

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

19 August 2014

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, 28th August, 2014 commencing at 7.30 pm

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 3 Planning Committee held on 24 July 2014

Decisions to be taken by the Committee

4. Development Control 9 - 12

Introduction and Glossary

5. TM/14/02015/FL - 324 Pilgrims Way, Wouldham 13 - 20

6. TM/14/02671/CNA - Land at former Bridge Nursery, London Road, Allington 21 - 28

7. 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.

Matters for consideration in Private

PART 2 - PRIVATE

8. Exclusion of Press and Public

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.

9. 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 A K Sullivan (Chairman)
Cllr R W Dalton (Vice-Chairman)

Cllr J Atkins
Cllr J A L Balcombe
Cllr Mrs J M Bellamy
Cllr T Bishop
Cllr Mrs B A Brown
Cllr D A S Davis
Cllr Mrs C M Gale
Cllr P J Homewood
Cllr D Keeley

Cllr S M King
Cllr Miss A Moloney
Cllr Mrs A S Oakley
Cllr M Parry-Waller
Cllr Mrs E A Simpson
Cllr D W Smith
Cllr R Taylor
Cllr Mrs C J Woodger

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 24th July, 2014

Present: Cllr A K Sullivan (Chairman), Cllr R W Dalton (Vice-Chairman), Cllr J Atkins, Cllr J A L Balcombe, Cllr Mrs J M Bellamy, Cllr Mrs B A Brown, Cllr D A S Davis, Cllr Mrs C M Gale, Cllr D Keeley, Cllr Miss A Moloney, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr R Taylor and Cllr Mrs C J Woodger

Councillor Mrs S Murray was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Bishop, Mrs E A Simpson and D W Smith

PART 1 - PUBLIC

AP3 14/23 DECLARATIONS OF INTEREST

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

AP3 14/24 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on Thursday 1 May 2014 be approved as a correct record and signed by the Chairman.

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

AP3 14/25 DEVELOPMENT CONTROL AND SUPPLEMENTARY REPORTS

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.

TM/13/03793/FL - 238 WATERINGBURY ROAD, EAST MALLING

New gates to paddock and creation of a new access at 238 Wateringbury Road, East Malling.

RESOLVED: That

(1) Planning permission be REFUSED for the following reasons:

1. The proposed gates, by virtue of their height, location and design, and the access, by virtue of its width, amount of hardstanding and loss of hedgerow, appear to be visually incongruous and suburban features within the rural street scene, detracting from the historic character of the rural lane and are as a result harmful to the visual amenity of the locality and wider rural landscape. The proposal is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policies SQ1 and DC6 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraphs 17, 56, 57, 60 and 64 of the National Planning Policy Framework (2012).
2. The 2.5 metre set back of the gates combined with the location of the access within 5 metres of the junction of The Heath and Wateringbury Road results in a significant highway safety hazard. The development is therefore contrary to policy SQ8 of the Managing Development and the Environment DPD 2010.

(2) An Enforcement Notice BE ISSUED, the detailed wording of which to be agreed with the Director of Central Services, requiring the cessation of the use of the land for the storage of lorries, the removal of the access and gates and the removal of the hardcore hardstanding from the land and the reinstatement of the hedge.

AP3 14/27 (A) TM/13/03147/OA AND (B) TM/13/03275/CNA - LAND EAST OF HERMITAGE LANE, AYLESFORD

(A) Outline Application: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas), associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. All other matters reserved

Location: Land east of Hermitage Lane, Aylesford

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

1. The development proposed is unacceptable as it would result in an unjustified incursion into the Strategic Gap as there is no development approved that would be served by the new access and road. The proposal is therefore contrary to Policies CP1 and CP5 of the Tonbridge and Malling Local Development Framework Core Strategy 2007.

(B) Consultation by Maidstone Borough Council: Mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas), associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration

Location: Land east of Hermitage Lane, Aylesford

RESOLVED: That the Borough Council raise objections to the development as follows:

1. The Borough Council is aware that the land is allocated for 380 dwellings within the adopted Maidstone Local Plan, with the emerging policy proposing 500 dwellings. However, the submitted scheme does not appear to conform with either adopted or emerging policy insofar as the proposals could lead to harmful effects on recognised features on the site and impact on traffic and environmental conditions off site.

