

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

5 December 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, 13th December, 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 8 November 2017

**Decisions to be taken by the Committee**

4. Development Control 9 - 12

Introduction and Glossary

5. TM/17/01392/RM - Area 1 Kings Hill, Phase 3, Gibson Drive, Kings Hill 13 - 46

6. (A) TM/17/01522/FL (B) TM/17/01438/LB - The Plough Inn, Taylors Lane, Trottiscliffe 47 - 62

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 63 - 64

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, 8th November, 2017

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr P J Montague, Cllr L J O'Toole, Cllr H S Rogers, Cllr Miss J L Sergison, 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 B J Luker and S C Perry.

### PART 1 - PUBLIC

#### **AP2 17/47 DECLARATIONS OF INTEREST**

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

However, for reasons of transparency Councillor Balfour advised the Committee that in respect of application TM/17/01392/RM (Area 1 Kings Hill, Phase 3, Gibson Drive, Kings Hill) Kent County Council, of which he was the Cabinet Member for Planning, Highways, Transport and Waste, was the owner of the development site. As he did not have responsibility for financial matters at the County Council this did not represent either an Other Significant or Disclosable Pecuniary Interest and there was no requirement to leave the meeting.

#### **AP2 17/48 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 27 September 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 17/49 DEVELOPMENT CONTROL**

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

tabled at the meeting.

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

**AP2 17/50 TM/16/01753/FL - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE**

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.

**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:

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 widow (or widower) of such a person;
  - A dependant living within the household of such a person referred to above

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 no longer has an essential requirement for permanent on site presence. The caravan and any 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 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 caravan shall be stationed on the site except in accordance with details that have been submitted to and approved by the Local Planning Authority in respect of its size and appearance.

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 hereby approved shall only be stationed in the position shown on Drawing No. 1786/18A Rev 04/11 hereby approved and no additional caravan shall be stationed on the site at any time. The extent of the garden amenity area shall be limited to the area indicated on Drawing No. 1786/18A Rev 04/11 comprising 14m by 33m

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.

[Speaker: Richard Wallis – Trottiscliffe Parish Council]

**AP2 17/51 TM/17/01392/RM - AREA 1, KINGS HILL PHASE 3, GIBSON DRIVE, KINGS HILL**

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) at Area 1, Kings Hill Phase 3, Gibson Drive, Kings Hill.

**RESOLVED:** That Reserved Matters be DEFERRED for the following:

- Further clarity on traffic movements generated by the Housing Area
- Further consideration of the location of the play area
- Further consideration of the impacts of having a single access point

Reason: To protect and enhance the appearance and character of the site and locality and in the interests of residential amenity.

[Speakers: Caroline Bridger, Kings Hill Parish Council and Matthew Woodhead, agent]

**AP2 17/52 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.00 pm



## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

#### Report of the Director of Planning, Housing & Environmental Health

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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#### GLOSSARY of Abbreviations and Application types

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

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

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

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

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

**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 This application was deferred from the APC2 on 8 November 2017 for officers to secure additional information/clarification as follows:

- Clarity on traffic movements generated by the Housing Area
- To look at the location of the play area
- Consideration of the impacts of having a single access point

1.2 A copy of the previous committee report and supplementary report is annexed for ease of information.

**2. Determining Issues:**

2.1 The residential traffic counts appropriate to use are those from the planning applications for phases 2 and 3 at Kings Hill. They date from a weekday in March 2001 from 2 established areas of Kings Hill of family home - one being Kate Reed Wood of 177 units and the other being Worcester Avenue/Discovery Drive of 533 units. The peak figures for vehicles the aggregate of 710 units is as follows:

	IN	Average per dwelling	Extrapolated to 132 units Area 1	Incl 15% growth since 2001
0700-0800	48	0.07	9	10
0800-0900	80	0.11	15	17
0900-1000	132	0.19	25	29
<i>3 hour period</i>	<i>260</i>	<i>0.37</i>	<i>49</i>	<i>56</i>

	OUT	Average per dwelling	Extrapolated to 132 units Area 1	Incl 15% growth since 2001
0700-0800	291	0.41	54	62
<b>0800-0900</b>	<b>328</b>	<b>0.46</b>	<b>61</b>	<b>70</b>
0900-1000	169	0.24	32	36
<i>3 hour period</i>	<i>788</i>	<i>1.11</i>	<i>147</i>	<i>168</i>

	IN	Average per dwelling	Extrapolated to 132 units Area 1	Extrapolated plus growth since 2001
1600-1700	172	0.24	32	36
1700-1800	248	0.35	46	53
<b>1800-1900</b>	<b>292</b>	<b>0.41</b>	<b>54</b>	<b>62</b>
<i>3 hour period</i>	<i>712</i>	<i>1</i>	<i>132</i>	<i>152</i>

	OUT	Average per dwelling	Extrapolated to 132 units Area 1	Extrapolated plus growth since 2001
1600-1700	145	0.2	26	30
1700-1800	98	0.14	18	21
1800-1900	84	0.12	16	18
<i>3 hour period</i>	<i>327</i>	<i>0.46</i>	<i>60</i>	<i>69</i>

- 2.2 The surveys counted traffic from these areas over 3 hours in both morning and evening with the peaks being 7am to 9am mornings and 5pm to 7pm evenings. That is, the phenomenon of peak spreading occurs which explains why it is not a 1 car per unit in the "peak hour" leaving and arriving respectively because people stagger their travel time. It also shows that the morning peak hour is 8am to 9am but the evening peak hour is 6pm to 7pm.
- 2.3 Using the 2001 figures, in the morning peak hour the IN would be 15 vehicles and the OUT would be 61 vehicles. In the evening peak, the IN would be 54 vehicles

and the OUT would be 16. It is not normal practice to add growth figures to trip rates but approx. 15% would be a figure that would be robust if there is concern about the age of the 2001 data.

2.4 The applicants have used these figures to give some estimate of the likely dispersion of vehicular traffic entering and leaving the Housing Area and this information will be available for Members to see at the meeting. There are 71 units which would necessitate travelling past the southern-western edge of the Square and 65 units which would necessitate travelling past the north-western edge of the Square. These extrapolate to the following (and include the nominal 15% growth figure):

	morning Peak hour (0800-0900)			evening Peak hour (1800-1900)		
	IN	OUT	<b>IN +OUT</b>	IN	OUT	<b>IN +OUT</b>
Main Entrance	17	70	<b>87</b>	62	18	<b>80</b>
SW corner of Square	9	38	<b>47</b>	33	10	<b>43</b>
NW corner of Square	8	35	<b>43</b>	30	9	<b>39</b>

2.5 It is not considered that these estimated traffic flows warrant a relocation of the Play Area or the introduction of a secondary access on safety or amenity grounds. A significant part of the site is accessed without needing to drive past the Square’s western boundary because the unit density is much higher south of the Square (eg many more of the flats are in the south of the housing area).

