

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

6 July 2016

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 14th July, 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

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To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 2 June 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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PART 2 - PRIVATE

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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.

8. Urgent Items

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

MEMBERSHIP

Cllr M Parry-Waller (Chairman)
Cllr Mrs S M Hall (Vice-Chairman)

Cllr M C Base
Cllr Mrs S Bell
Cllr T Bishop
Cllr Mrs B A Brown
Cllr T I B Cannon
Cllr R W Dalton
Cllr D A S Davis
Cllr Mrs T Dean
Cllr S M Hammond

Cllr D Keeley
Cllr S M King
Cllr D Lettington
Cllr D Markham
Cllr Mrs A S Oakley
Cllr R V Roud
Cllr A K Sullivan
Cllr B W Walker
Cllr T C Walker

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 2nd June, 2016

Present: Cllr M Parry-Waller (Chairman), Cllr Mrs S M Hall (Vice-Chairman), Cllr M C Base, Cllr Mrs S Bell, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr S Hammond, Cllr D Keeley, Cllr S M King, Cllr D Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan, Cllr B W Walker and Cllr T C Walker

Councillor H S Rogers was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Bishop and D Markham

PART 1 - PUBLIC

AP3 16/19 DECLARATIONS OF INTEREST

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

AP3 16/20 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 17 March 2016 be approved as a correct record and signed by the Chairman.

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

AP3 16/21 DEVELOPMENT CONTROL

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

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

**AP3 16/22 TM/16/00955/FL - COBDOWN SPORTS AND SOCIAL CLUB,
STATION ROAD, DITTON**

1. An extension and refurbishment to the existing clubhouse building to provide for a higher standard of social and function space and 2 teaching rooms.;
2. An extension and refurbishment of the existing squash and gym building to provide a further 3 squash courts and wet and dry changing rooms as well and a gym space and dance studio;
3. A new build changing room block to provide changing facilities for 4 teams and associated officials. As well as spectator toilets and a kitchen space with serving hatch; and
4. Provision of 2 3G pitches on the existing sports field all at Cobdown Sports and Social Club, Station Road, Ditton.

This application was WITHDRAWN from the agenda pending the submission of survey work concerning bat presence within the site and any subsequent consultation required. Members were advised that this would be reported back to Area 3 Planning Committee in due course.

**AP3 16/23 TM/16/00021/FL - KENT HOUSE, PRIORY PARK, DITTON COURT,
QUARRY MILLS ROAD, QUARRY WOOD INDUSTRIAL ESTATE,
AYLESFORD**

New cold store and ancillary office link to existing building at Kent House, Priory Park, Ditton Court, Quarry Mills Road, Quarry Wood Industrial Estate, Aylesford.

RESOLVED: That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

- (1) Amended condition

17. Prior to the commencement of the development hereby approved, details of existing background noise levels shall be submitted to the Local Planning Authority along with a scheme demonstrating how noise attributable to the operation of fixed plant and machinery (L_{Ar,T}) will not exceed that measured background noise level (L_{A90,T}) by more than 3 dB outside any noise sensitive premises. (The terms L_{Ar,T}) and (L_{A90,T}) have the meaning assigned to them by the British Standard BS4142:1990 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas').

Reason: In order to ensure a satisfactory aural environment.

[Speakers: Mr M Sutton – member of the public and Mr K McGahan – agent]

AP3 16/24 (A) TM/15/01462/FL AND (B) TM/15/02927/LB - LITTLE GEM, 19 HIGH STREET, AYLESFORD

(A) Change of use from public house (Use Class A4) to residential dwelling; and

(B) Listed Building Application: Replace ground floor front window and repaint front of building with a white limewash at The Little Gem, 19 High Street, Aylesford.

RESOLVED: That

- application (A) be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Services
- application (B) listed building consent be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Services

[Speakers: Mr M Bowden – member of the public and Mr O’Callaghan – applicant]

AP3 16/25 TM/16/00360/FL - 36 ST KATHERINES LANE, SNODLAND

Proposed new house and garage in the rear garden to No 36 St Katherines Lane and replacement garage to existing house of No 36 St Katherines Lane, Snodland.

