

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@tmbc.gov.uk

16 August 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, 24th August, 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 13 July 2017

Decisions to be taken by the Committee

4. Development Control 9 - 12
Introduction and Glossary
5. TM/17/01135/FL - 459 Maidstone Road, Chatham 13 - 24
6. Alleged Unauthorised Development - 16/00375/USEH - 25 - 30
White Lodge, 70 Chatham Road, Aylesford
7. Alleged Unauthorised Works - 17/00181/WORKH - 31 - 34
10 Bradbourne Lane, Ditton
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.

Matters for consideration in Private

PART 2 - PRIVATE

9. Exclusion of Press and Public 35 - 36
- 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.
10. 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, 13th July, 2017

Present: Cllr M Parry-Waller (Chairman), Cllr D Markham (Vice-Chairman), Cllr M C Base, 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 and Cllr T C Walker

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

Apologies for absence were received from Councillors Mrs S Bell and B W Walker

PART 1 - PUBLIC

AP3 17/17 DECLARATIONS OF INTEREST

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

However, for reasons of transparency Councillor Roud queried whether, as a member of the East Malling Conservation Group, there was a need to declare an interest in application TM/16/0368/FL (Orchard Farm, Well Street, East Malling). As this was not seen as either a Disclosable Pecuniary or Other Significant Interest and Councillor Roud had not predetermined his position there was no requirement to withdraw from the meeting.

AP3 17/18 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 16 March 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 17/19 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 17/20 TM/16/03680/FL - ORCHARD FARM, WELL STREET, EAST MALLING

Change of use to holiday site incorporating 5 mobile homes at Orchard Farm, Well Street, East Malling.

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 Condition 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 static caravans shall not be occupied by the same person for a continuous period in excess of 3 months and no person shall return to occupy a caravan within 6 weeks of departure;
- (iv) 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 static caravans for permanent residential occupation would constitute an inappropriate land use in the countryside.

(2) Additional condition:

12. There shall be no motorhomes on site at any time unless it is in association with the occupancy of one of the static caravans.

Reason: The accommodation of such vehicles 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.

(3) Additional Informative:

6. The applicant is reminded that the site does not benefit from permitted development rights and therefore the construction of outbuildings or the placing of any other domestic paraphernalia on the site would require the benefit of planning permission.

[Speaker: Mr R Crandon – agent]

[In accordance with Council and Committee Procedure Rule 8.6 of the Constitution, Councillor Roud asked that his vote against the recommendation to grant planning permission be recorded.]

AP3 17/21 TM/16/03048/FL - 89 CORK STREET, ECCLES

Retrospective application for retention of balcony area at 89 Cork Street, Eccles.

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.

PART 2 - PRIVATE

AP3 17/22 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.40 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

Aylesford
Aylesford North And
Walderslade

25 April 2017

TM/17/01135/FL

Proposal: Retention of six apartments and three houses with associated landscaping and formation of new access road to dwellings. Revised scheme to that approved under TM/15/00494/FL Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings

Location: Former Bridgewood Service Station And Workshop 459 Maidstone Road Chatham Kent ME5 9RX

Applicant: Creo De Vere Ltd

Go to: [Recommendation](#)

1. Description:

- 1.1 This planning application proposes the retention of the six apartments and three houses that are nearing completion. The application is a revision to the scheme granted under TM/15/00494/FL as the scheme as built differs from the approved plans in a number of ways in that the external finishing materials vary and rooflights have been added to the north facing roof slope of unit 3, the east facing roof slope of unit 4 and the north and west facing roof slopes of units 6, 8 and 9.
- 1.2 Internal reconfiguration has led to the provision of a 2.4m by 1.8m first floor study to units 8 and 9 and units 3,4,6,8 and 9 now feature a bedroom in the roof space. There has though been no change in the overall number of bedrooms in each unit, nor in external bulk and form of the buildings. The parking layout within the site has also been amended to increase the number of parking spaces from 18 to 24.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Sullivan due to the planning history of the site.