2.6 The developers have also made some suggested changes to the design of the Play area/Square in terms of hooped railings with a hedge to the main sides and making a raised table to the roads and junctions in the vicinity around so as to give a better and clearer separation of pedestrians and vehicles and act as a visual traffic calming feature. A copy of the central square plan has been annotated to show the proposed location of the railings – sections A-B & E-F would be on the “inside” of the hedge with C-D on the edge of the layby parking. This is intended to give security, leave the crossing points with good visibility and allow the hedging etc to grow through.

2.7 With regard to the raised table in the vicinity of the Square, the applicant has clarified that kerb heights are designed at 125mm on all roads with a 50mm face

on private drives, the top of kerbing to the raised table will be level with a 125mm face at the “lower” end of the ramp reducing to 50mm at the “top” resulting in a ramp of 75mm. Colours to be as follows: roads to be “charcoal” with the raised table in “brindle”; footways adjacent to roads to be coloured “bracken”; private drives to be a mixture of “burnt ochre” and “bracken” (the colours may change slightly depending on the manufacturer used but will be as close to these as possible).

- 2.8 Emergency vehicles will of course have a secondary access and the normal process for these is to have a locked gate to which they have the key.
- 2.9 In terms of the lack of a secondary access for non-emergency vehicles, this is not something that is put forward in the scheme nor is it required by the outline planning permission. The land that would be needed to secure a secondary access to Tower View is neither in the ownership nor control of the applicant company. The scheme for a single point of access is the formal submission and therefore this is what needs to be considered on its merits and its adequacy assessed as such.
- 2.10 In the light of the information presented on traffic flows and the confirmation as to the railings and the traffic calming features of the raised table junctions, the scheme is acceptable in my view and remains recommended for approval.

### 3. Recommendation:

- 3.1 **Approve Reserved Matters** as detailed by: Design and Access Statement dated 06.07.2017, Planning Statement dated 22.05.2017, Assessment Conservation Area dated 22.05.2017, Existing Site Plan 0001 dated 22.05.2017, Drainage Layout C85600-D-001 C dated 22.05.2017, Section 0501 dated 22.05.2017, Section 0502 dated 22.05.2017, Drawing 0503 dated 22.05.2017, Drawing 0504 dated 22.05.2017, Drawing 0505 dated 22.05.2017, Drawing 0506 dated 22.05.2017, Drawing 0507 dated 22.05.2017, Drawing 0508 dated 22.05.2017, Drawing 0509 dated 22.05.2017, Drawing 0510 dated 22.05.2017, Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0203 D dated 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0200 E dated 13.10.2017, Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0201 D dated 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0202 E dated 13.10.2017, Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0204 C dated 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0205 F dated 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0206 B dated 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0207 E dated 13.10.2017, Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0208 F dated 13.10.2017, Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0209 F dated 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0210 E dated 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0211 B dated 13.10.2017, Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0212 D dated 13.10.2017,



Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0213 E dated 13.10.2017,  
Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0214 E dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0215 E dated 13.10.2017,  
Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0216 E dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0217 E dated 13.10.2017,  
Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0218 F dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0219 E dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0220 E dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0221 C dated 13.10.2017,  
Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0222 E dated 13.10.2017,  
Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0223 E dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0224 E dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0225 E dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0226 E dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0227 E dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0228 E dated 13.10.2017,  
Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0229 E dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0230 E dated 13.10.2017,  
Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0231 E dated 13.10.2017,  
Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0232 B dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0233 F dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0234 F dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0235 F dated 13.10.2017,  
Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0236 F dated 13.10.2017,  
Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0237 E dated 13.10.2017, Roof  
Plan CPL-KHK\_HTA-A\_0\_DR\_0238 D dated 13.10.2017, Proposed Elevations  
CPL-KHK\_HTA-A\_0\_DR\_0239 E dated 13.10.2017, Proposed Floor Plans CPL-  
KHK\_HTA-A\_0\_DR\_0240 E dated 13.10.2017, Proposed Elevations CPL-  
KHK\_HTA-A\_0\_DR\_0241 D dated 13.10.2017, Proposed Floor Plans CPL-  
KHK\_HTA-A\_0\_DR\_0242 E dated 13.10.2017, Proposed Elevations CPL-  
KHK\_HTA-A\_0\_DR\_0243 D dated 13.10.2017, Proposed Floor Plans CPL-  
KHK\_HTA-A\_0\_DR\_0244 D dated 13.10.2017, Proposed Floor Plans CPL-  
KHK\_HTA-A\_0\_DR\_0245 B dated 13.10.2017, Proposed Elevations CPL-  
KHK\_HTA-A\_0\_DR\_0246 E dated 13.10.2017, Proposed Elevations CPL-  
KHK\_HTA-A\_0\_DR\_0247 D dated 13.10.2017, Proposed Elevations CPL-  
KHK\_HTA-A\_0\_DR\_0248 D dated 13.10.2017, Proposed Plans and Elevations  
CPL-KHK\_HTA-A\_0\_DR\_0249 A dated 13.10.2017, Proposed Plans and  
Elevations CPL-KHK\_HTA-A\_0\_DR\_0250 A dated 13.10.2017, Proposed Plans  
and Elevations CPL-KHK\_HTA-A\_0\_DR\_0251 B dated 13.10.2017, Proposed  
Plans and Elevations CPL-KHK\_HTA-A\_0\_DR\_0252 B dated 13.10.2017, Email  
Highways Tech Note dated 20.10.2017, Email Response to Waste Services  
dated 20.10.2017, Letter highways dated 07.09.2017, Technical Specification  
highways dated 12.09.2017, Drawing 4345/I25/003/03B construction routes dated  
12.09.2017, Design and Access Statement APPENDIX Prevent Crime dated  
08.09.2017, Schedule Parking dated 20.10.2017, Drawing 11801-T09 REV P1

FREIGHTER TRACKING dated 13.10.2017, Drawing 11801-T09 REV P1  
ESTATE TRACKING dated 13.10.2017, Street Scenes CPL\_KHK 0111 dated  
19.10.2017, Parking Layout SK171018 REV A dated 19.10.2017, Drawing  
1463/004 C dated 19.10.2017, Site Plan 0100 B dated 19.10.2017, Photographs  
CANOPY dated 13.10.2017, Schedule WINDOWS dated 13.10.2017, Drawing  
C\_DE\_400 T1 dated 13.10.2017, Letter RESPONSE TO OBJECTIONS dated  
13.10.2017, Roof Plan SK171010 A dated 13.10.2017, Master Plan 1463/002 I  
(landscape) dated 19.10.2017, Drawing KN-P3-01 A (contours) dated 19.10.2017,  
Drawing KN-P3-02 A (levels) dated 19.10.2017, Transport Statement dated  
20.10.2017, Email Schedule Obscure Glazing dated 27.10.2017, Email 1362-  
001.pdf dated 22.11.2017, Landscape Layout 1362-001.pdf dated 22.11.2017,  
Drawing Trips Dispersal AM/PM dated 27.11.2017, Drawing Table Junction dated  
27.11.2017 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) Windows
  - b) 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.
  - c) 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. (particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided). 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 approved 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](mailto:addresses@tmbc.gov.uk). To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 4 Kent Police request a lighting column to be wired to receive a Community Safety Unit (CSU) Polecat/Hawkeye CCTV sited to allow CCTV coverage of the Play Area.

