

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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Gibson Drive  
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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)

6 December 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, 14th December, 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

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 9 November 2016

**Decisions to be taken by the Committee**

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

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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**

14. 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, 9th November, 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 Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw and Cllr Miss S O Shrubsole

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

Apologies for absence were received from Councillors Mrs S M Barker and L J O'Toole

### PART 1 - PUBLIC

#### **AP2 16/64 DECLARATIONS OF INTEREST**

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

For reasons of transparency Councillor Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council. As this did not represent either an Other Significant Interest or Disclosable Pecuniary Interest there was no requirement to leave the meeting.

#### **AP2 16/65 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 28 September 2016 be approved as a correct record and signed by the Chairman.

### DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 1, PART 3 OF THE CONSTITUTION

#### **AP2 16/66 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 16/67 TM/15/03051/FL - ST GEORGES COURT, WEST STREET, WROTHAM**

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

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

- (1) The proposed redevelopment within a rural settlement does not comply with policy CP13 of the Tonbridge and Malling Borough Core Strategy 2007 and there are insufficient material considerations to justify the setting aside of that policy.
- (2) The proposed footprint, scale, bulk and massing of the new building results in an overbearing appearance which is also out of character with the street scene. The proposal is therefore contrary to Policy CP24 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

[Speakers: Wrotham Parish Council (Mr H Rayner); Mr P Gillin (on behalf of CPRE), Mr P Parkinson; Mr B Bell (on behalf of Courtyard Gardens residents) and Mr P Hicks – agent]

**AP2 16/68 TM/16/01600/FL - THE OLD STABLE BUILDING, OLD PARSONAGE COURT, WEST MALLING**

The application was WITHDRAWN from the agenda pending arrangements for a Members' Site Inspection.

**AP2 16/69 TM/16/02153/FL - PLOWENDERS CLOSE, ADDINGTON**

The application for 6 bungalows was WITHDRAWN.

Planning permission had subsequently been granted for a scheme for 5 bungalows under application TM/16/02153/FL, which was determined under delegated powers by the Director of Planning, Housing and Environmental Health

**AP2 16/70 TM/15/03865/FL - GREAT OAKS HOUSE, PUTTENDEN ROAD, SHIPBOURNE**

The application was WITHDRAWN from the agenda at the start of the meeting due to a technical error, which had resulted in all information that would help the Committee reach an informed decision not being available.

**AP2 16/71 TM/16/02512/FL - BRIONNE, THE STREET, RYARSH**

Members were advised that due to a technical error those who had made representations during the course of this application were not notified that it was to be reported to this Planning Committee. As a result sufficient time would not have been afforded to those wanting to attend or address the Committee.

The application was WITHDRAWN from the agenda

**AP2 16/72 TM/15/03084/FL - PHASE 4, PLATT INDUSTRIAL ESTATE, MAIDSTONE ROAD, PLATT**

Erection of an industrial building comprising 3 no. light industrial units, with associated vehicle access and parking at Phase 4, Platt Industrial Estate, Maidstone Road, Platt.

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

(1) Additional Condition:

27. Prior to the commencement of development, a strategy and timetable for all measures to improve both the safety and the environmental conditions of the access road shall be submitted to and approved by the Local Planning Authority. The strategy shall be implemented as approved.

Reason: In the interest of safety and amenity pursuant to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

(2) Additional Informative:

11. The strategy pursuant to condition 27 will need to be drawn up in liaison with Kent County Council (Highways and Transportation) and the Environmental Protection Team of Tonbridge and Malling Borough Council and will be expected to have examined issues such as (i) traffic visibility mirror on the junction; (ii) acoustic fencing; (iii) clearing of roadways (iv) HGVs idling within the site.

[Speakers: Platt Parish Council (Mrs P Darby); Mr R Hook; Ms K Craigie;  
Ms P Dakin – members of public]

**AP2 16/73 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 10.30 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

## 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 originally scheduled for 2 November 2016 was cancelled and deferred to 6 December 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 9 November 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  
Go to: [Recommendation](#)

---

**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:**

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Contact: Leslie Sayers

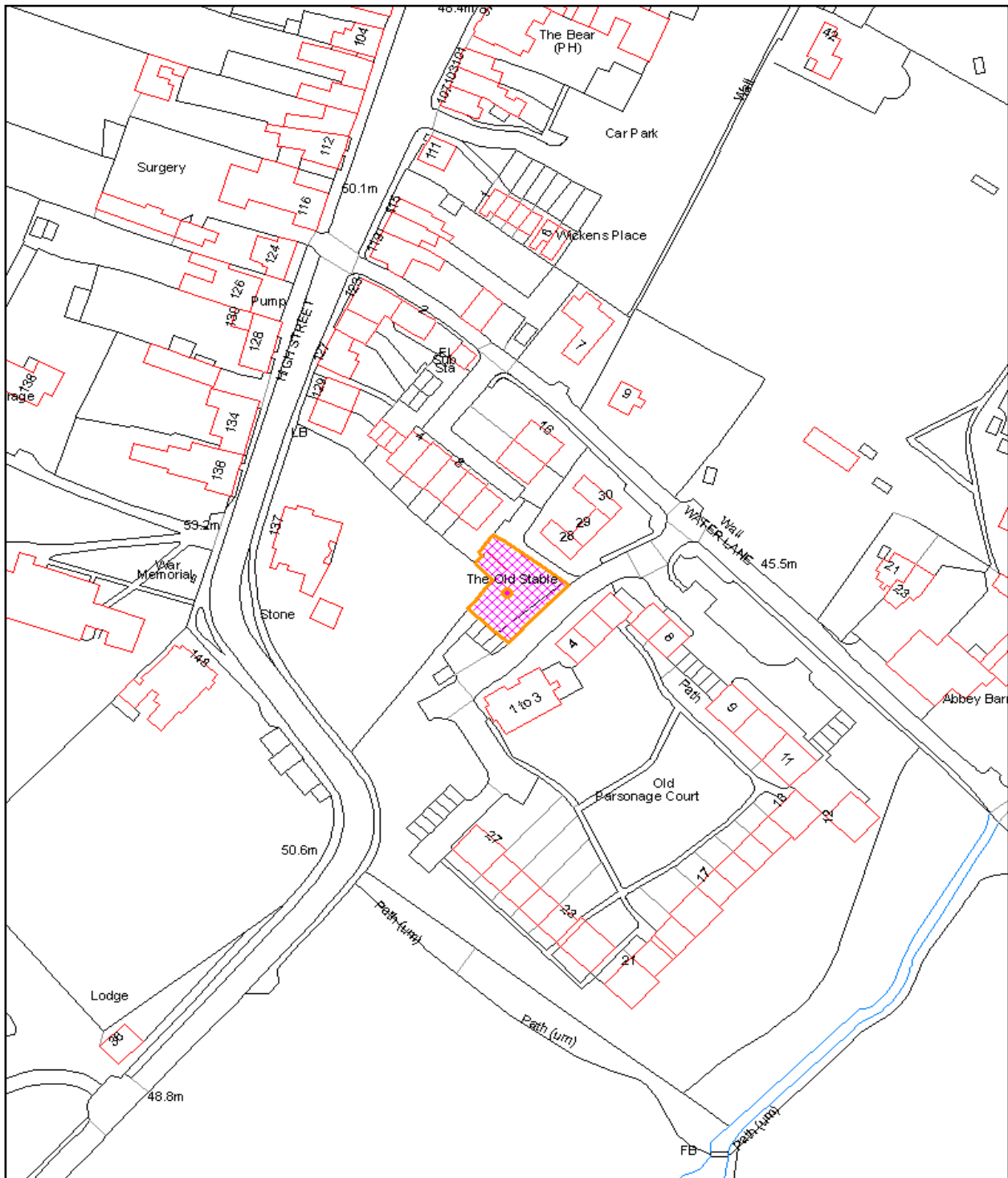


**TM/16/01600/FL**

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

Two storey side extension

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**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. Copies of the Committee and Supplementary report are annexed for ease of information.
- 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.
- 1.5 In addition to this, the applicant has submitted plans amending the proposed dwelling, so that the proposed dwelling would be of the same volume as the existing buildings. This reduction in volume has been achieved by reducing the length of the building, reducing the thickness of the wall of the dwelling and reducing the overhang of the roof.

## 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 verbatim within the following assessments where applicable. The proposal needs to be considered in relation to both relevant Green Belt policy and countryside policy.

#### *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 The proposal has been amended so that volume of the proposed dwelling is the same as the existing buildings to be removed. The buildings to be removed include a greenhouse and timber shed building. These low level buildings are of a less permanent nature to the replacement building. Then looking at the north-east and south-west elevations the bulk of the proposed building will appear greater than the existing. However, the plans include a recessed area in part of the roof, with roof windows set into this recess. This will limit the impact of the windows when viewing the north-west elevation. On balance, I am of the opinion that the proposal to further reduce the bulk of the building when taken into account with these other factors will result in a building that will not have a significantly greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, in accordance with paragraphs 87-90 of the NPPF 2012 and Policy CP3 of the TMBCS 2007.

4.11 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.

4.12 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 bounds the area to the rear of the stable building.

- 4.13 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:*

- 4.14 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.

- 4.15 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.”*

4.16 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.

4.17 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:*

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

4.19 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.*

4.20 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:

4.21 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.

4.22 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.

4.23 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.

4.24 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.

4.25 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:

4.26 In conclusion, I am of the opinion that whilst the proposal is acceptable in Green Belt terms, 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 within the countryside. 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 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

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**Report from 2 March 2016**

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<b>Shipbourne</b>	<b>560777</b>	<b>9 December 2015</b>	<b>TM/15/03865/FL</b>
Borough Green And Long Mill	<b>151813</b>		

Proposal:	Proposed conversion of existing stable and hay barn into dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities
Location:	Great Oaks House Puttenden Road Shipbourne Tonbridge Kent TN11 9RX
Applicant:	Mrs L Cohen

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**1. Description:**

- 1.1 The proposal seeks planning permission for the conversion of the existing single storey stable and hay barn building into a 2 storey residential dwelling, with reconstruction of the hay barn and a new gable ended pitched roof over the whole building where there is a current part pitched and part flat roof. The new roof will cantilever out to result in a covered rear porch. There will be a cut-out dormer on the rear roof face.
- 1.2 The converted stable building will provide accommodation consisting of living/dining/kitchen and 3 bedrooms, together with ensuite bathroom and shower room. Within the stable building, it is proposed to reuse the existing door openings on the south-east elevation.
- 1.3 Access to the proposed dwelling would be provided via an existing field access that connects with Puttenden Road and currently serves the stables and adjacent fields. Vehicle parking is shown to be provided by a new area of gravel hardstanding to the front of the buildings. A small curtilage would be provided around the new dwelling.
- 1.4 It is proposed to remove the existing corrugated roof and replace it with natural slate. It is proposed to replace the softwood windows with powder coated aluminium.
- 1.5 The residential curtilage of the converted building would extend to the rear of the building by 3.5m, but the main garden area would lie to the north-east of the building.

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

- 2.1 At the request of Councillors Shaw and Taylor, on the grounds of continuity because of similar works in the vicinity.

### 3. The Site:

- 3.1 The site comprises a disused stable building and hay barn. To the front of this lies a grassed area of land, with mature ornamental vegetation located towards the north-eastern and south-eastern boundaries. It lies within land owned by Great Oaks House, but not predominantly residential curtilage.
- 3.2 To the north-west of the site lies an open agricultural field, also falling within the ownership of the applicant.
- 3.3 The site lies within the open countryside and MGB. The site is also within an AONB and AAP.

