

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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

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

8 March 2017

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 16th March, 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 - 6

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 2 February 2017

**Decisions to be taken by the Committee**

4. Development Control 7 - 10

Introduction and Glossary

5. TM/16/03497/FL - Downs Farm, Pilgrims Way, Wouldham 11 - 18

6. Urgent Items

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

**Matters for consideration in Private**

**PART 2 - PRIVATE**

7. Exclusion of Press and Public 19 - 20

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

8. Urgent Items

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

## **MEMBERSHIP**

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

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

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

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 3 PLANNING COMMITTEE

Thursday, 2nd February, 2017

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

Councillors Mrs S M Barker and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Base, Mrs Bell and B Walker

### PART 1 - PUBLIC

#### **AP3 17/7 DECLARATIONS OF INTEREST**

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

#### **AP3 17/8 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 5 January 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

#### **AP3 17/9 DEVELOPMENT CONTROL**

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

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

**AP3 17/10 TM/16/03452/FL - THE SPORTS PAVILION, 200 BEACON AVENUE, KINGS HILL**

Variation of planning condition 8 of TM/11/00445/FL to change operating hours of the existing sports pavilion to 08:00 to 23:00 Mondays to Thursdays, 08:00 to 0:00 Fridays and Saturdays and 08:00 to 20:00 on Sundays and Bank Holidays at The Sports Pavilion, 200 Beacon Avenue, Kings Hill.

The report of the Director of Planning, Housing and Environmental Health recommended that the proposed extended hours be permitted on a temporary basis to enable the impact of these changes to be monitored.

**RESOLVED:** That planning permission be GRANTED for one year in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Kings Hill Parish Council – Mr A Petty (Chairman); Mr R Sheridan (speaking in his own right and on behalf of Mr L Trageser and Mr D Crooks), Mr A Fox and Mr Stork – members of the public]

**PART 2 - PRIVATE****AP3 17/11 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.30 pm

## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

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

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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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

**Wouldham**  
Burham And Wouldham

**4 December 2016**

**TM/16/03497/FL**

Proposal: Proposed change of use / conversion of existing offices to single residential unit  
Location: Downs Farm Pilgrims Way Wouldham Rochester Kent ME1 3RB  
Applicant: Wharton  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 Planning permission is sought for the change of use of an existing rural building to a single two bedroom residential unit. The building would continue to be reached from an existing vehicle access leading from Pilgrims Way.
- 1.2 Minor external works are proposed to facilitate the change of use including the replacement of a door with a window and the introduction of a bathroom window.
- 1.3 The existing yard around the building is proposed to be finished with hard standing/road stone surface. Two parking places would be located on the north side of the building and a small garden area would be enclosed on the side. The existing vegetation along the western boundary of the site is proposed to be retained.
- 1.4 The building in situ was originally built as a stable block. Planning permission was granted in 2003 for the conversion of the stable to an office use. The conversion took place in part but subsequent investigations indicated that the building was being used for a mix of office and residential purposes. It is for this reason (that the building is not solely in office use in the view of the Council) that the applicant is unable to seek to use permitted development rights through a prior notification procedure to convert the building to residential use and requires instead the benefit of planning permission from the Local Planning Authority.

## **2. Reason for reporting to Committee:**

- 2.1 At the request of Cllrs Dalton and Davis given the planning history of the site and to allow for consideration of the principle of the change of use.

## **3. The Site:**

- 3.1 The application site lies to the east of Pilgrims Way at its junction with Hill Road and is reached via an unmade track. The site falls outside of the village confines of Wouldham and within a designated Area of Outstanding Natural Beauty.
- 3.2 The site comprises an area of flat land set into the side of the valley that is largely concealed from near or long distance views, by reason of established planting and

vegetation. Within the site is a single storey timber clad building. Around the office building is space for parking together with some open storage of agricultural equipment and timber.

- 3.3 In the north eastern part of the site an area of the chalk hillside appears to have been partly excavated.

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

TM/89/763 Grant with conditions 21 June 1989

Stabling-4 loose boxes and corner unit

TM/03/01924/FL Grant With Conditions 21 November 2003

Change of use of existing stable block to B1 office building

TM/04/01168/FL Grant With Conditions 11 May 2004

Infill extension to office as an amendment to approval TM/03/01924/FL: Change of use of existing stable block to B1 office

TM/15/03556/PDVOR Requires Permission 23 December 2015

'Prior Notification for Change of Use from Office (Class B1) to Residential (Class C3): (Class O)

TM/16/01900/PDVOR Requires Permission 15 August 2016

Prior Notification: change of use from office (class B1) to residential (class C3).

