

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
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31 October 2017

To: MEMBERS OF THE AREA 2 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 8th November, 2017 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 27 September 2017

Decisions to be taken by the Committee

4. Development Control 9 - 12

Introduction and Glossary

5. TM/16/01753/FL - The Nursery, Taylors Lane, Trottiscliffe 13 - 34

6. TM/17/01392/RM - Area 1, Kings Hill Phase 3, Gibson Drive, Kings Hill 35 - 54

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

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

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 27th September, 2017

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

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

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

PART 1 - PUBLIC

AP2 17/41 DECLARATIONS OF INTEREST

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

AP2 17/42 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 16 August 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

AP2 17/43 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. There were no supplementary reports tabled at this meeting.

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

AP2 17/44 TM/17/01289/FL - DEWPOND, PLATT COMMON, PLATT

Construction of a detached 2 storey 4 bedroomed dwelling with ancillary parking and access at Dewpond, Platt Common, Platt.

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

(1) Amended Conditions:

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that order), no development shall be carried out within Class A, B or E of Part 1 Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

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

5. The dwelling shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and boundary treatment that includes additional tree plantings along the northwest (rear) and northeast (side) boundaries of the site and full details of materials to be used in areas of hard surfacing of the access driveway. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. The boundary treatments shall be provided prior to occupation of the new dwelling.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and in the interests of appropriate surface water drainage.

[Speakers: Wendy Palmer, Platt Parish Council, Mr R Hook, member of the public and Ms J Tasker, agent]

AP2 17/45 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information the following matters be considered in private.

AP2 17/46 UPDATE ON ENFORCEMENT ACTIONS

(LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information about an individual)

The report of the Director of Planning, Housing and Environmental Health informed of recent enforcement action taken in connection with development at land to the west of Wrotham Heath Place, London Road, Wrotham Heath, known as 'The Spinney'.

Members were pleased to note that a Temporary Stop Notice had been issued on 4 August, an emergency (interim) injunction to prevent any further operational development served on 25 August and permitted development rights related to means of enclosure, temporary buildings and use of land had been removed. It was reported that the latter course of action was subject to a consultation process and the Planning Committee would be updated in due course.

The Committee expressed appreciation of the action being taken to address the situation.

The meeting ended at 8.10 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

Trottscliffe
Downs And Mereworth

3 June 2016

TM/16/01753/FL

Proposal: Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens
Location: The Nursery Taylors Lane Trottscliffe West Malling Kent
Applicant: Mrs P Valler
Go to: [Recommendation](#)

1. Description:

- 1.1 The original application (TM/12/00379/FL) for the siting of a static mobile home for a horticultural/agricultural worker on the site and the erection of dog pens and kennels was granted a temporary planning permission for a period of 3 years at appeal by the Planning Inspectorate in April 2013.
- 1.2 The current application proposes the permanent retention of the existing static mobile home for accommodation for an agricultural worker associated with the horticultural use of the site (plant nursery). It also includes retention of the ancillary development previously approved.
- 1.3 Determination of this application was deferred by APC2 back in April 2017 to allow officers to request the submission of detailed evidence setting out the different species grown on site presently, along with evidence that explains the proportion of turnover for each species, to account for any differences in type of species since the Inspector viewed the operations in 2013, and a technical explanation as to how the different species are cared for on a daily basis. This was all required in order to establish whether, given the type/hardiness of the species being grown, there is a genuine requirement for a continued on- site residential presence.
- 1.4 Since then, supplementary supporting information prepared by Kernon Countryside Consultants Limited has been submitted by the applicant.
- 1.5 The applicant originally also submitted correspondence from 4 businesses in Ightham, West Kingsdown and Meopham, which includes garden centres located in these areas, confirming that they have purchased plants from the applicant.
- 1.6 A Design, Access and Planning Statement, Supporting Statement, Business Accounts for 2012-2015 along with the original submitted Essential Needs Appraisal and Business Plan have been submitted with the application.
- 1.7 Since April and following the receipt of the additional information submitted on behalf of the applicant, specialist advice has been sought to assist officers in making their recommendations to the committee. This advice, along with the supporting evidence provided by the applicant, is discussed in detail within the

assessment that follows. The advice obtained (pre and post the April deferral) is annexed to this report in full for completeness of information.

- 1.8 The report that follows represents an entirely new report setting out a detailed assessment of the case.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Kemp due to the history of the site and inappropriateness in the Green Belt.

3. The Site:

- 3.1 The application site comprises a rectangular parcel of land located on the west side of Taylors Lane, adjacent to the settlement confines of Trottiscliffe. It is fully enclosed by a brown stained close-boarded fence set just inside established hedgerows which align the boundaries of the site. The vehicular access to the site is on Taylors Lane within the northern section of the frontage. Gates are provided well back from the frontage.
- 3.2 The northern part of the site comprises two polytunnels, with black sheeting covering the land around them with arrangements of potted plants. A timber clad agricultural building comprising a workshop/potting shed with office facilities is situated within the centre of the site. The driveway and area around the potting shed is surfaced in bonded gravel. A static mobile home is positioned to the west of the agricultural building with an associated domestic garden area. Two dog kennels and pens lie just to the south of the potting shed and static mobile home.
- 3.3 The site is situated within the countryside, MGB and Kent Downs AONB. A groundwater source protection zone covers the southern part of the site. The Trottiscliffe Conservation Area lies to the southeast. Taylors Lane is a Classified Road.
- 3.4 Agricultural land lies to the north and west. A vacant parcel of land lies to the south between the application site and Millers Farm. The residential properties of Little Berries, The Cottage and 1-6 Taylors Lane are situated to the east.

4. Planning History (relevant):

TM/10/00473/FL Approved 15 June 2010

Replacement Agricultural Building comprising a workshop and office facilities; replacement of glasshouse with two polytunnels; parking and revised access

TM/10/02411/RD Approved 27 October 2010

Details submitted pursuant to condition 8 (lighting); 10 (a) & (b) (site investigation) and 11 (sewerage) of planning permission TM/10/00473/FL: Replacement agricultural building comprising a workshop and office facilities;

replacement of glasshouse with two polytunnels; parking and revised access

TM/11/00658/FL Refuse 7 June 2011

Retrospective application for the retention of a residential caravan ancillary to the Nursery Business and retention of 2 No. dog kennels and pens

TM/12/00379/FL Refuse 9 July 2012
Allowed on appeal 9 April 2013

Retrospective application for the retention of a static mobile home as temporary accommodation for an agricultural worker ancillary to a nursery business and retention of 2no. dog kennels and pens

5. Consultees:

5.1 PC: Objection. The concerns raised are summarised as follows:

- The Inspector commented that 'it should not be assumed that a permanent dwelling will be permitted after 3 years and that much will depend on any progress towards viability and the need for an on-site presence'.
- The applicant has not submitted any evidence that a viable business is in operation at the site.
- Local knowledge informs us that vehicle movements in and out of the site are minimal which also suggests that a viable business is not in operation.

5.2 Private Reps: 1+ site notice + press notice 2/0X/2R/0S. The concerns raised have been summarised below:

- There is little traffic to and from the site
- Virtually no business is being conducted on the site
- It is questioned whether there is a viable business being operated

6. Determining Issues:

6.1 The main issue is whether there continues to be an essential need for the applicant to live on the horticultural/plant nursery site, which would justify permanent retention of the existing static mobile home.

Principle considerations:

6.2 In the appeal decision for the 3 year temporary permission under planning reference TM/12/00379/FL, the Planning Inspector concluded that:

- After having regard to the functional and financial aspects of the former PPS7 tests there is an essential need for a mobile home for a rural worker at the appeal site

- The scope to install technology to allow remote living had been explored and attempts to find suitable rental accommodation had been made
- No practical alternative to the proposed mobile home had been established
- Significant weight was given to specialist written evidence from Council's retained agricultural consultant
- The NPPF generally opposes isolated new houses in the countryside but the Government also supports the sustainable growth and expansion of all types of business in rural areas and that the appellant should be allowed time to 'make a go of it' which would be in line with this policy approach.

6.3 Since this appeal decision, in the High Court decision in *Embleton Parish Council & Anor, R (on the application of) v Gaston*, December 06, 2013, [2013] EWHC 3631 (Admin) Judge Behrens concluded that in respect to paragraph 55 of the NPPF, the *"test simply requires a judgement of whether the proposed agricultural enterprise has an essential need for a worker to be there or near there"* and that it does not require that the proposal is economically viable.