- 5 KCC ( H&T) suggest for the duration of construction the following on site provision:
- construction vehicle loading/unloading and turning facilities
  - provision of parking facilities for site personnel and visitors
  - provision of measures to prevent the discharge of surface water onto the highway
  - provision of wheel washing facilities
- 6 The emergency access gate should be clearly labelled with contact numbers.

Contact: Marion Geary

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**Report from 8 November 2017**

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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](#)

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**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.

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- 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, funding for improvements has already been made including the new express bus service to Maidstone and a route serving Tonbridge schools.

- 3.5 The planning permission includes enhancements and additional linkages to Kings Hill's cycle network. An undertaking to ensure the provision of a bridleway was shown on the Movement and Access Plan
- 3.6 Appropriate open space provision, including small local green spaces, will be provided as part of the residential development. Buffer strips are indicated on all retained areas of ancient woodland within and adjacent to the scheme.

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

TM/13/01535/OAEA      Approved      28 August 2015

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-functional 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/16/02015/RD      Approved      21 November 2016

Details pursuant to condition 30 (biodiversity method statement) pursuant to planning permission TM/13/01535/OAEA (Mixed use development)

TM/16/03235/RM      Approved      29 March 2017

Reserved matters application pursuant to condition 1 (reserved matters) of outline planning permission TM/13/01535/OAEA for details of construction of internal road infrastructure within Area 306 at Kings Hill Phase 3 with associated

landscaping

TM/16/03699/RD

Approved

24 February 2017

Details of conditions 34 (desktop study) and 35 (site investigation) submitted for areas 302, 303, 305, 306, 307 (excluding the School Site) pursuant to 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)

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



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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.

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- 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.

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- 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.

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**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

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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 buggys) 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

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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 solution 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 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0240 E received 13.10.2017, Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0241 D received 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0242 E received 13.10.2017, Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0243 D received 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0244 D received 13.10.2017, Proposed Floor Plans CPL-KHK\_HTA-A\_0\_DR\_0245 B received 13.10.2017, Proposed Elevations CPL-KHK\_HTA-A\_0\_DR\_0246 D received 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

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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.

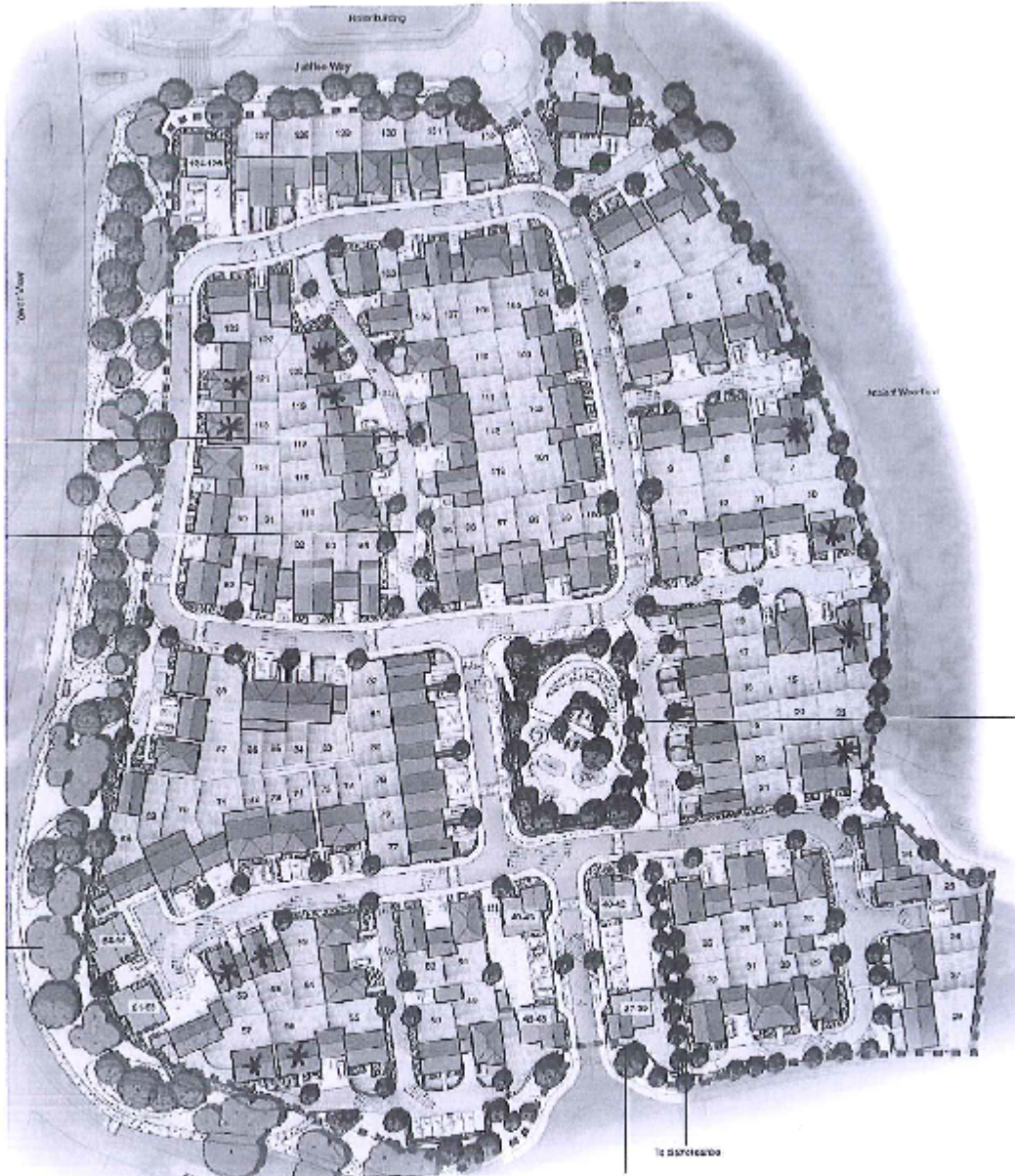
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5. The windows to the first floor rear elevations of the residential units identified in the attached plan shall be glazed in obscure glass and shall be non-opening below a height of 1.7m measured from the internal finished floor level prior to first 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](mailto:addresses@tmbc.gov.uk). To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: 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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**SUPPLEMENTARY REPORTS**

AREA 2 PLANNING COMMITTEE

DATED 8 November 2017

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**Kings Hill  
Kings Hill****TM/17/01392/RM**

**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) at Area 1 Kings Hill Phase 3 Gibson Drive Kings Hill West Malling for Countryside Properties**

Applicant: The materials samples and details of lighting duplicate conditions on the outline planning permission. The noise condition is queried as alternative ventilation will be needed instead of partly open windows.

The verification report regarding where the arisings were dealt is withdrawn from this application and will be considered separately.

An email has been submitted forming a schedule of obscure glazing to certain plots where privacy from flank windows is necessary.

PC: The previous response (objection) stands following the amendments.