### 4. Planning History (relevant):

TM/00/00853/FL	Grant With Conditions	13 June 2000
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Erection of conservatory to the rear

TM/75/11352/FUL	grant with conditions	4 April 1975
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Stables.

TM/77/10355/FUL	grant with conditions	9 August 1977
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Erection of Hay Store.

TM/12/00189/LDE	Refuse	11 June 2012
	Appeal Allowed (on smaller area)	9 September 2013

Lawful Development Certificate for existing use of land as residential curtilage

### 5. Consultees:

- 5.1 PC: No objection
- 5.2 Private Reps (2/0X/5S/0R + Site Notice): 5 letters of support received.

### 6. Determining Issues:

- 6.1 The main issues are whether the proposal would be inappropriate development in the Green Belt, whether the building is capable of acceptable conversion to a dwelling and whether the conversion and proposed external alterations to the

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building would adversely affect the AONB or the visual amenity of the broader rural locality.

- 6.2 The application site is in the Green Belt and therefore Section 9 of the NPPF applies. Within this Section paragraph 90 advises that the re-use of buildings that are of permanent and substantial construction, along with engineering operations, are a certain form of development that is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. I consider that a conversion of an existing building and retaining of the land around the building would, in principle, meet this provision. However, for this specific proposal, the hay barn would require substantial reconstruction and alteration and a new roof is proposed over the stable building. This new roof results in a volume increase of over 50%. That is not an exception under paragraph 90 and would therefore be inappropriate development in the Green Belt. This is reflected by Policy CP3 of the TMBCS.
- 6.3 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. One of these is the conversion of an existing building for residential use. However, the proposal would not comply with this policy given that the proposal would involve substantial/major reconstruction.
- 6.4 Policy DC1 of the MDEDPD relates to the re-use of rural buildings. Parts 1 and 2 of this policy are relevant to this proposal. These are addressed below.
- 6.5 The applicant has not submitted a Structural Survey with the application. However, paragraph 7.2 of the submitted Planning, Design and Access Statement acknowledges that the hay barn structure would need substantial reconstruction and alteration and that a new roof over the dwelling would be required. The hay barn consists of approximately half of the existing built form, and therefore I am of the opinion that it can be concluded that the proposal is contrary to paragraph 90 of the NPPF and DC1 of the MDE DPD. The proposed new roof would be at a greater pitch on the rear of the proposed building and this would also create increased volume to the building that indicates the building is not being “converted” in the true sense of the word.
- 6.6 It is proposed to replace the existing stable doors at the front of the building with large windows and put a mock-weatherboarded door next to each of these windows, to create the appearance of open stable doors. Whilst timber doors would be preferable, I am of the opinion that this would not harm the character and appearance of the existing building sufficient to be another reason for refusal.
- 6.7 The building is well separated from Great Oaks House and The Stables and visually well screened by a high wall. The proposal would therefore be acceptable in terms of residential amenity. There are a number of residential dwellings near to the application site. The proposal would not result in a loss of privacy or light to the neighbouring properties.

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- 6.8 It is proposed to use the existing access onto Puttenden Road. Given the existing use, I am of the opinion that the proposed dwelling would not result in any additional highway impact. The proposal shows sufficient off-street parking provision to accord with Kent Vehicle Parking Interim Guidance Note 3, along with sufficient turning space.
- 6.9 The proposed use will not affect any surrounding agricultural land holding. Some additional hedging is proposed. The visual impact of these hedges would not be out of place with this rural locality.
- 6.10 A Bat Building Survey has been submitted, prepared by Martin Newcombe Wildlife Management Consultancy. The survey concludes that the buildings are dry and well-ventilated, producing a poor habitat for roosting bats. One bat dropping was found when exploring the stables, and it is likely that this was from a bat exploring the stables. The report considered the possibility of other wildlife being present. There were no suitable adjacent hedges suitable for use by dormice, or ponds suitable for great crested newts in the vicinity of the survey site, and no badger setts or field evidence in the area. The grass around the survey site had been regularly cut and was totally unusable by common reptiles. As a result of these findings it was considered that the proposal would be unlikely to impact upon protected species, although the report did recommend ecological enhancement measures.
- 6.11 The stable building and hay barn are not listed buildings, and not within the Conservation Area.
- 6.12 The proposal is sited next to an existing residential property and surrounded by adjacent garden land. The proposed curtilage comprises a sufficiently modest and relatively contained area. Whilst the screening from the highway would minimise the impact of the normal domestic paraphernalia on the rural character of the area, it will still introduce domestic paraphernalia into the area.
- 6.13 Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances. In this case, the proposed new dwelling would be isolated in that it would be outside of any nearby settlement. However, the development would re-use a redundant building.
- 6.14 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.15 The external alterations to the front of the building will retain the rural stable appearance of the existing stable building. Given that the hay barn will need to be

rebuilt, and a new, higher pitched roof is proposed to the rear of the stable building, the main visual change resulting from the proposal would be to the rear of the building. This new roof results in a volume increase of over 50%. I am of the opinion that the proposal will appear more bulky in appearance than the existing building and would appear less rural, therefore out of keeping with the surrounding rural locality and openness of the Metropolitan Green Belt. The proposed changes to the rear are fairly contemporary. Whilst these changes will result in a building that would be less rural in character, when viewed from the rear, on balance I am of the opinion that the proposal will not have a significantly detrimental impact upon the character of the building and would not be contrary to Policy CP24 of the TMBCS.

- 6.16 Given the relatively small scale of the development, the proposal would not, in my view, adversely affect the natural beauty and quiet enjoyment of the AONB. The proposal would therefore satisfy policy CP7 of the TMBCS.
- 6.17 I have considered other consents which may be able to be considered to be similar to this proposal. Relatively close to the site, planning permission has been given for the extension and conversion of existing agricultural barn to provide a three bedroom dwelling together with the demolition of three remaining agricultural buildings and the erection of detached garage at land adjacent to Hookwood Orchard, Puttenden Road (TM/15/00850/FL). This was approved largely on the basis that the resulting building would have been a lot smaller than the existing and that the proposal would improve the appearance of an untidy site.
- 6.18 Also, a proposal for the conversion of equestrian buildings to form 1 no. residential dwelling and associated works at land opposite Highlands Farm, Horns Lane, Mereworth (TM/15/01576/FL), was refused planning permission at Area 2 Planning Committee on 19 August 2015. One of the reasons for this decision was that the buildings could not be converted into a dwellinghouse without major reconstruction and extension, and would therefore be inappropriate in the Green Belt and countryside.
- 6.19 In light of the above considerations, I am of the opinion that the proposal is contrary to paragraph 90 of the NPPF and Policy DC1 of the MDE DPD, in that the existing buildings that are proposed to be re-used are not all of permanent and substantial construction and that the hay barn structure would need substantial reconstruction and alteration and that a new roof over the dwelling would be required. I can see no inconsistencies in these decisions and it must be remembered that cases should be determined on their merits. In light of this, it is recommended that the application be refused.

## **7. Recommendation:**

### **7.1 Refuse**

- 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 substantial reconstruction and enlargement of a rural building. The proposed development therefore constitutes inappropriate development and would therefore be contrary to paragraph 90 of the National Planning Policy Framework 2012, policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and policy DC1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010. No very special circumstances or material considerations are considered to outweigh the harm.

Contact: Glenda Egerton



## SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 2 March 2016

**Shipbourne                      TM/15/03865/FL  
Borough Green & Long Mill****Proposed conversion of existing stable and hay barn into dwelling house (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities at Great Oaks House Puttenden Road Shipbourne for Mrs L Cohen**

**Applicant:** A further letter and comparison plan has been received from the applicant who is concerned that there are a number of inaccuracies in the main committee report.

**Private Reps:** There have been a total of six letters of support received.

**DPHEH:** The proposal will not increase the overall ridge height of the building. However, it is proposed to increase the pitch of the rear of the roofslope of the existing stable building to be of a greater pitch, so as to form a catslide roof over the rear of the stable building and the hay barn.

The applicant has clarified that the land to the north-west of the site is equestrian paddock land, in association with the stables and hay barn.

The applicant has raised an inaccuracy in the main committee report, in relation to paragraph 6.2, which states that the new roof will result in a volume increase of 50%. I think that it is fair to say that the increase in volume that would result from the new roofslope would be approximately 19%. The applicant has stated that their calculations of the existing hay barn and stable are 482 cubic metres, and the proposed volume is 576 cubic metres. However, given that the hay barn would require substantial reconstruction and alteration and a new roof is proposed over the stable building means that the proposal is not an exception under paragraph 90 and would therefore be inappropriate development in the Green Belt. This is reflected by Policy CP3 of the TMBCS.

**RECOMMENDATION REMAINS UNCHANGED.**

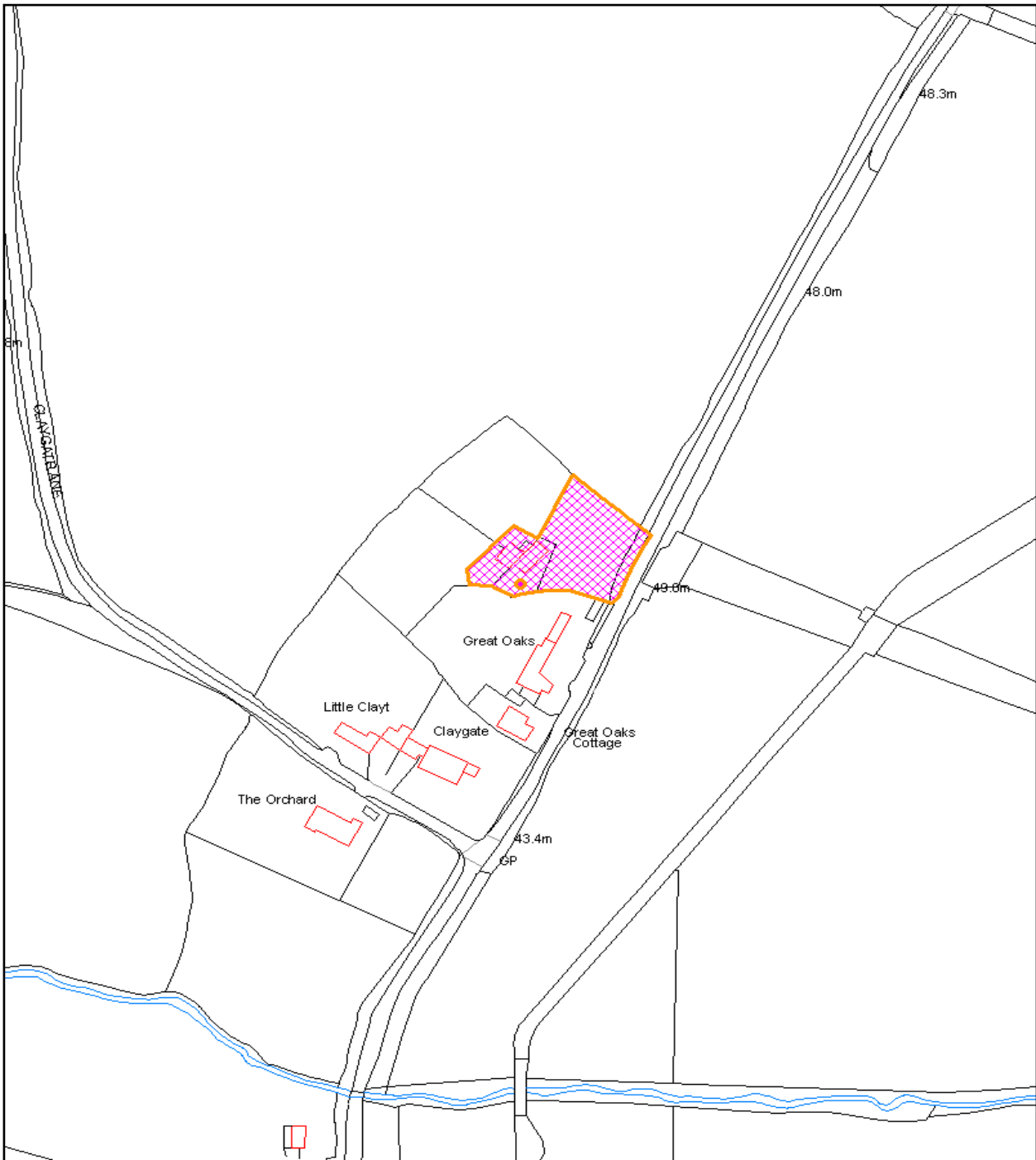
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**TM/15/03865/FL**

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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**Borough Green**  
Borough Green And  
Long Mill

**14 June 2016**

**TM/16/01859/FL**

Proposal: Demolition of four industrial buildings and construction of a replacement industrial unit and a flexible change of use within Use Classes B1, B2 and B8 as well as use by Robert Body Haulage for parking and maintenance of vehicles and office use as an administrative base.

