

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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@tmbs.gov.uk

5 July 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, 13th July, 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 3 Planning Committee held on 16 March 2017

Decisions to be taken by the Committee

4. Development Control 9 - 12

Introduction and Glossary

5. TM/16/03680/FL - Orchard Farm, Well Street, East Malling 13 - 28

6. TM/16/03048/FL - 89 Cork Street, Eccles 29 - 36

7. Urgent Items

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

Matters for consideration in Private

PART 2 - PRIVATE

8. Exclusion of Press and Public 37 - 38

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

9. Urgent Items

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

MEMBERSHIP

Cllr M Parry-Waller (Chairman)
Cllr D Markham (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 D Keers
Cllr S M King
Cllr D Lettington
Cllr Mrs A S Oakley
Cllr R V Roud
Cllr A K Sullivan
Cllr B W Walker
Cllr T C Walker

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 16th March, 2017

Present: Cllr Mrs S M Hall (Vice-Chairman in the Chair), 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 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 and Cllr T C Walker

Councillors N J Heslop and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor M Parry-Waller (Chairman)

PART 1 - PUBLIC

AP3 17/12 DECLARATIONS OF INTEREST

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

AP3 17/13 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 2 February 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 17/14 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 17/15 TM/16/03497/FL - DOWNS FARM, PILGRIMS WAY, WOULDHAM

Proposed change of use / conversion of existing offices to single residential unit at Downs Farm, Pilgrims Way, Wouldham.

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 Services, subject to

(1) Amended Conditions:

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 and F (inclusive) of Part 1 of Schedule 2 or Class A of Part 4 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of visual amenity on the site and its surroundings and wider views into the Area of Outstanding Beauty.

5. Prior to the first occupation of the dwelling hereby approved, a scheme of landscaping and boundary treatment showing additional planting to the western site boundary shall be submitted to and approved in writing by the Local Planning Authority. 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 and the wider views into the Area of Outstanding Natural Beauty.

(2) Additional Condition:

6. Prior to the first occupation of the dwelling hereby approved, the existing caravan and metal storage container sited to the north of the building shall be removed from the site identified on plan number 1229-01 REV A. At all times thereafter the land shall be kept available as vehicle parking space and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending revoking and re-enacting that Order) shall be carried out on the land or in such a position to preclude vehicular access to the reserved parking area.

Reason: To ensure adequate parking provision and in the interests of visual amenity.

[Speakers: Wouldham Parish Council (Mrs N Grimes); Mr T Fulwell and Ms G Goode – members of the public]

PART 2 - PRIVATE

AP3 17/16 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.22 pm

This page is intentionally left blank

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

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

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

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

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

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

**East Malling &
Larkfield**
East Malling

16 January 2017

TM/16/03680/FL

Proposal: Change of use to holiday site incorporating 5 mobile homes
Location: Orchard Farm Well Street East Malling West Malling Kent
ME19 6JW
Applicant: Mr & Mrs Fuller
Go to: [Recommendation](#)

1. Description:

- 1.1 This full application proposes the change of use of a parcel of land to a holiday site for 5 mobile homes. The land is currently operated as a Caravan Club touring caravan site and it is proposed to replace the 5 touring pitches with static mobile homes designed to resemble log cabins. The current use of the site for touring caravans is permitted development so no planning permission was required for this operation.
- 1.2 The existing access to the touring pitches as approved under TM/15/01023/FL would be retained to serve this development. The access within the site is to be remodelled to create two parking spaces per unit and provide turning space at its northern end. A replacement underground package sewerage treatment plant is proposed to be sited adjacent to the turning head, and an underground LPG tank and enclosed bin store to the south west corner of the site. A detailed landscaping scheme has also been submitted with the application. This indicates that additional trees are to be planted within the site and native hedgerows are shown to the southern, eastern and part of the northern boundaries of the site with smaller pockets of hedgerow set to the west of the mobile home plots within the site itself.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Roud on the grounds that it is overdevelopment and would detract from the rural area. Third such application of this type in East Malling. On a very narrow lane which would cause traffic issues locally.

3. The Site:

- 3.1 The application site forms part of a wider complex all in the ownership of the applicant and is located between Well Street, Stickens Lane and Broadwater Road. The site is outside the village confines of East Malling in the countryside.
- 3.2 Access to the site is gained via the existing access from Well Street. The site has no other road frontages. The land to which the application relates is to the north of the existing mobile home, ancillary buildings and access and to the east of an

existing stable block and sand school. A mature hedge exists to the north of the site.

4. Planning History (relevant):

TM/69/10418/OLD Refuse 27 August 1969
Appeal Allowed 26 March 2013
Erection of three detached dwellings, garages and vehicular accesses.

TM/75/10228/FUL Refuse 12 June 1975
Reconstruction of existing cottages to provide two dwelling houses.