Kent Police: The 'Appendix – Design to prevent Crime' page number 71, part of the Design & Access Statement shows that consideration has been given to 7 attributes of CPTED. However we have had no communication from the applicant and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and Secured By Design (SBD) if appropriate. Awarding these retrospectively can prove difficult and costly. This could also have knock on effects for the future services and duties of the Community Safety Unit (CSU) and local policing.

I recommend that provision is given for a lighting column to be wired to receive a Community Safety Unit (CSU) Polecat/Hawkeye CCTV, should antisocial behaviour occur. The lighting column should be located to allow CCTV coverage of the Central Square Play Area.

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It is essential that any planting is well maintained so as to provide maximum surveillance (formal and informal) and not provide potential hiding places or a means to commit crime: hedges should be no higher than circa 1m and trees should be pruned to allow a 2m surveillance gap beneath. I draw the applicant/agents attention to the SBD) guidance for 'Planting in new developments' along with footpath layout and design, as detailing in the SBD Homes 2016 guide.

The Landscape Master Plan (drawing 1463/002/REV 1) also shows some formal play equipment in the Central Square Play Area. Any formal play equipment should be fenced to deter/prevent dogs. Equipment should be constructed from vandal and arson resistant materials where possible.

It is important that potential purchasers of properties bordering play areas are made aware of the incorporation of play areas within the final design at the earliest opportunity.

KCC (H&T): Comments on revised and additional information: Essentially looking at the parking schedule 34 x 4-Bed houses are generally 1 space short against car parking standards but this is made up by additional visitor car parking provision. I consider the overall provision to be satisfactory.

I note that Liberty is committed to removing the redundant access off Tower View: for road safety reasons this should be undertaken in a timely fashion to remove ambiguity. I note that it is intended to replace this with an off-carriageway bus stop. Details of this will need to be provided in due course by way of a separate application.

There appear to be three connections from the site to footways on the eastern side of Tower View. I understand that Liberty are to consider a pedestrian crossing point on Tower View and a northbound off-carriageway bus stop. Again it is hoped that this can be undertaken in a timely fashion to encourage and enable safe and effective access to public transport services.

On behalf of the highway authority I write to confirm that I have no objection to this application subject to conditions on construction vehicle loading/unloading and turning facilities, provision of parking facilities for site personnel and visitors on site and for the duration of construction, no discharge of surface water onto the highway, wheel washing facilities, provision and permanent retention of the cycle parking facilities, vehicle parking spaces and/or garages and loading/unloading and turning facilities, completion and maintenance of access prior to the use commencing. Any extents for adoption should be advanced through a formal S38 agreement.

DPHEH:



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Suggested condition 1 has been refined following the comments from the applicant.

The additional information on freighter tracking, refuse storage and day of collection points are now satisfactory.

The Kent Police request for lighting column to be wired to receive a Community Safety Unit (CSU) Polecat/Hawkeye CCTV to allow CCTV coverage of the Central Square Play Area can be the subject of a suggested informative. There is already a condition on the main agenda with regard to the play area and equipment.

The conditions suggested by KCC (H&T) are either already imposed on the outline planning permission or are not land use planning matters in which case can be the subject of suggested informatives.

It is confirmed that KCC (H&T) as the Local Highway Authority does not have any concerns over the parking provision in the revised details and layout.

KCC (H&T) has no concerns with the single access point to the south with an emergency only access at the north-east corner. It is supportive of a bus layby and pedestrian crossing near to where the redundant Tower View access is to be removed.

It is the case that the traffic flow from a residential area is tidal but less so than that of office development. This was demonstrated in the TA for the outline planning permission: extrapolating the figures for 132 units on this parcel would result in 49 vehicles leaving and 23 vehicles entering the site in the AM peak hour and 26 vehicles leaving and 46 vehicles entering the site in the PM peak hour. It is not considered that these average vehicle numbers justify a secondary access to serve this specific parcel. In any event, if a secondary access were to remain at either Tower View or Jubilee Way, then during the main peak demand (which is for vehicles leaving the site AM), the drivers would have to turn left onto Tower View in both cases as it is a dual carriageway. If intending to leave Kings Hill they would have to quickly move across to the outside lane in order to either U-turn across the central reservation (if leaving via Jubilee Way) or at the roundabout back to the A228; or use the roundabout to turn right towards Gibson Drive to then get onto the A228. Inbound traffic is less inconvenienced by Tower View being a dual carriageway as the turn is a more simple left one. However, overall, it is not considered that there is a necessity for a secondary access based on these numbers. There is also the benefit of a one access removing the risk of rat-running through the parcel to avoid the roundabout. Members are advised that the outline planning permission has a condition 18 that requires future traffic queue monitoring of the Tower View/Kings Hill Avenue roundabout and improvements if deemed necessary, so this is something that will be kept under review in any case.

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**AMENDED RECOMMENDATION****Plans list to remove the Verification Report and add email (obscure glazing) received 27 October 2017****Amend condition 1:**

6. 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.
- f) Windows
  - g) 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.
  - C) 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. (particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided). 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

**Additional Informatives**

- 4 Kent Police request a lighting column to be wired to receive a Community Safety Unit (CSU) Polecat/Hawkeye CCTV sited to allow CCTV coverage of the Play Area.
- 5 KCC ( H&T) suggest for the duration of construction the following on site provision:
  - construction vehicle loading/unloading and turning facilities;

- Provision of parking facilities for site personnel and visitors
- Provision of measures to prevent the discharge of surface water onto the highway
- Provision of wheel washing facilities