Location: Development Site Long Pond Works Wrotham Road Borough Green Sevenoaks Kent

Applicant: Robert Body Haulage

Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 The proposal seeks planning permission to demolish six of the existing industrial buildings and for the construction of a replacement building, which is shown to contain four units. It is proposed that two of these units will be used as a base by the applicant, Robert Body Haulage, and the remaining floorspace and other existing buildings are intended to be let for flexible B1/B2/B8 uses.
- 1.2 It is proposed that one unit would comprise a mezzanine floor and double height storage space and small reception area located to the front of the unit.
- 1.3 The existing buildings have ridged roofs and range in height from 3.25m to 5.50m, and with an eaves height of between 2.14 and 3.9m. The footprint of the existing buildings to be removed is 926sqm.
- 1.4 The proposed building would measure 51.8m by 17m. The height of the proposed building ranges from 6.04m to 6.8m and the eaves height ranges from 4.4m to 5.33m, and has been designed with a shallow sloping roof. The height varies to accommodate the changes in ground level of the site. The footprint of the proposed building is 880sqm.

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

- 2.1 At the request of Cllr Mike Taylor to ensure sufficient weight given to policy.

## **3. The Site:**

- 3.1 The site is approximately 0.8 hectares in size and comprises a former fencing manufacturing and distribution yard, which lies adjacent to Borough Green Sandpit. A number of industrial units are located within the site, many of which appear to be disused.

- 3.2 A number of mature trees and shrubs surround the site. To the north-west lies Borough Green sandpit and landfill, and further units lie to the west. The sandpit is still in operation.
- 3.3 The site lies outside of the settlement confines of Borough Green, within the open countryside and Metropolitan Green Belt. Borough Green lies to the south-west of the site
- 3.4 The site is accessed from the A227 Borough Green Road by a private road, which also served the sandpit and landfill, along with the other units in the yard.
- 3.5 The site was previously a gas works.

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

TM/02/01799/FL      grant with conditions      19 September 2002

Change of use of land for open storage for fencing and buildings contractors firm

TM/03/03140/FL      Grant with conditions      22 December 2003

Change of use of land to include mobile platforms and erection of 7 structures on site

**5. Consultees:**

- 5.1 PC: No objections but any approval should be conditional on:
  - 1. Lorries must not use the High Street, Borough Green. They should enter/exit the site from the north, using the Whitehill roundabout Wrotham.
  - 2. A robust condition should be imposed stressing that this is not a 'halfway house' to any future housing development;
- 5.2 EA: The site is located in a sensitive setting for groundwater resources, and therefore it is critical that environmental risks of historic contamination and interactions with the proposed development are very carefully considered and managed during any development. No objection, subject to conditions requiring further details relating to potential risk to the groundwater resource in the underlying aquifer and pollution.
- 5.3 KCC (Highways): The existing access is of a good standard and exhibits a low crash record. The Transport Statement mentions a condition requiring the applicant to agree a Construction and Environmental Management Plan prior to implementation, which would be advisable.

- 5.4 KCC (Archaeology): The site is within an area of archaeological potential associated with Palaeolithic remains and later prehistoric and post medieval remains. No objections, subject to condition requiring the submission of an archaeological investigation to be submitted prior to development.
- 5.5 Private Reps: 24/0S/0X/1R + Art 15 Site Notice. Two letters received, objecting on the following grounds:
- concerns about additional traffic resulting from the proposal;
  - increased noise to adjacent dwellings. A Noise Assessment should be required if planning permission is approved given that the site is to be used for nearby vehicle noise;
  - there should be constraints on the running and revving of engines to within normal work hours;
  - noise attenuation barriers should be placed between the development and the surrounding residential areas.

## **6. Determining Issues:**

- 6.1 The site lies within the open countryside and Metropolitan Green Belt.
- 6.2 Policy CP3 of the TMBCS advises that National Green Belt policy will apply. Paragraph 87 of the NPPF states that *“as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 6.3 Paragraph 88 follows, stating that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.
- 6.4 Policy M1 of the DLA DPD identifies the site as a Major Developed Site in the Green Belt (MDS) which, notwithstanding the Green Belt location, confirms this site as one where infill development or redevelopment will be permitted in principle. It derives from a national planning objective in paragraph 89 of the NPPF to achieve environmental benefits from encouraging reasonably beneficial uses for such previously developed land.
- 6.5 Policy M1 includes a number of criteria to be applied when considering applications for redevelopment. These include:
- It does not lead to any greater impact on the openness of the Green Belt and the purposes of including land within it;

- It leads to an overall improvement in the environment, does not harm the landscape setting, includes provision for maintenance of landscaped areas and appropriately integrates within its surroundings;
- Any changes to traffic generated can be satisfactorily accommodated without conflict with rural amenity and without prejudice to highway safety;
- It does not exceed the height of existing buildings;
- For infill development, it does not result in an extension to the currently developed extent of the site; and
- For redevelopment, the proposed coverage of the site by buildings is no larger than the ground floor extent of the original buildings.

6.6 In addition, there are also site specific caveats in respect of Long Pond Works (section d), which the site is also known as. These are:

- Investigation and remediation of any land contamination;
- Any necessary mitigation measures identified as a result of an archaeological assessment;

6.7 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. The redevelopment of defined Major Development Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability is listed.

6.8 The site is also allocated within Policy E2(i) of the DLA DPD as being a site 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.

6.9 Therefore, the principal of this use in this location is acceptable in policy terms.

6.10 The footprint of the existing buildings to be removed is 926.14 sqm and the footprint of the proposed building is 880.6sqm. Therefore, the footprint of the proposed building is less than the existing buildings to be removed by 5%.

6.11 The height of the existing ridged roof buildings to be removed is a maximum height of 5.5m high. Buildings 2 and 4 are the lowest of the buildings proposed to be removed and measure 4m in height. The height of the proposed replacement building is 6.2m, an increase of 0.7m compared with the highest of the buildings to be removed (unit 10), and an increase of 2.2m compared with the lowest of the buildings to be removed. Whilst the applicant has amended the proposal to remove more buildings from the site which have a higher ridge height, the overall



height of the proposed building remains greater than most of the buildings to be replaced. The majority of the proposed units would be single storey. However, a mezzanine is proposed to be installed in Unit 1. In light of this, I am of the opinion that the proposal does not comply with Policy M1(d). This increase in height of the buildings will also have a greater impact on the Green Belt, contrary to Policy M1(a). The proposed replacement building has been designed with a shallow monopitch roof, resulting in a significant amount of additional bulk within the roofslope. This in itself will have a greater impact upon the openness of the Green Belt, in my opinion.

- 6.12 Consequently, I am of the opinion that the proposed development will worsen the existing impact of the site on the visual amenity of the surrounding locality.
- 6.13 The applicant is seeking to address this issue and is proposing to reduce the height of the buildings by reducing the ground level by 1m so that the overall height of the proposed buildings is similar to the existing. However, I am of the opinion that this will not overcome the impact that the proposal will have upon the openness of the Green Belt. The overall height of the proposed building remains greater than most of the buildings to be replaced. Whilst setting the building further into the ground would reduce the overall height of the building, I am of the opinion that the proposed building would still have a greater impact on the openness of the Green Belt than the existing development and the rural amenity of the countryside, particularly given the mono-pitch roof design, which gives the building a greater volume than the existing. The engineering operation involved in lowering the ground level would also be problematic in itself within the Green Belt. The intention of Policy M1 is not that the proposed building should not exceed the highest unit within the site, but the height of the buildings to be replaced.
- 6.14 The applicant suggests that the proposed building has to be of the height proposed to allow fork-lift trucks to access into the units. However, I do not consider that this provides sufficient justification to increase the height of the buildings. The policy relating to the site could equally apply to uses not requiring access by a fork-lift truck.
- 6.15 Whilst I appreciate that some of the site has planning permission for open storage up to 7 metres in height, and some of the remaining buildings measure 8.17m high, I do not consider this justification for replacing the existing buildings with taller buildings. The overall impact upon the rural amenity of the surrounding locality and the openness of the Green Belt will be greater.
- 6.16 I note that there is some degree of mature tree screening around the periphery of the site on land within the applicant's control. However, I am of the opinion that this does not adequately mitigate against the impact that the proposed buildings would have upon the openness of the Green Belt and the surrounding countryside.
- 6.17 Whilst I note the recent planning permission for a similar scheme at Nepicar Park, which was also allocated as a site under Policy M1 of the DLA DPD, where taller

buildings have been approved on the site, there are a number of differences between the two sites, such as the topography, the site history relating to Nepicar Park, and the proximity of the site to three trunk roads and two motorways, including the elevated M26.

- 6.18 The proposed development results in additional employment provision in accordance with Policies CP1, CP21 and CP24 of the TMBCS, which should be supported, in line with the NPPF, in particular paragraphs 18-21.
- 6.19 The building proposed would be of a steel-framed construction with a steel profile clad roof. The existing buildings are concrete block/brick buildings with metal/asbestos roofs. Whilst the existing buildings are relatively old and reaching the end of their useful life, I am of the opinion that the proposed building, with its monopitch roof, would not be in keeping with the surrounding rural locality.
- 6.20 It is proposed to use the existing access from Borough Green Road to serve the development. It is proposed to widen the area for access within the site to allow for OGV movements within the site. KCC (Highways) is of the opinion that the net potential trip generation of the proposal is not severe. The access is of a good standard and exhibits a good (low) crash record. In light of this, KCC (Highways) raises no objections to the proposal on highways grounds. The submitted Transport Statement suggests a condition requiring the applicant to agree a Construction and Environmental Management Plan prior to implementation, which I consider would be a good opportunity to consider the access arrangements in light of the Parish Council's comments
- 6.21 Issues relating to noise attenuation and ground contamination can adequately be dealt with by condition. I note the comments of the EA and am satisfied that these matters can be dealt with by appropriate conditions.
- 6.22 In light of the adjacent Borough Green Sandpit operation and the existing use as industry, I do not consider that the proposal will have a significant adverse effect upon residential amenity in terms of dust, smell and vibration on residential or rural amenity.
- 6.23 In light of the above considerations, I am of the opinion that the proposal cannot be supported in its current form.

