to the adopted KCC highway. The Council reserves the right to designate the type of bin/container. The design of the development must have regard to the type of bin/container needed and the collection method.
4. During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30hours - 18:30 hours. On Saturday 08:00 - 13:00 hours, with no work on Sundays or Public or Bank holidays.

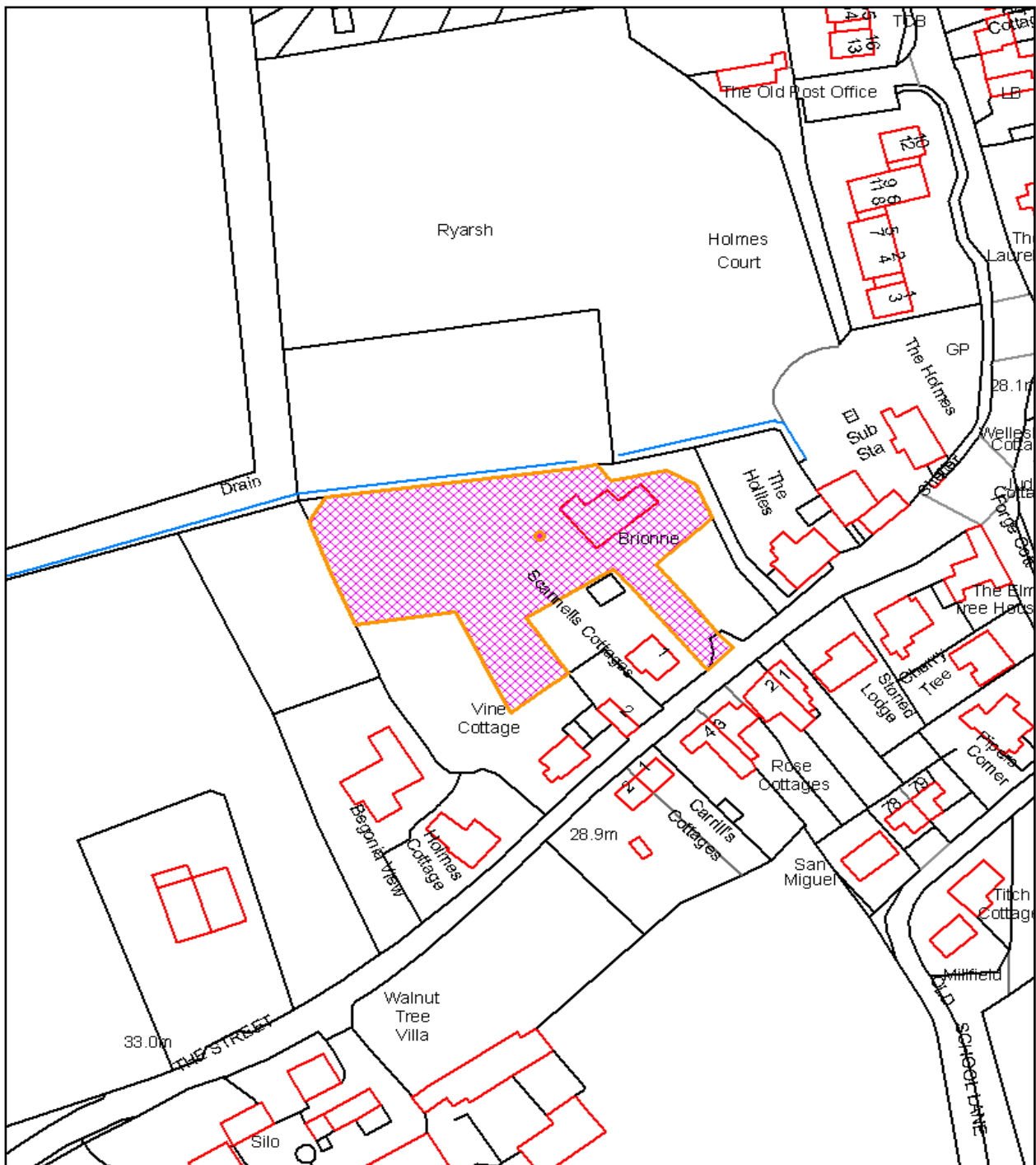
Contact: Glenda Egerton

**TM/16/02512/FL**

Brionne The Street Ryarsh West Malling Kent ME19 5LQ

Demolition of existing dwelling and erection of three detached bungalows; creation of new vehicular access and provision of access drive, landscaping and other ancillary works

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<b>Platt</b> Borough Green And Long Mill	<b>11 November 2015</b>	<b>TM/15/03084/FL</b>
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Proposal:	Erection of an industrial building comprising 3 no. light industrial units, with associated vehicle access and parking
Location:	Phase 4 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent
Applicant:	Prime Securities Ltd
Go to:	<a href="#">Recommendation</a>