[Speakers: Mrs A Bates on behalf of New Allington Action Group; Mrs S Law on behalf of Queen's Road Residents and Schools and Mr M Ridout, member of the public]

**AP3 14/28 ALLEGED UNAUTHORISED DEVELOPMENT 13/00028/WORKM -
IVY HOUSE FARM, 42 CHAPEL STREET, EAST MALLING**

Alleged unauthorised development at Ivy House Farm, 42 Chapel Street, East Malling.

RESOLVED: That

- (1) An Enforcement Notice BE ISSUED, the detailed wording of which to be agreed with the Director of Central Services, requiring the reduction in height of the unauthorised fence to not exceed 2 metres in height at any point;
- (2) A decision on works to the wall associated with the fence be DEFERRED to enable further discussions to take place regarding

the design and finish of the wall to ensure that an acceptable form of development can be achieved.

- (3) A Listed Building Enforcement Notice be issued, the detailed wording of which to be agreed with the Director of Central Services, and subject to him being satisfied as to the evidence of a breach of listed building legislation, requiring the removal of the combination of capping material and dressed stone courses, together with end on ragstone pieces and their replacement with appropriate detailing of capping/waterproofing to be identified within the Listed Building Enforcement Notice.

PART 2 - PRIVATE

AP3 14/29 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.47 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 16 August 2013

| | |
|------|------------------------------------|
| 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 |
| CBCO | Chief Building Control Officer |
| CEHO | Chief Environmental Health Officer |

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|--------|--------------------------------------------------------------------------------------|
| CHO | Chief Housing Officer |
| 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 (part of the emerging LDF) |
| DMPO | Development Management Procedure Order |
| DPD | Development Plan Document (part of emerging LDF) |
| 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 1995 |
| GPDO | Town & Country Planning (General Permitted Development) Order 1995 |
| 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 - formerly KTNC |
| LB | Listed Building (Grade I, II* or II) |
| LDF | Local Development Framework |
| 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 |
| MLP | Minerals Local Plan |
| MPG | Minerals Planning Guidance Notes |
| NE | Natural England |
| NPPF | National Planning Policy Framework |
| ODPM | Office of the Deputy Prime Minister |

| | |
|----------|----------------------------------------------------------------------------------------|
| PC | Parish Council |
| PD | Permitted Development |
| POS | Public Open Space |
| PPG | Planning Policy Guidance Note |
| PPS | Planning Policy Statement (issued by ODPM/DCLG) |
| PROW | Public Right Of Way |
| RH | Russet Homes |
| RPG | Regional Planning Guidance |
| 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 |
| TCG | Tonbridge Conservation Group |
| 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 |
| 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) |

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|------------|-----------------------------------------------------------------------------------|
| 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 |
| ORM | Other Related Matter |
| 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 |

Wouldham **572092 163908** **29 July 2014** **TM/14/02015/FL**
Burham Eccles
Wouldham

Proposal: First floor rear addition
Location: 324 Pilgrims Way Wouldham Rochester Kent ME1 3RB
Applicant: Mrs Fran Holgate

1. Description:

1.1 Planning permission is sought to construct a first floor addition measuring approximately 2.1m wide by 2.8m deep, to be sited over the existing flat roofed ground floor section to the rear of 324 Pilgrims Way. The extension would accommodate a new larger bathroom with window to the rear elevation and flat roof. In addition to this proposal the applicants are likely to exercise the permitted development rights to erect a ground floor extension to the north of the existing ground floor extension (adjoining No. 326). This ground floor element does not require the Council's approval but forms part of an overall scheme. The net result is that the rear extension would give a stepped appearance if both were carried out. The first floor extension is proposed to adjoin the first floor extension of neighbouring property to the south (No. 322).