## **7. Recommendation:**

### **7.1 Refuse**

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined by paragraph 89 of the National Planning Policy Framework and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007. The proposal would result in a significant increase in the height and bulk of the existing buildings, and would therefore have a greater impact on the openness of the Green Belt, contrary to

Policy M1 of the Development Land Allocations Development Plan Document 2008. The Local Planning Authority does not consider that any special circumstances have been demonstrated to justify setting aside the policy objections.

2. The site lies within the open countryside. The Local Planning Authority does not consider that the proposal would improve the visual appearance or enhance the openness of the countryside. Consequently, the development does not fall within any of the categories of development listed within policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 as being acceptable, in principle, within the countryside.

Contact: Glenda Egerton

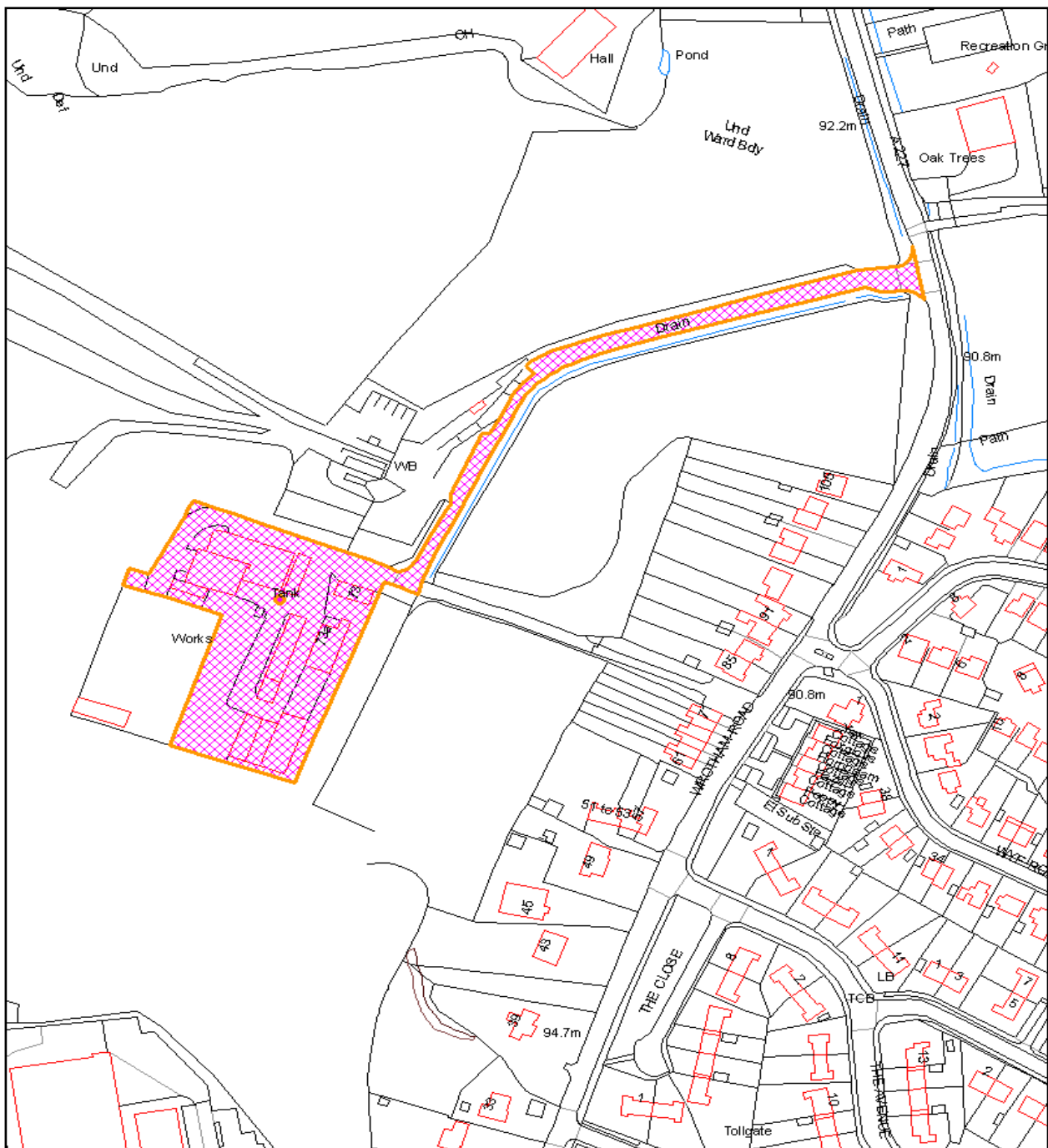
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**TM/16/01859/FL**

**Development Site Long Pond Works Wrotham Road Borough Green Sevenoaks Kent**

Demolition of 6 industrial buildings and construction of a replacement industrial unit and a flexible change of use within Use Classes B1, B2 and B8 as well as use by Robert Body Haulage for parking and maintenance of vehicles and office use as an administrative base

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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 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 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.
- 6.14 The applicant has submitted details of the proposed materials. I am of the opinion that these materials are in keeping with the surroundings and will respect the local vernacular.

Access and Parking Provision:

- 6.15 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 SPD. In this instance, the adopted parking standards set out in Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (IGN3) and are met.
- 6.16 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.
- 6.17 I note that Kent Fire and Rescue has raised no objection to the proposal.

Trees:

- 6.18 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:

- 6.19 I note the concerns relating to a loss of view from the proposal. However, this is not a material consideration.
- 6.20 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.
- 6.21 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.
- 6.22 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, Materials Schedule dated 08.11.2016.

**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. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or 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@tmbs.gov.uk](mailto:addresses@tmbs.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

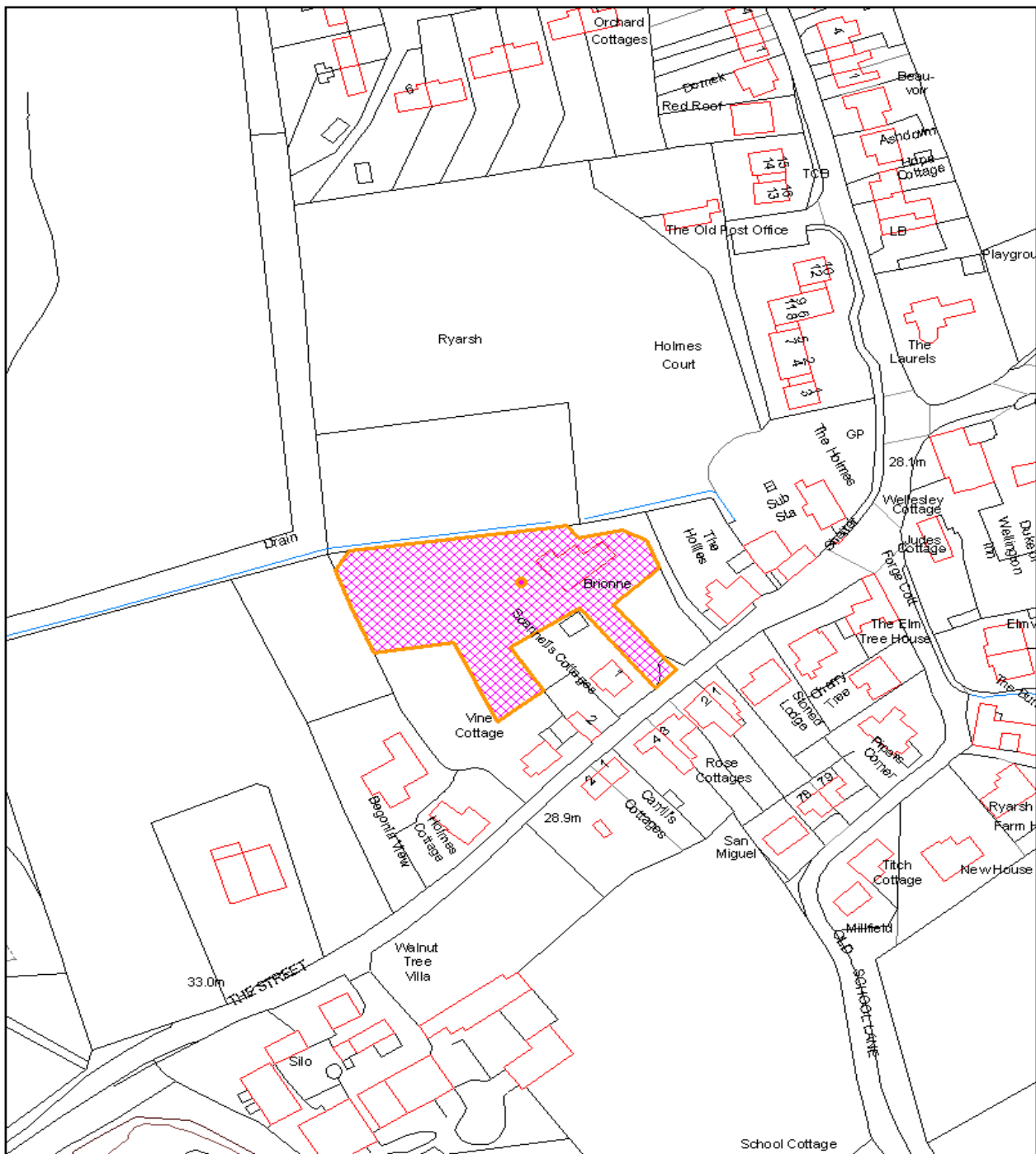


**TM/16/02512/FL**

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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**Trottscliffe**  
Downs And Mereworth

**23 September 2016**

**TM/16/00990/FL**

Proposal: Erect a new detached dwelling house  
Location: Land Adjacent To Downsview 8 Green Lane Trottscliffe West  
Malling Kent ME19 5DX  
Applicant: Mr Daniel Dryden  
Go to: [Recommendation](#)

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## 1. Description

- 1.1 The application seeks planning permission for a four-bedroom detached house. The main element is a 2.5 storey rectangular module, 7.9m deep by 10.1m wide, with a gabled roof, incorporating a bedroom within the roofspace. A single-storey wing on the north side, 5.2m deep by 7.1m deep, projects 1.2m forward with a similar gabled roof. The height would be 4.7m to the eaves and 9m to the ridge for the main block and 2.2m to the eaves and 5.2m to the ridge for the side wing.
- 1.2 The new house would provide three bedrooms and a bathroom on the first-floor and the fourth bedroom in a second-floor above, with an en-suite bathroom and dressing room.
- 1.3 Principal windows would face east and west, although several windows are shown in the south-facing elevation including, within the gable, a pair of french doors with a juliet balcony. The two-storey element would incorporate rooflights, four in the rear slope and three in the front.
- 1.4 The drawings show materials as brick for ground-floor walls, with upper wall areas clad in tile-hanging and tile for the roofslopes.
- 1.5 The block plan shows the main two-storey element set in by 1m to 2m from the southern site boundary, 1m inside the northern side boundary and the frontage set back from the kerb edge by some 11m, behind a protected Willow tree (whose canopy would be reduced). To the rear of the new dwelling would be a private amenity area, some 8m deep for the greater part, but deeper behind the single-storey wing. A key feature within the rear garden would be a protected Scots Pine growing just inside the eastern site boundary. An existing detached single-storey residential outbuilding in the northeast corner of the plot is shown to be retained within the garden of the new dwelling.
- 1.6 Vehicular access is proposed from the existing hammerhead serving 8 Green Lane, leading to two open car parking spaces in front of the single-storey wing. Whilst these spaces are shown within the root protection zone of the protected Willow tree, the proposal is that they would be formed using 'no dig' techniques and be surfaced with sympathetic materials.