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## 1. Description:

- 1.1 The application proposes the erection of a new industrial building on a currently vacant plot of land within Platt Industrial Estate (known as Phase 4) to create a building comprising 3 light industrial units, with a new access, parking and turning areas and associated engineering works, fencing and landscaping.
- 1.2 The building would measure 51m wide x 28.5m deep (1454m<sup>2</sup>) x 7m high. Each unit provides a ground floor area of about 485m<sup>2</sup>, consisting of a large workshop area and small ancillary office; a first floor mezzanine provides additional ancillary office space (78m<sup>2</sup>).
- 1.3 The building has been designed with 3 shallow dual pitched roofs hidden behind a parapet, clad with insulated metal profile roof sheeting. The external walls are to be constructed of face brick for the first 2.1m from floor level with grey/white metal panel cladding above. Windows, doors and roller doors are to be provided within the front elevation. Fire escape pedestrian doors and railings are proposed within the side and rear elevations. The window and door frames are to be olive green coloured powder-coated aluminium. The roller doors are to be olive coloured metal cladding. Solar panels and roof lights are to be located on the roof.
- 1.4 The building is to be set back a minimum of 28m from the front boundary, 3m from the rear boundary and 1.5m from the side boundaries.
- 1.5 A new access point is proposed within the northern section of the main frontage. The area between the building and the frontage is to be tarmac, with a total of 37 car parking spaces, including 2 disabled spaces, and turning/manoeuvrability areas provided. A refuse storage area is proposed within the southeast corner of the site. A retaining wall to the east side of the car parking area is to be provided 3-4m back from the frontage to respond to the change in site levels. A 2m high acoustic fence and landscaping are proposed across the frontage, both sides of the vehicle access.
- 1.6 Foul sewage is to be disposed of to the mains sewer. Surface water is to be directed to a large soakaway. A sustainable drainage scheme has also been submitted.

- 1.7 A Design and Access Statement, an Extended Phase 1 Habitat Survey, Phase 1 Desk Study and a Transport Assessment have been submitted with the application. A further Transport Statement and AADT Traffic Flows were received on 19 July 2016 and 11 August 2016, respectively.
- 1.8 A unilateral undertaking has been submitted for improvement works to the Platt Industrial Estate access road/Maidstone Road junction, which includes a revised plan for the junction works (Drg.No.614034/SK16).

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

- 2.1 The application has been called in to Committee by Councillor Taylor due to local concern.

**3. The Site:**

- 3.1 The application site is a vacant (and overgrown) parcel of land within Platt Industrial Estate located on the west side of the main access road from Maidstone Road, just to the north of the railway bridge. The site provides an enclosed setting situated between the railway line (south), Holmesdale Business Park (north) and a group of 7 light industrial units (west). The substantial industrial buildings relating to Kentinental Engineering and Mill Place lie close by to the northwest and north respectively. These surrounding industrial buildings display heights of 6m - 8.5m and are clad in a mix of brickwork and metal cladding, and provide a cluster of established industrial units within Platt Industrial Estate.
- 3.2 The topography of the site and surrounding land varies considerably with the site sloping noticeably down to the north from the railway bridge and dropping away substantially to the west toward the rear of the group of 7 industrial units. The land rises on the east side of the access road.
- 3.3 There is a group of mature cypress trees along the southern boundary adjacent to the railway line and along the northern boundary. A mature TPO tree is situated adjacent to the front northeast corner of the site.
- 3.4 The residential property of Bassetts Cottage lies directly opposite the application site to the east. Hollymount House and The Old Stables lie to the northeast of the site. The Old Stables has recently been granted planning permission for conversion to a dwelling.
- 3.5 The site is within the countryside, Metropolitan Green Belt and a Water Catchment Area. Maidstone Road is a Classified Road (A25). The site is allocated in the DLA DPD as a Major Developed Site in the Green Belt (Policy M1) with site specific caveats identified (Policy M1(3)(c)) and Other Employment Land (Policy E2). A Public Right of Way (PROW) follows the access road past the frontage of the site.



**4. Planning History (relevant):**

TM/78/10220/FUL Refuse 1 September 1978

2 warehouse units (Phase iv) on site of demolished cottages.