TM/75/11221/FUL Application Withdrawn 10 March 1975
O/A Demolition of existing dwellings (4) and erection of two dwellings with garages.

TM/10/00502/FL Refuse 19 August 2010
New agricultural building and access

TM/10/01011/FL Application Withdrawn 8 February 2012
Change of use of land for stationing of two caravans for residential occupation with associated development (utility shed, hardstanding, amended access, access track and septic tank)

TM/10/03441/FL Refuse 25 March 2011
New agricultural building and access

TM/11/02655/FL Refuse 12 June 2012
Change of use of land for stationing of two caravans for residential occupation with associated development (utility shed, hardstanding, amended access, access track and septic tank)

TM/11/03558/FL Approved 14 June 2012
Construction of stables and outdoor sand manege

TM/13/01029/RD Approved 16 December 2014

Details of surface water disposal, storage and disposal of manure, habitat assessment and landscaping and boundary treatment pursuant to conditions 3, 4, 7 and 9 of planning permission TM/11/03558/FL (construction of stables and outdoor sand manege)

TM/13/01885/RD Approved 5 December 2013

Details of landscape proposals and landscape specification and management plan pursuant to the release of condition 5 (i) of appeal decision TM/11/02655/FL (Change of use of land for stationing of two caravans for residential occupation with associated development (utility shed, hardstanding, amended access, access track and septic tank)

TM/14/04147/FL Application Withdrawn 7 April 2015

Erection of a detached outbuilding to accommodate a tool store, garage and kennel with office above

TM/15/01023/FL Approved 22 July 2015

New access roadway from existing access roadway to serve 5 caravan pitches operated under caravan club licence and to provide access to and retain the existing septic tank

5. Consultees:

5.1 PC: Strongly object for the following reasons:

- When planning permission was granted on appeal for two caravans the Inspector attached condition 20 which states 'In order to protect the character and appearance of the site and the surrounding area, and in the interests of residential and visual amenity I shall limit the number of caravans using the site, preclude non-equestrian commercial activity and the parking of larger commercial vehicles'
- Overdevelopment in the countryside
- Detract from rural area
- Narrow single track road to access the site
- Outside the village envelope
- Loss of good quality agricultural and equestrian land. If the development went ahead it could be reclassified as brownfield land.
- If these mobile homes/lodges are sold the same way as the two other sites in East Malling then they will be for over 55 year olds as homes, not as a holiday home/tourist site

- If this site was proposed for housing it would be turned down
- No mention of restrictions on domestic paraphernalia

5.2 KCC Highways: The proposed scheme will result in the cessation of the regular use by motorhomes and various vehicles towing caravans. It is not considered that this proposal would constitute a material impact on the public highway and therefore confirm that there are no objections from the Highway Authority. With regard to the installation of the mobile homes an informative is recommended in relation to the requirements of moving abnormal loads by road.

5.3 EMCG: Object to the application and would like it refused on the following grounds:

- The economic benefits will be substantially outweighed by the adverse impact on the countryside.
- Access to the proposed sites is via 'quiet lanes' which are not suitable for substantially increased regular traffic flows.

5.4 Private reps: 0/0X/3R/0S + site notice. Three letters of objection received raising the following issues:

- Applicant is flouting the limitations placed on his land by Inspectors.
- Current hardstanding does not respect the agricultural nature of the surrounding countryside nor does it take into account the aspect of the users of the quiet lanes surrounding it.
- Site clearly visible from both Well Street and Stickens Lane and the suggested 'timber lodges' could only be viewed as permanent homes in their planned form.
- Applicant has dogs that can be heard barking and should this proposal be allowed there would be more dogs and noise implications.
- Large central amenity/play area would also impact on noise levels.
- The proposal to develop holiday homes steps well beyond the intentions and rulings both of both the planning department and planning inspectorate's decisions to date that have already made exceptions well beyond the norm.
- Given the current development of other such homes within a short distance of this site there is no justification or indeed benefit to the community for this to be granted as there is already more than sufficient allowance.

- As permission was not needed for the touring caravan pitches this application should be regarded as an application to change the status of agricultural land to residential for which there can be no justification.

6. Determining Issues:

- 6.1 The starting point for decision making is the Development Plan which comprises the NPPF, the TMBCS adopted in September 2007, DLA DPD adopted in April 2008 and the MDE DPD, adopted April 2010. For the avoidance of doubt, the saved policies of the TMBLP 1998 are also a material consideration; however none of these is directly relevant to the current case.
- 6.2 Paragraph 7 of the NPPF states that there are three underlying dimensions to sustainable development: economic, social and environmental. The planning system has an economic role to ensure the creation of a strong, responsive and competitive economy, a social role to support strong, vibrant and healthy communities, and an environmental role to protect and enhance the natural, built and historic environment. The application must therefore be assessed with regard to these three underlying themes.
- 6.3 The NPPF also makes specific reference to the need to support a prosperous rural economy. Paragraph 28 places a duty upon LPAs to ensure development plans and decisions support the rural economy, and to:
- *“support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
 - *promote the development and diversification of agricultural and other land-based rural businesses;*
 - *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.”*
- 6.4 The application proposes the creation of a static holiday park. This constitutes a rural tourist and leisure facility. Although the existing use only accommodates up to five caravans it does constitute an existing rural tourist facility and rural business. It is therefore reasonable to view the proposal as the expansion of an existing rural business. However it is also necessary to ascertain whether the application respects the character of the countryside and is sited within an appropriate location.
- 6.5 The TMBCS 2007 is the principal local Development Plan policy document to which reference should be made and the application must therefore be determined