2. Reason for reporting to Committee:

2.1 At the request of Cllrs Dalton and Davies due to public concern.

3. The Site:

3.1 The application relates to a mid terrace house situated on the eastern side of Pilgrims Way. The house occupies an elevated position above road level and is situated outside of the village confines and within the Area of Outstanding Natural Beauty and the Strategic Gap.

3.2 The property currently has a single storey flat roofed extension to the rear which accommodates a small bathroom.

3.3 No. 322, to the south, has recently received planning permission for a two storey rear extension situated adjacent to the boundary with No. 324 (TM/13/01539/FL). This has now been completed.

3.4 No. 326, to the north, has a single storey element projecting to the rear adjacent to its own northern boundary and approximately 1.7m from the boundary with No. 324. This part of No. 326 accommodates a bathroom with window in the southern side. The windows on the rear elevation of No. 326 serve a dining room and bedroom.

4. Planning History:

TM/13/03046/FL Refuse 13 December 2013

Rear two storey extension to form bedroom at first floor and dining room at ground floor. Replace existing shed with new shed

TM/14/02016/LDP Certifies 25 July 2014

Application for Lawful Development Certificate: Ground floor rear addition

5. Consultees:

5.1 PC: Object as there is concern that a first floor addition would shut out the neighbours light to their kitchen/living area.

5.2 Private Reps: 2 + Site Notice/0X/1R/0S. Letter received makes the following objections:

- Overshadowing and loss of sunlight, especially in winter when the sun is lower. This would result in the loss of both warmth and light leading to an increase in the use of fossil fuels.
- The proposed extension would be opposite the bathroom which would make it cold and dark and lead to an increase in the use of electricity.

6. Determining Issues:

6.1 A number of Core Strategy policies are relevant including CP24 (standard of design), CP7 (Development in the AONB), CP5 (development in the Strategic Gap), CP14 (development in the countryside). Saved policy P4/12 and Annex PA4/12 of the Local Plan are also relevant. The main issues are the relationship of the proposed addition to the original house and any impact upon the neighbours' amenities, the AONB or the Strategic Gap.

6.2 This property forms part of a terrace of 7 relatively small houses occupying an elevated countryside location. Although the terrace is in the Strategic Gap the extension would not threaten the principles of the relevant policy, which seeks to ensure that separation between settlements is maintained. Neither will it involve encroachment into the open countryside as the development would be contained within the existing residential curtilage. There are no objections in terms of policy CP5 concerning development in the Strategic Gap.

6.3 The application is considered in relation to Core Strategy policy CP24 which seeks to ensure a high standard of design, saved policy P4/12 and policy annexe PA4/12 of the Local Plan which concerns residential extensions. This states that residential extensions will not be permitted if they would result in an adverse impact upon the residential amenity of neighbouring property in terms of light and

privacy. It also states that single and two storey extensions should be designed so as to fall within the relevant 45 degree angle taken from the nearest habitable room window of the adjacent property. Large two storey extensions can be unacceptable where dwellings are closely spaced and the extension inappropriately designed.

- 6.4 The proposed first floor extension would be sited over an existing bathroom which is to be converted into living space. The extension would measure approximately 2.8m from the rear wall of the house and 2.1m in width and would be sited 1.7m away from the northern boundary, common with No. 326, and around 3.4m from the ground floor side window of No. 326. The extension would be designed with a flat roof and would adjoin a party wall with the neighbouring house to the south (No. 322). The rear wall will be on the same plane as the recently completed first floor extension at No. 322.
- 6.5 It should be noted from the planning history that a single storey ground floor extension to the rear of No. 324 was certified as being Permitted Development by a recently issued Lawful Development Certificate (our reference TM/14/02016/LDP). This structure could be constructed under permitted development rights, not requiring the Council's approval and if implemented would be situated in the area between the existing ground floor element and the northern boundary.
- 6.6 Several houses in this terrace have been extended over the years in different ways at ground and first floor level. No. 322, to the south, benefits from a two storey rear addition projecting up to the site boundary. The extension at No. 324, having a flat roof and covering only half the width of the host dwelling, would be different from the hipped roof of the addition to the south at No. 322, but would not be visually harmful so as to withhold approval. The proposed extension is unlikely to have an impact upon the residential amenities of the occupants of No. 322.
- 6.7 It is necessary to have regard to the residential amenities of the occupants of the property to the north. Saved policy annex PA4/12 states that residential extensions should be designed so as to fall outside the relevant 45 degree angle taken from the nearest habitable room window of the adjacent property. In the current case it appears that the first floor extension at No. 324 would *not* breach the 45 degree line taken from the mid point of the nearest habitable window of No. 326 to the north.
- 6.8 Notwithstanding that the 45 degree line is not breached, the possible impact of the proposed extension has been assessed in terms of the availability of light to the ground floor habitable room of No. 326, in relation to the Building Regulation Establishment (BRE) document "Site Layout Planning for Daylight and Sunlight-A Good Practice Guide". This Guide recommends that windows serving habitable rooms should receive a minimum of 27% of daylight. If the level of daylight falls below this threshold the occupants would notice a loss of light if the resulting level