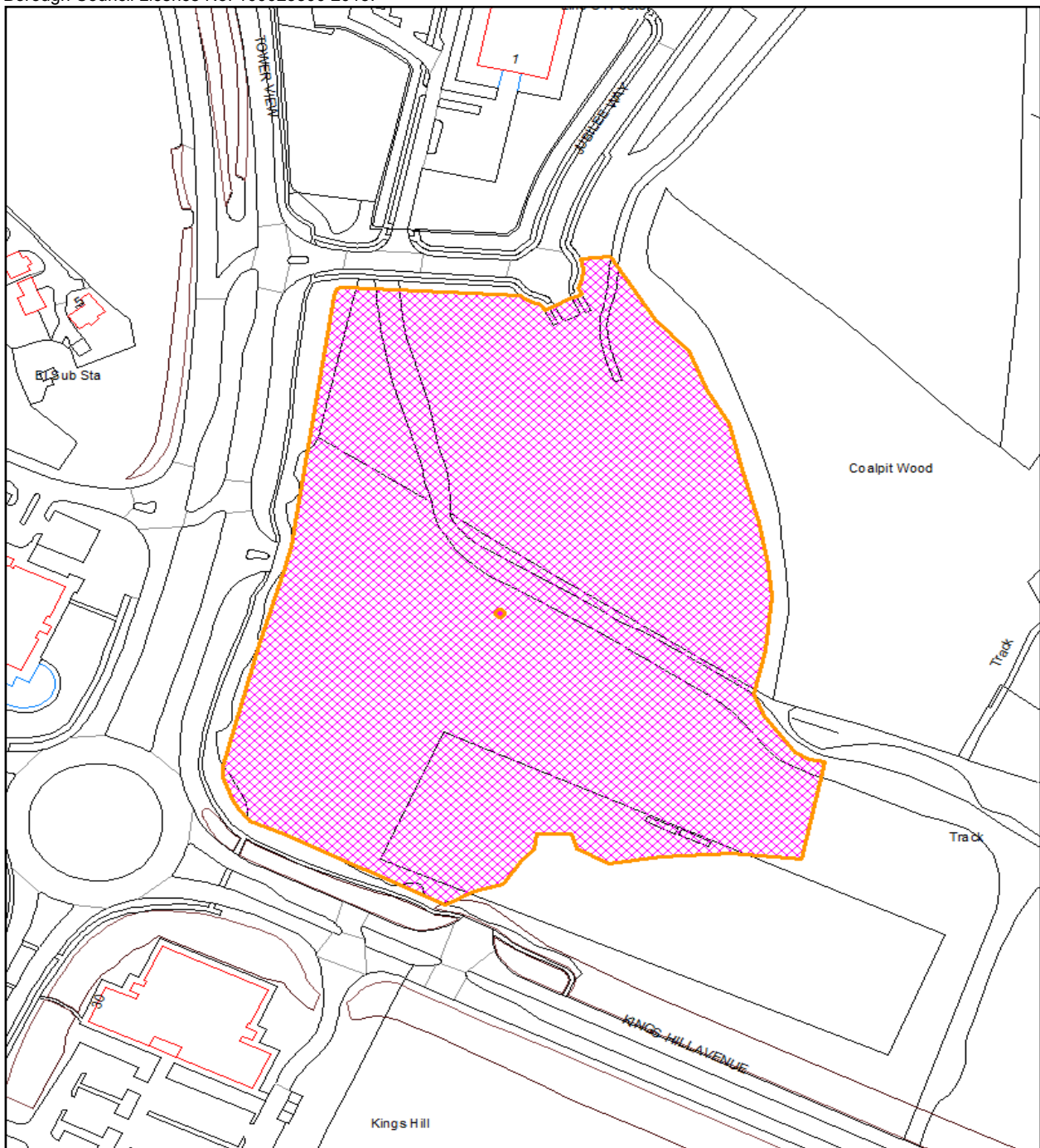
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**TM/17/01392/RM**

**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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**Trottscliffe**  
Downs And Mereworth

**13 June 2017**

**(A) TM/17/01522/FL**  
**(B) TM/17/01438/LB**

Proposal: (A) Change of use from A4 public house to C3 two bed residential dwelling and new roof to single storey side extension  
(B) Listed Building Application: New roof to single storey side extension and undertaking internal and external alterations to facilitate proposed change of use from public house to a dwelling house

Location: Plough Inn Taylors Lane Trottscliffe West Malling Kent ME19 5DR

Applicant: Mr D Carson

Go to: [Recommendation](#)

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## **1. Description (A & B):**

- 1.1 The applications are for a change of use of the building from a public house (Class A4) with a one bedroom flat above, to a two bedroom dwelling (Class C3). The first floor layout would remain the same other than the conversion of the existing kitchenette and living room into a second bedroom.
- 1.2 The ground floor public house layout would be converted to create a new reception room, lounge and sitting room. The kitchen would remain as such but be converted to a domestic rather than commercial kitchen. The toilets would be converted to a new cloakroom with W/C. This conversion work would involve minimal alterations to the room layout downstairs, other than removal of the bar and the insertion of one stud partition.
- 1.3 A new window would be proposed in the front elevation to replace a door. The single storey extension which was originally to be demolished as part of the initial proposal is now to be retained and its corrugated mono pitch roof would be replaced with a tiled pitched roof. This would link into the new double hipped tiled roof proposed on the remaining side extension, which is currently a mix of a tiled cat slide and corrugated lean-to roof.
- 1.4 The existing outbuildings in the rear garden and car park area will be retained, and the car park and pagoda will remain as existing, leaving ample parking. Vehicular access would remain as existing and the pub signage would be removed.
- 1.5 A planning statement has been submitted along with supporting information including a profit and loss statement for 30<sup>th</sup> January 2017 to 31 July 2017, and supporting statements from the owner and the company employed to create and distribute promotional leaflets.

- 1.6 During the course of both applications, the pub was the subject of a nomination by the Parish Council for listing as an Asset of Community Value (ACV). This was accepted by the Council on 6 September 2017. A hearing to review the nomination was made by the applicant on 8 September 2017 under s.92 of the Localism Act 2011. The hearing took place on 24 October 2017 where it was concluded that the status of the property as an ACV should be retained. This decision was made due to the fact that although the property has now ceased to operate as a pub, it has in the recent past done so and has been used by a variety of local groups for social events. Under the ACV process it was therefore concluded that the pub has furthered the social interests and wellbeing of the community in the recent past.
- 1.7 The ACV decision also concluded that whilst the applicant has argued that the pub is no longer viable and has made clear their intentions to live at the property in the future, if planning permission were not granted, there is the possibility that alternative considerations will be made by the applicant. These could include the future sale of the property, or an alternative business model to facilitate the continuing residential element of the pub, which could realistically happen within the next 5 years. Given these assumptions made as part of the ACV appeal process, retention of the ACV status was supported by the notion that there is a realistic possibility that the pub could be used for a variety of purposes which could provide social value and continue to further the social interests of the local community within the next 5 years.
- 2. Reason for reporting to Committee:**
- 2.1 The change of use planning application has been called into Committee by Councillor Kemp due to local concern over the loss of the pub.
- 3. The Site:**
- 3.1 The site is situated in the village of Trottiscliffe, a Rural Settlement. It is also within the Trottiscliffe Conservation Area, and the North Downs AONB designation washes over the village.
- 3.2 Trottiscliffe is a small rural village to the north of the M20. Development within the village is fairly linear following the main route through the village and those connecting to it via a number of small junctions. The village also includes a second pub, The George, a primary school and a cricket ground.
- 3.3 The pub is a two storey building dating back to 1483 and is a Grade II Listed Building. It was originally built as two farm cottages and is a masonry and timber frame construction with a traditional Kent peg tile roof. It has been extended over the years. An ale licence was granted in 1817 and it has remained as a public house until the present day.



- 3.4 The car park is situated on the northern side of the pub. The area immediately to the rear of the pub is split by a 1.8m fence to separate the pub garden area from the private yard area serving the pub. There is a large pagoda to the rear of the pub and a pair of attached brick built outbuildings abutting the rear boundary.
- 3.5 The building sits on the front boundary and so directly abuts the footpath along Taylors Lane. It is the most forward projecting property in the surrounding staggered building line. Both adjacent properties are set back and are in residential use. More houses surround the site including a pair of semi-detached dwellings directly opposite.
- 3.6 The site is also within a Source Protection Zone and Aquifer Designation Bedrock, as defined by the Environment Agency.

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

TM/51/10310/OLD grant with conditions 23 October 1951

Sanitary Accommodation.

TM/65/10458/OLD grant with conditions 17 November 1965

Car park.

TM/90/11647/FUL grant with conditions 12 June 1990

Single storey toilet extension and electrical intake cupboard.

TM/90/11658/LBC grant with conditions 13 June 1990

Listed Building application: single storey toilet extension and electrical intake cupboard.