RESOLVED: That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Amended condition:

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, hard landscaping (including the provision of adequate space for vehicle parking) and boundary treatment. All planting, seeding and turving 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 the 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 locality.

(2) Additional conditions:

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no window or similar openings shall be constructed in any elevation of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

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

10. Notwithstanding the details provided on drawing number 2016/4(34)-01, prior to the commencement of the development hereby approved, a scheme showing the detailed design of any undercover parking spaces shall be submitted to and approved by the Local Planning Authority. Those spaces shall thereafter be provided prior to the first occupation of the development hereby approved and retained in the approved form at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure no adverse impact on highway safety arising from the hazardous on street parking.

[Speakers: Mr R Butler, Mrs M Wainwright and Mrs Lucas – members of the public]

PART 2 - PRIVATE

AP3 16/26 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.30 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.

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

Aylesford
Aylesford North And
Walderslade

8 March 2016

TM/16/00797/OA

Proposal: Outline Application: erection of x 5 dwelling houses and x 5 detached garages with associated access parking and turning areas and landscaping

Location: Taddington Wood North Of Robin Hood Lane Blue Bell Hill Chatham Kent

Applicant: Mr J Greenfield

1. Description:

- 1.1 Outline planning permission is sought to erect five detached houses and five detached garages with associated access, parking areas and landscaping. The proposed houses would be reached via an existing vehicle access at the eastern end of Robin Hood Lane which would lead to a shared private driveway. This would terminate in a turning head at the rear of number 254 Robin Hood Lane.
- 1.2 It has been indicated that a noise attenuating fence would be erected around the rear boundary of the dwellings and that new tree planting would be carried out to enhance screening and natural habitat.
- 1.3 All matters are reserved for future consideration, although the application is accompanied by drawings for illustrative purposes only. It is also supported by an updated road traffic noise survey and an ecological scoping survey and tree report.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Hall, due to high level of local interest and due to the fact that the development departs from policy CP14 of the TMBCS.

3. The Site:

- 3.1 The application site, with the exception of the strip of land which runs between Nos. 232 and 238 Robin Hood Lane, is located outside the settlement confines of Blue Bell Hill village (albeit immediately adjacent to the confines) and therefore in the countryside for development plan purposes.
- 3.2 The application site comprises an irregularly shaped piece of land situated to the rear of properties on the north side of the eastern end of Robin Hood Lane (Upper). The site is reached via an existing access between numbers 232 and 238 Robin Hood Lane.
- 3.3 It is also adjacent to Taddington Wood (Ancient Woodland) which lies to the west.

- 3.4 The site has an area of 0.57 hectare. The approach to the site is framed by mature deciduous trees growing in the rear gardens of the adjacent houses. The site is now overgrown with long grass and brambles. There is some variation in ground level across the land.
- 3.5 It is stated that the land was previously developed with buildings and structures and a shooting range. Part of the site is covered by blanket Tree Preservation Orders in addition to individual TPO's. The larger blanket TPO covers the northern part of the site area. The applicant also owns a further larger area of land that extends to the west and north of the application site.
- 3.6 The application site is located in the north eastern corner of the borough, close to the boundary with Medway Unitary Authority. The land is bounded by the A2045 to the east and its intersection with the M2, that comprises junction 3, to the north. At the eastern side of the site the land falls away down a steep embankment to the A2045 road.
- 3.7 Robin Hood Lane comprises a mix of individually designed two storey houses, chalet houses and bungalows.

4. Planning History (relevant):

TM/87/10366/FUL	Refuse Appeal allowed	27 November 1987
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Erection of 57 houses and garages with access road

TM/88/10776/FUL	grant with conditions	7 July 1988
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Erection of 33 houses and garages with access road

TM/90/11170/FUL	grant with conditions	3 September 1990
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57 dwellings with landscaping, parking and all associated infrastructure

TM/90/11341/FUL	Application Withdrawn	12 June 1990
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Erection of 65 dwellings with garages, access road and associated infrastructure.