6.4 The judgment makes clear that the relevant guidance for applications of this nature was contained in PPS7 prior to 27 March 2012 and paragraph 55 of the NPPF thereafter. Whereas under Annex A (paragraph 12(iii)) of PPS7 the applicant had to provide clear evidence that the proposed enterprise has been planned on a sound financial basis, this is no longer the case. Paragraph 55 of the NPPF requires that LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as:

- "the essential need for a rural worker to live permanently at or near their place of work in the countryside"

6.5 Thus the guidance in paragraph 55 of the NPPF is significantly less onerous than in PPS7. It is the requirements set out in paragraph 55 that must form the basis of the assessment of this application.

6.6 In effect, this means that a planning judgement needs to be made as to whether an essential need for the permanent retention of the residential use in connection with the business remains. This is the sole test to be applied in this instance. It was on this basis that further information was sought from the applicant and specialist advice sought subsequently on behalf of the Council. This is discussed in detail below.

6.7 In support of the claim that an essential need exists in accordance with the paragraph 55 requirements, the applicant has submitted supplementary information (June 2017) prepared by Kernon Countryside Consultants Ltd, a specialist agricultural, equine and rural planning consultancy. It advises that plant species grown at the nursery during 2016 include hedge plants (laurel and

leylandii), ornamental shrubs (standard fuchsias), perennials (various) and winter and summer bedding plants. These plant species are considered to be consistent with those outlined in the Essential Needs Appraisal (March 2011) that formed part of the original proposal and that this generally reflects the stock viewed on the site during my inspection in September 2017.

- 6.8 The supplementary information by Kernon provides a detailed breakdown of the rearing of the hedge plants, shrubs, perennials and bedding plants from cutting/seeding to repotting to point of sale. It advises that although the hedge plants become hardy, when they are young they are vulnerable to the cold, heat-stress, waterlogging, mould and drying. The ornamental and flowering plants have diverse needs and require varied propagation techniques. It was noted that the care for these young plants is carried out by hand and is labour-intensive. All plants must be kept warm in winter, and where necessary, be covered by polythene and carefully monitored to prevent mould. Plants that are hardening up outside may need to be moved quickly in the event of heavy rainfall which can damage stocks. Polytunnel power failure, frosts, snowfall and other adverse weather conditions would affect the supply of plants for sale and therefore affect the business. It is therefore considered by those advising the applicant to be essential that a skilled worker continues to live on site to identify and deal with situations that arise.
- 6.9 The Council's retained specialist rural consultant (Richard Lloyd Hughes) has reviewed the application details, including the information described above, and was asked expressly to advise on matters of essential need. It was advised that there is no reason to doubt that the nature of production on the site continues broadly along the same lines as before and that the exact mix of plants grown can vary year to year depending on market demands. Also, that the functional reasons for requiring accommodation on-site outlined in the supporting document produced by Kernon Countryside Consultants Ltd are supported. In addition to this, it was advised that a presence on the site would assist to deter theft or vandalism that could seriously affect production.
- 6.10 Specific horticultural advice has also been obtained by the Council from a reputable horticultural adviser (Dominic Hall). The advice is summarised as follows (but again is annexed in full for completeness of information):
- The initial phase of propagation (cutting or seeds) requires a high level of manual labour and immediate aftercare to ensure the young stock is adequately watered and sheltered
 - Permanent staff presence is able to instantly deal with sudden market changes in terms of labour to begin propagation

- Storm damage and power loss (to heating, lighting and irrigation systems) could ruin young stock which are extremely vulnerable to sudden environmental changes
- Pest and diseases which usually relate to unpredictable weather conditions can ruin plants quickly and therefore stock needs constant monitoring
- Hedge plantings require regular inspection but rarely urgent attention unless problems arise; herbaceous plants require a higher level of monitoring than hedging with correct watering being critical in summer; seasonal/annuals require a high level of labour needing contact care and monitoring and are the most susceptible to pests and disease
- Irrigation systems require monitoring for leaks and pump failure which can occur at any time at the height of summer which could ruin stock
- The nursery trade is especially vulnerable to stock theft due to their rural location where intruders are less likely to be spotted and polytunnels are easy to access/cut open

6.11 The specialist advice obtained by the Council therefore concludes that the nursery trade needs highly flexible labour input, flexibility in coping with the unpredictable weather and vigilance in the monitoring of stock in care and therefore being on-site permanently means a higher level of monitoring, response and higher quality of stock at the point of sale.

6.12 From the advice provided by the applicant's agricultural consultant and from the Council's retained rural consultant and horticultural adviser it can be concluded that the plant species being grown on the site are generally in line with those previously described and that there is consensus that there is an essential need for the plant nursery business to have a worker living on the site permanently to provide appropriate care and monitoring of the plant stock. It is therefore my judgement that an essential need, as required by paragraph 55 of the NPPF does exist in this instance. With this in mind, I consider that it would be necessary to restrict the occupation of the mobile home to the nursery business, given that the justification for its retention rests solely with the essential need for on-site presence. It would equally be necessary to impose a condition requiring that the residential use cease and the static home and all associated development be removed in the event that the nursery ceases to operate.

Green Belt considerations:

6.13 The application site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 9 of the NNPPF).

- 6.14 Paragraph 87 of the NPPF states that “*as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*”
- 6.15 Paragraph 88 follows stating that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.
- 6.16 Paragraph 89 of the NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt. Although a number of exceptions are specified, none of these are considered to be applicable to the proposed development. The proposal would therefore be *inappropriate development* in the Green Belt and would need to be justified by ‘very special circumstances’.
- 6.17 The Planning Inspector in granting the temporary planning permission in 2013 advised that if an essential need for a rural worker were to be established then very special circumstances would exist that would outweigh the harm of the development’s inappropriateness in the Green Belt.
- 6.18 Given the conclusions drawn above concerning essential need and the requirements of paragraph 55, I can conclude that such very special circumstances do exist.

Impact on setting of Conservation Area:

- 6.19 Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the CA.
- 6.20 The National Planning Policy Guidance also requires an assessment of whether substantial harm is caused to the significance of the Heritage Asset (Paragraphs 132 and 133 of the NPPF).
- 6.21 The Planning Inspector in allowing the appeal in 2013 concluded that there would be no adverse impact on the setting of the Trottiscliffe Conservation Area and its character and appearance due to the modest size of the mobile home and its location. The on-site conditions of the development have not changed to any noticeable degree. The current application does not propose any changes to the existing static home on site or to any of the other development in situ. I am therefore satisfied that the retention of this development on a permanent basis would not cause demonstrable harm to the character and appearance of the area or the setting of the adjacent Conservation Area. It therefore accords with Policies CP24 of the TMBCS and SQ1 of the MDE DPD and with Section 7 (Requiring good design) and paragraphs 129 and 131 (Heritage Assets) of the

NPPF. Regard has also been had to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Technical considerations:

- 6.22 In respect to land contamination, a desk study and intrusive investigation were submitted with the Reserved Details application (TM/10/02411/RD) relating to the 2010 permission for the replacement agricultural building (TM/10/00473/FL). Although this was based on a continued agricultural use, made ground was found across the site that included plastic, metal, wood and brick, which presented elevated levels of lead and hydrocarbons. The report also mentions that the site has historically been used for vehicle maintenance and re-spraying. As it is proposed to retain the mobile home permanently, it is considered necessary to ensure the residential garden land is decontaminated and suitable for permanent residential use. Conditions can be imposed requiring a site investigation and remediation of the land where required. With the imposition of these conditions, the development would accord with paragraphs 120-121 of the NPPF.
- 6.23 The applicant has confirmed that foul water for the mobile home and workshop/potting shed are connected to the mains sewer which runs along Taylors Lane. A condition can be added to confirm this requirement.