TM/13/02557/LB Approved 17 October 2013

Listed Building Application: Replace existing fascia and hanging signs; add 1 no. fascia sign; new external lighting to signs

TM/15/03163/FL Approved 11 January 2016

Retrospective: Creation of timber pergola to patio area

TM/15/03164/LB Approved 11 January 2016

Listed Building Application: Retrospective: Replacement of cellar doors.  
Decorative works (overclad tiling) to kitchen and WCs

TM/17/01438/LB

Listed Building Application: Demolition of single storey side extension and  
undertaking internal and external alterations to facilitate proposed change of use  
from public house to a dwelling house

TM/17/01522/FL

Change of use from A4 public house to C3 two bed residential dwelling including  
demolition of existing single storey side extension, new roof to remaining single  
storey side extension

## **5. Consultees (A & B):**

5.1 PC: no objection to the listed building works but object to the change of use on the grounds that The Plough is an important part of the community and heritage of the village. The applicant has not made sufficient effort to make it viable. It has been successful in the past providing a valuable role to the community. It has been nominated as an ACV and there are a number of objections from parishioners including a petition to support the ACV nomination.

5.2 Private Reps: 6/0X/39R/1S + Listed building/Conservation Area Site and Press Notices

- Never any intention to make it a successful pub
- It was purchased for conversion into a dwelling and to erect a detached dwelling on the car park
- It should not be closed and converted to make personal profit
- Insufficient effort/time allowed for the pub to operate successfully under the new owner as a viable business, before the planning application was made
- The village attracts walkers and cyclists who could make use of it if it were run successfully
- Unwelcoming appearance, unclear if the pub was open to passers-by
- A stated lack of support from locals is untrue; The community spirit in Trottiscliffe is valued and should be sustained
- Past successful community events have been supported at the pub including senior citizens meals, charity events, men's meeting club and

music events. It has also been supported by the tennis club, darts team, and outside entertainers

- A continuing need for community interaction, village pub/restaurant; an ACV should be retained and protected
- Should be put back on the market to give alternative buyers the opportunity to purchase the pub and make a success of it: The Angel at Addington is a successful Freehold pub that has built success over 11 years
- The George pub, also in the village, is very busy with 'outsiders'. The Vigo nearby, has also recently been converted to residential, as has another pub in Mereworth
- Retention as a pub would create job opportunities: should be retained as a business
- The pub has been in the village for over 200 years, and has in the past been a thriving successful pub
- The local shop and post office have already been closed, there is concern the village school will be closed. The loss of the pub would be loss of an integral part of the community, a great British institution and historic heritage
- If alterations to the building are approved these will facilitate the conversion to residential so should be refused
- No objection to sympathetic alterations to improve viability if remaining a pub, but not to facilitate conversion to a dwelling
- The extension to be demolished is the men's toilets which a pub would require. *(the extension is now proposed to remain, and is not toilets, but a dining area)*
- Insufficient effort to make the pub a viable local community pub, including limited food and ale offered, reduced opening hours, lack of promotion or marketing
- Sign boards used on the pavement were unacceptable as forced walkers to walk into the road

#### 5.2.1 One letter of support states that:

- the pub has been in decline for a number of years, it is hard to sustain two pubs in the village, locals have not always supported past landlords

- It would be preferable that the building be converted to a dwelling than remain a neglected business concern
- The pub would not have come on the market so frequently if it had received sufficient local support
- It was only ever possible for locals to support it due to inadequate parking so was not attractive for those beyond walking distance
- Excellent pub but lacking necessary facilities to make it viable so it would not make sense to register it as an ACV.

5.3 Historic England: No comments

## **6. Determining Issues:**

### **(A) 17/01522/FL**

- 6.1 The main issues to consider are the principle of development in this location and whether the loss of the public house would be acceptable in policy terms. Other material considerations would be the impact on the Conservation Area, the AONB, neighbouring amenities, highway safety and the ACV status of the pub. The impact upon the listed building and its setting is discussed under application (B).
- 6.2 The site lies within the rural settlement and as such the proposal must accord with policy CP13 of the adopted TMBCS. Proposals for new dwellings in the Rural Settlement are acceptable in principle under this policy if they amount to minor development appropriate to the scale and character of the settlement. The proposal is therefore acceptable in principle as the new dwelling would be the result of conversion of an existing building which includes an ancillary dwelling in the form of the flat above the pub.
- 6.3 Policy DC2 of the MDEDPD, allows for the re-use of rural buildings. The proposed conversion of the pub would meet the policy criteria. The building is of permanent and sound construction, there is no need for extensions or ancillary buildings, the existing residential environment created by the first floor flat will be improved by the accommodation proposed downstairs and the changes to internal layout, and the curtilage will not be significantly changed. The loss of the public house car park to parking on a more domestic scale will be an improvement in terms of impact on the character of the area.
- 6.4 The site is also located within the North Downs AONB and any development should therefore be in accordance with policy CP7 of the TMBCS which aims to prevent harm to protect the natural beauty and quiet enjoyment of the AONB. The proposed change of use and external alterations would not have any impact upon these qualities of the AONB.

- 6.5 Due to the site's location within the Conservation Area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. In this respect account should also be taken of paragraphs 131 – 134 of the NPPF, and specifically paragraph 137, which requires new development within a Conservation Area to enhance and preserve the elements of the setting that make a positive contribution to or better reveal the significance of the Conservation Area. The proposed use as a residential dwelling and the external changes to the building will not harm the appearance or character of the Conservation Area within which it is located. The building would be retained in an improved form and so it would contribute to and enhance the Conservation Area.
- 6.6 The proposal therefore accords with policies CP7 and CP13 of the TMBCS, and policy DC2 of the MDEDPD. The proposed change of use to residential would not harm the amenities of neighbouring properties. It would be a less intensive use for those neighbours in terms of activity and noise and so also accords with Policy CP24 of the TMBCS in this regard.
- 6.7 Policies CP1, and CP24 of the TMBCS and SQ1 of the MDEDPD relate to details of the design and layout of the development which is considered to be acceptable. The proposed alterations to the existing differing mismatched roof pitches to the side extensions, and the removal of the Public House signage would not be considered harmful. The proposed roof is considered to represent a visual improvement. These proposed changes would be subtle and would not detrimentally impact upon the visual amenities of the street scene within which the building is set or the wider character of the rural village.
- 6.8 The proposed vehicular access will remain as existing, as will parking arrangements which will make use of the existing hard surfacing area. The creation of one 2 bed dwelling would have a lesser impact upon traffic movements and trip generation than the existing 1 bed flat and public house. As such the proposal would not give rise to any harmful impact upon highway safety and accords with Policy SQ8 of the MDEDPD.
- 6.9 The main remaining planning issue in this proposal is the loss of the public house to residential, and whether it would be acceptable in policy terms.
- 6.10 Para 28 of the NPPF advises that in order to promote a strong rural economy, local plans should support economic growth to create jobs and prosperity, and promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 6.11 Policy CP26(3) of the TMBCS states that the loss of a community facility will only be permitted if

(a) an alternative facility of equivalent or better quality and scale to meet identified need is either available or satisfactorily provided at an equally accessible location, or

(b) a significant enhancement to the nature and quality of an existing facility will result from the development or part of that facility, or

(c) the applicant has proved to the satisfaction of the Council that for the foreseeable future there is likely to be an absence of need or adequate support for the facility.