TM/92/00162/FL (Alternate reference number TM/92/1154)	refuse	6 July 1993
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erection of 66 dwellings and associated works

TM/14/00032/OA Application Withdrawn 26 February 2014

Outline application with all matters reserved, for the erection of four detached dwellings and access drive

5. Consultees:

5.1 PC: Strong objection. Overdevelopment of the site as per previously refused application. No amenities included.

5.2 KCC Highways: The access to the application site is towards the end of Robin Hood Lane which is a cul de sac. The width of the access road is 4.1m shared surface with a passing bay to allow for large vehicles to pass. There is concern that parking will occur in the passing bay causing difficulties when large vehicles need to pass cars. I would therefore recommend that an access road width of 4.8m is provided and this could be narrowed to 4.1m at the access to plot 1. Labelled tracking diagrams will also be required to indicate that the fire appliance, deliveries and refuse collection vehicles are able to turn around and leave in a forward gear. Subject to this the shared surface access road is acceptable for this development of five dwellings. The traffic generation associated with five dwellings will not be significant and will not have an adverse impact on the highway network. Each property has two independently accessible parking spaces and garages and this complies with parking document IGN3. Subject to the above I feel this application would not be detrimental to highway safety and therefore raise no objection on behalf of the local Highway Authority.

5.3 Private Reps: 15 + site and press notice: 0X/33R/0S. Objections can be summarised as follows:

- The proposal would lead to an increase in the level of traffic in the village. There is already severe congestion from the northern exit from the village;
- The peak filtering system of the traffic light junction should be removed;
- Robin Hood Lane already has traffic problems associated with visits to the crematorium. The proposed entrance to the site should be moved to Walderslade Woods Road to alleviate further traffic congestion;
- An outline application is not specific and only a full application should be considered. This application may be a precursor to a more intensive form of development on the remaining adjacent land under the applicants' ownership;
- The proposal will add to existing noise and air pollution problems;
- The height of the proposed buildings would compromise privacy. The access road would affect security of existing houses;

- There has already been some illegal removal of protected trees from this site and the proposed removal of further trees and the associated development will damage the wildlife habitat;
- The development would erode the character of the AONB;
[DPHEH: The site does not lie within the AONB. The boundary of the AONB, which lies to the west, is defined by the intervening M2 motorway]
- The remainder of the site should be gifted to the Kent Wildlife Trust. The land should be used for amenity purposes not residential development;
- BBH village lacks amenities and infrastructure to support further development;
- A neighbourhood plan approach is needed to reflect what local people want.

5.3.2 In addition, a number of other matters have been raised but which are not material planning considerations. These are summarised as follows:

- The site is covered by a restrictive covenant;
- The development would result in financial gain;
- Proposal would result in a loss of a view;
- Water supply problems exist in the area;
- Noise and inconvenience during construction works.

5.4 Natural England: No comments to make. This does not imply that there are no impacts on the natural environment but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

5.5 Kent Wildlife Trust: Notes that the land has been allowed to naturalise and as a result requested an updated assessment of the importance of the site for wildlife. Biodiversity enhancements are recommended including wildlife friendly measures such as log piles, bat and bird boxes and the submission of a reptile survey.

6. Determining Issues:

6.1 I appreciate that there is some concern amongst local residents regarding this application being submitted in outline form with all matters reserved for future consideration. However, such a submission is a legitimate approach in circumstances where an applicant wishes to seek a decision from the LPA on the general principles of how a site can be developed. Equally, should any more intensive forms of development be mooted for the wider site (outlined in blue on the submitted plans), it would be necessary to make an assessment of that scheme in light of adopted policy and all of the relevant material planning

considerations in play at that time and entirely on its own merits. The grant of permission for five houses on this part of the site would not have a direct bearing on such an assessment other than to establish the principle of acceptability for five houses on 0.5 hectare of land. It is on this basis that I make the following assessment:

- 6.2 Various paragraphs of the NPPF are relevant to the determination of this application in addition to the following TMBCS policies:
- 6.3 CP1 (sustainable development), CP13 (development within rural settlements), CP14 (development in the countryside), CP24 (achieving a high standard of design), NE2 (protection of biodiversity), NE3 (development affecting wildlife habitats), SQ4 (effect of air pollution), Noise Policy Statement for England (NPSE).