Planning balance and conclusions:

- 6.24 In light of the above, I consider that it has been adequately demonstrated that the existing plant nursery has an essential need for a worker to live permanently on the site and that this justifies the retention of the static mobile home and associated development that is in situ in accordance with the requirements of paragraph 55 of the NPPF.
- 6.25 It is noted that the NPPG is clear in advising that:
- “It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so.”*
- 6.26 In light of my preceding assessment, I do not consider that it would be necessary or reasonably justified to seek to recommend a further temporary planning permission in these circumstances, particularly in light of the above guidance.
- 6.27 Accordingly, it is recommended that permission be granted for the permanent retention of the static mobile home on the site for accommodation for an agricultural worker relating to the nursery business, subject to conditions.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details:

Email received 31.01.2017, Supporting Statement received 13.10.2016, Email received 14.12.2016, Supporting Information Correspondence from businesses received 14.12.2016, Other ACCOUNTS received 03.06.2016, Letter received 14.06.2017, Supporting Information KERNON CONSTRYSIDE CONSULTANTS received 14.06.2017, Planning, Design And Access Statement received 03.06.2016, Site Plan 1786/18A Rev 04/11 received 03.06.2016, Location Plan 1786/1 received 03.06.2016, Appraisal ESSENTIAL NEEDS received 03.06.2016, Other BUSINESS PLAN received 03.06.2016, Letter received 03.06.2016, subject to the following conditions:

Conditions:

- 1 The occupation of the static mobile home shall be limited to a person solely or mainly employed in the associated Nursery business or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The occupation of the static mobile home by persons not associated with Nursery business would result in a separation of functions and expansion of movements and paraphernalia that could harm the openness of the Green Belt and character and visual amenity of the rural area.

- 2 The residential use hereby permitted shall cease within 1 month of the date that the horticultural enterprise at The Nursery ceases to trade and any caravan, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the residential use (including the dog pens and kennels) shall be removed and the land restored to its condition before the development took place in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

- 3 No replacement static mobile home shall be stationed on the site before details of its size and appearance have been submitted to and approved by the Local Planning Authority. The replacement static mobile home shall accord with the approved details.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

- 4 The static mobile home shall only be stationed in the position shown on Drawing No.1786/18A Rev 04/11 hereby approved and no more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

- 5 Details of any external lighting within the areas indicated as tarmac finish, mobile home, shed and playhouse on Drawing No. 1786/18A Rev 04/11 shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The works shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the locality.

- 6 Foul water shall be disposed of directly to the mains sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

- 7 Within 2 months of the date of this decision, the following shall be submitted to the Local Planning Authority for approval:

(a) based on the findings of the desktop study from 2010 submitted under planning reference TM/10/02411/RD, proposals for a site investigation scheme of the residential part of the 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).

- 8 Within 2 months of the approval of the site investigation under condition 7 above, the following shall be submitted to the Local Planning Authority for approval:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment for the private garden area associated with the static mobile home, 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) the relevant approved remediation scheme shall be carried out in accordance with the approved timetable of works. 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).

- 9 Within 2 weeks following completion of the approved remediation, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

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

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

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

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

Informatives

- 1 The proposed development is within a road which does not have formal street numbering and, the new property will require a new name(s), which is required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. You are advised to do this as soon as possible.

Contact: Mark Fewster

Dominic S Hall

BSc.[Hons] Plant Sciences, Arbor. Tech.



Technical Advice

Planning application: 16/01753/FL

Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens at The Nursery, Taylors Lane, Trottscliffe

Précis

An application to turn a temporary accommodation into a permanent one in has been made in support of the development of a plant nursery. The applicants maintain that the type of stock being grown and the systems required to care for the stock need full-time manning to ensure successful plant production and security for the site and staff there. This advice broadly supports the transition from temporary to permanent on-site manning to ensure the success of the business.

Choice and care of nursery stock

The choice of what to propagate is entirely the nurseryman's choice of course but the actual plants chosen may be dictated by current trends [as propagated by TV gardening programs, the Chelsea Flower Show etc.] and commercial demands from landscapers, landscape architects and the supermarkets catering to the retail trade. A lot of these different plants require different methods of propagation and after-care. The correct timing of start to end/sale of the plant is of course crucial and is another factor in deciding exactly what to grow. The savvy nurseryman will therefore factor all these considerations into the choice of stock and be aware that demands can change as quickly as can the weather.

There are many systems and methods employed by the nursery business to propagate and produce plant stock for sale. Typically the initial phase of propagation – whether by cuttings or seeds – requires a high level of manual labour and immediate after-care to ensure young stock is adequately watered and sheltered.

Long-term economic/commercial demands are reasonably easy to accommodate if the market changes – but a sudden quick demand could mean the requirement for a lot of labour to begin propagation; labour that may be difficult to source at short notice – hence a permanent staff presence at the nursery means a fairly instant labour supply.

Add to all of the above the unpredictability of the UK weather and one can justify another reason why permanent on-site staff would be extremely wise in the case of storm damage, power loss [to heating/lighting/irrigation systems etc], as well as sudden plant orders. Plants at the young stage are extremely vulnerable to sudden environmental changes which could ruin [kill or at the very least stunt] the stock – hence more permanent staff would reduce the risk of plant failures.

Pest and diseases [which often follow the weather and outbreaks of which can be as unpredictable as the weather] can occur at any time and high-value stock needs constant monitoring for effective control – powdery mildews in particular can ruin certain plants practically over-night. Again, another reason for permanent staff on site.

Types of plants a nursery may produce and their needs

- Hedging. Whether container-grown or field grown most hedging plants are relatively easy to care for and only require correct irrigation and tying-in against wind-rock. Hedging can be left unattended in the autumn and winter months apart from times of severe drought. A nurseryman would need to inspect the hedging stock regularly to determine whether any intervention was needed. This task in itself is not unpredictable or is rarely urgent but if a problem arises the need for labour to sort things out is paramount; – dry plants – any species – need to be watered without delay. Hence why permanent site staff would be wise.
- Herbaceous. A higher demand for monitoring than hedging above with correct watering being critical in the summer months. Hence permanent site staff would be wise.
- Seasonal/annuals. High labour requirement throughout the growing season; these types of plants need contact care and monitoring to ensure their quality is maintained. This stock is also the most susceptible to pests and diseases.
- Climbers – notoriously thirsty these plants often need watering everyday in summer.

Irrigation systems

All nurseries rely absolutely on correct irrigation for commercial success. All irrigation systems require some monitoring for leaks and pump failures; whilst these operation would of course be carried out in daylight system components can fail at anytime and a loss of water for say 24 hrs at the height of summer/in a heat wave could ruin stock. Another reason by permanent staff on site would be wise.

Security

Theft of stock from commercial premises is always a major consideration for the business owner. The nursery trade in particular is especially vulnerable because of several factors [listed below]. Having permanent staff on site [even better – with guard dogs] would of course help prevent such thefts. Should guard dogs be utilized they should be attended 24 hrs and not left alone.

- Rural locations. Meaning intruders are less likely to be spotted.
- Large sites. Difficult to monitor. Maybe several access points to monitor too.
- Vulnerability of polytunnels. Easily cut open with a knife and stock removed.
- Dutch trolley System. As used by many nurseries as a means of easy transport of large numbers of plants – which also means easy quick theft into vans/lorries.

Summary

Of all commercial business that produce items in numbers the nursery trade is different from many others in the particular need for a highly flexible labour input, flexibility in coping with the vagaries of the UK weather, and a vigilance in the monitoring of stock in care. A successful nurseryman is one who knows his/her stock needs and can respond quickly. Being on-site permanently means a higher level of monitoring, response, and a higher quality of stock at the end point of sale.

Dominic S Hall 27/08/2017.

RURAL PLANNING LIMITED

18 OLD WARSDOWN, FLIMWELL, WADHURST, EAST SUSSEX TN5 7NN
 TEL AND FAX 01580 878080
 RLH@RURALPLAN.CO.UK

Chief Planner (Development Control)
 Tonbridge & Malling Borough Council
 Gibson Building, Gibson Drive
 Kings Hill
 West Malling
 Kent ME19 4LZ
 FAO Mark Fewster

Your ref: 16/01753/PL
 Our ref: RLH/AA/TM/16/02
 Date: 26 October 2016

REFERS TO CONFIDENTIAL FINANCIAL INFORMATION FROM THE APPLICANT

Dear Mr Fewster

The Nursery, Taylors Lane, Trottiscliffe

I refer to your letter of 18 October 2016 requesting agricultural advice on the planning application submitted on behalf of Mrs P Valler for the retention of the existing mobile home at the above site (and 2 dog kennels and pens), initially granted temporary consent on appeal under TM/12/00379/PL until 09 April 2016.

The latter application was the subject of my advisory letter dated 09 March 2012. Since that time the submissions on behalf of the applicant and her husband Mr Luke (the main worker on the nursery) indicate that the nursery business has expanded, through production of its various hedging plants, grasses, herbaceous perennials, bulbs, and bedding plants. Production takes place using two polytunnels with heated beds (47m x 6m and 30m x 6m) granted planning consent under TM/10/00473, along with a potting/packing shed/office (15.3m x 4.9m). There are also standing-out areas by the tunnels.