- 6.12 The pre-amble to the policy text refers to the need for an assessment of the viability of retaining the existing use.
- 6.13 The supporting documents in the submission include a statement about the background of the current situation, a financial breakdown of profit and loss for 30 January to 31 July 2017 and a planning statement. These state that the owner also owns another Public House in Hoo which has now been leased by her to another operator. The success of that pub has not been evidenced as part of this planning application. The background statement confirms that The Plough was purchased with a 10 year record of poor trading, the reason why the Brewery offered the freehold to the applicant to dispose of the pub.
- 6.14 It was intended that a manager, whom the applicant had previously employed elsewhere, would manage the pub, and the applicant would live in the flat above as her home. The pub was in a fairly good condition and so both the applicant and the proposed manager refurbished the pub themselves upon purchase, at a cost of over £15K, which included installing a kitchen to the first floor to make the flat self-contained. This resulted in enforcement investigation but no further action was taken as there was no expediency to do so.
- 6.15 The business plan indicated to the applicant that wet sales alone would be insufficient to support overhead costs and make the pub viable. The applicant arranged for 10,000 promotional leaflets to be delivered to villages within 10 miles of Trottscliffe. The supporting statement from the company which produced these confirms this to be the case. The applicant was aware of the constraints including the small car park, lack of family friendly garden, location close to dwellings, lack of sufficient passing trade, and competition from the larger nearby pub, The George, which lies around 250m down the road and is more centrally located in the village. Further south is The Angel in Addington which is a successful pub/restaurant.
- 6.16 The statement confirms that despite the introduction of the coffee shop and wine bar and music jamming sessions, after the first couple of weeks the pub did not break even and this, along with insufficient footfall through the door, rendered the business unviable to continue. Both the applicant and some residents' responses have put forward statements referring to lack of local support, whilst on the other

hand other residents have referred to the unwelcome appearance, limited food and ale options, reduced opening hours and lack of effort to make it a viable operation.

- 6.17 These issues are supporting information to the actual assessment as to whether the pub is a viable venture at present. From the profit and loss statement and supporting background information, it is concluded by the applicant that the pub is not a viable business option. Broader background information suggests that previous tenants have also struggled to make the pub work as a viable business, with the last use as a Greek restaurant failing after one year. The conclusion of the supporting statement is that there is simply not enough trade for both public houses within the village to survive financially.
- 6.18 The neighbour notification and public consultation process indicate that there is a great deal of local support to retain the pub as a meeting place and venue for social interaction, which is considered to be of great importance to the character of the village, and the lives of those living in the village. This desire to retain the pub is not disputed and it is understood that many locals would prefer the style and atmosphere of the Plough Inn to that of the George or The Angel. However when considering adopted policy, were the Plough Inn considered to have been proven as a viable venture that could be supported in the future (something that is not evident in the last 10 years of trading), its loss through the grant of a planning permission would be contrary to policy CP26 and its retention could be supported. This is not the case and as discussed below its retention, in pure planning policy terms, cannot be supported.
- 6.19 The apparent lack of adequate customer support, which is needed to continue its operation as a pub (regardless of the reasons for this lack of support), and the alternative facility very close by in the same village, both conflict with the requirements of policy CP26 in terms of retaining the pub as it is. It is accepted that many of the residents objecting raise the point that The George is a different type of pub, which is often busy and caters for those who live outside the village, rather than offering a more low key option to meet for a quiet get together, as is the case with the Plough Inn. However, it could be argued that the reason for the continuing success of the George over that of the Plough Inn could be down to the fact that it is able to attract larger numbers of visitors from further afield, in particular families. The dynamics preferred by locals wishing to use the Plough Inn have not been proven as part of this application to be sufficient in a financial sense to make it viable.
- 6.20 Policy CP26 (3) can only prevent the loss of a premises such as the pub if there is no alternative facility of equivalent or better quality and scale, which would meet the identified need. There is however the presence of a second pub very close by, and within the same village, which is considered to be at least equivalent quality in terms of the services it can offer, and is of a larger scale. This therefore allows for the loss of the Plough Inn to be viewed as in accordance with this policy.

- 6.21 Another issue to be considered in this assessment is the fact that on 6 September 2017 the nomination for the Plough Inn to be considered as an ACV was accepted and an appeal against this decision was dismissed on 24 October 2017. The conclusion of the Hearing on the nomination was that whilst it is not considered to be viable to use the premises as a pub at that time, there was the possibility that the premises could in the future be used for a range of other purposes that could provide social value and further the social interests of the local community within the next five years.
- 6.22 In terms of determining the change of use planning application, an assessment must therefore be made as to how to balance the adopted planning policy position against the recent ACV nomination. As has been discussed, the policy is very clear that the loss of the pub cannot be seen as contrary to policy where there is another such facility close by, and it has been proved to the satisfaction of the Borough Council, that for the foreseeable future, there is likely to be an absence of need or adequate support for the facility. It cannot be disputed that for the first point, there is an alternative facility close by to meet the need. With regard to the second reason there is, on the one hand, confirmation from the applicant that the pub has run at a loss for 10 years in various guises without success, yet there is stated support from locals that they could use the facility for some form of social community use in the future.
- 6.23 Taking this into account, it is considered that whilst the ACV exists on the basis that the building could be used successfully in the future, planning policy does not exist to support the retention of the community use. Therefore, on balance, it is concluded that although the ACV is a material consideration in the determination of the proposal, it cannot be given weight to override the adopted policy as discussed above. Outside of the planning process, a grant of permission does not override the status of the pub as an ACV. The applicant would still be required to follow due procedure under The Assets of Community Value (England) Regulations 2012, if they were to sell or dispose of the pub.
- 6.24 This includes a requirement by the applicant to notify the council of any intention to sell or dispose of the pub, upon which the council would notify the nominating party of this intention, and they would have a period of 6 weeks in which to register their intention to be considered as a bidder for the pub. If no interest is registered, the owner is free to sell the pub at the end of the 6 week period. If interest is however registered within the 6 week period, a further moratorium of 6 months is triggered. During this period only a sale to a community interest group is allowed. If no such buyer is found and a sale agreed to them, the seller is free to sell to whomever they choose at whatever price, and no further moratorium will apply for the remainder of a protected period lasting 18 months, (running from the start date of when the owner notified the local authority of their intention to sell).
- 6.25 (There are a number of exemptions which apply to when the owner is required to notify the local authority of intention to sell.)



6.26 However if the applicant decides not to sell or dispose of the pub, but to implement a planning permission to convert the pub to a dwelling for their own use, the legislative requirements of the ACV nomination, as referred to above, would not be triggered. In this scenario, a future review would therefore be undertaken to re-consider the merit of listing the building as an ACV, if the pub use no longer exists due to an authorised conversion to a dwelling.