3. The Site:

- 3.1 The application site comprises the land formerly occupied by Bridgewood Service Station and the adjacent car repair workshop, both of which have been demolished and replaced with the development of six apartments and three houses that is nearing completion.
- 3.2 The site slopes gently up from north to south and has a detached single storey dwelling to both sides. The land to the rear of the site falls away so that the houses fronting Hallsfield Road are considerably lower than the application site. The wider street scene is characterised by predominantly single storey dwellings to the north and two storey dwellings south of the site. To the west of the site are

TM/16/03478/RD Approved 17 January 2017

Details of conditions 2 (samples) and 3 (colour) submitted pursuant to planning permission TM/15/00494/FL (Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings)

TM/17/00079/NMA

Non material amendment to planning permission TM/15/00494/FL: Velux windows on units 3 and 4

TM/17/00246/FL Application Withdrawn 28 March 2017

Section 73 application to vary condition 17 to insert roof lights

5. Consultees:

5.1 PC: No objection

5.2 KCC (H+T): No objection

5.3 Private reps: 10 + site notice/0X/19R/7S

19 letters of objection received raising the following objections:

- Applicant should be made to build the two storey houses approved and not allowed to extend into the roofs to create additional bedrooms as the plans for this were refused so consequently the current application should also be refused;
- Building larger than previously approved;
- Applicant building out refused scheme;
- Unnecessary to build into attic spaces;
- Out of character with surroundings;
- Additional parking should not be permitted but the original landscaping approved should be provided;
- Buildings exceed what was given permission for and should therefore be refused;
- Loss of privacy from installed roof light windows;
- No positive benefit for the local area;

- Rubbish piled against the boundary fence, leading to damage to neighbouring property;
- Eco credentials of development are impressive but do not justify the actions of the developers;

7 letters of support have also been received making the following points:

- Roof lights could not cause overlooking;
- No increase in the number of bedrooms contrary to the view of the objectors;
- Additional parking is an improvement;
- Development fully in line with local and national planning policy.

6. Determining Issues:

Procedural matters:

- 6.1 Section 73A of the Town and Country Planning Act makes direct provision for the determination of planning applications on a retrospective basis. Whilst it is very often frustrating for objectors to be confronted with such scenarios, we are bound to assess these applications in precisely the same way as we do with prospective submissions i.e. in accordance with the development plan unless material considerations indicate otherwise. This, of course does not automatically mean that retrospective applications will be granted but rather the consideration of the scheme as it currently stands must take place afresh.

Planning considerations and assessment of current scheme:

- 6.2 Given the location of the site within the rural settlement confines of Bluebell Hill village, the principle of the development in its revised form remains acceptable in the broadest of terms. The main policies relating to development of this nature require a high quality built environment that respects the site and its surrounding context.
- 6.3 The core principles contained within the NPPF seek to proactively promote development to provide a good quality choice of homes and to encourage the effective use of previously developed land which is not of high environmental value. Policy CP11 of the TMBCS seeks new development to be concentrated within the urban confines where there is the greatest potential re-use of previously developed land. Policy CP13 is specifically related to new development within the confines of the rural settlements of which Bluebell Hill is one. This policy requires that any development is appropriate to the scale and character of the settlement. Policies CP24 of the TMBCS and SQ1 of the MDE DPD seek to ensure that all development is of a high quality design, and to protect, conserve and where possible enhance the character and distinctiveness of the local area. This includes

the distinctive setting of and relationship between the pattern of the settlement, roads and the landscape, urban form and important views

- 6.4 The previous planning permission forms the “benchmark” against which any subsequent assessment must follow. The main issues to consider in the assessment of this application therefore can be summarised as follows:

Intensity of development:

- 6.5 The number of overall units within the development remains as previously approved as does the layout. The submitted drawings indicate that the number of bedrooms is as approved but with the addition of a first floor study to units 8 and 9. The intensity of the development has therefore not altered over the approved scheme.
- 6.6 I would also highlight that there is no basis in terms of adopted policy to seek to cap the number of bedrooms within a residential development such as this; additional rooms within the individual units do not automatically render the scheme unacceptable. Instead, an assessment must be undertaken as to whether the resultant impact of the additional rooms would cause unacceptable harm. With this in mind, I can advise that in this instance, as the increase has not resulted in an enlargement of the built form, the differing internal configurations would not give rise to any further impact that would justify a refusal of planning permission. This is discussed further below.

Visual impact and built form:

- 6.7 I consider that the physical form of the buildings in terms of bulk, form and detailed design is acceptable in visual terms. There is some variation in these respects from the approved scheme, principally the change in facing materials and minor changes to the roof shape but these variations are minor and in visual terms would have no further impact on the site and the surrounding area.

Residential amenity:

- 6.8 It is recognised that the insertion of roof lights particularly within the north and east facing roof slopes of the development have the potential to impact on levels of privacy. It is for this reason that a planning condition was imposed upon the previous planning permission restricting such development in the future. The imposition of restrictive planning conditions does not mean that the type of development restricted can never take place, but rather that an assessment as to the impact must take place before any permission can be granted. It is important to equally recognise that such impact would be determined entirely by the exact position of such windows and their resultant relationships with their immediate surroundings.