of daylight is less than 0.8 times its former value. The BRE recommends that habitable rooms should receive at least 25% of annual probable sunlight hours including at least 5% during winter months.

- 6.9 As existing, the affected window receives 30.25% of daylight with over 25% of annual probable sunlight hours being available to the affected window, including more than 5% during the winter months. As proposed 26.5% of daylight would be available to the affected window. This equates to 0.87 its existing level of light. Whilst the overall amount of daylight would be reduced to below 27% the occupiers are unlikely to notice a change in light levels as the difference would be minimal. Over 25% of sunlight would be available to the affected window with at least 5% available during winter months. The proposal is therefore in compliance with the BRE guidelines.
- 6.10 The proposed first floor extension represents a modest addition to the property that would be set away from the boundary with No. 326. The extension would be viewed against the existing neighbouring two storey rear extension when viewed from the rear facing windows of No. 326. Given the existing rear projection and the amount the proposed first floor extension is set away from the boundary it is not considered that the proposal would have an overbearing impact upon the residential amenities of the occupants of the neighbouring property. The proposal is, therefore, considered to accord with saved policy P4/12 and its associated annex.
- 6.11 The comments and concerns of the PC and the neighbour have been given very careful consideration. In this instance, there would be no undue harm to the residential amenities of the occupants of the adjacent property, such as to justify withholding consent.
- 6.12 This amended proposal is in accordance with the BRE requirements and policies CP1 and CP24 and would not cause harm to the AONB or the Strategic Gap. It is, therefore, recommended that planning permission can now be granted.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Certificate B dated 29.07.2014, Site Plan JCA - 03 dated 10.06.2014, Existing Plans and Elevations JCA - 01 dated 10.06.2014, Proposed Plans and Elevations JCA - 02 dated 10.06.2014, 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 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 visual amenity of the locality

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the side elevation(s) 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.

Informative

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

Contact: Hilary Johnson

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TM/14/02015/FL

324 Pilgrims Way Wouldham Rochester Kent ME1 3RB

First floor rear addition

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| Aylesford Aylesford | 573706 157473 | 1 August 2014 | TM/14/02671/CNA |
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|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposal: | Consultation by Maidstone Borough Council for the development of the site for 143 x one, two, three, four and five bed dwellings, new access road off A20, new estate roads, car parking, landscaping and amenity open space |
| Location: | Land At Former Bridge Nursery London Road Allington Maidstone Kent |
| Applicant: | Ward Homes And UCC Strategic Land Ltd |

1. Description:

1.1 The application is a consultation by Maidstone Borough Council with regard to the proposal to erect 143 dwellings as a mixture of one, two, three, four and five bed units, the creation of a new access road from the A20 (London Road), the construction of new estate roads, car parking, landscaping and amenity open space.

2. Reason for reporting to Committee:

2.1 The application is being reported to the Planning Committee at the request of the Ward Member, Cllr Balcombe.

3. The Site:

3.1 The application site has a site area of approximately 5.5 hectares and was most recently used as a plant nursery. The site in more recent years has been vacant and has become partially overgrown.

