

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

26 March 2018

To: MEMBERS OF THE AREA 1 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in the Riverside Lounge, Angel Centre, Tonbridge on Thursday, 5th April, 2018 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 22 February 2018

Decisions to be taken by the Committee

4. Development Control 9 - 12
Introduction and Glossary
5. TM/18/00173/FL - 36 Dry Hill Park Road, Tonbridge 13 - 22
6. Alleged Unauthorised Development 17/00361/WORKM - Pear Tree Farm, Matthews Lane, Hadlow 23 - 26
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

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.

PART 2 - PRIVATE

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 R D Lancaster (Chairman)
Cllr V M C Branson (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr O C Baldock
Cllr Mrs P A Bates
Cllr P F Bolt
Cllr J L Botten
Cllr D J Cure
Cllr M O Davis
Cllr T Edmondston-Low
Cllr B T M Elks

Cllr Mrs M F Heslop
Cllr N J Heslop
Cllr M R Rhodes
Cllr H S Rogers
Cllr Miss J L Sergison
Cllr C P Smith
Cllr Ms S V Spence
Cllr Miss G E Thomas
Cllr F G Tombolis

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 22nd February, 2018

Present: Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr P F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr M O Davis, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Miss G E Thomas and Cllr F G Tombolis

Apologies for absence were received from Councillors B T M Elks, Mrs M F Heslop, N J Heslop and H S Rogers

PART 1 - PUBLIC

AP1 18/1 DECLARATIONS OF INTEREST

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

AP1 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 26 October 2017 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

AP1 18/3 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.

AP1 18/4 TM/17/02468/FL - TEEN AND TWENTY CLUB, RIVER LAWN ROAD, TONBRIDGE

Demolition of existing building and erection of a new 3 storey medical centre incorporating a retail pharmacy, with associated parking and landscaping at Teen and Twenty Club, River Lawn Road, Tonbridge

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

(1) The amendment of Condition

12. The measures for implementation and monitoring arrangements as set out in the Travel Plan (Reference 618753-MLM-ZZ-RP-TP-002, received on 01 February 2018) and Car Park Management Plan (Reference 618573-MLM-ZZ-RP-TP-003, received on 01 September 2017) hereby approved shall be fully adhered to.

After 12 months of the commencement of the use hereby approved, a monitoring report shall be submitted to the Local Planning Authority for approval. This report shall demonstrate to the reasonable satisfaction of the Local Planning Authority how the travel plan and car park management plans have been implemented during the previous 12-month period and shall include:

- Measures introduced and actions taken to promote the travel plan and effective management of the car park;
- A statistical summary of the modal split of employees/residents/users disclosed by the monitoring surveys;
- The progress of the travel plan in achieving targets and identifying any amendments in the event that targets are not achieved;
- A plan for future actions to be implemented and a timescale for such implementation.

Reason: In the interests of the proper management of traffic and highway safety and in order to encourage more sustainable modes of transport to/from the site by staff and visitors.

(2) The addition of Condition

27. If during construction, items or features of archaeological and/or historic importance are discovered, all development shall cease until such time as the applicant, or their agents or successors in title, have submitted a scheme to the Local Planning Authority for approval which

suitably secures the implementation of a watching brief to be undertaken by an archaeologist for the duration of the works as necessary.

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

(3) The addition of Informatives

14. The applicant is advised that in connection with the submission of a flood management and evacuation plan as required by Condition 20, they liaise with the designated Flood Warden for the area.

15. The applicant is reminded that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 (as amended) particularly in respect of nesting birds. Should any further information be required in this respect, the applicant should contact Natural England.

[Speakers: Ms S Bevan (on behalf of Tonbridge Civic Society), Mrs E Hood, Ms J Lloyd, Ms E Hood and Mr M Hood (on behalf of Barden Residents Association) – members of the public; and Ms S Gibbs (Agent) and Dr T Palmer (Applicant)]

AP1 18/5 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00309/WORKM - LAND WEST OF LAXTON FARM, COMMON ROAD, TONBRIDGE

The report set out details of an alleged breach of planning control regarding the unauthorised use of the land for the storage of a touring caravan and the erection of a building without planning permission.