Sales are made, and delivered, to several local businesses, at Ightham, West Kingsdown, and Meopham. Sales have increased to over £35,000 in the year to 05 April 2016, and the net profit for that year was £23,739, having deducted £6,000 for Mrs Valler's wages, so that the overall pre-labour profit was £29,739. The equivalent figure for 2014/15 was £19,257, and £17,684 for 2013/14. The applicant's accountant has examined the relevant tax returns and believes the business to be successful and financially stable.

I consider the essential functional need for the mobile home on site remains as before, as accepted by the Inspector in 2013. The business also now appears financially viable, being able to provide a full-time wage equivalent for Mr Luke, as well as a part-time wage for Mrs Valler, as indicated above.

Consequently, I consider the agricultural case for retention of the mobile home to be justified in principle, having regard to para. 55 of National Planning Policy Framework which states, in the context of sustainable housing development in rural areas, that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as "the essential need for a rural worker to live permanently at or near their place of work in the countryside".

I note from the agents' Planning Statement that consent is sought on a permanent basis. However as the proposal is for a removable mobile home, which in other circumstances may be regarded as inappropriate in this location, consideration could be given to a condition requiring its removal if at any time it were no longer fulfilling its permitted function. This function would be defined by the sort of occupancy condition likely to be applied to any consent (as was the case under the temporary appeal decision); i.e. removal would be necessary if the mobile home were no longer required for occupation by a person solely or mainly working, or last working, in the locality in agriculture, horticulture or forestry, or a widow or widower of such a person, and any resident dependants.

I hope this is of assistance but please let me know if you require any further advice.

Yours sincerely



Richard Lloyd-Hughes MRICS
Rural Planning Limited

[REDACTED]

Dear Emma

The Inspector agreed in the 2013 appeal decision that the functional test was met.

From the additional information recently provided, there appears to be no reason to doubt that the nature of production on the site continues broadly along the same lines as before.

From year to year, the exact mix of plants grown and sold is bound to vary, according to growing experience and techniques, and market demands. A comprehensive list of what was grown in 2016 has been given, suggesting a fairly broad range of species, and an approximate breakdown has been provided in terms of percentage of numbers of hedging plants, as opposed to higher value ornamental and flowering plants.

Based on the approximate breakdown referred to above, I would have thought the applicants could provide at least an approximate breakdown as to the respective value of those two main categories of production, if this was considered important; however I am not sure that the distinction is relevant to the overall functional case.

The functional reasons for requiring accommodation on site are set out in some considerable detail in the Kernon document, and I do not believe I can usefully add much to those reasons, except perhaps to mention that a presence on site should also assist to deter theft or vandalism that could seriously affect production. I would also refer to my letter of 09 March 2012 re. TM/12/00379/FL (attached).

Finally I would reiterate the point made at the end of my letter of 26 October 2016, that as the proposal is for retention of a removable mobile home, which in other circumstances may be regarded as inappropriate in this location, consideration could be given to a condition requiring its removal if at any time it were no longer fulfilling its permitted function i.e. if the mobile home were no longer required for occupation by a person solely or mainly working, or last working, in the locality in agriculture, horticulture or forestry, or a widow or widower of such a person, and any resident dependants.

I hope this is of assistance.

With regards,

Richard Lloyd-Hughes MRICS
Rural Planning Limited
18 Old Wardsdown, Flimwell, Wadhurst, East Sussex TN5 7NN
Tel 01580 878080
rlh@ruralplan.co.uk

From: Emma Keefe

Sent: Wednesday, June 28, 2017 10:53 AM
To: richard.lloydhughes@btinternet.com
Cc: Mark Fewster
Subject: The Nursery, Taylors Lane, Trottiscliffe

Dear Richard,

Planning application: 16/01753/FL

Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens at The Nursery, Taylors Lane, Trottiscliffe

I write in connection with the above planning application which is currently under consideration. I attach for your convenience a copy of your previous advice in respect of this application. Determination of this application was deferred by the Area 2 Planning Committee in order for officers to obtain further information pertaining to the nursery business and the need for a continued, permanent on site presence. This position was derived in part from a recognition of the fact that the functional and financial tests previously contained within Annex A of PPS7 have replaced by the NPPF (paragraph 55) and therefore the only test to now be applied is whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. In this respect, the Planning Committee debated whether the stock being cared for at the nursery genuinely requires such a presence.

Officers therefore sought the following additional information:

- detailed evidence which sets out the different species grown on site presently;
- evidence that explains the proportion of turnover for each species;
- information to account for any differences in type of species since the Inspector viewed the operations in 2013 and;
- a technical explanation as to how the different species are cared for on a daily basis.

This was all required in order to establish whether, given the type/hardiness of the species being grown genuinely requires a continued on site residential presence.

Further information has now been received in response to this request and is also attached for your information. You will see however that the applicant's agent has suggested that they are unable to provide a detailed breakdown of figures for the turnover for the various types of plants grown at the site, which is unfortunate.

I would be grateful if you could review this further information with a view to providing detailed comments on the following:

1. Applying only the test as set out at paragraph 55 of the NPPF, please advise whether the nature and particular care needs of the stock grown on this site when considering the information submitted by the applicant, creates an essential need for a rural worker to live permanently on the site.
2. If you consider that such a need does exist, please provide reasons for this.
3. Is there any additional information that could be provided by the applicant that would address the so far lacking information concerning the proportion of turnover of each species.

You should be aware that we have undertaken to annex in full your specialist advice as part of any report back to the Planning Committee.

I look forward to hearing from you in due course.

Yours Sincerely

Emma Keefe

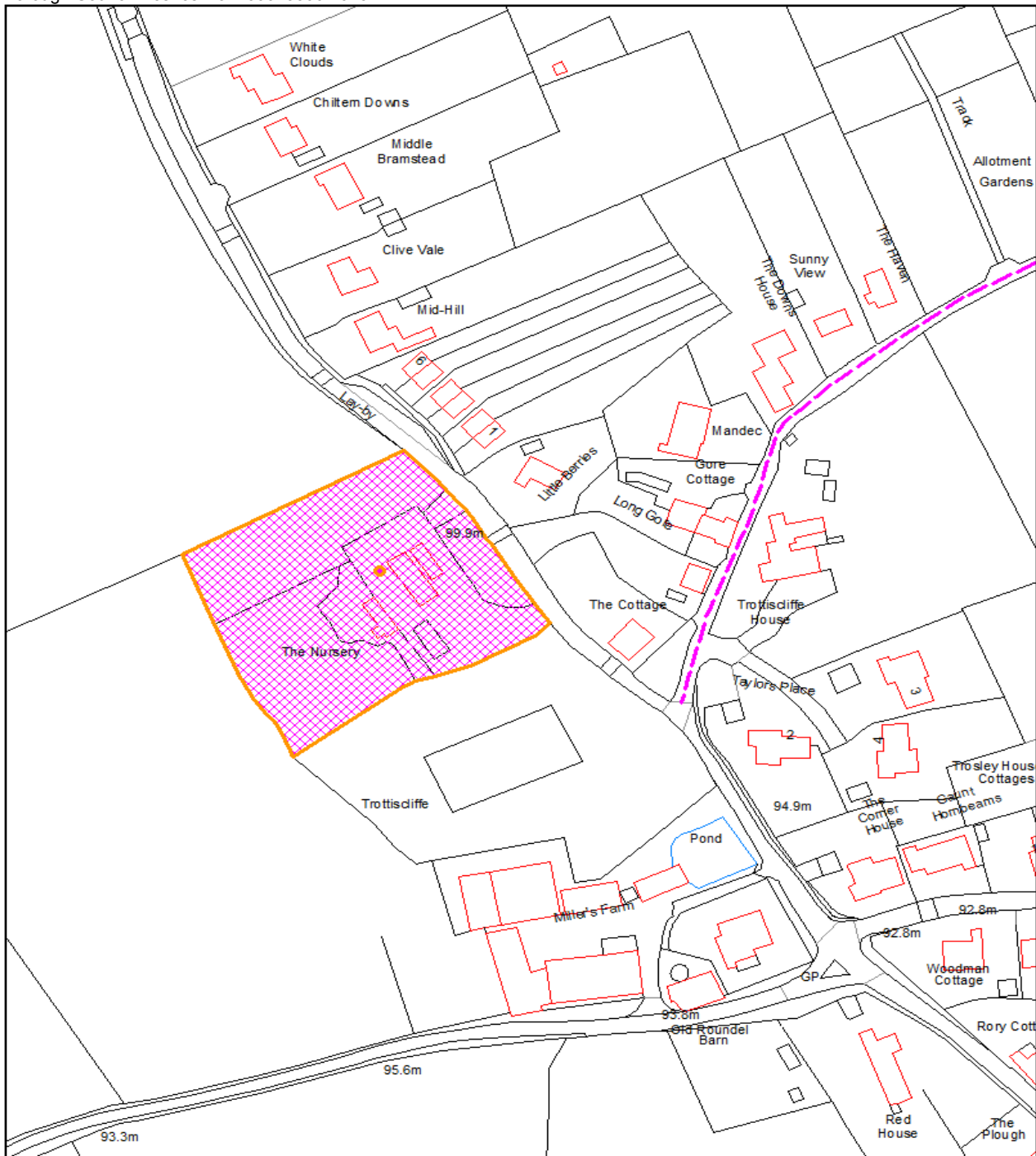
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TM/16/01753/FL