Planning History:

- 6.4 As outlined in Section 4 of the report, this site has a long and complex planning history dating back to the 1980s. This is outlined in brief as follows but, to be clear, the site referred to in this analysis formed a larger area of land than that proposed by the current application.
- 6.5 Under the first application (TM/87/1036/FL) permission was refused for 57 houses with garages. The application was the subject of an appeal that was allowed by the Planning Inspector. It was noted that the site did not comprise open countryside but fell between two settlements already linked by Robin Hood Lane and between two major roads which form finite boundaries and prevent further extension. The Inspector concluded that the site was generally suitable for residential development subject to safeguarding the relevant trees and other amenities. It was also concluded that the site would still remain as a buffer between the more densely developed areas on either side and that Robin Hood Lane was capable of taking the extra traffic associated with the scheme.
- 6.6 Under the second application (TM/88/10776/FUL) a scheme for 33 houses and garages with an access road was granted planning permission.
- 6.7 A third application (TM/90/11341/FUL) for the erection of 65 dwellings with access road was withdrawn before a decision was made.
- 6.8 A fourth application for an alternative scheme for 57 houses (TM/90/11170/FUL) was granted planning permission.
- 6.9 A fifth application (TM/92/1154) was then received to erect 66 dwellings and associated works. The Department of Transport directed that the application be refused on the basis that the development might prejudice the scheme for widening the M2 motorway between junctions 1 and 4. The Council also refused to grant permission on the grounds that it would result in over intensive development, being out of character with the locality. It was also stated that in the absence of an

Acoustic Appraisal it was not possible to make a full assessment of the impact of the proposal.

- 6.10 Lastly, an outline application for four dwellings with garages was submitted under reference TM/14/00032/OA. This was withdrawn before a formal determination was made.
- 6.11 Since the fifth planning application for residential development in 1992 was considered the site has become somewhat overgrown with brambles and vegetation. It is now over twenty years since the last outline application for residential development was determined and it is necessary to establish whether the circumstances at the site or the policy context at the site have altered.

Principle of proposed development:

- 6.12 The site lies outside of but adjacent to the edge of the confines of Blue Bell Hill village and comprises a piece of land that is now sandwiched between the rear gardens of houses in Robin Hood Lane and the road network. The land has not been used for many years and has become quite overgrown and, as is often the case with disused sites, has become inhabited by wildlife.
- 6.13 As Members are 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. The Development Plan currently in force for the application site comprises the TMBCS (2007), TMBLP (1998), DLA DPD (2008) and the MDE DPD (2010). The NPPF and the associated NPPG are important material considerations.
- 6.14 CP13 relates to other rural settlements, including Blue Bell Hill village, restricting new development to minor development, within the confines provided it is of a scale and character appropriate to the location. Falling from this policy, CP14 of the TMBCS states that in the countryside development will be restricted to:
- Extensions to existing settlements in accordance with policies CP11 or CP12;
 - One for one replacement or appropriate extension of an existing dwelling or conversion of an existing building for residential use;
 - Development that is necessary for agriculture or forestry;
 - Development required for the limited expansion of an employment use;
 - Development that secures the viability of a farm as part of a comprehensive farm diversification scheme provided it is supported by a business case;
 - Redevelopment of the defined major developed sites in the Green Belt [not applicable to this case as the site lies outside the Green Belt];

- Affordable housing which is justified as an exception under policy CP19 (rural exceptions site);
- Predominately open recreation uses and associated infrastructure;
- Any other development for which a rural location is essential.

6.15 With the above policy context in mind, it is clear that the proposal relates to new development outside the village confines. Consequently, the proposed development falls outside of the requirements of these policies and there is an objection to the principle of the proposed development in the broad policy terms.

6.16 It is therefore necessary to establish whether any other material planning considerations exist that outweigh the policy objections to the scheme in these particular circumstances.

6.17 Throughout the NPPF there is a clear demonstration of government momentum in favour of sustainable development to create new homes and drive economic development. The proposed development would create five new homes on the very edge of an existing village settlement.