RESOLVED: That Enforcement Notices be issued to seek the cessation of the use of the site for the storage of caravans and a further Notice to seek the removal of the unauthorised building along with any arisings from its demolition and the land restored to its former condition thereafter.

AP1 18/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.00 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

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

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

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

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

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

**Tonbridge
Castle**

25 January 2018

TM/18/00173/FL

Proposal: Change of use from residential dwelling to caring staff training centre
Location: 36 Dry Hill Park Road Tonbridge Kent TN10 3BU
Applicant: Consultus Care And Nursing
Go to: [Recommendation](#)

1. Description:

1.1 Planning permission is sought to change the use of this site from a dwelling house (use class C3) to a centre for training carers (use class D1). The applicant's agent has provided the following information regarding the nature of the proposed use:

- A maximum of 12 carers will be trained in any one day.
- The use would operate Monday to Friday between 08.00am and 6.00pm.
- Five members of staff would be in attendance at any one time.
- Cycle storage would be provided for 6 no. bicycles within the site prior to the commencement of the use.

1.2 The applicant's business, currently based in Tonbridge, recruits carers for clients based all around the country. The applicant has confirmed that trainees would walk to the site from its existing residential properties within Dry Hill Park and Shipbourne Roads. Training staff will park within the site or in allocated bays as they already have permits to park within certain parts of the town.

1.3 The permission sought relates solely to the use of the site and it is not proposed to alter the building or the layout of the site. The submitted plans show that, at ground floor level, two training rooms would be provided together with a kitchen and break room. At first floor level, a third training room would be provided as well as two separate office rooms. A terrace is shown to be provided immediately to the rear of the building that would be used by the trainees on breaks from their training. It is not proposed that any formal training would take place outside of the building.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Branson in light of the significant amount of local interest generated by the proposed development.

3. The Site:

- 3.1 The site lies within the urban confines of Tonbridge, on the north side of Dry Hill Park Road. The site lies within the Tonbridge Conservation Area and contains a semi-detached dwelling house. The street is characterised by residential properties and schools.
- 3.2 The site benefits from an existing driveway that can accommodate up to 4 cars.

4. Planning History (relevant):

TM/16/02521/FL	Refuse Appeal dismissed	1 November 2016
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Change of use from C3 to D1 to provide classrooms and new staff facilities

5. Consultees:

- 5.1 Private Reps: (including response to site and press notices) 6 + site + press notice 0X/44R/0S. Objections received can be summarised as follows:

- The parking in the local area is seriously limited and the proposal will introduce more cars causing harm to the safe and free flow of traffic.
- Loss of a residential dwelling.
- The change of use would be out of keeping with the character of the locality, which is primarily residential and within a Conservation Area.
- There are plenty of empty premises in the town centre for the proposed use.
- There will be a smoking area in the garden adjacent to the neighbouring school.
- The commercial use would create more noise than the existing residential use. There would be no limitation on the type of commercial activities that can happen within the site.
- The school next door was refused permission to use the site as a learning environment, so other people also wishing to use the site for learning should also be refused.
- The commercial use could lead to safeguarding issues with local school children as more strangers would be located within the site.
- Permission was recently refused (and dismissed on appeal) for a D1 use of this site.

- The use of the terrace will cause noise disturbance to the adjoining residential property.
- Concern that the use could increase the risk of fire to the building and the adjoining dwelling.