- 1.7 The application includes a Specification for Archaeological Evaluation of the site which recommends the digging of two investigative trenches.
- 1.8 The original proposal submitted also showed a detached four-bedroom house with integral garaging, but arranged more conventionally over two-storeys, and with no rooms at second-floor. Before a decision was made, in light of concerns raised in representations, particularly by the Parish Council (see below for details), the applicant requested the opportunity to review the scheme and a revised proposal, received 23 September 2016, is the subject of the current report and recommendation
- 1.9 Members may recall that following a resolution of the 19 August 2015 Area 2 Committee, outline planning permission was granted for a four-bed detached dwelling on the site under reference TM/15/01758/OA. All detailed matters were reserved for future submission but an informative was added to the decision notice as follows:
- The applicant is advised that the details submitted at Reserved Matters stage are expected to show a scheme with total habitable floorspace no greater than 250sqm as shown on the indicative layout received on 31 July 2015 and an overall height no greater than that of 8 Downsvlew, Green Lane.*
- 1.10 However, Members are advised that the current proposal is a full application in its own right. It is **not** an application pursuant to that outline permission.

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

- 2.1 Councillor Ann Kemp has called the application to Committee because of the bulk of the proposal and its impact on the MGB and the AONB, taking into account the outline permission previously granted.

## **3. The Site**

- 3.1 The site is a plot of level open land at the eastern end of Green Lane, a private access road, within the settlement confines of Trottiscliffe. The main part of the site was formed from the relatively large side garden of 8 Green Lane. This area measures approximately 27m deep by 18m wide. There is no footway in front of this area: a kerb marks the boundary between the roadway and the site.
- 3.2 The red line for the application also encloses the approximately 250m length of Green Lane leading eastwards from Taylors Lane, as well as part of the northward cul-de-sac spur which serves numbers 1 to 8 (consecutive) Green Lane. These eight medium-sized 1980s dwellings are arranged around a turning head, in the form of two terraces of three each and one semi-detached pair. All the houses are two-storeys high apart from one of the semi-detached units, which is single-storey.
- 3.3 To the east and south lies open countryside which is designated as MGB and forms part of the Kent Downs AONB. The group 1-8 Green Lane, and the

application site, also lie within the boundaries of the AONB but are not part of the Green Belt designation.

- 3.4 The application site has been cleared of most vegetation although two specimen trees, the Scots Pine and Willow have been retained. Both are protected by TPO.

#### 4. Relevant Planning History

TM/84/10956/OLD grant with conditions 23 May 1984

Eight replacement dwellings with access and parking.

TM/99/01282/FL Grant With Conditions 20 August 1999

conservatory

TM/05/00058/FL Grant With Conditions 28 February 2005

Two storey side extension

TM/15/01758/OA Approved 23 September 2015

Outline Application: Construction of a 4 bedroom single dwelling

#### 5. Consultees

- 5.1 Trottiscliffe Parish Council (6 October 2016): Object: Members have found it difficult to assess the application because of irregularities in the elevation drawings. In addition the description for the proposal suggests there will be an integral garage but the plans show that this area will be an office space and utility/boot room. We do not agree that the revised design has been sited outside all of the Root Protection Areas (RPA's). The plans do not give information on the impact the house will have on trees T2, T6 and T8 and we believe that some of the trees have already been removed so this should be seen as retrospective. We also object on the basis that we believe this is an overdevelopment of the site. We object to the bulk and believe that the visual impact will be detrimental to the local residential amenities in this Area of Natural Outstanding Beauty.

- 5.1.1 Original comments by Parish Council (12 May 2016): The information is a bit muddled and there are irregularities in the drawings. For instance, the footprint of the house is different on the Block Plan, Sections drawing and Tree Removal Plan. Unable to see what impact the house will have on trees T2, T6 and T8 but we believe that some of the trees have been removed so this should be seen as retrospective.

- 5.2 KCC (Public Rights of Way & Access Service): Public Right of Way MR185 footpath runs along the southern boundary of the application site. No objection

providing vehicles are never obstructing the Bridleway and any construction traffic gives way to Bridleway users.

5.2.1 MR189 runs along the eastern boundary of the application site and should not be affected by the application.

5.3 Private Reps: 22/0X/0S/0R + Art 15 Site Notice (expiry 24 May 2016) and Press Notice (expiry 27 May 206). Record shows that individual letters were sent to 22 neighbouring addresses in April 2016, when the application was originally received, and also in September 2016, when the amended proposal was received. There is no record of any responses from the original notification. The amended scheme attracted two responses, both objecting.

5.4 The objections are summarised as follows:

- excessive height of the house in relation to the other houses in the group: it would be about 1m taller. To squash a property in the land is ludicrous, plus the driveway adjacent to the footpath;
- the visual impact of the increased height would be devastating and overwhelming, either walking or driving down Green Lane, or walking up the bridleway from the church. By contrast, the only building on the left viewed by a walker up Green Lane is a bungalow;
- the original plan for a lower, more attractive house was much better suited to the AONB;
- the siting, immediately adjacent to the bridle path entrance, would completely ruin the current wonderful views;
- as a village we are slowly losing the natural feel of the countryside. This process should not be condoned by allowing an eyesore brick building;
- the original plans for this group of houses, to replace the previous prefabs, were agreed on the basis that no more than five houses and three bungalows would be built because of the location;
- Green Lane is not suitable, just not wide enough or strong enough for large lorries accessing the site especially as it is a bridle path used every day all day by riders, walkers, ramblers and for everyday families out for an enjoyable walk in the countryside;
- the revised plans seem not to have been made more public.

## **6. Determining Issues**

6.1 Policies CP24 of the TMBCS and SQ1 of the MDEDPD require development to be well designed and through its scale, density, layout, siting, character and

appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

- 6.2 The site lies within the built confines of the rural settlement of Trottiscliffe where TMBCS Policy CP13 indicates that development 'will be restricted to minor development appropriate to the scale and character of the settlement.'
- 6.3 Under TMBCS Policy CP6 (Separate Identity of Settlements) development will not be permitted within the countryside or on 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 or adjoining settlements.
- 6.4 TMBCS Policy CP7 indicates that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB. NPPF Paragraph 115 requires local planning authorities to 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.
- 6.5 Although this application is a full application and not an application for approval of reserved details following an outline approval, the outline planning permission granted under reference 15/01758/OA is a key material consideration as it established the principle that a detached house could be built on the site.
- 6.6 It was accepted in the consideration of the outline application that a single detached dwelling in this location would, in principle, be capable of satisfying Policy CP13 as it would fall within the meaning of 'minor development appropriate to the scale and character of the settlement'. The plot is large enough to accommodate an infill dwelling which would make efficient use of land within the confines of the village. Furthermore, the development of the southern half of the garden serving number 8 Green Lane would still leave a large garden adequate to serve that extended dwelling.
- 6.7 The 2015 outline application reserved all details for future submission so no approval was sought or granted at that time for any particular footprint, height, design or other details. However, illustrative drawings were provided giving about 245sqm of habitable floorspace in total (gross external), although not all of this was full-height, and it included some 20sqm of garaging space. This was reflected in the informative described above.
- 6.8 The current proposal shows a footprint of some 110sqm, with a further 80sqm at first-floor and 55sqm at second-floor, making a total of just under 250sqm (all calculated as gross external space). Some of this will be limited in height and it would include no garage space. However, the proposed floorspace would fall just within the total of 250sqm advised to the applicant in the context of the 2015 application as the expected maximum permissible habitable floorspace.

- 6.9 The informative also indicated that the overall height should be no greater than that of the adjacent house 8 Green Lane. The agent has commented specifically on this issue following a recent site survey. He advises that the plot for the current proposal is 1.4m below the level of the plot for number 8. He confirms that the slab to ridge dimension for the new dwelling would be some 750mm more than the equivalent dimension for number 8, but because of the difference in the plot levels the new house would appear lower. On this basis, it is concluded that the proposal is capable of satisfying both elements of the informative. It is recommended that a condition be imposed to reserve on this matter by requiring a plan to be submitted for approval to indicate key heights (finished floor, eaves and ridge) for the new dwelling in relation to the equivalent dimensions for the neighbouring property.
- 6.10 The existing dwellings in this small group at the eastern end of Green Lane are broadly similar in size and form, each on a footprint of around 6m to 8m wide by 6m to 8m deep, with rear gardens in the range of 10m or so and front gardens of 6m or 7m deep, although some have been extended and altered. The proposed dwelling would be similar in depth and height, and its unusual mixed format with single-storey and two-storey elements would respond to the pair opposite (numbers 1 and 2), albeit in a handed arrangement. With appropriately matching face materials, the new dwelling would adequately comply with Policy SQ1, whose principal aim is to ensure that development reflects local distinctiveness.
- 6.11 The main front wall of the new house would be set somewhat further back from the highway edge than others in the group, to avoid encroaching into the root protection zone of the protected Willow, and the rear garden would be a correspondingly shorter depth. However, this variation in the general building line and layout would not appear unduly incongruous, particularly as the Willow itself would continue as a strong distinctive feature in the street scene. The positioning of the house would also avoid the root protection zones of both the protected Scots Pine at the rear of the site and the Sycamore growing outside the site.
- 6.12 The visually open location of the application site relative to long views over the adjoining countryside as well as to more immediate views from the adjacent public paths, makes it important to ensure that any new dwelling sits comfortably on its site and does not appear cramped. In this case, I am of the opinion that the general form and style of the dwelling would be acceptable in the local context, and the overall appearance would respect the key features of the original dwellings in the group.
- 6.13 Although the development would introduce a built form to a plot which has for many years been undeveloped, the 2015 outline planning permission confirmed that a dwelling could be built on the site and I consider that the particular form and design now proposed would still respect the site and special surroundings.



- 6.14 Overall, given the existing fairly intensive development of eight dwellings, the ‘in principle’ approval granted in 2015, and the detailed design of the new house seeking to reflect key features of the existing group, it is concluded that the proposed development would not harm the natural beauty and quiet enjoyment of the AONB at this point, and would not be contrary to Policy CP7 or to the guidance in para 115 of the NPPF.
- 6.15 It is further concluded that the proposal would meet the essential requirement of Policy CP1 for new development to ‘result in a high quality sustainable development’. It would also satisfy the requirement in Policy CP13 for new development within the confines of a rural settlement to be ‘minor development appropriate to the scale and character of the settlement.’ The development would meet the high standards sought by Policy CP24 (Achieving a High Quality Environment) and Policy SQ1.
- 6.16 Policy CP6 aims to prevent development within the countryside or at the edge of a settlement from eroding the separate identity of settlements or harming the setting or character of a settlement when viewed from the countryside or adjoining settlements. The new dwelling would tend to read as a part of the existing established group of dwellings and would not harm the character or setting of the settlement of Trottiscliffe.
- 6.17 The proposal includes two independently-accessible on-site car parking spaces. This level of provision is acceptable and adequate to serve a single-family dwelling of this size in this location. The description has been amended to remove the reference to an integral garage, which was proposed in the original submission but was deleted from the amended scheme.
- 6.18 Regarding the potential impact on trees to be retained, it is reasonable and appropriate to impose the standard conditions to secure their protection during the construction process. The formal protection now in place for the Willow and Scots Pine will continue to provide long-term control over these important specimens. Other trees on the plot were assessed for potential protection but no others were considered worthy.
- 6.19 Construction traffic: whilst the access to the site is constrained, it is unlikely that large numbers of construction vehicles would be involved as only one dwelling is to be constructed. The developer may be advised by way of an informative to observe reasonable hours of working and deliveries and, in any event, Environmental Protection legislation should not be duplicated.
- 6.20 Given the close proximity of the site to public rights of way, the developer will need to observe considerate methods of working to avoid obstruction, and the KCC PROW team’s guidance will be included as an informative.