6.18 Furthermore the application site, rather than appearing as intrinsically open countryside, is effectively sandwiched between the existing village to the south, and a major road network to the north and east. The significant physical intervention of the road network at this point, in my view, is a key material consideration that sets a very specific context against which to assess the scheme for development. The physical characteristics of the surrounding land, as acknowledged by the previous Inspector, in effect form finite boundaries and as a result there would not be any overt harm caused to the wider countryside as a result of the development of this land for five houses.

6.19 As this is an outline application the specific details relating to the size, siting, scale and orientation of the proposed dwellings would be given further consideration at the detailed application stage. The indicative plans do however indicate that an acceptable layout could be achieved that would ensure an appropriate form of development in all respects.

Noise impact:

6.20 It is necessary to consider the acoustic environment in this locality and whether a good standard of amenity for future residents can be achieved. Various factors such as the level and frequency of noise from the nearby road network and the impact on those affected require detailed consideration. The Noise Policy Statement for England identifies several key phases with regard to the impact of noise on proposed developments and the adverse effect levels. Where necessary mitigation measures will need to be identified and controlled through planning conditions.

- 6.21 The applicant has submitted a road traffic noise survey into the effect of noise on the proposed development. This report however made use of noise data acquired in September 2011. Notwithstanding this there do not appear to have been any substantial changes to the road network in that area since the noise data was acquired that would have affected the results and as such it is considered to be fit for purpose in making an informed assessment in this case.
- 6.22 The submitted information demonstrates that with suitable mitigation an adequate noise climate can be provided both inside and outside the proposed dwellings. It is important to note that if the data provided relies upon closed windows to meet the guide values, there needs to be appropriate alternative ventilation that does not compromise the façade insulation or the resulting noise level.
- 6.23 It is noted that this is an outline application and therefore a further noise report would be required to consider the acoustic implications arising from the detailed layout and design of buildings. In this respect, a condition can be imposed upon an outline permission requiring the submission of a further noise report addressing the final layout and design. The report should consider the levels cited in the BS8233:2014 covering gardens and outdoor spaces. The report should include specific data detailing any mitigation/attenuation measures needed to attain the necessary levels. The information provided at this stage indicates that there is a technical solution to achieving this and there is therefore no problem with addressing this matter by way of condition.

Highway safety and parking provision:

- 6.24 Blue Bell Hill village lies close to a very busy multi-road intersection with access to the motorway network. As a result there is a high level of vehicle activity in the area with traffic flowing between the various nearby settlements on the edge of the Medway towns. This is a situation that has existed for some time and the operation of the traffic lights is regulated by KCC Highways.
- 6.25 It is appreciated that the majority of residents enter and leave the village from Maidstone Road with Warren Road being used much less frequently due to its narrow width and steep gradient. It is also recognised that, due to the siting of the crematorium towards the end of Robin Hood Lane, there is regular and sometimes heavy traffic moving along this road. As a result of the above there is significant vehicle activity in the area.
- 6.26 The application has been considered by KCC (H+T) and the conclusion drawn is that the addition of five houses in this area would not have a severe impact on highway safety (when applying the tests set out in the NPPF), subject to an increase in the width of the access road to allow large vehicles to pass cars. This would be a matter for the detailed planning stage and can be controlled by way of planning condition.

6.27 The submission indicates that the five detached dwellings would all accommodate 4+ bedrooms. This means that each dwelling would need to be served by two independently accessible car parking spaces in order for the scheme to accord with the requirements of KHS IGN3: Residential Parking. I note that garages are shown on the indicative plans to be provided to serve each of the dwellings but these are not counted as vehicle parking spaces for the purposes of applying the adopted standards. As such, the curtilages serving each of the dwellings will need to accommodate areas of hardstanding to accommodate sufficient open parking bays. The indicative layout plan and the overall size of the site leads me to conclude that this is achievable and can be adequately secured by planning condition. Such space would need to be shown as part of the detailed “reserved matters” submission.

Drainage:

6.28 It is understood that mains drainage will be provided for this proposal, but there is no specific reference to this issue. If non mains drainage is to be proposed, full details will be required including size, location and maintenance regimes. Due consideration should be given to the NPPF paragraph 20 reference ID: 34-020-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H-Drainage and Waste Disposal.