6. Determining Issues:

Principle of development:

- 6.1 The site is located within the urban confines of Tonbridge. Policy CP 11 of the TMBCS states that development will be concentrated within this (and other) urban areas within the Borough.
- 6.2 There are no specific development plan policies that seek to resist the change of use of dwellings to other uses. Similarly, whilst the NPPF promotes the creation of new dwellings, it does not preclude the change of use of dwellings to alternative uses. Both the NPPF and development plan policy seek developments to make effective use of previously developed land in sustainable locations. The pre-ambles to policy CP 11 (paragraph 6.3.1) comments that development at the urban areas can minimise the need to travel, by being located close to existing services, jobs and public transport.
- 6.3 The NPPF places a great emphasis on the promotion of sustainable economic development. It states at paragraph 19:

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system”

- 6.4 As such the principle of changing the use of buildings and land within urban areas is supported by current development plan policy and national guidance.

Residential Amenity:

- 6.5 One of the core principles of the NPPF (paragraph 17) is to secure a good standard of amenity for existing occupants of land and buildings. Policy CP1 of the TMBCS echoes this by requiring residential amenity to be preserved when determining planning applications. Policy CP24 states that development that would be detrimental to the amenity or functioning of a settlement will not be permitted.
- 6.6 Members will no doubt recall that planning permission was refused last year (and the subsequent appeal (dismissed) for the change of use of this site and the adjoining property at 36a Dry Hill Park Road to become a D1 use in connection with the adjoining Hilden Oaks School (ref. TM/16/02521/FL). That planning

application was refused permission for the following reason:

“The proposed change of use of the residential dwellings and their associated curtilages to a D1 use in connection with a school would result in an unacceptable increase in the levels of noise and disturbance in close proximity to neighbouring residential properties, harming residential amenity contrary to paragraph 123 of the NPPF, Policies CP1 and CP24 of the Tonbridge & Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.”

- 6.7 When dismissing the planning appeal for the previously proposed school use, a key issue that the Inspector raised was that planning conditions would not be sufficient to mitigate the harm arising from the use of the rear garden of the site as a school.
- 6.8 With this previous decision in mind, a judgement must be made as to whether or not the use now proposed is acceptable in terms of its potential impact, particularly in respect of residential amenity and whether, if any potential impacts are identified in connection with this specific use, any planning conditions could be imposed that would mitigate those impacts.
- 6.9 The scale and nature of the proposed use is substantially different to that of a primary school as previously proposed. The applicant has confirmed that only 12 trainees would be onsite at any one time, together with up to 5 members of staff. The garden itself would not be used as a venue for training but would only be used as an area for trainees and staff to take a break. This use of the garden as part of the proposed would not, therefore, cause the same level of noise disturbance as that considered unacceptable by the Inspector when dismissing the previous appeal.
- 6.10 The submitted plans show the creation of a terrace immediately to the rear of the building. This is of a modest size and, again, regard must be had to the number and nature of the users of this space. Ten adults taking a break would create far less noise disturbance than classes of primary school children playing outside. The use itself will be limited to 8am to 6pm, Mondays to Fridays (normal working hours). Therefore the times of the day when the occupiers of the neighbouring property would reasonably expect to have more peace and quiet (evenings and weekends) would not be affected by the proposed development.
- 6.11 The total number of trainees and the times of the day when this commercial use could be undertaken can be adequately controlled by conditions to ensure a particular degree of activity on site.
- 6.12 Of course it must be appreciated that the building is currently a semi-detached house with a party wall shared with an adjoining dwelling house (36a Dry Hill Park Road). On one side of this party wall is the hallway and staircase within the

application site building. On the other side are two reception rooms at ground floor level within 36a.

- 6.13 The training that will take place within the building would include lecturing to the trainees and two rooms would be laid out with a hospital bed, arm chair and hoist to demonstrate safe movement and handling of clients. None of these activities would be inherently noisy and the rooms where the training will take place do not share a boundary with the party wall in any event. Whilst the noise associated with the proposed internal use of the building would not be significant, it would not be unreasonable in the circumstances to require the installation of noise insulation along the party wall. A condition can be used to require appropriate sound insulation to be installed prior to the commencement of the use.
- 6.14 I am mindful that the proposed use as a carers training facility falls within the same use class as that of a school (Class D1). In normal circumstances it would therefore be possible for the site to be used as a school following the grant of permission for the carers training facility without needing to be the subject of a planning application. Given the recent appeal decision concerning the use of the site and the neighbouring property as school, such a situation would be unacceptable. However, planning conditions can be imposed to prevent this from occurring and this is reflected in the recommendation that follows.
- 6.15 With these considerations in mind, I am satisfied that this proposal would not cause harm to residential amenity and is therefore acceptable in this respect, subject to the imposition of planning conditions restricting the use and how it takes place within the site.