## 7. Recommendation

- 7.1 **Grant planning permission** in accordance with the following submitted details: Archaeological Assessment dated 18.05.2016, Tree Protection Plan DV/TPP/003 dated 18.05.2016, Tree Plan DV/TSP/001 dated 11.04.2016, Certificate B dated 12.04.2016, Proposed Plans and Elevations 16.1240.01 dated 23.09.2016, Letter RESPONSE dated 13.10.2016, 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 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 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 construction of the car parking spaces shall not be carried out except in accordance with the 'no dig' methods set out in BS 5837:2012 - Trees in relation to design, demolition and construction.

Reason: To avoid damage to the health and long-term growth of the protected Willow tree, in the interests of the visual amenities of the area.

- 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 Classes A, B, C or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To allow the local planning authority to retain control over the future development of the site, in order to avoid overdevelopment and an adverse impact on the Kent Downs Area of Outstanding Natural Beauty.

- 6 The development shall not be carried out except in accordance with a plan which shall, before construction of the new dwelling commences, be submitted to and approved in writing by the Local Planning Authority, to show the proposed finished floor, eaves and ridge levels of the new dwelling in relation to the existing levels of the site and the equivalent levels on the adjoining site to the north and the dwelling number 8 Green Lane.

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

- 7 The dwelling hereby approved shall be set out in accordance with the Tree Protection Plan DV/TPP/003

Reason: To protect the appearance and character of the site and locality.

### **Informatives**

1. To protect the aural environment of nearby dwellings, no noisy work or deliveries shall be carried out before 8am or after 6pm on Mondays to Fridays; before 8am or after 1pm on Saturdays, and no noisy work shall be carried out at any time on Sundays or Public and Bank Holidays.
2. To protect the amenities of residents of nearby dwellings, no materials shall be burnt on the site.
3. No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt, the developer should contact the Highway Authority before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
  - The duration of the closure is kept to a minimum
  - Alternative routes will be provided for the duration of the closure.
4. A minimum of six weeks' notice is required to process any applications for temporary closures. This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

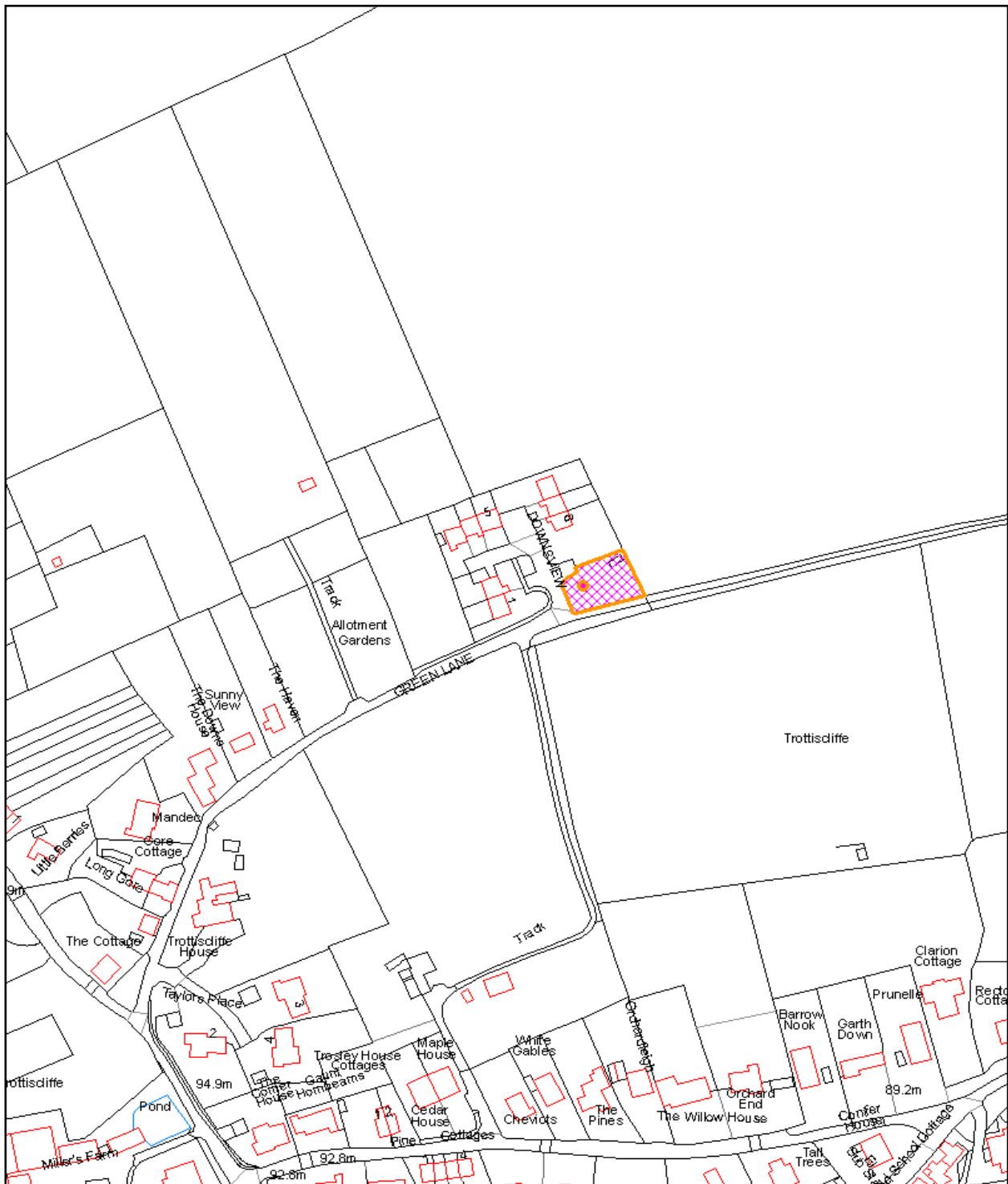
Contact: Leslie Sayers

**TM/16/00990/FL**

Land Adjacent To Downsview 8 Green Lane Trottiscliffe West Malling Kent ME19 5DX

Erect a new detached dwelling house with integral garage

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**Kings Hill**  
Kings Hill

**29 September 2016**

**TM/16/02518/FL**

Proposal: Two storey new office building with single storey reception pavilion and associated car parking and landscaping works and ancillary manager's flat  
Location: Development Site Between 10 And 70 Churchill Square Kings Hill West Malling Kent  
Applicant: Capital Space Ltd  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 The proposal seeks planning permission for the erection of a two storey office block, which would house office space for start-up and small businesses as an expansion of the existing office accommodation within Churchill Square.
- 1.2 The proposal is for a T-shaped building, extending into, and acting as an enclosure, into the Square.
- 1.3 The proposal consists of office space, meeting rooms, a central reception area and a manager's flat. A small outdoor gym is proposed adjacent to the building.
- 1.4 Additional parking is shown to be provided within the site, in addition to the spaces that are currently provided to serve the adjacent business units in Churchill Square.

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

- 2.1 Called in by Cllr Barker due to concerns relating to parking for staff and visitors.

## **3. The Site:**

- 3.1 Churchill Square consists of a group of seven Grade II Listed buildings built as RAF accommodation between the wars, set around an open square. The site lies within the urban settlement confines of Kings Hill. The site lies within land designated under Policy E1(r) within the DLA DPD as a mixed-use employment site, and part of it is allocated as Open Space under Policy OS1A(du) of the MDE DPD.
- 3.2 The site is surrounded by two storey office buildings; those being situated along Gibson Drive are relatively modern. To the south of the site, within the Square, lies car parking in relation to the existing office development.
- 3.3 The site itself consists of further car parking for the existing office buildings, known as the H-block buildings, within Churchill Square and a disused tennis court.

3.4 To the north of the site lie a number of trees. A Tree Preservation Order has been placed on some of these trees (two Thujas and a Yew). This Tree Preservation Order is provisional until 19 March 2017, and has yet to be confirmed.

3.5 The site lies within an Area of Archaeological Potential.

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

TM/13/02070/LB          Approved          28 February 2014

Listed Building Application: Installation of photovoltaic panels to the roofs of 20, 30, 40, 50 and 60 Churchill Square

TM13/02069/FL          Approved          28 February 2014

Installation of photovoltaic panels to the roofs of 20, 30, 40, 50 and 60 Churchill Square

TM/05/02548/FL          Approved          3 October 2005

New amenities building to serve existing and recently refurbished offices

TM/86/1011          Approved          29 September 1986

Extension to an existing car park and additional car parking laybys.

**5. Consultees:**

5.1 PC: Object on the grounds of external car parking provision and car park layout.

5.2 KCC (Highways): No objections subject to conditions.

5.3 Historic England: No objection. The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

5.4 KCC (SUDS): KCC will require that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles. No objection subject to conditions.

5.5 KCC (Archaeology): No response.

5.6 Liberty Property Trust: Object on the following grounds:



- The design of the building has been planned to face into the existing Churchill Square buildings and the principal elevation to Gibson Drive has limited impact on the street scene;
- Whilst the D & A statement refers to other historic buildings not addressing the street and their frontages, the design was for buildings in a different era and for a different purpose. The historic buildings have limitations in their design which do not have to be continued into this new proposal;
- The car parking and vehicle access to the new development is given prominence and the opportunity to provide an active façade onto a key access road into Kings Hill is lost;
- The proposed car parking removes a number of trees which break up the existing car park and soften the area;
- The loss of the Thuja and yew trees on Gibson Drive would lose part of the local character of the original airfield access road and should be incorporated in the design and not removed. A TPO has been applied to these trees;
- There is reference within the predominantly brick buildings to coloured glass panels but no details provided at this stage. The simplicity of the existing buildings and the design will require careful consideration to ensure that the design remains sympathetic;
- The application does not make reference to the 2 bedroom flat for an on-site caretaker. It is unclear whether the provision of this residential accommodation is treated as a stand-alone development and not linked to the outline permissions for residential units already approved for Kings Hill;
- KCC Highways make reference to a possible alteration to the access route to Churchill Square. Further details from the applicant would be welcome so that the access arrangements can be effectively managed from Gibson Drive;

5.7 Private Reps: 136/2S/1X/0R + LB Site Notice: Three letters received, making the following comments:

- Churchill Square is a victim of its own success. The proposal will provide extra capacity, particularly with mid-size suites;
- The proposal would replace the disused tennis courts and improve the amenity of the surrounding locality;
- The design of the building complements the existing office buildings and it will form an integral part of Churchill Square;
- The facilities will provide a much needed central administrative point;

- The improved landscaping will enhance this part of Kings Hill;
- The proposed drawings indicate that there will be 5 new disabled parking spaces made directly outside of this building. The drawings make no mention of disabled spaces near to any of the other existing buildings. It is unreasonable to think that anyone who is disabled should park further away from their building as many disabilities will prevent this;
- The proposal includes a new loading bay outside the new building. There should be a new loading bay closer to other buildings in the square as couriers will not park and walk this distance. Instead they will park their vans in the normal parking spaces outside buildings 10 & 20 and overhang the road;
- The drawing shows a footpath between building 20 and Gibson Drive. It is unclear as to whether this is to be a permanent footpath to replace the unmade track currently there. Currently, there is no provision for pedestrians other than to walk in the road at Gibson Drive to then access the Churchill Square entrance;
- Gibson Drive is a narrow road and many drivers park on the area that is directly behind the proposed building, meaning that traffic can stop, and this causes a bottleneck. Perhaps it would be possible to put parking restrictions that are enforceable to stop this, particularly when parents collect their children from school or nursery;
- Drawings show the new outside seating areas by the proposed building, so that there is no mention of any new seating area near to the existing buildings;
- Is a boules area really necessary?