The Nursery Taylors Lane Trottiscliffe West Malling Kent

Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens

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Kings Hill
Kings Hill

5 July 2017

TM/17/01392/RM

Proposal: Reserved matters for 132 dwellings in Area 1 (junction of Tower View and Kings Hill Avenue) being details relating to the siting, design and external appearance of the proposed buildings, the means of access, drainage and strategic landscaping involving discharge of conditions 1, 12, 13, 19, 20, 23, 37, 38 and 39 of TM/13/01535/OAEA (Outline planning permission for residential development)

Location: Area 1 Kings Hill Phase 3 Gibson Drive Kings Hill West Malling Kent

Applicant: Countryside Properties

Go to: [Recommendation](#)

1. Description:

- 1.1 The proposal is for 132 units comprising a range of sizes and types from 2 bed apartments up to 5 bedroom houses. A new communal garden square of 0.16 ha in the development (and a key part of the overall strategic open space in the outline planning permission) is intended to connect into the existing Greenways that run through Kings Hill thereby continuing cycling and pedestrian links on desire lines through the site.
- 1.2 The scheme has been amended to increase the parking in external and car barn format to meet current KCC parking standards (ie excluding garages) and to make some design changes to secure some street scene improvements. These are the subject of a re-notification.
- 1.3 Generally the layout comprises 23 x 2-bed flats; 45 x 3-bed house; 58 x 4-bed houses and 6 x 5-bed houses. The parking as revised is provided as follows: 63 garage spaces; 49 car barn spaces; 146 on plot external spaces and 50 off-plot visitor spaces. This is a total of 308 spaces (245 excluding garages). This compares to the original submission of 275 parking spaces (171 excluding garages).
- 1.4 As per the outline planning permission, it is intended that there be one vehicular access point from the south (Kings Hill Avenue – new distributor road). The access from Jubilee Way is still indicated to be emergency access only. The junction along Tower View that is the haul road is to be closed off and likely to be a bus stop in the future.
- 1.5 The majority of the parking would be between the houses with an occasional use of parking at the rear, though the flats would have communal car parking areas. The visitor spaces would be more generous than normal and, in most cases, would be parallel to the roads in layby type arrangements, though there would be sets of perpendicular bays adjacent to the emergency access at the NE corner

and at the south of the site. The developers have committed to high quality landscaping within the site.

- 1.6 It is also stated by the applicant that the verges outside the site are to be significantly enhanced in terms of the landscaping by Liberty and they expect a detailed application in this regard to be imminent.
- 1.7 The application site is outside the 15m buffer to the ancient woodland that is a requirement of the outline planning permission.

2. Reason for reporting to Committee:

- 2.1 The application was called to committee by Cllrs Montague and Barker for reasons of access, parking and overdevelopment.

3. The Site:

- 3.1 The application site is sub-area 305 of the outline planning permission with part being within sub-area 306. It has an area of some 4 ha. It measures approx. 235m by 170m. It is in the urban area of Kings Hill.
- 3.2 The northern boundary is formed by the verge to Jubilee Way with an office building beyond. The eastern boundary is a haul road adjacent to the edge of Coalpit wood (Ancient woodland) which is eventually due to be a rural footpath and the western boundary is the verge of Tower View. The southern boundary is the verge of an existing part of Kings Hill Avenue and thereafter part of the new road infrastructure under construction.
- 3.3 The site is part of a former airfield which has been used most recently as temporary playing fields/sports pitches and haul roads and construction compounds. It is generally level at the southern end and drops to the north east by a total of 5.25m over a distance of approx. 250m. There are some mounds from arisings and the haul road which will be removed as part of the redevelopment.
- 3.4 The Phase 3 residential development is located on land that was mostly allocated and permitted areas for employment development from Phase 2 land granted by the Secretary of State's decision in 2004 after a called in Public Inquiry. The site has outline planning permission, with all matters reserved except for means of access: Up to 635 dwellings; 112 affordable dwellings (17.5% of 635) of mixed tenure; open space and sports provision at Heath Farm, and community facilities. There is a separate freestanding planning permission granted by KCC for a 3 Form Entry Primary School. A 'measures based' Travel Plan was to be developed and implemented three months prior to occupation. This has now been submitted to KCC (H&T) for its approval. A requirement to deliver the bus lane and extra traffic lights on Tower View remains. With regard to the wider bus provision,

Avenue and the erection of a residential development, a multi-functioning extension to the community centre, a youth outdoor recreational facility, formalisation of car parking areas at the community centre and adjacent to Crispin Way, alterations to the highway network at Alexander Grove, Gibson Drive and Queen Street and open space including a new linear park, trim trails, woodland paths and green spaces (the primary school has been granted planning permission by Kent County Council under ref TM/14/01929/CR3)

TM/17/00096/RD Pending

Details of condition 31 (Heritage management plan) pursuant to outline planning permission TM/13/01535/OAEA (Outline planning application with all matters reserved except for means of access for the removal of a section of Kings Hill Avenue and the erection of a residential development, a multi-functioning extension to the community centre, a youth outdoor recreational facility, formalisation of car parking areas at the community centre and adjacent to Crispin Way, alterations to the highway network at Alexander Grove, Gibson Drive and Queen Street and open space including a new linear park, trim trails, woodland paths and green spaces (the primary school has been granted planning permission by Kent County Council under ref TM/14/01929/CR3))

5. Consultees:

5.1 PC: Object on the following grounds:-

- a) Only having one entrance and exit access could cause problems should there be an incident further onto the development site and the access is blocked for some reason.
- b) The roads are too narrow for emergency vehicles to access should there be cars parked on the road closest to the access.
- c) The number of parking spaces is below what is considered necessary; it appears that garages are being counted as a parking space. The parking guidance is clear that garages do not count and this has been the precedent in recent application considered by TMBC in Kings Hill and stated as such in a number of officers reports on recent applications.
- d) With only 2 parking spaces - which includes the garage - for the large 4/5 bed homes this will inevitably encourage 'on road' parking.
- e) The garage provision is unclear and it appears that they would be of different sizes.
- f) There does not appear to be any cycle routes within the site; just one to go through it.

- g) There are concerns regarding the yearly closure of Tower View, as this will prevent residents from accessing their property albeit only on Christmas day for 24 hours; the PC wonders how having a road closure can be lawful when it is restricting access to a properly adopted road.
- h) The visitor parking for the flats is in a poor access position behind the bin park.
- i) Flats have been provided with one parking space; again as these will typically be occupied by two people it is likely some, if not all, will have two cars. The overspill will be on the road closest to the flats, which is the main entrance into the development.
- j) The access is off the new main bus route and access road through Phase 3 and to the sports park, hence a potential for tailbacks trying to get out of area 1, made worse by there only being one access point for 135 homes.
- k) There is reference to shared surfaces; if this is meant to refer to a road and footpath which is at the same level and shared between pedestrians and vehicles, this is not acceptable.
- l) There is also an issue of enforcing visitor spaces.
- m) The buildings are of poor design when compared to that which has already been built in other areas of Kings Hill.
- n) While it is accepted that three storey properties do exist in Kent the idea of using mainly 3 storeys is not reflected in the villages in the area.
- o) The Green Link Way has not been thought through.
- p) It appears that some of the lower flats will have their light diminished to some degree and will not have the benefit of sunshine for a large part of the day.
- q) Although the affordable housing has been agreed over the wider area, it should be distributed within each area of development. It is policy that affordable housing should not be concentrated in one area but spread through developments. Some affordable housing should be included in this area.
- r) Within the open space square there is no seating proposed.
- s) The hedge planting, trees and shrubs could lead to potential hideaways which is contrary to the Crime and Disorder Act 1998, Section 17 which states that planning should prevent crime.
- t) The window materials are not stated, white upvc would not be appropriate for this design.

u) The overlooking from balconies, with a glass screen only between balconies will affect privacy of neighbours, visually and from a noise perspective.

v) Bin storage not shown - through garages so garage not used or left out front?