3.2 The site fronts directly onto the A20 (London Road), however, there are only sporadic views of the site from the public highway due to an approximately 5 metre high hedgerow which runs along the site boundary at the edge of the highway. To the northern side of the site is the Maidstone East - London railway line which sits on top of an embankment offering views into the site. To the east of the site the land is largely bounded by residential development in Allington, these residential properties sit within Maidstone Borough and directly overlook the site.

3.3 To the west is an area of land which is in the ownership of the applicants but sits within Tonbridge and Malling Borough. This land is within the designated Strategic Gap and no part of the proposed development sits within Tonbridge and Malling Borough.

4. Planning History:

TM/46/10016/OLD grant with conditions 6 February 1946

Dutch Barn.

TM/74/11943/OLD Application Withdrawn 7 January 1974

Outline application for residential development with access.

TM/74/11965/OLD Local Government 1 April 1974
Review Transfer

All planning papers transferred to file TM/74/101 on 1st April, 1974.
Outline application for residential development with new access

TM/74/12555/OLD Application Withdrawn 7 May 1974

Outline Application Residential Development with new access.
(previous application no. MK/4/73/897)

TM/86/11249/OUT Refuse 17 March 1986

Outline application for residential development at not less than 12 units per acre.

TM/88/12116/OUT Refuse 26 August 1988

Outline application for residential development at not less than 12 units per acre.

TM/01/00405/FL Grant With Conditions 11 April 2001

Change of use of former nursery land to public open space

5. Consultees:

- 5.1 No consultation carried out as the application is a consultation request by Maidstone Borough Council. It is therefore the responsibility of the determining authority to carry out appropriate consultation.

6. Determining Issues:

- 6.1 The application is a consultation by Maidstone Borough Council for development which may have an impact upon, although not located within, the Borough of Tonbridge and Malling. The assessment that follows therefore evaluates the potential impact of the development upon the Borough only.

- 6.2 This site was first allocated by MBC in 2000.
- 6.3 The closest residential neighbours within Tonbridge and Malling Borough are the residents of the established Gypsy and Traveller site at Coldharbour which is located approximately 0.5 kilometres from the proposed development. This separating distance would prevent the development, by virtue of its physical presence, being harmful to the residential amenity of these closest neighbours.
- 6.4 The proposed residential development would abut the Borough boundary between Maidstone and Tonbridge and Malling. As a result, the residential development would be visible from within the Borough of Tonbridge and Malling. Although this would be the case, the presence of the railway bridge and raised railway line to the west of the site would serve to limit these views and therefore no detriment would be caused to the visual amenity of the local area.
- 6.5 Members will be acutely aware that a key concern in the locality is the cumulative impact of development along Hermitage Lane both with regard to congestion and air quality due to the proximity of the site to designated AQMA's within the this Borough. However, it is equally important to recognise that Bridge Nursery is specifically allocated in the draft Maidstone Borough Local Plan for the construction of 165 residential dwellings; this is a material consideration in the determination of any planning application. The development proposed by this planning application seeks to provide 143 units – less than cited as a likely reasonable figure by the allocation.
- 6.6 The submitted transport survey which supports the planning application makes a detailed analysis of potential traffic impacts of the development upon the local highway network. The site is located in close proximity to Junction 5 of the M20 motorway which sits within Tonbridge and Malling Borough.
- 6.7 The transport survey provides results which indicate that the development would produce an additional 71 vehicle trips in the morning peak and 83 additional vehicle trips in the evening peak. Analysis of the data has identified that 54% of the trips would be expected to rote through the A20 towards Junction 5 and 46% travelling towards Maidstone. This represents 38 additional vehicle movements into this Borough in the morning peak and 40 in the evening peak. The applicant's agents have stated that this would not have any significant detrimental impact.
- 6.8 The submitted transport assessment converts these vehicular movements into PCU's for Junction 5 of the M20 motorway (Passenger Car Units which are not necessarily equivalent to the actual number of vehicles on the road) and demonstrates that the development impact is expected to be 25 PCU's in the morning peak and 23 PCU's in the evening peak. The report then states that the Highways Agency's trigger point for detailed capacity consideration is 30 PCU's within a single hour.