## **6. Determining Issues:**

- 6.1 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
- 6.2 The site lies within land designated under Policy E1(r) within the DLA DPD as a mixed use employment site. In light of this, I am of the opinion that the broad principle of an office development is acceptable.
- 6.3 Saved policy P2/3 of the TMBLP relates to all development within the Kings Hill Policy Area. It states that all development shall be designed and located so as to respect the setting of the site in the wider landscape, and to reduce to the greatest extent possible the visual intrusion of any such development in that landscape.

6.4 Policy OS1 of the MDE DPD states that the development which would result in the loss of recreational space will not be permitted unless a replacement site is provided which is equivalent or better in terms of quantity, quality and accessibility. However, I note that there are tennis courts currently situated close-by, further along Gibson Drive, and private ones at David Lloyd Leisure. I also note that the existing tennis courts have not been used for playing tennis for some time, and have instead been used for car-parking. Therefore, in this particular situation I am of the opinion that the loss of the tennis courts would be acceptable.

Impact on Setting of Adjacent Listed Buildings:

6.5 The site lies adjacent to the H-block buildings, which are Grade II Listed and within an Area of Archaeological Potential. Section 12 of the NPPF relates to the development and the historic environment. It states at paragraph 131 that when determining applications LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets.

6.6 I am of the opinion that the proposal will not harm the setting of the Listed Buildings within Churchill Square. The applicant has designed the proposal with some elements of the adjacent Listed Buildings, but the proposal has been designed as a stand-alone building to complement the historic buildings.

Trees and Landscaping:

6.7 There are a number of trees within the site. An Arboricultural Report has been submitted with the application. This shows the removal of a number of good quality trees to the front of the site, including 2 Thujas and a Yew tree. A Tree Preservation Order was placed on these trees on 19 September 2016. Following a 28 day period of consultation, the Local Authority has 6 months from the date of placing the Order to decide whether to confirm the Tree Preservation Order, in accordance with the Town and Country Planning (Tree Preservation)(England) Regulations 2012. In light of this, the applicant has submitted a detailed landscaping scheme with this application. This landscaping scheme shows that it is proposed to replace the trees covered by a TPO with either a Pinus Wallichiana 'Densa Hill', or a Thuja Standishill. I am of the opinion that either of these species would be acceptable.

6.8 The proposal shows limited low level planting for the parking area, to assist in breaking up the large expanse of tarmac, consisting of a beech hedge and 4 Acer Campestre Elsrijk. I am of the opinion that this is acceptable, and whilst it would be preferable to have more planting here, it assists in breaking up the expanse of tarmac.

Design, Layout and External Appearance:

6.9 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 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.

- 6.10 I am of the opinion that the proposed siting and layout of the proposal is acceptable, and in accordance with the surrounding locality.
- 6.11 It is proposed to enter the building from within the courtyard, with no entrance proposed from the Gibson Drive elevation. I note the concerns received relating to this. The applicant has responded to these objections by suggesting that, given that the proposed building is needed to address the shortage in accommodation for small businesses and the operation of the Square, the entrance should address the Square and car parking. The applicant is of the opinion that an entrance to the building from Gibson Drive would encourage vehicles to stop on the highway, resulting in potential highway hazards and parking on Gibson Drive, which Liberty is currently attempting to prevent. The applicant suggests that an entrance from Gibson Drive is not characteristic with the surrounding locality and that other buildings on Gibson Drive all have entrances set behind walls and car parking.
- 6.12 I do have concerns with the impact that the rear entrance to the building would have upon the legibility of the building within the surrounding locality. However, the applicant has added a pedestrian path on the east side of the west access into Churchill Square to connect to the pedestrian footpaths, as are currently being reconfigured by Liberty. It is also proposed to install a direct pedestrian level sign to direct pedestrian visitors to reception. On balance, in light of these amendments by the applicant, I am of the opinion that the proposed entrance would be acceptable.
- 6.13 The height of the building is in keeping with the surrounding locality, which predominantly consists of 2 storey buildings.
- 6.14 The south elevation windows have been amended to be of the same diagonal proportions as the existing south facing windows on the H-blocks. The proposed building would consist of a brick palette to be in keeping with the adjacent listed buildings, with snapped headers in a Sussex bond to create a horizontal emphasis in the window band. A pre-patinated zinc standing seam roof and vertical cladding are proposed with a dark matt finish, along with aluminium windows and glazing. I am of the opinion that this design and use of materials are in keeping with the historic setting, and will successfully provide a balance between the more modern units within Gibson Drive and the historic buildings that form Churchill Square.

6.15 I am of the opinion that the proposal would not result in a significant visual intrusion into distant views by virtue of the siting or height of any building or structure, nor will it detract from the character of the site as a high quality business park, in terms of appearance, traffic generation or emissions. The proposal therefore accords with Saved Policy P2/3 of the TMBLP.

Caretaker's Flat:

6.16 A two bedroom caretaker's flat is proposed within the building. This is part of a full planning application and therefore is not related to any outline planning applications on Kings Hill. The applicant suggests that this is required to provide surveillance and security against vandalism of the Churchill Square units. No further justification has been provided for this, and I am of the opinion that the layout and design of the proposed development contributes to this requirement in itself, by enclosing the courtyard. However, the site lies within the settlement confines of Kings Hill and, given that the flat would be part of the proposed building and not standalone, I am of the opinion that the impact of the flat on the surrounding locality would be minimal. Nor does it preclude the requirements of Policy E1(r) of the DLA DPD from being met.

Highways and Parking:

6.17 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 highway impact is that an impact must be "severe" in order for the Highway 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 Supplementary Planning Guidance 4: Kent Vehicle Parking Standards.

6.18 The applicant is proposing to retain the existing access and exit points around Churchill Square, which provide a one-way system around the Square. It is proposed that the new and relocated bin stores will be accessed in a similar manner to the current bin stores, and therefore larger wheel base vehicles will not need to enter the car parking area. Therefore, I am of the opinion that the proposed access is acceptable.

6.19 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, taking into account the changes being made by Liberty to Gibson Drive, adjacent to the site (TM/16/01518/RD). The proposal accords with KCC VPS. Within the

application site there are currently 130 car parking spaces, which serve the existing office units within Churchill Square. There are 181 spaces proposed. The KCC VPS (Supplementary Guidance Note 4) requires a maximum of 1 parking space per 25sqm. The application proposes 89% of the maximum level of parking. KCC(Highways) is of the opinion that this is not grounds for causing a severe impact and has raised no objection. The applicant has also provided 22 additional car parking spaces to the south-west of the application site, adjacent to Block 50, on land also within their ownership, to allow vehicles to park whilst development is taking place. There may be further scope to make these spaces permanent in the future, although this would need to be subject to a separate application.

- 6.20 I note the concerns raised relating to the fact that it is not proposed to provide disabled parking spaces or delivery spaces close to the existing building. However, there is no requirement for the applicant to provide additional facilities with respect to pre-existing neighbouring units within a planning application.

SUDS:

- 6.21 I note the comments of KCC (SUDS) with respect to surface water drainage scheme and am satisfied that suitable conditions can be placed on any planning permission to ensure that the principles of sustainable drainage are incorporated into this proposal.

Contamination:

- 6.22 A phase 1 and phase 2 ground investigation has been submitted. The site is deemed low risk and therefore only a watching brief is required. On the basis of available data and information, the site, or any adjacent site, is not identified as a site of potential contamination concern.
- 6.23 In light of the above considerations, I am of the opinion that, on balance, the proposal is acceptable.

**7. Recommendation:**

**Grant Planning Permission** in accordance with the following submitted details: Email dated 03.11.2016, Letter dated 18.11.2016, Other dated 18.11.2016, Other dated 18.11.2016, Site Plan PL010 B dated 18.11.2016, Proposed Elevations PL408 C South dated 18.11.2016, Elevations PL421 A Illustrative Part South dated 18.11.2016, Artist's Impression PL425 dated 18.11.2016, Artist's Impression PL450 dated 18.11.2016, Certificate B dated 29.09.2016, Ground Investigation Report Appendices dated 28.09.2016, Other Soakaway details dated 03.10.2016, Other Soakaway details dated 03.10.2016, Drainage Layout 15-141-S(SK)401 Rev. 3 dated 03.10.2016, Email dated 25.11.2016, Plant Schedule dated 25.11.2016, Planting Plan dated 25.11.2016, Location Plan PL100-A dated 05.09.2016, Drawing 15-141-S(SK)470 Foul Drainage

Sketch dated 19.08.2016, Drawing 15-141-S(SK)471 Drainage Details Sheet 1 dated 19.08.2016, Drawing ARBTECH AIA 01 Arboricultural Impact dated 19.08.2016, Tree Protection Plan ARBTECH TPP 01 dated 19.08.2016, Site Plan PL003 Existing dated 19.08.2016, Existing Elevations PL040 dated 19.08.2016, Proposed Floor Plans PL105 Ground Floor Plans dated 19.08.2016, Proposed Floor Plans PL106 First Floor Plans dated 19.08.2016, Proposed Roof Plan PL107 dated 19.08.2016, Elevations PL400 Proposed Street dated 19.08.2016, Proposed Elevations PL407 North Elevation dated 19.08.2016, Proposed Elevations PL409 West dated 19.08.2016, Proposed Elevations PL410 East dated 19.08.2016, Proposed Elevations PL420 Illustrative Part North dated 19.08.2016, Section PL505 Proposed AA dated 19.08.2016, Topographical Survey YE/LS/1550-1 Existing Site dated 19.08.2016, Ground Investigation Report Appendix C dated 19.08.2016, Archaeological Assessment Desk Based dated 19.08.2016, Planning Statement And Heritage Statement dated 19.08.2016, Design and Access Statement Capital Space dated 19.08.2016, Ground Investigation Report dated 19.08.2016, Survey Tree dated 19.08.2016, Design and Access Statement dated 29.11.2016.

### **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 a sample panel 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. No development shall take place until details of any joinery to be used have been submitted to and approved in writing 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 visual amenity of the locality.

4. The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. The use shall not be commenced, nor the premises occupied, until the area shown on the approved plan as vehicle parking, loading and off-loading and turning space has been 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 that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway.

6. 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.

7. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.



(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

8. 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 via infiltration within the curtilage of the site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

9. 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:
- i) a timetable for its implementation, and
  - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

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

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

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

11. The premises shall be used for Class A2 Financial and Professional Services or B1(a) 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.

12. 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, J, M, O 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.

13. No retail sales shall take place from the premises.

Reason: To safeguard the character of the area.

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. The hereby approved manager's flat shall remain ancillary to the primary B1(a)/A2 use hereby permitted.

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.