with regard to Policy CP14. This policy seeks to limit development in the countryside. Section (i) of CP14 permits development for which a rural location is essential. A “holiday park” of the type proposed, by its very nature, needs to be located in the countryside to derive the attraction and benefit of the countryside to the users and consequently a location within a rural setting such as this site is essential for this particular development.

- 6.6 The application comprises a tourist facility. The application must therefore be determined with regard to Policy DC5 of the MDEDPD 2010. This policy permits the development of new tourism and leisure facilities providing a number of criteria are met.
- 6.7 Section (a) of Policy DC5 seeks to ensure that development does not detract from the character of the area. The site has already been used for the siting of up to five touring caravans. The application proposes the siting of five static units in place of touring caravans and, although the units are still legally ‘caravans’, they are of a more permanent appearance. However the external appearance of the ‘log cabins’ may be considered more visually appropriate to, and less intrusive in, this rural setting. A timber clad ‘caravan’ within the countryside is likely to be less visually intrusive than a series of touring caravans. The use of timber as an external material is more appropriate in the wider setting than the more suburban appearance of touring caravans. The potential impact is further reduced by the screening provided by the existing trees, hedges and shrubs surrounding the site and this screening will be increased with the introduction of additional planting.
- 6.8 Section (b) of Policy DC5 seeks to ensure that development is appropriately located. A rural location is an appropriate location for this type of holiday park, bearing in mind the nature of the proposal. Such a tourist facility within the rural area can still be considered a sustainable land use, notwithstanding the need for some car use; indeed all rural tourist accommodation is likely to be predominantly car borne in character. Sustainable development, particularly as explained in the NPPF, acknowledges the need for a balance between economic, social and environmental demands. The rural location will provide an appropriate setting for this type of development, whilst the amenities of East Malling and the wider urban area are close and remain reasonably accessible.
- 6.9 Section (c) of Policy DC5 seeks to ensure that development supports the local economy. It is reasonable to surmise that the introduction of a holiday park will be of wider economic benefit to the area. The increase in visitor numbers is likely to result in increased spending in the local area. It should be noted that there is no onus on the applicant to provide direct evidence of the demand for such a facility.
- 6.10 Section (d) of Policy DC5 seeks to ensure that the amount of new build is minimal and directly related to the development. The application seeks to site 5 units only. The units fall within the statutory definition of caravans and are not therefore buildings. No ancillary buildings are proposed although it is noted that a refuse

storage area is proposed to the east of the site. This structure will be screened and additional planting is proposed. The refuse storage area is modest and would have negligible impact on the overall character and appearance of the area.

- 6.11 Sections (e) and (f) of Policy DC5 seek to avoid the irreversible loss of the best agricultural land and the fragmentation of an agricultural land holding. It is acknowledged that the site falls within one of the broad areas of countryside identified on the TMBCS diagram as comprising the best and most versatile land for agricultural use. Policy CP9 of the TMBCS 2007 seeks to preserve this land for agricultural purposes. However the site is not currently used for an agricultural purpose but as a lawful touring caravan site. The adjacent land owned by the applicant is primarily used for equestrian purposes. There is no evidence to suggest that the land has recently been used to grow any particular crop, nor that the quality of the land is of particular value in agricultural terms. The application site does not currently form part of a wider agricultural holding and its development would not cause the fragmentation of a viable agricultural unit. Moreover the nature of the proposal is such that it would not result in irreversible loss of agricultural land.
- 6.12 Section (g) of Policy DC5 requires the application to consider any biodiversity interest. The site is currently a mixture of grass and hardstanding and used as a touring caravan site. The application will therefore make only very limited additional potential impact upon existing wildlife. The retention of the existing mature trees and shrubs will ensure the preservation of any existing habitats and the additional planting is likely to be a betterment over the uncontrolled position at present.
- 6.13 Sections (h), (i) and (j) of Policy DC5 require the development to be adequately served by the highway network, not present a hazard to road safety and protect any existing rights of way. A number of objectors refer to an adverse impact of the proposed use upon the highway network. However KCC (Highways) has raised no objection. No alteration is proposed to the existing access and, as KCC comments, the vehicle movements associated with the proposal are not inordinate in comparison to the current permitted use and will not unduly impact on the highway network. For instance, the proposed use avoids the need for caravans to be towed in and out of the site, as with the current lawful use, but rather simply requires predominantly passenger car access (after the initial delivery of the log cabins and occasional maintenance vehicle usage).
- 6.14 In light of this view and the final sentence of paragraph 32 of the NPPF, "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe", the application is considered to be acceptable in highway terms. As the vehicle movements would no longer mainly comprise vehicles towing caravans but are likely to be single vehicles only, this would be a benefit in terms of traffic movement and overall highway safety.