- 6.9 In light of the above, it is considered that the development, when viewed in isolation, would not have a significant impact upon traffic on the local highway network through Tonbridge and Malling Borough to justify an objection being raised to MBC.
- 6.10 Notwithstanding this, it is important to acknowledge that the submitted report makes no assessment of the cumulative impact of the proposed development along with other permitted development in the locality which would result in vehicular movements through the Coldharbour roundabout and Junction 5 of the M20.
- 6.11 The Transport Assessment prepared by WSP submitted with the outline application for 500 dwellings on land east of Hermitage Lane made a full assessment of the current junction capacities in the locality and made comparison with the impacts of projected growth up to 2018. This statement was accepted as part of that application as being an accurate assessment of the existing and projected traffic situation on the local highway network by KCC Highways. It is important to note that the application for the dwellings on Hermitage Lane was not refused on highway safety or air quality grounds.
- 6.12 The ahead lane of the Coldharbour Lane arm of the A20 London Road/Coldharbour Lane Junction is assessed to be nearly at maximum capacity with a 90% degree of saturation which is projected to increase to 96.3% by 2018 when taking into account committed development and growth. This report did not specifically include the development now proposed at Bridge Nursery within the committed development assumptions and therefore it is unclear to what extent this development has been taken into account in the junction capacity modelling.
- 6.13 The report does highlight the potential for junction improvements which would improve the capacity and potentially decrease the degree of saturation. This is not proposed as part of the development at Bridge Nursery and it would be for MBC to determine whether there was a requirement for Section 106 contributions to help fund such works.
- 6.14 Due to the inadequacy of the submitted Transport Assessment which makes no assessment of the cumulative impact of the development upon Junction 5 and the Coldharbour roundabout; along with the fact that the report by WSP for the application for residential development on land east of Hermitage Lane does not clearly include the impacts of the development at Bridge Nursery upon the overall junction capacity study, a full assessment cannot be made as to the potential highway impacts of the development upon this Borough.
- 6.15 There are four designated AQMA's situated on the A20 London Road within this Borough, the closest being on the western side of Junction 5 of the M20 motorway. Although the development is likely to create some traffic generation into the closest AQMA, it is considered that overall these levels would be minimal, with the majority of traffic using the motorway rather than routing along the A20. It is

considered that the impacts of any additional vehicular movement may be adequately mitigated by the adoption of low emission design options. These include:

- Electric charging points
- Cycling- the developer should consider enhancing cycle links between the development and its neighbouring communities. This is of particular importance to TMBC as a cycle link would help to complete a safe and continuous cycle route between Maidstone and West Malling, encouraging cycling and offsetting additional car trips through the AQMA along the London Road within this Borough.
- The promotion of the use of sustainable transport modes such as the use of public transport and the KCC car sharing scheme.

6.16 The application site is located in close proximity to public transport links including a park and ride facility into Maidstone town centre which would alleviate some use of the private car on the local roads.

7. Recommendation:

7.1 Maidstone Borough Council be advised that TMBC raises No Objection in principle subject to:

- 1 The submission of a more rigorous and thorough Transport Assessment which assesses the cumulative impact of the development upon the Coldharbour roundabout at Junction 5 of the M20 motorway which must include an assessment of the impacts arising from recent Committee decisions on unallocated sites by MBC, which generate traffic on this part of the highways network, and that this be shared with TMBC prior to any decision being made to allow TMBC to make further comment as necessary.
- 2 In order to minimise the environmental impacts of traffic, to consider and promote sustainable transport measures such as:
 - Electric charging points to be accommodated within the development;
 - Enhancement of cycle links between the development and the surrounding communities, linking fragmented cycle routes along the A20 as promoted by the KCC Cycle Strategy;
 - Promotion of the use of public transport and the KCC Car Sharing Scheme.