Air Quality:

6.29 As mentioned above this site is situated on a busy road intersection between the M2 and A2045. The closest property to the A2045 would be around 37m from this road and would not be in an area of poor air quality. It is suggested that any gaps in the tree planting could be enhanced with further planting to assist in maintaining air quality levels.

6.30 Furthermore, on the basis of the proposal only being for five new dwellings, it is not considered that the associated trip generation arising from the development will be significant in air quality terms on the surrounding, existing, receptors.

Contaminated land:

6.31 In accordance with paragraph 121 of the NPPF, in the event that outline planning permission is granted, it is recommended that safeguarding conditions are attached requiring the submission of a contaminated land desktop study identifying all previous uses of the site, potential contaminants and any required mitigation measures.

Trees and landscaping:

6.32 A tree report has been submitted in support of the application which concludes that the majority of trees at the site are category B, which means they are of moderate quality in arboricultural terms. It has been stated that it would be

necessary to remove three oak trees which are subject to a TPO (T22, T23 & T24). These would need to be replaced with three new replacement trees as part of the landscaping scheme.

- 6.33 In the event that outline planning permission was granted, the applicant would be required to submit full landscaping details as part of the “reserved matters”. This would need to include full details of replacement and additional tree planting. Information would also be required to demonstrate how trees to be retained would be protected during construction works.

Ecology and biodiversity:

- 6.34 The application is accompanied by an Ecological Scoping Survey which includes a desk study and walkover report. This report concludes that the site offers no potential to support amphibians, dormice, bats or badgers, although reptiles may be present at the site. It is recommended that if a protected species is found on site at any time work should stop and advice should be sought from an Ecologist. It is also recommended that a reptile survey should be carried out prior to the commencement of development. Wildlife enhancements such as bird nesting and bat boxes are recommended. These matters would need to be the subject of a planning condition.

Planning obligations:

- 6.35 Policy OS3 of the MDE DPD requires the provision of open space as part of a development for five dwellings or more. The policy states that where this cannot be provided on site, a contribution will be sought to enhance existing off site public open space. Officer assessment in this regard is continuing in order to establish whether any on site provision can be made or, in the event it cannot, whether a contribution can be achieved here and what that might be. Further detail in respect of this will be reported as a supplementary matter.
- 6.36 Policy CP17 of the TMBCS requires the provision of affordable housing as part of developments in rural areas for sites which exceed an area of 0.16 hectares. However, the NPPG has recently set out clear guidance stipulating that affordable housing contributions in areas such as this should not be sought from developments of ten units or less (or with a maximum gross floorspace of no more than 1,000 square metres). As such, there is no requirement for affordable housing as part of this scheme.

Conclusions:

- 6.37 In conclusion, it is important to understand that the starting point for the determination of this planning application rests with the adopted Development Plan. Against that starting point there are other material planning considerations that must be given appropriate regard, not least the general thrust of the NPPF which is an important material consideration, and the specific characteristics and

context of this particular site. The weight to attribute to each of those other material planning considerations, on an individual and cumulative basis, and the overall balance is ultimately a matter of judgement for the Planning Committee. My view is that the balance can lie in favour of granting planning permission.

7. Recommendation

7.1 **Grant Outline Planning Permission** in accordance with the following submitted details: Letter received 10.05.2016, Letter received 08.03.2016, Letter received 08.03.2016, Planning, Design And Access Statement received 08.03.2016, Site Survey received 08.03.2016, Other received 08.03.2016, Other received 08.03.2016, Ecological Assessment received 08.03.2016, Noise Assessment received 08.03.2016, Tree Report received 08.03.2016, Photographs received 08.03.2016, Aerial Photo received 08.03.2016, Site Plan P01 received 08.03.2016, Proposed Plans and Elevations P02 House type 1 received 08.03.2016, Proposed Plans and Elevations P03 House type 2 received 08.03.2016, Proposed Plans and Elevations P04 House type 3 received 08.03.2016, Proposed Plans and Elevations P05 Garage received 08.03.2016, Location Plan P06 received 08.03.2016, Ecological Assessment received 06.06.2016, subject to:

7.2 The applicant entering into a Section 106 Agreement covering the following:

- Public open space provision/contribution as deemed appropriate

7.3 The following conditions:

Conditions:

1 Approval of details of the layout and appearance of the development, access to and within the site, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 4 The details submitted in pursuance to Condition 1 shall include details of finished floor levels of all buildings and the development shall be undertaken in strict accordance with the approved details.