- 6.15 It is acknowledged that the rural location of the site will result in a reliance upon private vehicles to access the site and local amenities. However the rural siting of this facility is an essential characteristic and it is likely that users/occupants will be attracted to the site for its setting and its walking and cycling opportunities.
- 6.16 Section (k) of Policy DC5 seeks to ensure that the development makes no adverse impact upon residential amenity. The nearest dwelling to the site is to the north-west on Broadwater Road and is approximately 170m from the site itself. This distance will ensure any noise from the site would not be at an unacceptable level. In addition the site owner/operator lives immediately adjacent to the site – at the existing residential mobile home at Orchard Farm. The close proximity is likely to engender adequate site supervision.
- 6.17 A primary concern to the majority of objectors in relation to the current proposal is the perceived proliferation of such applications to the south of East Malling village and whether there should be a moratorium on such development because of the proliferation of such uses and because they are being used as permanent residences rather than holiday homes. To impose such a moratorium would require supporting evidence that demonstrates that any further development of this type would have such a severe impact so as to outweigh other policy considerations. I am not convinced that the quantum and impact of holiday homes in the vicinity of East Malling has reached such an extent that would justify a moratorium. Such policies have been suggested in parts of the country with much greater concentrations of holiday homes than Tonbridge and Malling. In nearby Swale Borough Council for example, there is a draft Local Plan policy that is not yet adopted, but this is in recognition of the fact that the Isle of Sheppey alone has 56 holiday parks comprising 6,731 chalets and caravans occupying 193 hectares. As the number of holiday homes in the vicinity of East Malling is in the region of 55, an Inspector considering a similar approach in this area is unlikely to be convinced of the need for such a policy.
- 6.18 The occupation of the units can be controlled by condition. Whilst the current application description is explicit – change of use to holiday site incorporating 5 mobile homes - it is appropriate to impose planning conditions on any permission that may be granted to ensure no permanent residential occupation and to limit the number of units at the site. As with the other mobile home developments in the area a condition can be imposed requiring the site licence operator to maintain a record of visitor details, and for the inspection of this by the Council's Planning Enforcement Team. Regular inspections of the other sites are undertaken and to date no breaches have been found. This is therefore considered an appropriate approach to controlling the occupancy.
- 6.19 Given the countryside location of the site, the hard and soft landscaping, refuse storage, gas tank and sewerage treatment plant need to be assessed against policies CP14, Development in the Countryside, and CP24, Achieving a High Quality Environment, of the TMBCS 2007.

- 6.20 The landscaping scheme has been designed in such a way so as to utilise native species to provide additional natural screening. The boundary hedging proposed would enhance screening of the site from both Stickens Lane and Broadwater Road, limiting the impact of the development on the surroundings. The use of sporadic tree planting would enhance the appearance of the site and the use of quarry dust to surface the access track rather than a metalled surface would give a less urban feel to the works.
- 6.21 With regard to the refuse storage, gas tank and sewerage treatment plant, only the refuse storage provision would be above ground and this would be in a fenced enclosure that is further screened by the proposed landscaping. The enclosure would not be visible from outside the site and would therefore not have an adverse impact on the surroundings.
- 6.22 Turning to the gas tank, the intention is to locate a 2 tonne gas tank to the east of the refuse storage area. (From a safety point of view the controls are exercised under other legislation.) This will ensure that the tank makes no visual impact and is suitably sited in terms of site safety and security.
- 6.23 The sewerage treatment plant is also proposed to be wholly located underground. Whilst a mains drainage connection is the preferred option with any development, the plant proposed for this site is capable of treating sewerage for a development of this size and would not result in any groundwater pollution.
- 6.24 The proposal also involves a scheme of foul water disposal linking each unit and ultimately discharging into the public sewer on The Heath. This is a satisfactory arrangement.
- 6.25 The East Malling Village Design Statement “*expresses the direction in which the community wishes future development and minor changes to buildings in East Malling to be guided, preserving and enhancing its identity yet giving it a vibrant future*”. This document is primarily concerned with changes to buildings within the village itself, however mention is made of the character of the surrounding approach roads and lanes - seeking to retain hedgerows, overhanging trees and verges. Policy DC6 of the MDEDPD also seeks to permit development only where it conserves and, where appropriate, enhances the value of rural lanes in terms of their landscape, amenity, biodiversity, historic or archaeological importance. In terms of these considerations the application is likely to enhance the verdant nature of the Well Street area in light of the additional planting proposed and, given the set back of the site from the road, would not impact on the landscape, amenity and biodiversity value of the lane.
- 6.26 As indicated in paragraph 7 of the NPPF there are three underlying dimensions to sustainable development: economic, social and environmental. The application comprises a tourist facility within the countryside which is likely to be of economic benefit to the wider area. The expansion of an existing rural enterprise will help to create a strong, responsive and competitive local economy.