5.1.1 The PC is unhappy at the lack of engagement with local residents and Parish Councils prior to the application being submitted. The PC would like to have some input into a review of the layout so that these concerns can be addressed. The time to consider the design and access statements and the plans has been very short and this has put the PC at a disadvantage.

5.2 KCC (Highways): initial comments: need clarification on when the construction route through the site will not be required; that it is intended to leave a redundant access point with Tower View; pedestrian connectivity to the footway on the western and eastern sides of Tower View; details of any infrastructure improvements that may be proposed regarding northbound bus stop for Tower View; confirmation that the site has been tracked for a suitably sized refuse vehicle.

5.2.1 Comments on the revised plans will be included in a supplementary report.

5.3 PROW: no objections.

5.4 KFB: no objections.

5.5 Kent Police: initial objection that no reference to crime prevention in the application. Comments on the revised plans will be included in a supplementary report.

5.6 SWS: Surface water soakaways should be at least 5 metres from the foul sewers (and indeed any other structures) at closest approach for reasons of soil stability/settlement and hence sewer pipe integrity.

5.7 EA: no comments.

5.8 SUDS: Would expect to see a drainage strategy submitted in relation to the discharge of condition 38. Said strategy should demonstrate that the surface water generated by this development can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters and additional ground investigation will be required to support the use of infiltration.

5.9 KWT: no response.

5.10 KCC (Heritage): no response.

5.11 Private Reps (5/11R/0S/0X) + Major development press and site notice.- 11 objections as follows:

- The parking in this part of phase 3 is insufficient, the proposal should provide "above local/government guidelines" regarding parking spaces.
- Little public transport on Kings Hill.
- Garages are likely to be used for storage as the houses have insufficient storage facilities inside .
- Visitors parking spaces will be used by the overspill of residents.
- The flats at the entry point at the southern end of the construction area could have the overspill parking in the roadway thus obstructing emergency vehicles gaining access to the site without serious delay.
- Phase 2 has clearly shown the problems of lack of planning for car parking.
- The design of the properties is not in keeping with the rest of the development.
- Trying to cram as many properties onto as small amount of land as possible.
- It is the intention of the planners to force families off of Kings Hill.
- Devaluation of Kings Hill as a development.
- Further development of this site is foolish without adding an additional route out of Kings Hill which does not go to the A228.
- KCC has a development agreement in which Liberty Property Trust is designated as their development partner. Because of this there is a conflict of interest - the application is being reviewed by the planning department at KCC and it is in their interest to agree any such applications due to the partnership they have with Liberty.
- The road widths are inadequate for the residents movements to and from their houses let alone emergency access and the lack of visibility and overcrowded parking make it extremely unsafe for pedestrians, playing children, dog walkers, cyclists, and animals.
- Most garages are not sufficiently wide enough for modern day cars as they are wider, longer and taller and it is almost impossible to open car doors once inside a garage.
- With a higher proportion of work vehicles now parking on Kings Hill something needs to be considered for their parking arrangements as most estate covenants ban the parking of working vehicles, vans and HGVs so all new

builds should consider where the work vehicles will park if not outside the houses.

- The two roundabouts with three lanes to access and exit the estate are inadequate for the current number of workers, residents, shoppers and buses that visit the estate, let alone a further few hundred residents and their guests.
- The doctors, dentists, schools, buses, restaurants and shops are already so busy that the current residents and visitors cannot receive sufficient service most of the time.
- Crime prevention and cctv needs to be considered as a priority.
- Please do not increase the size of Kings Hill anymore as it is already over populated.
- With 3 primary schools already nearly full there is going to be a shortage of secondary school places.

6. Determining Issues:

6.1 The relevant local plan policies are:

- saved policy P2/3 of the TMBLP (Quality of Development at Kings Hill);
- TMBCS: CP1 (Sustainable Development); CP2 (Sustainable Transport); CP11 Urban Areas; CP24 (Achieving a High Quality Environment);
- MDE DPD: CC3 (Sustainable Drainage); NE4 (Trees, hedgerows and woodland); SQ1 (Landscape and Townscape Protection and Enhancement); SQ8 (Road Safety); SQ9 (Crime and Disorder).

Design/Layout:

6.2 The design, layout and landscaping need to accord with Policies CP24 of the TMBCS, SQ1 of the MDE DPD and policy P2/3 of the saved TMBLP which requires development in the Kings Hill Policy area to respect the setting in the wider landscape and minimise visual intrusion.

6.3 National policy in NPPF section 7 “Requiring good design” states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or

discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

- 6.4 I am satisfied that the landscaping is acceptable although more details are needed and the layout and equipment of the play area within the Square needs further thought. These can be the subject of conditions.
- 6.5 The development is at 35 dph which reflects and accords with the “medium” density of the outline planning permission. The plots near the woodland edge are on larger plots compared with the rest of the site.
- 6.6 The design, scale and massing of the units is considered to be appropriate in this context. The detailed design would take its cues from local vernacular architecture in the area and is considered to be acceptable overall. The applicant has made some elevational and layout changes in response to local concerns.
- 6.7 The applicant has made some detailed design changes to provide more interest to the rear plots facing Jubilee Way and has increased roof pitches to some of the designs, added in more Juliet balconies, changed some brick enclosed balconies into railing enclosed ones, and reduced the sizes of some of the windows.
- 6.8 Gardens are generally small, the narrowest depth being 6.5m in depth but the average is about 10m depth. The most generous gardens are to the larger units near the ancient woodland.
- 6.9 The layout includes a shared surface through route access in addition to conventional roads and shared surface culs de sac. The units next to the woodland are intended to be dual aspect and there will be 4 sections where the woodland can be viewed so that the development does not turn its back on the wooded setting.
- 6.10 The layout generally looks outward to the main roads with the exception of 6 plots with rear garden boundaries to Jubilee Way. It is understood that this was a conscious design decision, so as not to confuse visitors because Jubilee Way is not a means by which to access the development by vehicles. The applicants state that a strong brick wall and structural verge planting outside the application site by Liberty will counteract the impact on the street scene arising from that layout and they have altered the rear of a pair of 3 storey townhouses so that there is more interest to the rear elevation.
- 6.11 In terms of the impact on the character of Kings Hill, it is proposed that there would be structural screen landscaping outside the site to the northern and western road verges that would mitigate the appearance. The buildings that will be most visible are the blocks of flats, intended by the applicant to form a transition between the flat roofed commercial buildings of Kings Hill and the new residential area.

- 6.12 The units around the Square are deliberately tall and imposing to frame the Square.
- 6.13 I note the concerns of the PC and local objectors. I am satisfied, on balance, that the revised design and layout of the scheme is acceptable in terms of design and appearance. It would be appropriate to secure by condition the implementation of the landscaping of verges outside the site bearing in mind that the scheme should be considered in that setting.

Privacy:

- 6.14 The layout of the site is tight in some parts due to the logical need for a more spacious layout next to the woodland to reflect the transition from business park to countryside edge. The consequence is that there are some parts of the layout where the short gardens result in privacy below the usual standard. This would result in a notable degree of overlooking and loss of privacy for the future occupiers, especially where the intervening distance is 18m or less. Therefore, in order to address this, it is proposed that a condition be attached requiring obscure glazing and limited openings to the affected units. Furthermore, mindful of this tight pattern of development, the use of permitted development rights could adversely affect the amenities of neighbouring occupiers. It is therefore proposed that a condition be imposed to remove permitted development rights.

Parking:

- 6.15 One key issue is whether the proposal complies with the outline application and policy SQ8 of the MDE DPD and paragraph 32 of the NPPF which requires that the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site and to ensure that safe and suitable access to the site can be achieved for all people. The permeability of the site for walking and cycling accords with the outline planning permission movement strategy.
- 6.16 This phase of development is subject to a condition that it complies with Kent Vehicle Parking Standards, which was not the case for Phase 2 as that was based on a Secretary of State consent which limited onsite parking as a means of curtailing car use for environmental objectives.
- 6.17 The need for adequate car parking is now accepted as low levels of provision can create unacceptable parking on footways which could either hinder safe use of the footway by pedestrians (especially hindering those with mobility impairment or using child buggies) or prevent access by refuse freighters, delivery vehicles or emergency vehicles.
- 6.18 The Residential Parking IGN (Kent Design) dates from 2008 are the residential parking standards and exclude enclosed garages because it was determined that they tend not to be used for parking cars.