6.27 With the above assessment in mind, I consider that the proposal is acceptable in terms of design and impact on the amenities of neighbouring properties, the character of the rural locality, the listed building, the Conservation Area and AONB and highway safety. It would be in accordance with the above policies and should be supported.

**(B) 17/01438/LB**

6.28 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 131 of the NPPF states the LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the Listed Building). Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6.29 The proposed external and internal works are considered to be relatively small scale and not harmful to the integrity or the historic importance of the building. The initial proposal to remove one of the side extensions has been removed and this will be retained with a new roof to improve the overall appearance of the building. The existing roof and that of the remaining side extensions are not original and their loss is not considered to be detrimental to the listed importance of the building.

6.30 With the above assessment in mind, I consider that the proposal is acceptable from a listed building point of view both in terms of the building itself and its setting.

**7. Recommendation:**

**(A) 17/01522/FL**

7.1 **Grant Planning Permission** in accordance with the following submitted details:

Location Plan MW/0311/101 dated 23.11.2017, Block Plan CR/0404/102 B dated 23.11.2017, Existing + Proposed Plans and Elevations KD/0709/104 C dated 23.11.2017, Proposed Floor Plans KD/0709/112 A dated 23.11.2017, Existing + Proposed Plans and Elevations KD/0709/104 D dated 15.11.2017, Email dated 09.08.2017, Other Background information dated 09.08.2017,

Other Profit and Loss dated 09.08.2017, Planning Statement dated 09.08.2017,  
Existing Floor Plans KD/0709/111 dated 09.08.2017,

### **Conditions / Reasons**

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

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

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

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

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

Reason: To prevent pollution of groundwater.

### **Informatives**

- 1 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 2 You are advised that during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public/Bank Holidays.
- 3 You are advised that use of bonfires could lead to justified complaints from local residents and that the disposal of demolition waste by incineration is also contrary to Waste Management Legislation.
- 4 There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

**(B) 17/01438/LB**

**Grant Listed Building Consent** in accordance with the following submitted details:

Location Plan MW/0311/101 dated 23.11.2017, Block Plan CR/0404/102 B dated 23.11.2017, Existing + Proposed Plans and Elevations KD/0709/104 C dated 23.11.2017, Proposed Floor Plans KD/0709/112 A dated 23.11.2017, Existing + Proposed Plans and Elevations KD/0709/104 D dated 15.11.2017, Existing + Proposed Plans and Elevations KD/0709/104A dated 26.05.2017, Planning Statement dated 26.05.2017, Statement HERITAGE dated 06.06.2017,

**Conditions/Reasons**

- 1 The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 Prior to the commencement of works hereby approved, sample areas of the concealed roof of the single storey dining room extension to the northern side of the building, shall be exposed and the local planning authority notified for inspection on site or by photographic record. Should any historic features deemed to be worthy of a Retention be found, amended drawings shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 3 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the Listed building or the visual amenity of the Conservation Area.

- 4 No development shall take place until details of any joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing listed building or visual amenity of the Conservation Area.

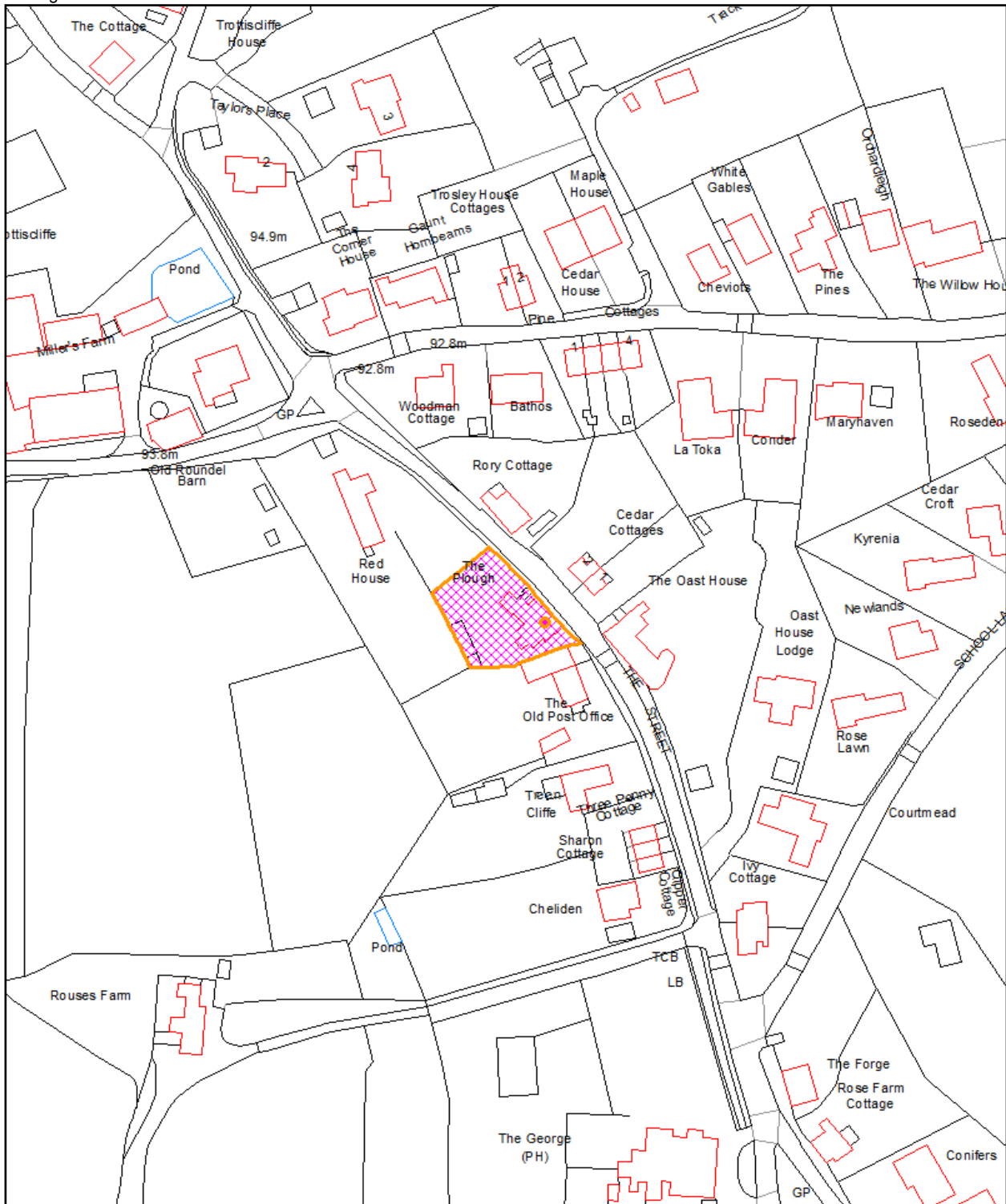
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**(A) TM/17/01522/FL & (B) TM/17/01438/LB**

Plough Inn Taylors Lane Trottiscliffe West Malling Kent ME19 5DR

Change of use from A4 public house to C3 two bed residential dwelling including, new roof to single storey side extension

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# Agenda Item 8

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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