- 6.27 The application comprises the enhancement of an existing rural tourist facility. This provides a social role by meeting people's leisure requirements. This facility will contribute to the wider community to help it maintain its strength, vibrancy and health.
- 6.28 The application comprises a particular type of tourist use for which a rural location is essential. The site is already used for a tourist facility and therefore little additional impact would be made upon the surrounding natural environment. The proposal will have no adverse impact upon existing wildlife habitats and the additional planting is likely to enhance the rural character of the area. The site does not lie within a Conservation Area or an area of any special historic or landscape designation. There are no Listed Buildings near the site. The application does not therefore make any impact upon the built or historic environment and will not adversely affect the natural environment.
- 6.29 The application therefore accords with the three dimensions of sustainable development as enshrined in paragraph 7 of the NPPF. Similarly, as shown above, the application, being the expansion of an existing rural business, not resulting in the loss of valuable agricultural land or the fragmentation of an agricultural holding, makes no adverse impact on levels of existing biodiversity, and will make no adverse impact upon highway safety or levels of adjacent residential amenity. The application has been designed to a sufficient standard to meet the aims of CP24. The application therefore accords with the Development Plan.
- 6.30 In response to the concerns raised by the PC, EMCG and residents I would make the following comments.
- 6.31 The planning appeal decision mentioned relates to the adjacent land where the residential mobile home is sited. The area of land to which this application relates is outside the site area for that application, with only part of the access being shared. The conditions imposed by the Planning Inspector therefore do not relate to this site.
- 6.32 With regard to the development detracting from the rural area and being outside the village envelope, it is considered that the development is acceptable in such a countryside location and accords with adopted planning policy. The landscaping proposed and the scale of the development would ensure that there is no significant impact on the character of the rural area surrounding the site. The development would remove touring caravan pitches from the site which would benefit vehicle movements by reducing the use of the road by towed vehicles.
- 6.33 The use of the site as a holiday site for mobile homes does not mean that the land would be designated as a brownfield site. As the PC state, if this was an application for housing it would be turned down as it would be contrary to policy. However as the application is for holiday accommodation it is compliant with planning policy.

6.34 The two other mobile home sites in East Malling are restricted in use and occupation by planning conditions that state that the units cannot be a main or permanent residence. This is regularly monitored to ensure that the sites are being used in accordance with the respective planning conditions. This type of condition can be attached to any grant of consent on the application site.

6.35 It is therefore recommended that planning permission be granted subject to the following planning conditions. A number of objectors have suggested planning conditions and where appropriate these suggestions have been incorporated into the recommendation. However a number of suggestions involve matters outside the control of planning legislation and have therefore not been included.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: This was approved in accordance with the following submitted details: Proposed Plans TDA.2261.04 bin store dated 29.03.2017, Photograph MOBILE HOME dated 29.03.2017, Details SEWAGE TREATMENT dated 29.03.2017, Landscaping TDA.2261.01 B dated 29.03.2017, Email dated 29.03.2017, Design and Access Statement dated 14.12.2016, Location Plan TDA.2261.02-A dated 16.01.2017, Site Plan TDA.2261.03-A dated 16.01.2017, and subject to the following conditions and informatives:

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 All materials used externally shall accord with the approved plans.

Reason: To ensure that the development does not harm the character and appearance of the locality.

3 The maximum number of static caravans to be located at the site shall be no more than 5.

Reason: The siting of more than 5 static caravans would lead to an over intensification of the use of the site which could potentially have an adverse impact upon the wider character of the countryside.

4 (i) The static caravans shall be occupied for holiday purposes only and no trade or business shall be carried on from the site;

(ii) The static caravans shall not be occupied as a person's sole or main place of residence;

(iii) The caravan site licence holder or his/her nominated person shall maintain an up-to-date register of the names of all owners/occupiers of individual static caravans on the site, their arrival and departure dates and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The occupation of the static caravans for permanent residential occupation would constitute an inappropriate land use in the countryside.

- 5 The use hereby permitted shall only be carried out, and the site shall be operated, by the occupiers of Orchard Farm Well Street East Malling.

Reason: To ensure the continuing relationship between the host dwelling and the application site in order to provide adequate management supervision for the site to ensure that neither the levels of adjacent residential amenity nor the character of the wider area suffer from an adverse impact.