Highway safety and parking provision:

- 6.16 The applicant has confirmed that the trainees would walk to the site from the applicant's residential properties located within Dry Hill Park Road and Shipbourne Road. It is an inherent part of the applicant's existing business that carers arrive in Tonbridge, normally via public transport, stay for a short period of time in one of the two sites used for temporary accommodation (in Dry Hill Park Road or Shipbourne Road), before moving on to their final destination with their clients. The application site would be used essentially during the short stop over time between trainees arriving in Tonbridge and moving to their client's property. It is unlikely, therefore, that trainees would drive to the site given that they would be staying a short walk from the site. There is room for parking up to four cars on site, which would be used by training staff. Any additional staff parking would take place on the local roads where the applicant already has business permits to park.
- 6.17 Considering the specific nature of the applicant's business and how the site would be used in connection with that, the proposal would not generate such additional traffic in the locality as to result in a severe impact upon highway safety (the requirement set out at paragraph 32 of the NPPF). Planning conditions limiting

how the use operates as discussed earlier in this report would also effectively limit the impact of the use upon highway safety.

Other matters and conclusions:

- 6.18 The development does not propose to alter the existing building, front driveway or boundary walls. The use, by itself, would not alter the appearance of the site when viewed from within the Conservation Area. The use of the existing driveway to park staff cars would not be any different to the existing situation. The road would still retain its 'feel' as one of predominantly residential in nature and the proposed use would not create an overtly commercial character within the street. The proposal would therefore preserve the character and appearance of the Tonbridge Conservation Area as is required by S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 6.19 In summary, the principle of the proposed development is acceptable and, whilst it would be different in nature to the existing residential use of the site, this would not cause harm to the amenities of the neighbouring residents. Conditions can be used to satisfactorily control the nature and intensity of the proposed use in order to prevent any unacceptable impact.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following details: Location Plan 18002/SP01 dated 24.01.2018, Block Plan 18002/S01 dated 24.01.2018, Existing Floor Plans 18002/S02 ground dated 24.01.2018, Existing Floor Plans 18002/S03 first dated 24.01.2018, Proposed Floor Plans 18002/PL01 ground dated 24.01.2018, Proposed Floor Plans 18002/PL02 first dated 24.01.2018, Design and Access Statement dated 24.01.2018, subject to the following conditions:

Conditions:

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

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

- 2 The area shown on the submitted layout as vehicle parking space shall be kept available for such use at all times and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 3 The business shall not be carried on outside the hours of 08.00 to 18.00 Mondays to Fridays with no working on Saturdays, Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 4 This consent shall enure only for the benefit of Consultus Care and Nursing (the applicant) and it shall not enure for the benefit of the land or any other person, persons, organisation or company for the time being having an interest therein.

Reason: To enable the Local Planning Authority to assess the impact of another user of the land in the interests of amenity.

- 5 The premises shall be used for a centre for training carers and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In order to enable the Local Planning Authority to assess the impacts of alternative uses falling within the same use class upon residential amenity and highway safety.

- 6 The use shall not commence until details comprising a scheme of acoustic protection measures along the party wall with 36A Dry Hill Park Road have been submitted to and approved by the Local Planning Authority and the scheme has been fully implemented in accordance with those approved details.

Reason: In the interests of residential amenity.

- 7 At no time shall the number of people being trained within the site exceed 12 (twelve).

Reason: In the interests of residential amenity.