- 6.19 Garage sizes are dictated by the 2006 KCC Vehicle Parking Standards, being 5m by 2.5m with a preferred dimension of 5.5m by 3.6m to allow for storage. Where it can be demonstrated that cycle storage will not be in the garage, the Standards state that the width of the garage can be reduced.
- 6.20 In this scheme, the applicant has chosen to provide larger garages than the minimum standard and stated that such garages were more likely to be used for parking (as opposed to domestic storage only) which they consider is supported by research in the Government publication "Manual for Streets" and which has been accepted by other Councils in Kent.
- 6.21 However, mindful of the concerns raised, the applicant amended the scheme to increase the numbers of visitor spaces considerably and to change a number of the garages to car barns; the logic being that a non-enclosed parking space is less likely to be used for domestic storage and thus more likely to be used for car parking. It is the case, of course, that no-one can be forced to make use of their on plot parking but it is good planning to at least provide scope in the most useable and convenient siting and format.
- 6.22 The parking has been revised as follows: 63 garage spaces; 49 car barn spaces; 146 on plot external spaces and 50 off-plot visitor spaces. This is a total of 308 spaces (245 excluding garages). This compares to the original submission of 275 parking spaces (171 excluding garages). Total spaces have increased by 33 and non-garage spaces by 74.
- 6.23 Both the increase in visitor spaces and the use of car barns have street scene impacts but it is important to ensure there is adequate safety for pedestrians, and necessary accessibility for key vehicles and highway safety is a policy requirement at both local and national level.
- 6.24 The main access in has been amended to a boulevard style with 4 parallel parking bays and the western side of the Square has been amended to create more on plot spaces and parallel parking bays. It is submitted that both of these design solutions should ensure that the carriageways in this section are not blocked to larger vehicles by deterring kerbside on-street car parking.
- 6.25 The mix of space types does not precisely correspond to the parking standards (ie more visitor spaces and fewer on-plot external spaces) but the overall number does meet the total needed. It can be argued that visitor spaces allow more flexible use than on-plot spaces. I am satisfied that the concerns raised by the objectors and the PC have been adequately overcome and there are no longer concerns in this regard to affect the grant of approval in my view.

Drainage:

- 6.26 In terms of Policy CC3 of the MDE DPD (sustainable drainage) KCC (SUDS) as the Lead Local Flood Authority had some concerns with the surface water drainage and this resulted in a technical note which has overcome the queries raised. The developers have committed to soakaways being at least 5m from the foul sewers.

Waste Services:

- 6.27 The vehicle tracking around the development for the TMBC refuse freighter and appropriate turning areas has been submitted together with details of refuse presentation points and bin stores. There were concerns in regard of bin presentation points. Some areas would involve a greater pull/carry distance than 25 metres so these would need to be reduced if the contractor is required to collect. Parking provision needs to ensure vehicle access on collection day. Block paving will result in possible damage from vehicle tyre scrub/lifting of blocks/collapse as seen on other parts of Kings Hill.
- 6.28 Revised details in response to these concerns have been submitted and appear to be satisfactory.

Crime Prevention:

- 6.29 Additional information was submitted to overcome the concerns of Kent Police.

Conclusion:

- 6.30 I am of the view that the scheme is acceptable in the light of the outline planning permission and local and national planning policy. Many of the objections have been overcome in amendments or relate to issues which are not land use planning matters or have been dealt with in the outline planning permission and are not relevant to a reserved matters application.

7. Recommendation:

- 7.1 **Approve Reserved Matters** as detailed by Planning Statement received 22.05.2017, Assessment Conservation Area received 22.05.2017, Existing Site Plan 0001 received 22.05.2017, Section 0501 received 22.05.2017, Section 0502 received 22.05.2017, Drawing 0503 received 22.05.2017, Drawing 0504 received 22.05.2017, Drawing 0505 received 22.05.2017, Drawing 0506 received 22.05.2017, Drawing 0507 received 22.05.2017, Drawing 0508 received 22.05.2017, Drawing 0509 received 22.05.2017, Drawing 0510 received 22.05.2017, Drainage Layout C85600-D-001 C received 22.05.2017, Design and Access Statement received 06.07.2017, Letter highways received 07.09.2017, Design and Access Statement APPENDIX Prevent Crime received 08.09.2017, Technical Specification highways received 12.09.2017, Drawing

4345/I25/003/03B construction routes received 12.09.2017, Drawing 11801-T09 REV P1 FREIGHTER TRACKING received 13.10.2017, Drawing 11801-T09 REV P1 ESTATE TRACKING received 13.10.2017, Photographs CANOPY received 13.10.2017, Drawing C_DE_400 T1 received 13.10.2017, Letter RESPONSE TO OBJECTIONS received 13.10.2017, Roof Plan SK171010 A received 13.10.2017, Report VERIFICATION received 13.10.2017, Schedule WINDOWS received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0200 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0201 D received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0202 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0203 D received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0204 C received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0205 F received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0206 B received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0207 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0208 F received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0209 F received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0210 E received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0211 B received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0212 D received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0213 E received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0214 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0215 E received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0216 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0217 E received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0218 F received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0219 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0220 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0221 C received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0222 E received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0223 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0224 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0225 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0226 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0227 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0228 E received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0229 E received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0230 E received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0231 E received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0232 B received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0233 F received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0234 F received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0235 F received 13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0236 F received 13.10.2017, Proposed Floor Plans CPL-KHK_HTA-A_0_DR_0237 E received 13.10.2017, Roof Plan CPL-KHK_HTA-A_0_DR_0238 D received

13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0239 E received
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13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0247 D received
13.10.2017, Proposed Elevations CPL-KHK_HTA-A_0_DR_0248 D received
13.10.2017, Proposed Plans and Elevations CPL-KHK_HTA-A_0_DR_0249 A received
13.10.2017, Proposed Plans and Elevations CPL-KHK_HTA-A_0_DR_0250 A received
13.10.2017, Proposed Plans and Elevations CPL-KHK_HTA-A_0_DR_0251 B received
13.10.2017, Proposed Plans and Elevations CPL-KHK_HTA-A_0_DR_0252 B received
13.10.2017, Site Plan 0100 B received
19.10.2017, Master Plan 1463/002 I (landscape) received
19.10.2017, Drawing 1463/004 C received
19.10.2017, Street Scenes CPL_KHK 0111 received
19.10.2017, Drawing KN-P3-01 A (contours) received
19.10.2017, Drawing KN-P3-02 A (levels) received
19.10.2017, Parking Layout SK171018 REV A received
19.10.2017, Transport Statement received
20.10.2017, Email Highways Tech Note received
20.10.2017, Schedule Parking received
20.10.2017, Email Response to Waste Service received
20.10.2017 /subject to the following:

Conditions Reasons

1. No above ground construction shall take place until details of the following have been submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
 - a) samples of all materials to be used externally
 - b) Lighting
 - c) Windows
 - d) a drainage strategy demonstrating that the surface water generated by this development can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters and additional ground investigation will be required to support the use of infiltration.
 - e) a noise report detailing the current noise climate at the proposed site due to the close proximity of Tower View. The report should consider the levels cited in BS8233:2014, with particular attention drawn to the notes accompanying Table 4 in para 7.7.2 of BS8233:2014 (these levels need to be achieved with windows at least partially open). The report should also

detail any mitigation/attenuation measure needed to attain the abovementioned levels. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.

Reason: To ensure an acceptable standard of development is achieved.

2. Within 3 months of the commencement of development, the following shall be submitted for approval by the Local Planning Authority and shall be installed in accordance with the approved details:
 - a) Play area equipment and seating design, location and timetable for installation
 - b) Details of soft landscaping and boundary treatment including any retaining walls

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

3. No dwellings hereby approved shall be occupied before the roadside verge to the northern, western and southern boundaries of the site have been landscaped in accordance with details that have been submitted to and approved by the Local Planning Authority.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no rear or side extensions or roof enlargements to any dwelling hereby approved shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: In the interests of residential amenity.