Reason: In the interests of visual amenity.

- 5 The details submitted in pursuance of Condition 1 shall show land, reserved for parking in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter 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 reserved vehicle parking area.

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

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

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

- 7 No development shall take place until a scheme of surface and foul water disposal has been submitted to and approved by the Local Planning Authority. The development shall be undertaken in full accordance with the approved scheme and retained and maintained at all times thereafter.

Reason: In the interests of pollution prevention.

- 8 No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 9 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the local planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

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

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 11 No development shall be commenced until an acoustic report has been submitted to and approved by the Local Planning Authority that addresses the proposed layout of the development. The report must consider the levels cited in BS8233:2014, namely:

1. For gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq, 1-hr and a maximum upper limit of 55dB LAeq, 1-hr: and

2. To at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16hr (day) in bedrooms, 35dB LAeq, 16hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas(ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 of BS8233:2014 and that these levels need to be achieved with windows at least partially open.

The report must also detail any mitigation/attenuation measures required as part of the development and the development must take place in accordance with any such approved measures and those measures must be retained at all times thereafter.

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

- 12 The details submitted in pursuance to Condition 1 shall include a tree survey in accordance with BS5837:2012 detailing all trees to be retained, removed and replaced as part of the landscaping scheme for the site for approval by the Local Planning Authority. It shall also include specific measures to protect those trees to be retained during the construction works. Any such approved measures shall be put in place prior to the commencement of the development and retained throughout the construction phase.

Reason: In the interests of good forestry and amenity.

- 13 The details submitted in pursuance to Condition 1 shall include details for the storage and screening of refuse. 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.

- 14 Prior to the development hereby approved commencing, a reptile survey shall be carried out in order to establish the status of reptiles on site and the results of the survey shall be formally submitted to the Local Planning Authority. In the event that reptiles are found at the site, a mitigation and compensation strategy shall be submitted to the Local Planning Authority for approval. The works shall thereafter be undertaken in strict accordance with the approved strategy.

Reason: In the interests of nature conservation.

- 15 Prior to the development hereby approved commencing, details of nature conservation and wildlife measures shall be submitted to and approved by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of the amenities of the area.

- 16 The details submitted in pursuance to Condition 1 shall include details of all means of boundary treatments including full details of a noise attenuating fence to be erected around the rear of the dwellings. The development shall be undertaken in strict accordance with the approved details and the means of boundary treatment shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory standard of development and to safeguard the aural amenity of the occupants of the dwellings hereby approved

Informatives:

1. During the demolition and cost phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 0730 hours-1830 Hours, Saturdays 0800-1300 hours with no such work on Sundays or Public Holidays.
2. The use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommended that bonfires are not held at the site.
3. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required, are obtained and that the limits of highway boundary are clearly established.

4. The proposed site plan includes a tree line between the proposed noise barrier and the proposed dwellings. It appears that this tree line is existing but any gaps could be enhanced with further planting. This and any intended tree planting should bear in mind air quality potential of the chosen species as well as their biodiversity benefits. This can be viewed through UTAQ scores (Urban Tree Air Quality scores: see Urban Air Quality, Woodland Trust 2012); such trees as silver birch (*Betula Pendula*) have high UTAQ score and have been shown to offer high reduction of air pollution.
- 5 In considering the details required pursuant to condition 7, in the event that Details of surface and foul water disposal to be submitted. In the event that non mains drainage is proposed, details will be required including size, location and maintenance regimes. Due consideration should be given to the National Planning Policy Guidance, Paragraph: 020 Reference ID:34-020-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H-Drainage and Waste Disposal.
- 6 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