Contact: Matthew Broome

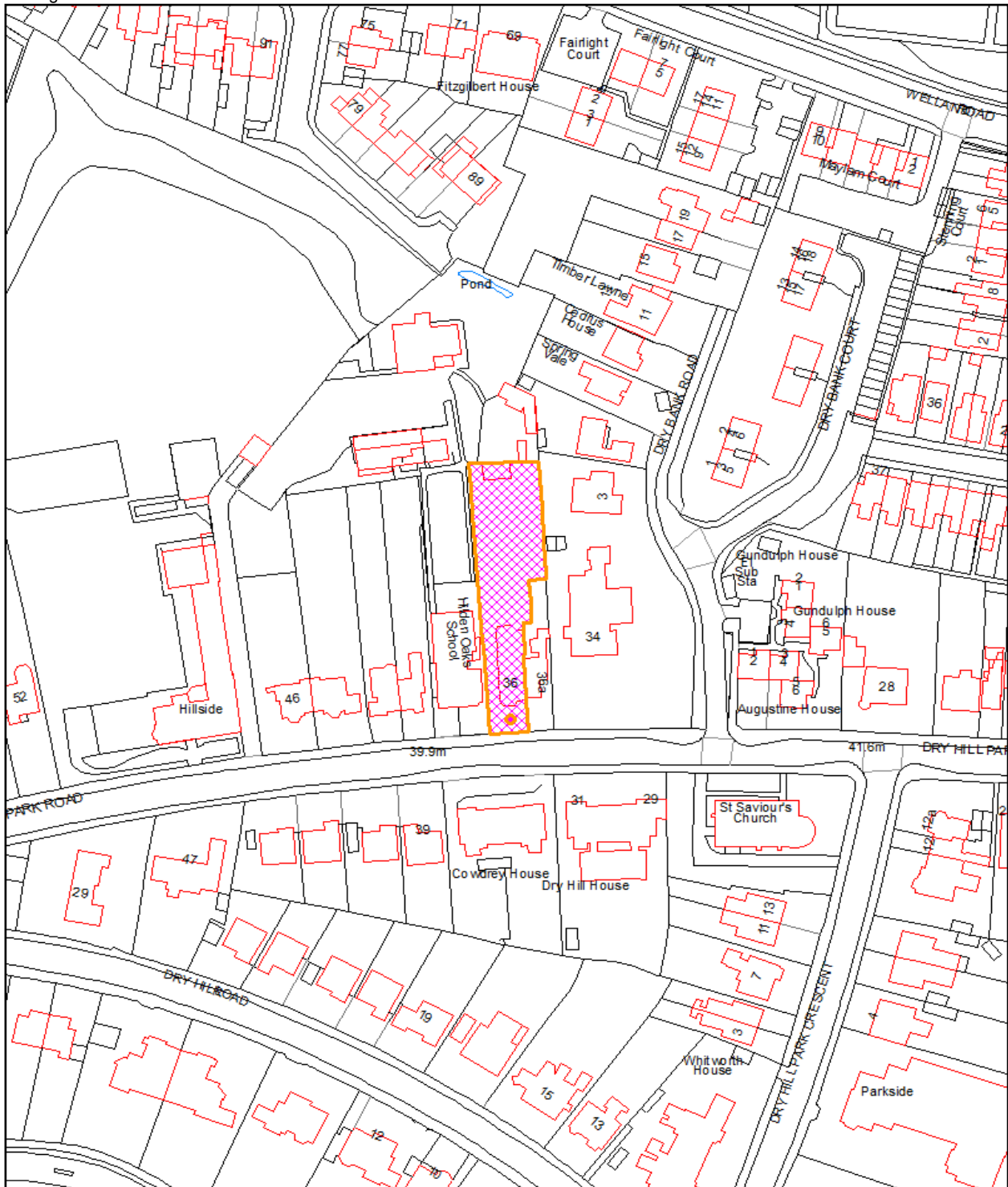
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TM/18/00173/FL

36 Dry Hill Park Road Tonbridge Kent TN10 3BU

Change of use from residential dwelling to caring staff training centre

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Alleged Unauthorised Development
Hadlow (Hadlow) 17/00361/WORKM
Hadlow And East
Peckham

Location: Pear Tree Farm Matthews Lane Hadlow Tonbridge Kent TN11
0JG

1. Purpose of Report:

- 1.1 To report the alleged unauthorised construction of a new building within the grounds of Pear Tree Farm Matthews Lane Hadlow.