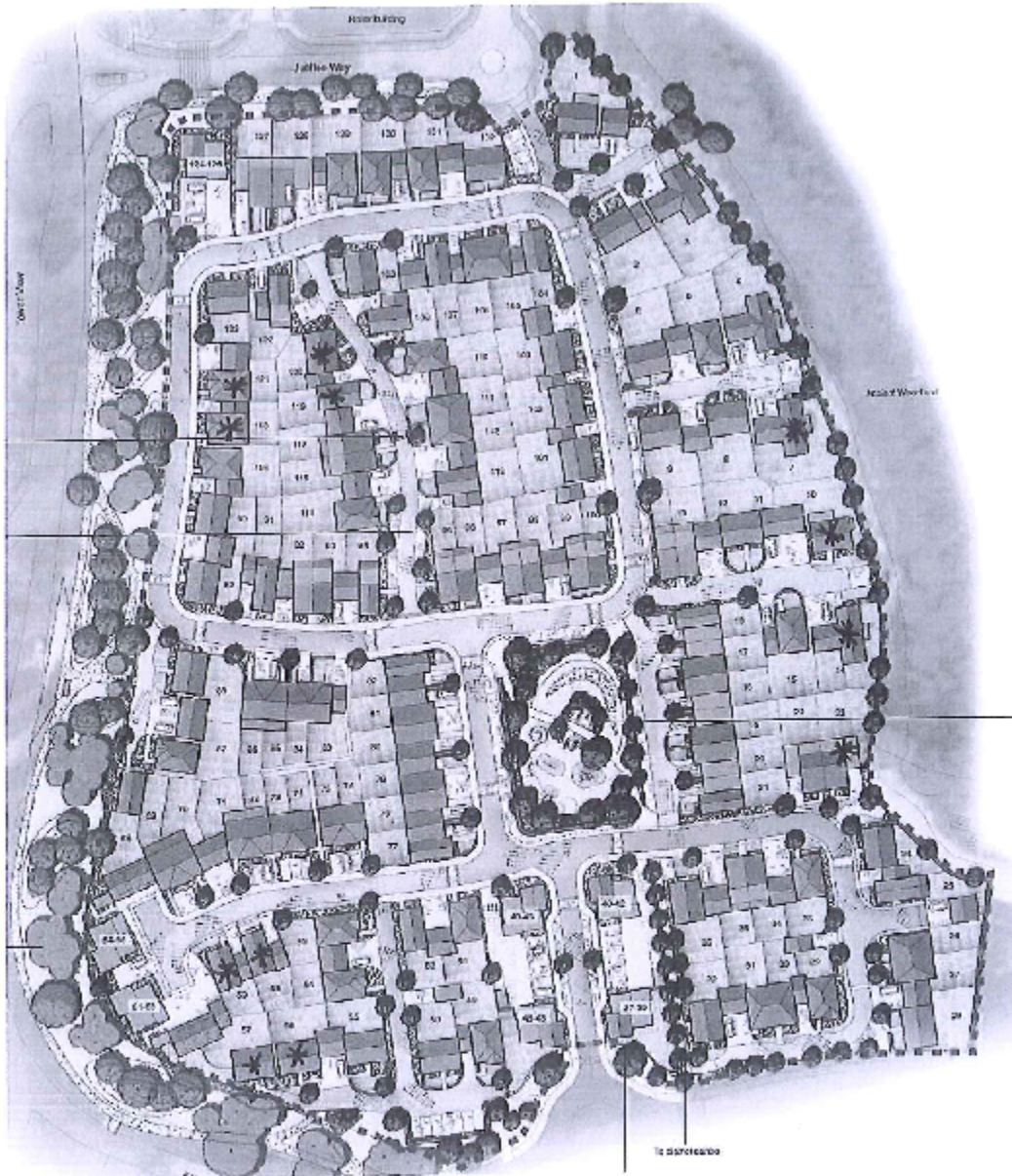
5. The windows to the first floor rear elevations of the residential units identified in the attached plan shall be glazed in obscure glass and shall be non-opening below a height of 1.7m measured from the internal finished floor level prior to first occupation. The windows thereafter shall not be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To satisfactorily protect the residential amenities of nearby occupiers.

Informatives

- 1 Surface water soakaways should be at least 5 metres from the foul sewers (and indeed any other structures) at closest approach for reasons of soil stability/ settlement and hence sewer pipe integrity.
- 2 During construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
- 3 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: Marion Geary



TONBRIDGE AND MALLING
BOROUGH COUNCIL
THIS IS THE PLAN REFERRED
TO IN THE DECISION NOTICE
DATED
RE: APPLICATION NO

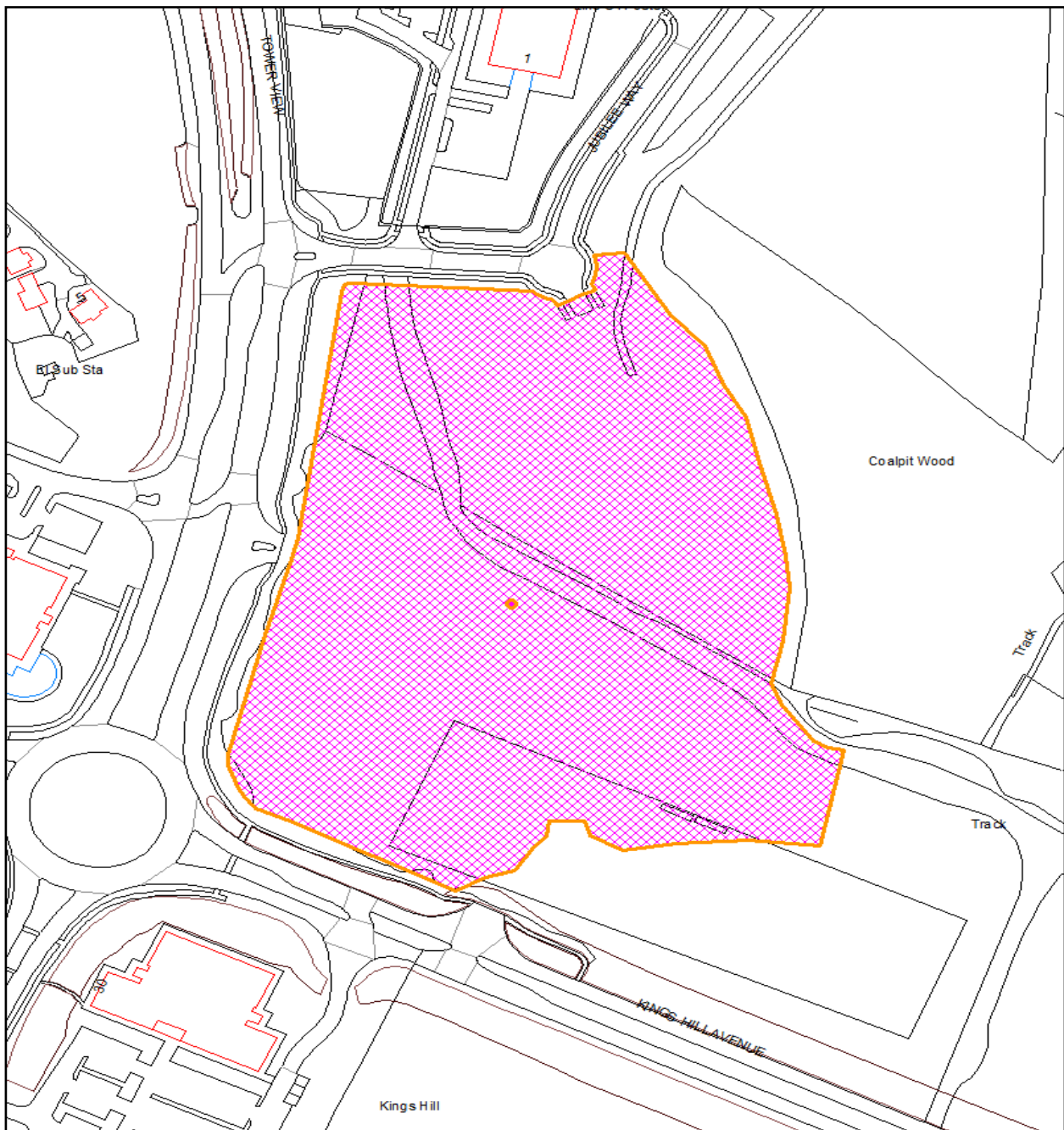
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TM/17/01392/RM

Area 1 Kings Hill Phase 3 Gibson Drive Kings Hill West Malling Kent

Reserved matters for 132 dwellings in Area 1 (junction of Tower View and Kings Hill Avenue) being details relating to the siting, design and external appearance of the proposed buildings, the means of access, drainage and strategic landscaping involving discharge of conditions 1, 12, 13, 19, 20, 23, 37, 38 and 39 of TM/13/01535/OAEA (Outline planning permission for residential development)

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