- 6 Notwithstanding any of the provisions of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 the site shall not be used for the accommodation of touring caravans.

Reason: This would lead to an over intensification of the use of the site which would potentially have an adverse impact upon the wider character of the countryside.

- 7 Notwithstanding any of the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 the site shall not be used for the pitching of tents.

Reason: This would lead to an over intensification of the use of the site which would potentially have an adverse impact upon the wider character of the countryside.

- 8 The proposal for landscaping shown on the submitted layout shall be implemented in the first planting season following the first use of the site pursuant to this planning permission. 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 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.

- 9 The static caravans hereby approved shall not exceed 12m in length and 6m in width and shall be externally finished to resemble a log cabin/chalet.

Reason: To protect and enhance the appearance and character of the site and locality.

- 10 The static caravans hereby approved shall be limited to a maximum of 2 bedrooms.

Reason: To protect and enhance the appearance and character of the site and locality.

- 11 The vehicle parking spaces shown on the submitted plans shall be provided and permanently retained prior to the use of the site.

Reason: To ensure no adverse impact on highway safety resulting from hazardous on-street parking.

Informatives:

- 1 With regard to installing the proposed mobile homes the applicant is made aware of requirements involving the movements of abnormal loads defined as:-

- a weight of more than 44,000 kilograms
- an axle load of more than 10,000 kilograms for a single non-driving axle and 11,500 kilograms for a single driving axle
- a width of more than 2.9 metres
- a rigid length of more than 18.65 metres.

Hauliers are responsible for notifying the highway authority, the Police and any bridge or structure owners on-route (particularly for heavy loads) in accordance with guidance given at <https://www.gov.uk/esdal-and-abnormal-loads/abnormal-loads>

- 2 The applicant is advised that light has been added into the list of statutory nuisance under the Environmental Protection Act 1990. It is thus in the applicant's own best interests to ensure that the lighting does not unduly affect neighbours and is maintained as such.
- 3 During the construction/installation phase the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours, Saturday 08:00 to 13:00 hours with no working on Sundays, Bank Holidays or Public Holidays.
- 4 An application to vary the existing caravan site licence will be required under the Caravan Sites and Control of Development Act 1960. An application form may be obtained from the Council's Environmental Health and Housing Service. Conditions will be attached to the licence to protect the health and safety of the site users and visitors.
5. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable property names you are asked to write to Street Naming & Numbering,

Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, 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.