2. The Site:

- 2.1 The site comprises a large detached dwellinghouse surrounded by farmland, within the same ownership. It is located on the west side of Common Road.

3. Relevant Planning History:

TM/14/03862/FL Approved 08 January 2015

Revision to planning permission TM/14/01255/FL (Demolition of the existing dwellinghouse and residential outbuilding and greenhouse and construction of replacement two-storey dwelling house and detached triple bay garage and log store, detached stable block and formation of revised pedestrian and vehicular access) including the re-positioning and enlargement of the approved garage and re-positioning of stable block

TM/14/02741/FL Refused 27 October 2014

Amendment to planning permission TM/14/01255/FL for the demolition of the existing detached dwelling house together with the residential outbuilding and greenhouse and its replacement with a detached two-storey dwelling house with accommodation in the roofspace and a part basement together with a detached triple bay garage with tractor and log store, a detached home office block and the formation of a revised pedestrian and vehicular access

TM/14/01255/FL Approved 06 June 2014

Demolition of the existing dwelling house and residential outbuilding and greenhouse and construction of replacement two-storey dwellinghouse and detached triple bay garage and log store, detached stable block and formation of revised pedestrian and vehicular access

4. Alleged Unauthorised Development:

- 4.1 Without planning permission the erection of an unauthorised building.

5. Determining Issues:

- 5.1 As set out in Section 3 of this report, planning permission was granted for the demolition of the existing dwellinghouse along with a residential outbuilding and greenhouse, and the construction of a replacement two-storey dwellinghouse and detached triple bay garage and log store, detached stable block and the formation of revised pedestrian and vehicular access (our reference TM/14/01255/FL).
- 5.2 Subsequently, an alternative, larger, scheme was put forward (our reference TM/14/02741/FL) but this was refused on the following grounds:

“The home office block element of the proposed development is considered to be inappropriate development within the Metropolitan Green Belt, by definition and would also cause material harm to the open nature and function of the Metropolitan Green Belt by virtue of its overall size, bulk, mass and specific siting. No Very Special Circumstances have been demonstrated which outweigh the degree of harm arising from the inappropriateness and material harm identified within the development. Therefore, the proposal is contrary to Green Belt policy, having regard to paragraphs 87, 88 and 89 of the National Planning Policy Framework, 2012 and Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy, 2007.”

- 5.3 Although a further revised scheme was subsequently granted under reference TM/14/03862/FL, it has become clear from our investigations that one of the buildings as constructed is similar in size, form and appearance to the building that formed part of the *refused* scheme and as such is unauthorised.
- 5.4 The remainder of the development on site accords with the planning permission granted under planning reference TM/14/03862/FL.
- 5.5 In an attempt to resolve the breach through informal means, officers have sought to negotiate changes to the building as built in order to bring it within the scope of the planning permission granted. Plans have been provided by the owner indicating alterations he would be prepared to make in an attempt to overcome the breach but those plans still would allow for a building larger than that approved and ostensibly indicating a different use from the approved stable building.
- 5.6 With this in mind, it is apparent that more formal action is required in order to require the owner to make the necessary changes to the building so that it falls within the terms of the otherwise implemented planning permission.