Other planning history relating to the application site

TM/98/1206/FL Grant with conditions 14 April 1999

New agricultural building

TM/05/02535/FL Grant with conditions 12 October 2005

Relocation of earth sheltered agricultural barn and additional engineering accommodation works

TM/15/01593/FL Grant with conditions 7 July 2015

Proposed changes to existing and commenced planning permission TM/05/02535/FL to alter the appearance and style of the proposed portal framed agricultural building

**5. Consultees:**

5.1 PC: 8 Members of the PC voted as follows:

- 3 – for
- 4 – against
- 1 abstention

5.2 Private Reps: 3 + site notice/0X/0R/25S

5.2.1 25 representations have been received from 21 households. One of these is a character reference and the others are all in support of the proposal. The majority of the representations are not from those living locally, but instead appear to be from people who know the site or the applicant.

5.2.2 The material planning considerations set out in the letters of support can be summarised as follows:

- Proposal would satisfy housing requirements and would be in accordance with current legislation;
- There would be no material alterations to the building or site;
- No harm to the AONB;
- No adverse traffic impact.

**6. Determining Issues:**

6.1 The main considerations are the principle of the change of use, whether the building is structurally sound and capable of conversion without major re-building works, visual impact and impact on the AONB.

6.2 It should be emphasised that the previous decisions concerning whether such a change of use could amount to permitted development are not material to the consideration of this application because all those decisions did, in effect, conclude that any conversion required the benefit of planning permission from the LPA rather than utilising the prior notification procedure.

Principle:

6.3 CP14 of the TMBCS restricts development within the countryside to certain types of specified development, one of which being the conversion of an existing building for residential use. As such, proposals for any existing building within a countryside location to be converted to residential use may accord with the requirements of this policy, regardless of the current/last use of the building.

- 6.4 Policy DC1 of the MDE DPD allows for the conversion/re-use of existing buildings in the countryside that are of permanent and sound construction and capable of conversion without major or complete renovation works.
- 6.5 The building in question is of permanent construction and in sound condition, capable of conversion without major or complete renovation works. In fact only a few minor works are proposed to the interior partition walls and the replacement of doors and windows. No works are proposed to the foundations, walls or roof. The proposal is found to be in accordance with the requirements of policy DC1.
- 6.6 With this in mind, there is no objection to the change of use proposed in the broadest of policy terms.

*Impact on the AONB, appearance and character:*

- 6.7 Section 85 of the Countryside and Rights of Way Act 2000 places a duty on all public bodies and statutory undertakers to 'have regard' to the 'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'
- 6.8 Policy CP7 of the TMBCS identifies that development which would be detrimental to the natural beauty and quiet enjoyment of the AONB, including their landscape, wildlife or geological interest, should not be permitted. No increase in size of the building is shown and only minimal external alterations are planned, none of which would have an impact on the natural beauty or quiet enjoyment of the AONB.
- 6.9 The proposal overall would conserve the natural beauty of the area and would therefore accord with these requirements.
- 6.10 In more general terms, policy CP24 of the TMBCS states that all development must be well designed and must through its scale, density, siting, character and appearance be designed to respect the site and its surroundings. Development which by virtue of its design would be detrimental to the built environment, amenity or character of a settlement or the countryside will not be permitted.
- 6.11 No additional floor space or increase in volume of the building is proposed in association with the change of use. The external alterations proposed are minor in nature and acceptable in this location. The proposal is acceptable in terms of policy CP24.

*Residential amenity:*

- 6.12 There are no neighbouring properties sited in close proximity whose residential amenities could be affected by the proposed change of use or associated alterations.

Highway safety and parking provision:

6.13 KHS IGN3: Residential Parking requires that for two bed houses in rural locations, 1.5 spaces per unit be provided. The submitted plans indicate that two independently accessible spaces are to be provided to serve the dwelling and this is acceptable. I am also satisfied that the introduction of a single dwelling here, given the existing access arrangements, would not cause an increase in vehicle activity to have any impact on highway safety.

Conclusions:

6.14 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the LPA is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise. For the reasons given in the preceding assessment, the proposals accord with the adopted development plan and there are no material considerations which would indicate diverting from a conclusion that planning permission should be granted in this set of circumstances. I appreciate that there are some local frustrations about the previous ways in which the building has been used and the recent submissions made in an attempt to utilise permitted development rights in connection with this site but they can have no bearing on the outcome of this planning application. The relevant adopted policies allow for the conversion of an existing building within the countryside, whatever its previous use(s) might have been.