TM/80/11061/FUL Refuse 21 January 1980

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 1<sup>st</sup> Ed OS map and further quarrying developed to the east. There is also a post medieval or earlier farm (Bassetts

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 Right 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 (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 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”*.
- 6.8 Paragraph 89 of the NPPF 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.”*
- 6.9 The site is currently vacant and overgrown. Two permissions were granted in the mid-1980s to use part of the site for the temporary parking of commercial vehicles but from Council records this cannot be verified as having been implemented. However, whether considered to be previously developed land or not, the proposed development introduces a new industrial building that would clearly have a greater impact on the openness of the Green Belt than that existing and would therefore be *inappropriate development*. A case of very special circumstances therefore needs to be justified.

- 6.10 The site presents a unique setting in that it is largely physically enclosed within the landscape by existing industrial buildings to the west and north, a residential property to the east and the railway to the south, which, in my view, has already compromised openness to a significant degree.
- 6.11 The buildings surrounding the site include Holmesdale Business Park (8.5m high) adjacent to the north, Units 1-7 Platt Industrial Estate (100m long and 6-7m high) adjacent to the west, Kentinental Engineering (8m high) further to the northwest and Mill Place (6-7m high) further to the north. Together these industrial buildings provide an intensive group of large scale built form within the Estate. There is also an extant permission (TM/11/03020/OA) for a large scale industrial building 8.3m high on the northern section of the Phase 3 site. The proposed building would be of a comparable size and scale to the adjacent existing buildings.
- 6.12 The railway line to the south has been substantially cut into the land, providing a highly visible feature within the landscape that clearly demarcates and encloses the southern extent of the application site. The residential property of Bassetts Cottage is sited partially opposite the application site to the east.
- 6.13 The topography of the land rises to the east across the access road and to the south towards the bridge and railway line. The site is therefore situated within a dip some 8.5m lower than the rising gardens of Hollymount House and 3.5m lower than Maidstone Road and is sited on the western downslope of the land. This further shows the enclosed nature of the site.
- 6.14 Therefore, although the proposed development would impact on the openness of the Green Belt, given the unique site specific circumstances discussed above, I consider that this impact on openness would be minimal in this case.
- 6.15 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 80,000sq ft. 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 for the Borough in the new Local Plan, with the demand largely being for B2/B8 premises. 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 would assist in accommodating future short term growth that would bring notable economic benefits to the local rural economy.
- 6.18 It is also noted that the established units within the estate appear to be fully occupied which would indicate there is a clear demand for industrial premises in the local area.
- 6.19 The designation of the application site, and the Phase 3 site further to the west, as Other Employment Land for continued employment use, 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.
- 6.20 Improvements to the junction with Maidstone Road are proposed which are to be secured within a unilateral undertaking submitted with the application. This legal undertaking reflects a similar undertaking submitted as part of the permission granted for development on the Phase 3 site, under reference TM/11/03020/OA, but with minor changes to the parking bay design in line with best practice. These junction improvements represent additional benefits of the scheme.
- 6.21 I therefore conclude that, on balance, when considering the unique setting of the site which demonstrates a high level of physical enclosure that has compromised openness, along with the benefits of the development to the local economy and to the Maidstone Road junction, 'very special circumstances' are shown to exist that would outweigh the harm to the Green Belt as a result of the development's inappropriateness.

*Development Plan designations:*

- 6.22 The site is 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

6.23 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).

6.24 The proposed new industrial building 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 provisions (5) and (6) as the new building would extend the currently developed extent of the site and coverage of buildings on the site.

6.25 The building is sited directly adjacent to the existing substantial 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).

6.26 Provision (3) of Policy M1(1), which relates to traffic and highway safety, will be dealt with in a later section of this report.

6.27 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.

Development in the Countryside:

6.28 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.

Character and visual amenity:

6.29 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.

6.30 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.

6.31 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.

6.32 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.

6.33 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.

- 6.34 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:

- 6.35 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.
- 6.36 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.
- 6.37 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.
- 6.38 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.
- 6.39 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.

- 6.40 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.
- 6.41 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:

- 6.42 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 Bassetts 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.
- 6.43 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 Bassetts Cottage. I am therefore satisfied that the new building would not be visually intrusive to the nearby residential properties.
- 6.44 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.
- 6.45 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 Bassetts 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.

- 6.46 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, at 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.
- 6.47 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.
- 6.48 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:

- 6.49 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.
- 6.50 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.

- 6.51 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.
- 6.52 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).
- 6.53 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:

- 6.54 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.
- 6.55 The EA has also reviewed the application details and considers the proposal to have a low environmental risk.
- 6.56 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.
- 6.57 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.
- 6.58 The development, subject to the conditions suggested, would therefore accord with paragraphs 120-121 of the NPPF.
- 6.59 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.

- 6.60 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.
- 6.61 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.
- 6.62 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:

- 6.63 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.