6. Recommendation:

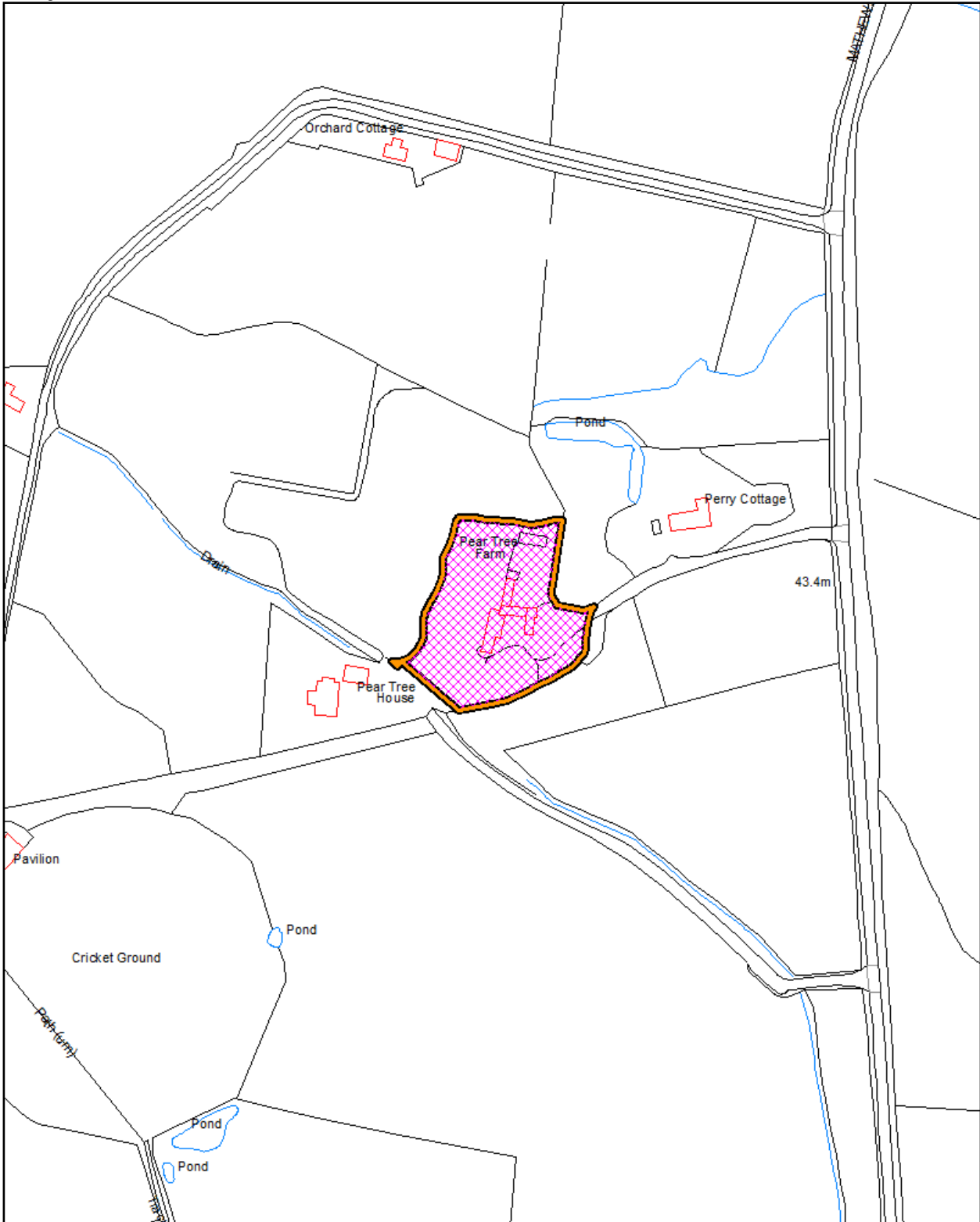
- 6.1 An Enforcement Notice to **BE ISSUED** to seek all physical alterations to the unauthorised building to conform to the plans approved under planning reference TM/14/03862/FL.

Contact: Adam Wonnacott

17/00361/WORKM

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