Contact: Kathryn Holland

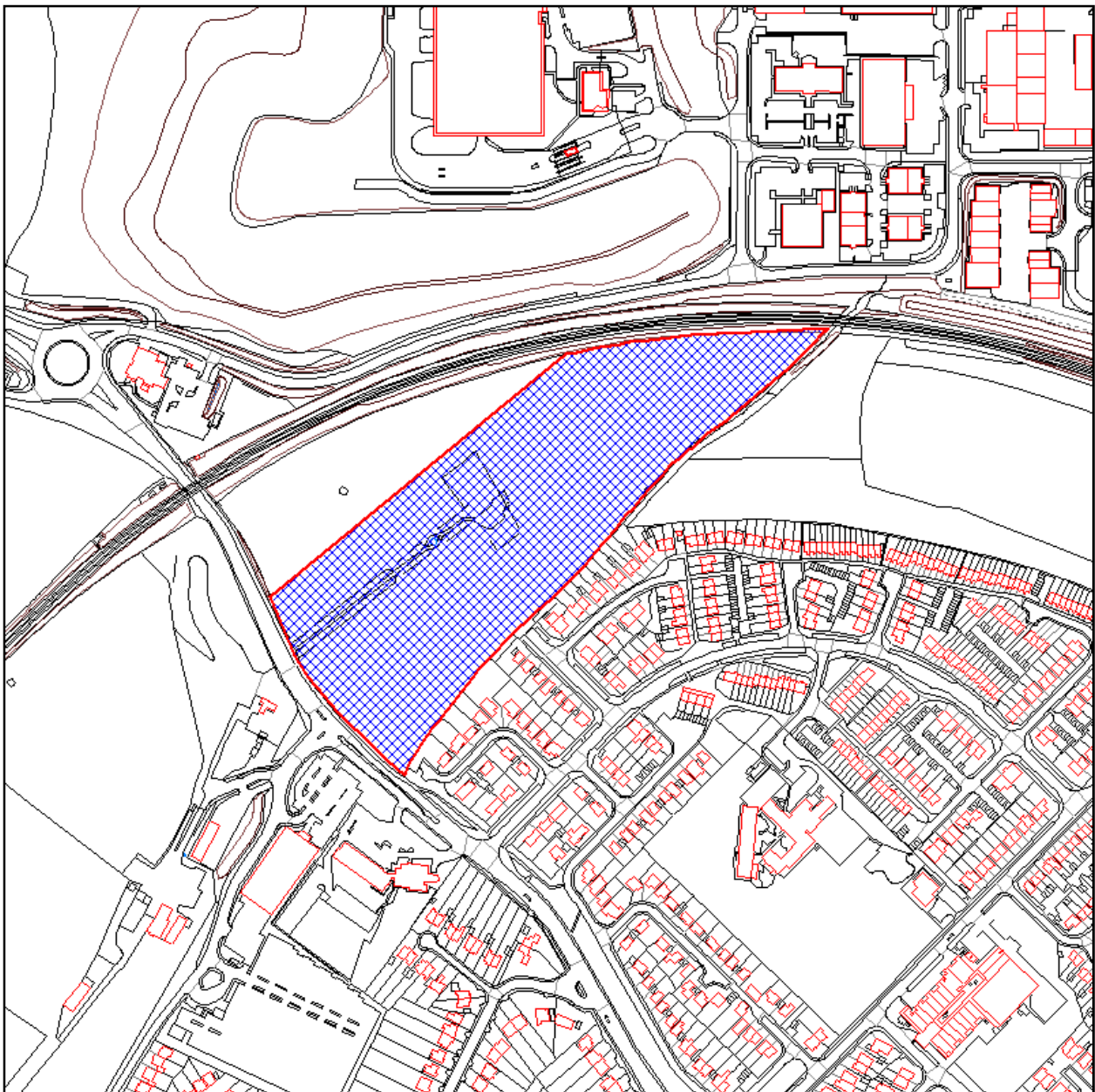
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TM/14/02671/CNA

Land At Former Bridge Nursery London Road Allington Maidstone Kent

Consultation by Maidstone Borough Council for the development of the site for 143x one, two, three, four and five bed dwellings, new access road off A20, new estate roads, car parking, landscaping and amenity open space

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