- 6.9 The roof lights have been installed with a minimum cill height from the room floor level of 1.7m. This height is set because it is a commonly held principle that insertion of windows at such a height removes any potential for harmful overlooking to occur from them.
- 6.10 Notwithstanding this position, it is clear that one principle concern of neighbouring residents centres on the potential to be overlooked from these roof lights. With this in mind, Officers have visited the units in question and have inspected each of the roof lights to establish what can be seen from each of them. This analysis has shown that the roof lights, due to their height and position within the roof slopes, do not result in overlooking or a loss of privacy to any surrounding properties. The roof lights are therefore considered to be acceptable. It is considered appropriate to include again a condition restricting permitted development rights for the installation of additional windows to ensure that any future windows are not installed in positions that would have a negative impact on privacy levels.

Parking:

- 6.11 The scheme provides for a total of 24 parking spaces which is an increase of 6 over the permitted layout. The additional parking would result in the loss of some small areas of landscaping within the site itself but this would not be to the detriment of the overall character and appearance of the development when viewed in the existing street scene. The additional parking exceeds the minimum standard set out in IGN3, and is therefore considered to be acceptable.

Other material planning considerations:

- 6.12 For the avoidance of any doubt, the development as built does not replicate the scheme previously refused planning permission. The buildings retain the two storey character and appearance of the approved development and do not feature the additional height and east facing windows that raised previous concerns resulting in the earlier refusal. Linked to this, it should be remembered that it is not possible to control how the internal space in a dwelling is used and therefore it is not possible to restrict the internal use of the roof space.

Conclusions:

- 6.13 Whilst it is appreciated that there is local frustration about the retrospective nature of this application, and the way in which the developer has gone about various matters since the previous grant of planning permission, such frustrations cannot be material to the determination of this application. The previous grant of planning permission is an important consideration and a judgement must be made as to whether the scheme remains acceptable in planning terms. A careful and thorough assessment of the potential impacts has taken place and I conclude that in all respects the development is acceptable. As such, the following recommendation is put forward:

7. Recommendation:

7.1 Grant Planning Permission in accordance with the following submitted details: Environmental Assessment dated 25.04.2017, Planning Statement dated 25.04.2017, Floor Plan P01 dated 25.04.2017, Elevations P02 dated 25.04.2017, Floor Plan P03 dated 25.04.2017, Elevations P04 dated 25.04.2017, Floor Plan P05 and elevations dated 25.04.2017, Drawing P06 slab levels dated 25.04.2017, Drawing P07 dated 25.04.2017, Drawing P08 dated 25.04.2017, Block Plan P09 dated 25.04.2017, Parking Provision P10 dated 25.04.2017, Planting Plan P11 dated 25.04.2017, Drawing P12 dated 25.04.2017, Drainage Statement P13 dated 25.04.2017, Site Plan P14 dated 25.04.2017, subject to the following conditions:

Conditions:

1. The area shown on the drawing number P11 CR 17010 rev A as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

2. The scheme of landscaping and boundary treatment shown on drawing number P11 CR 17010 rev A shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: To ensure that the development does not harm the character of the existing building

3. The access details shown on the approved plans shall be completed prior to the use of the site being commenced and the access shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety.

4. The development hereby permitted shall not be occupied until the highways improvements including the reinstatement of the pavement along the site frontage

and the installation of a vehicle crossover type have been carried out and brought into use.

Reason: In the interest of highway safety

- 5 The contamination remediation scheme approved under TM/16/02206/RD shall be implemented before the first occupation of the development or any part of the development hereby permitted.

(a) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

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

Reason: In the interests of amenity and public safety.

- 6 Internal noise levels shall be no greater than 30 dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, and 35 dB, 16-hr (day) in living rooms and 40 dB LAeq, 16-hr (day) in kitchens/dining rooms with windows at least partially open. The noise levels for gardens and other outdoor spaces should not exceed 55 dB LAeq, 1-hour.

Reason: In the interests of the residential amenity of future occupants.

- 7 The bathroom window on the front elevation of unit 7 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the unit to which the window(s) relate is occupied and shall be retained thereafter in perpetuity.