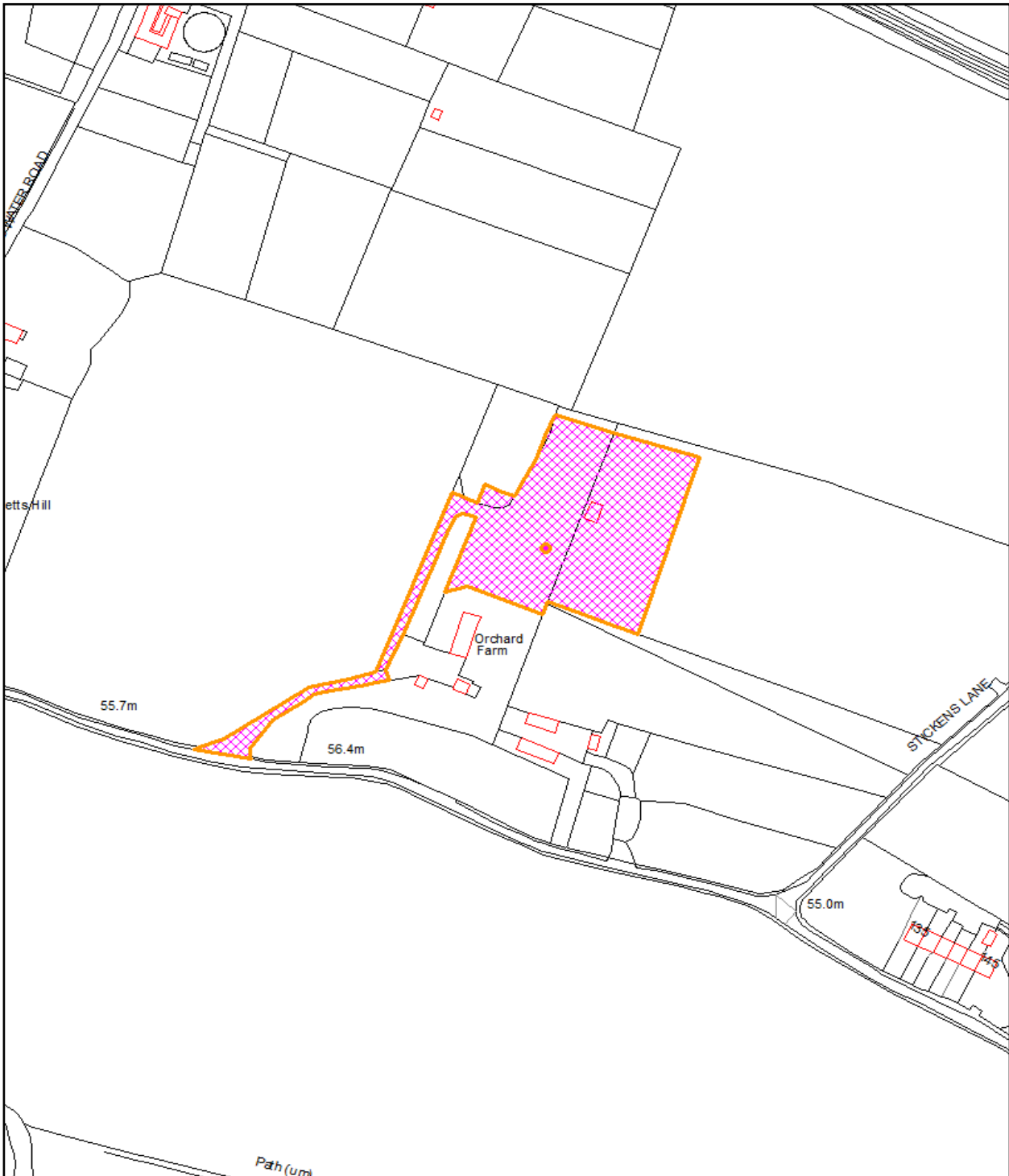
Contact: Robin Gilbert

TM/16/03680/FL

Orchard Farm Well Street East Malling West Malling Kent ME19 6JW

Change of use to holiday site incorporating 5 mobile homes

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

Aylesford
Aylesford North And
Walderslade

14 December 2016

TM/16/03048/FL

Proposal: Retrospective application for retention of balcony area
Location: 89 Cork Street Eccles Aylesford Kent ME20 7HQ
Applicant: Mrs Sandra Welch
Go to: [Recommendation](#)

1. Description:

- 1.1 This is a retrospective application to retain a balustrade around a balcony area that has been created on top of part of the existing ground floor extension. Planning permission is not required to use the flat roof on its own as a roof terrace. Similarly planning permission would not be required for the opening glazed doors that have been inserted in place of the bedroom window to facilitate access onto the roof.
- 1.2 The development which does require planning permission in its own right is the balustrade to the north western and south western boundary. This requires consent due to its height above ground level. The area enclosed by the balustrade measures approximately 2.4m in length x 1.9m in width. The balustrade has a height of approximately 1m and is set approximately 0.1m in from the north western boundary and back approximately 1.5m from the south western edge of the flat roof, finishing level with a first floor outshot to the rear of the host dwelling.
- 1.3 Since the application was first received the applicant has provided details of a solid 1.8m high screen that would provide screening to the north western boundary. This would take the form of a wood grain composite panelled fence.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Base who has received a number of complaints about the structure. It is considered necessary to consider whether such a structure would cause loss of privacy by way of overlooking and so affect the residential amenities of neighbouring properties. It is also queried whether the nature of the proposed development is in keeping with the character of the area.

3. The Site:

- 3.1 Number 89 is a mid-terrace house set on the south western side of the road within the village confines of Eccles. The property has a narrow rear garden extending towards open countryside.

- 3.2 The property has a two storey section projecting at right angles to the main dwelling. To the side and beyond this two storey section is a single storey flat roofed extension that was erected under Permitted Development allowances.
- 3.3 The roof terrace as constructed is bounded on the western and southern sides by a 1m high open wooden balustrade panel. The terrace is screened to the east by the side wall of the projecting section of the property.

4. Planning History (relevant):

TM/15/02617/PDV Prior Approval Not 21 September 2015
LR Required
Prior notification for a larger residential extension (Class A)

5. Consultees:

- 5.1 PC: Originally raised no objection. A second representation was received stating that the matter had been re-considered following representations from neighbours. An objection was raised on the grounds that the balcony allows occupants to overlook the rear garden of the adjacent property which is considered to be intrusive.
- 5.2 Private Reps: 4/0X/7R/0S + site notice

The material planning considerations set out in the representations can be summarised as follows:

- Overlooking of neighbouring gardens, loss of privacy and harm to quality of life.
- Intrusive and intimidating form of development.
- Change to the character of the houses and out of keeping with the area.
- Panels adjacent to balcony area could easily be removed.
- Noise disturbance from the use of the balcony.
- Double doors should be removed and window re-instated.
- Proposal would set a precedent.
- Non material planning consideration-impact on property values.

6. Determining Issues:

- 6.1 The application is considered in relation to TMBCS policy CP24 which seeks to ensure a high quality environment. All development must be well designed and of high quality in terms of detailing and materials and must through its scale, character and appearance be designed to respect the site and its surroundings.