### **Informatives**

1. 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.
2. Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.
3. During construction, provision shall be made on the site to accommodate operatives' and construction vehicles, loading, off-loading or turning on the site.
4. Prior to the works commencing on site parking for site personnel, operatives and/or visitors shall be provided and retained throughout the construction of the development.
5. This is a business/trade property and therefore must comply with all Duty of Care regulations.
6. 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: Glenda Egerton

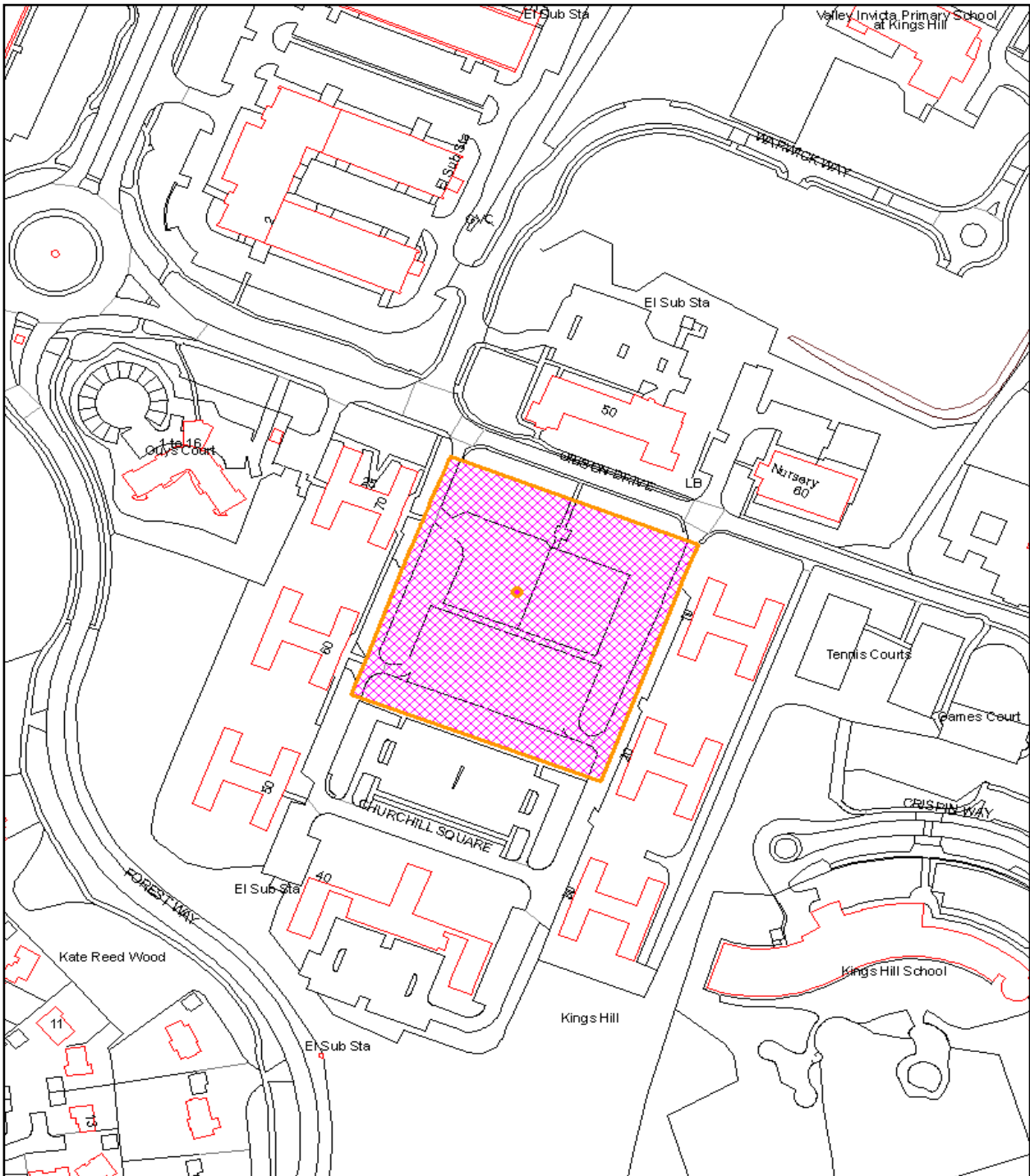
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**TM/16/02518/FL**

**Development Site Between 10 And 70 Churchill Square Kings Hill West Malling Kent**

Two storey new office building with single storey reception pavilion and associated car parking and landscaping works and ancillary managers flat

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**Alleged Unauthorised Development**  
**Stansted 15/00381/WORKM**  
Wrotham, Ightham And  
Stansted

Location: Oak Tree Stable Vigo Road Fairseat Sevenoaks Kent

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**1. Purpose of Report:**

- 1.1 To report the unauthorised engineering operation to create an area of hardstanding on the site without the necessary planning permission.

**2. The Site:**

- 2.1 The site comprises a field of approximately 2.20ha. It is located within the MGB, to the east of Fairseat, outside any rural settlement confines. The site is screened by tall mature hedging. To the north of the site lies a Public Right of Way. Dwellings lie to the west of the site and to the east. The site is relatively flat.

**3. Planning History:**

TM/12/02922/FL      Approved      7 December 2012

Change of use of agricultural land to paddock for keeping horses and the erection of a new stable block providing four stable bays and a tack room/feed store together with ancillary access and vehicle parking area

TM/14/01159/FL      Approved      12 June 2014

Change of use of agricultural land to paddock for keeping horses and the erection of a new stable block providing four stable bays and a tack room/feed store together with ancillary access and vehicle parking ( Resubmission of TM/12/02922/FL)

TM/14/02099/RD      Approved      9 September 2014

Details pursuant to condition 4 (lighting) and 6 (waste storage/disposal) of TM/14/01159/FL (Change of use of agricultural land to paddock for keeping horses and the erection of a stable block providing 4 stable bays and a tackroom/feed store together with ancillary access and vehicle parking)

TM/16/00657/FL      Pending Consideration

Variation of condition 2 of planning permission TM/14/01159/FL to amend the approved materials (Change of use of agricultural land to paddock for keeping horses and the erection of a new stable block providing four stable bays and a tack room/feed store together with ancillary access and vehicle parking ( Resubmission of TM/12/02922/FL))

**4. Alleged Unauthorised Development:**

4.1 Without planning permission the unauthorised engineering operation to create an area of hardstanding on the site.

**5. Determining Issues:**

5.1 The site is in the Green Belt and therefore Section 9 of the NPPF applies. Paragraph 90 advises that engineering operations are a certain form of development that is not inappropriate in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

5.2 The engineered hard surfacing that has been constructed on the site covers a substantial area. It appears from investigations that the hardstanding area has been provided in order to provide for open storage.

5.3 The significant amount of engineered hard surfacing constructed and the machinery and associated paraphernalia that could be stored on the hardstanding area would have a harmful effect on the openness of the site. The proposed development would therefore not preserve the openness of the Green Belt and, accordingly, the development amounts to inappropriate development.

5.4 Paragraph 87 of the NPPF advises that “as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 88 follows by stating that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

5.5 In this case, ‘very special circumstances’ sufficient to outweigh the harm to the Green Belt do not exist. The development is therefore contrary to policy CP3 of the TMBCS and paragraphs 87-88 and 90 of the NPPF.

5.6 Policies CP24 of the TMBCS and SQ1 of the MDE DPD require development to be well designed and, through its scale, density, layout, siting, character and appearance, respect the site and its surroundings. It should also protect, conserve



and, where possible, enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

- 5.7 The hard surfacing that has been constructed is substantial in area and is visible from neighbouring properties, and is considered to have an adverse impact on the appearance of the site which is otherwise open and grassed. Accordingly, the development is harmful to the character and visual amenity of the area and therefore is contrary to policies CP24 of the TMBCS and policy SQ1 of the MDE DPD.
- 5.8 In light of the above considerations, it is recommended that enforcement action be taken to seek the removal of the unauthorised development and the restoration of the land to its former condition.

**6. Recommendation:**

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

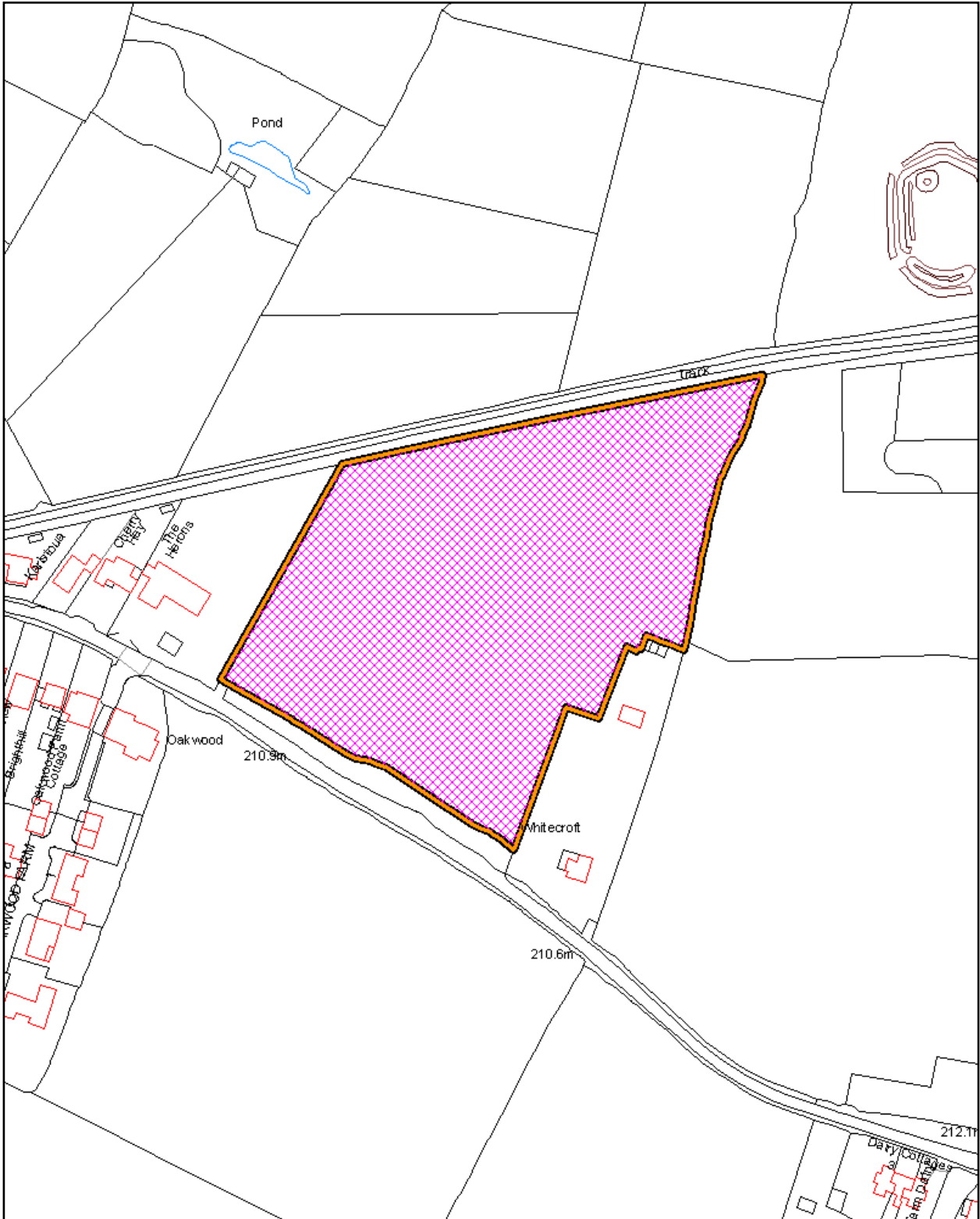
Contact: Richard Edmonds

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**15/00381/WORKM**

**Oak Tree Stable Vigo Road Fairseat Sevenoaks Kent**

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# Agenda Item 13

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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