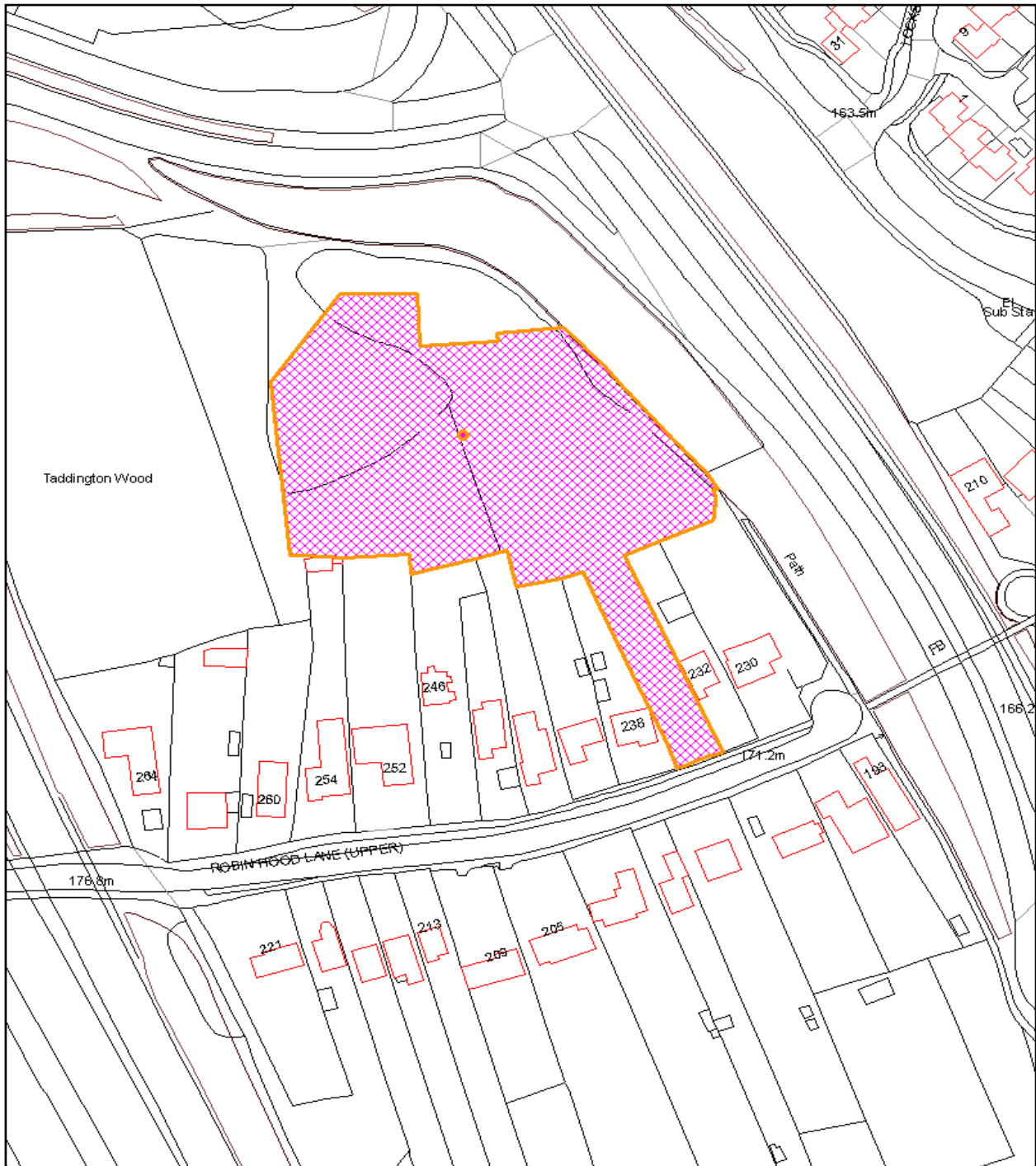
Contact: Hilary Johnson

TM/16/00797/OA

Taddington Wood North Of Robin Hood Lane Blue Bell Hill Chatham Kent

Outline Application: erection of x 5 dwelling houses and x 5 detached garages with associated access parking and turning areas and landscaping

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Agenda Item 7

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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