Conclusion:

- 6.64 The proposed development would be *inappropriate development*, but due to the unique circumstances of the site setting and the benefits that the development will bring to the local economy and to the Maidstone Road junction, 'very special circumstances' are considered to exist that would outweigh the harm to the Green Belt as a result of the development's inappropriateness. I also do not consider there to be any other harm from the development identified in the report that would alter this position.
- 6.65 The scheme does not comply with provisions 1 and 4-6 of Policy M1 of the DLA DPD, relating to building height, extent and coverage of the site and impact on openness or Policy CP14 of the TMBCS relating to development in the countryside, and is therefore contrary to the Development Plan. However, I 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 the Development Plan, in this specific case.

- 6.66 In light of this, 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.
- 6.67 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 or 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](http://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](mailto: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.

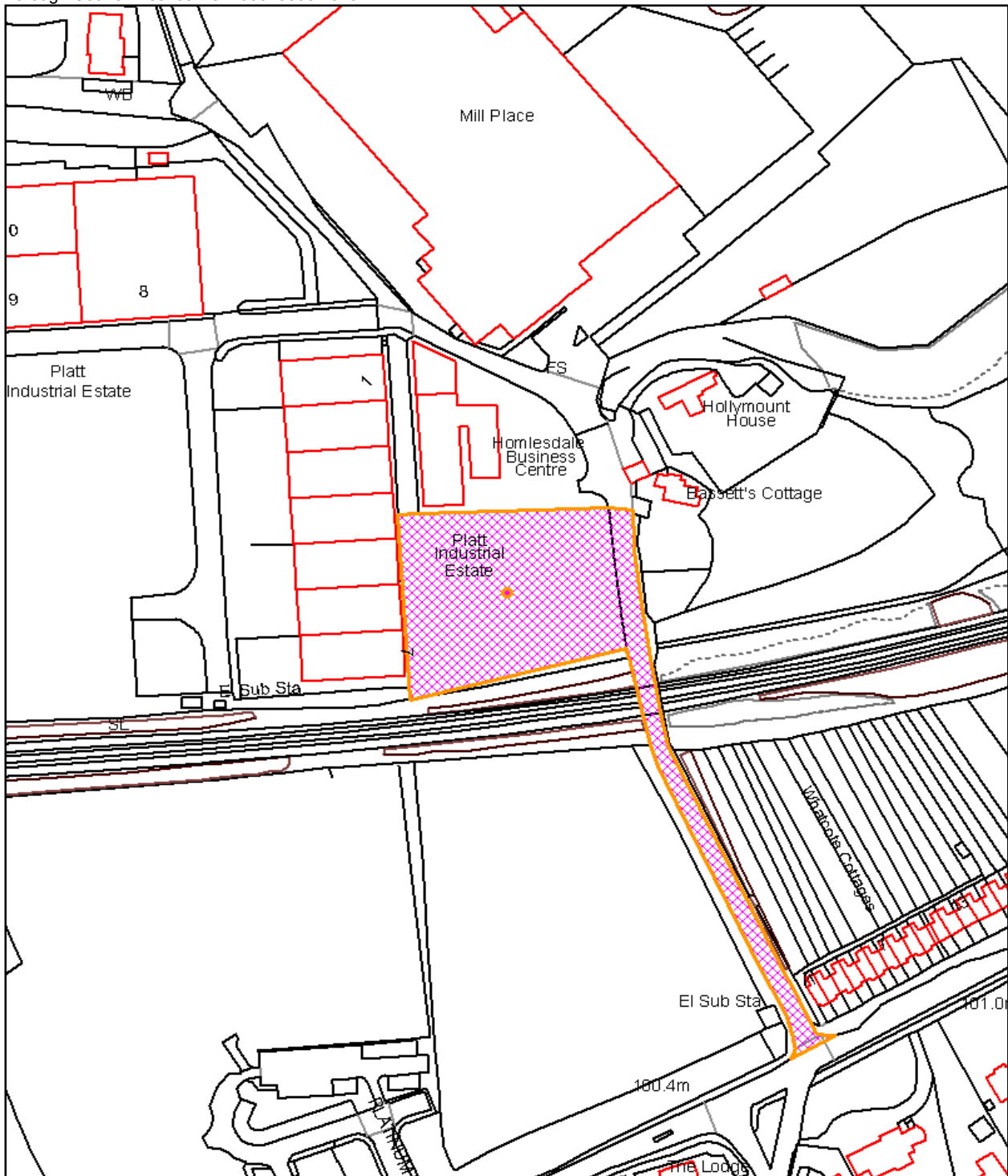
Contact: Mark Fewster

**TM/15/03084/FL**

**Phase 4 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent**

Erection of an industrial building comprising 3 no. light industrial units, with associated vehicle access and parking

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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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