- 6.2 It is also necessary to have regard to paragraphs 56, 57 and 61 of the NPPF which cover the importance of achieving a high quality and inclusive design.
- 6.3 The main considerations are whether the development in the revised form is acceptable having regard to the visual amenities of the area and the residential amenities of the occupants of adjacent properties.
- 6.4 In support of the proposal the applicant states that she is disabled and that the roof terrace has been created as she is unable to get downstairs at times.
- 6.5 It is recognised that the introduction of balustrade around a roof terrace in this location involves the formation of a new feature in this residential area. Roof terraces, whilst providing enhanced amenities for the applicants, can result in unacceptable harm to the residential amenities of neighbours. Roof terraces are generally only considered to be acceptable if they are of an acceptable design and do not result in direct overlooking or loss of privacy for the occupants of adjacent properties.
- 6.6 Cork Street is characterised by narrow terraced houses with some shared rights of way across the rear. As a result neighbours are generally living in close proximity to each other without a high level of privacy.
- 6.7 The existing balustrade is approximately 1m high and is constructed of wooden supports and rail above. It has the appearance of an internal bannister rail. The balustrade is set off the side boundary with number 91 Cork Street by approximately 10cm. The terrace does not cover the full extent of the existing flat roof but extends the same depth as the existing two storey projection on the south east side of the host dwelling. Whilst a projecting part of the house screens the terrace from the east, it is currently possible to look out to the west over neighbouring gardens resulting in direct overlooking and associated loss of privacy. This current arrangement represents a poor form of development in terms of harm to residential and visual amenities.
- 6.8 The applicant has been advised that the proposal as constructed is unacceptable due to the harmful impact upon existing residential amenities. In response the plans have now been amended to show the erection of a 1.8m high eco fence for a distance of 2.4m projecting from the rear elevation of the main part of the house. This would replace the existing low balustrade.
- 6.9 The introduction of an eco fence to a height of 1.8m for the entire distance from the rear bedroom window elevation to the southern end of the projecting section of the property would prevent direct overlooking to the west. The installation of such screening can be required by condition. The position of the balustrade across the south western facing side of the flat roof, 1.5m back from the edge, restricts in part overlooking of the gardens to the rear. This however has to be balanced against the fact that the occupiers of the host dwelling could use the roof without the need for planning permission as consent is only required for the balustrade.

- 6.10 It is noted that the occupants of the houses in Cork Street live in close proximity to each other and that windows in rear elevations lead to some mutual overlooking of neighbouring gardens. The terrace area does not extend to the full depth of the existing flat roof, ending approximately 1.5m from the rear most part of the existing flat roof. This set back reduces the sense of overbearing experienced from the terrace area. On balance it is concluded that outlook to the south from the roof terrace is not so harmful to residential amenities of surrounding properties such as to justify withholding consent.
- 6.11 In visual terms, the amended proposal attempts to improve the design of the roof terrace and to assist with the privacy issues. On the basis of the revisions to the terrace area indicated, the works are on balance considered to be acceptable in visual terms and having regard to policy CP24 and paragraphs 56, 57 and 61 of the NPPF.
- 6.12 In addition to planning considerations it will be necessary for the occupants to ensure that the proposed works meet all relevant Building Regulation requirements in relation to safety and access in the event of a fire. This is a separate piece of legislation and not the subject of this report.
- 6.13 The comments of the neighbours are noted. It is acknowledged that the development that has taken place has resulted in an element of harm to the residential amenities of neighbours. The amendments proposed would however address the impact of the appearance and use of the roof terrace on the surroundings.
- 6.14 The development may have taken place without the benefit of planning permission. Legislation does allow though for the submission of retrospective applications and this fact on its own would not constitute a reason to refuse the application.
- 6.15 As amended it is concluded on balance that a roof terrace in this location and with a 1.8m solid fence of appropriate length will retain existing visual and residential amenities at an acceptable level in this area. It is recommended that planning permission with the proposed revisions is granted subject to a condition to ensure the work is carried out within a set time period.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details:
- 7.2 Location Plan dated 12.12.2016, Letter dated 08.03.2017, Proposed Floor Plans dated 08.03.2017, Material Samples fence dated 08.03.2017, Material Samples fence panel tops dated 08.03.2017.

Conditions & Reasons

1. Within one month of the date of this decision notice the 1.8m high eco fence shall be installed in its entirety along the western boundary of the roof terrace area for the depth of the two storey projecting section of the property. This fence shall replace the balustrade panel and shall be retained in this position at all times.

Reason: In the interests of the residential amenities of the occupants of the neighbouring properties.

Informative

1. It will be necessary for you to ensure that the development meets all relevant requirements of current Building Regulations.

Contact: Hilary Johnson

This page is intentionally left blank

TM/16/03048/FL

89 Cork Street Eccles Aylesford Kent ME20 7HQ

Retrospective application for retention of balcony area

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

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**

This page is intentionally left blank