6.15 As such, the following recommendation is put forward:

**7. Recommendation:**

7.1 **Grant planning permission** in accordance with the following submitted details: Proposed Plans and Elevations 1229-10-D dated 28.11.2016, Location Plan 1229-01-A dated 05.12.2016, Design and Access Statement dated 28.11.2016, subject to the following conditions:

**Conditions:**

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

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

2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: In the interests of visual amenity.

- 4 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it 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 or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 5 The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

Contact: Hilary Johnson

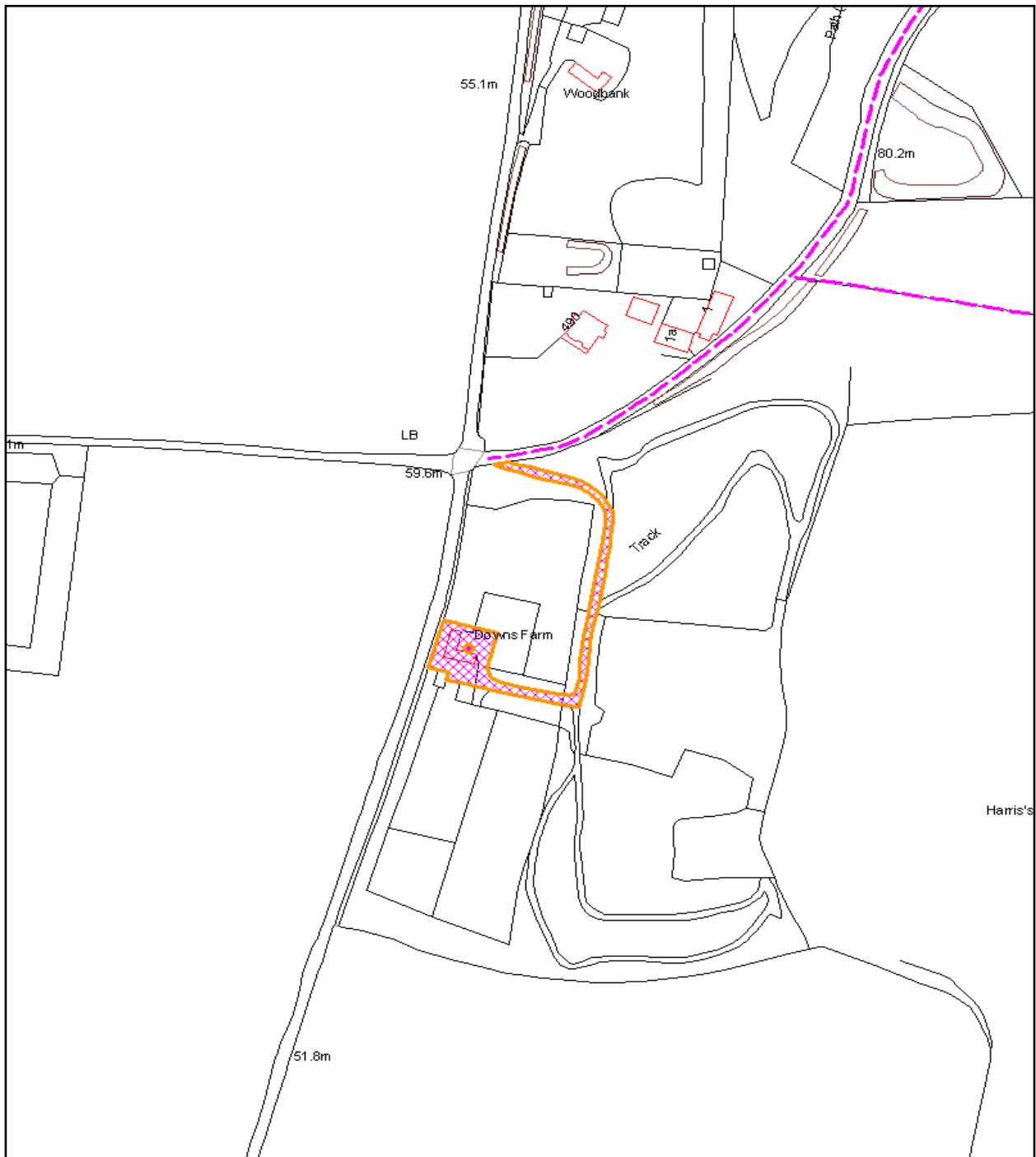


**TM/16/03497/FL**

Downs Farm Pilgrims Way Wouldham Rochester Kent ME1 3RB

Proposed change of use/conversion of existing offices to single residential unit

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# Agenda Item 7

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

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

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