Reason: To minimise the effect of overlooking onto adjoining property

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Class L of Part 3 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality

- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevations or roof slope of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

Informatives:

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Robin Gilbert

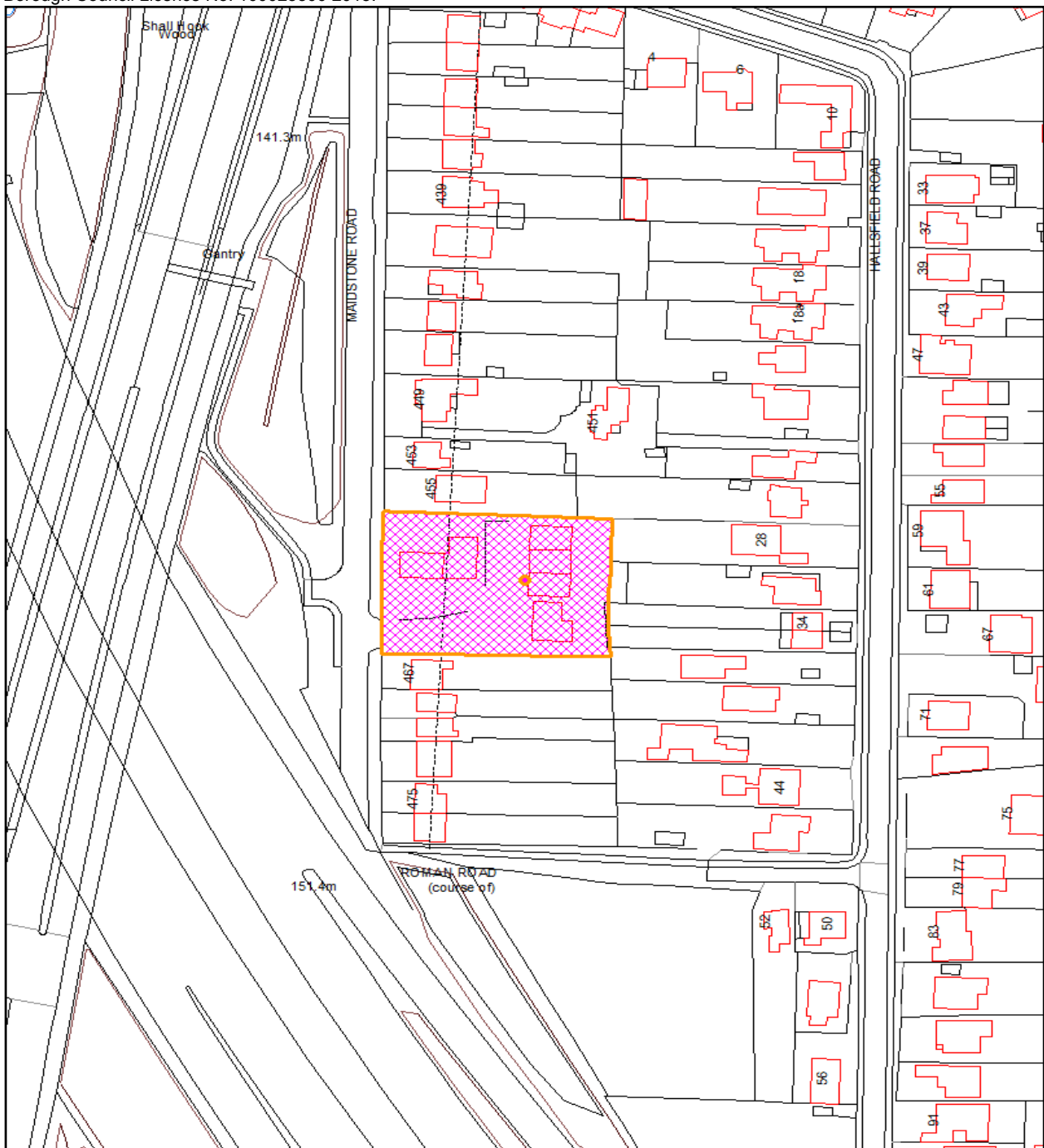
This page is intentionally left blank

TM/17/01135/FL

Former Bridgewood Service Station And Workshop 459 Maidstone Road Chatham Kent ME5 9RX

Retention of six apartments and three houses with associated landscaping and formation of new access road to dwellings. Revised scheme to that approved under TM/15/00494/FL Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings

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

Alleged Unauthorised Development
Aylesford **16/00375/USEH**
Aylesford North And
Walderslade

Location: White Lodge 70 Chatham Road Aylesford Kent ME20 7EQ

1. Purpose of Report:

- 1.1 To report the unauthorised change of use of land and buildings to storage and business use.

2. The Site:

- 2.1 The site is to the west of the property known as White Lodge 70 Chatham Road, and is within the ownership of this property. The site has a road frontage to the eastern side of Kingswood Road. The land rises steeply up from Kingswood Road up to White Lodge. The site has a workshop building on it and there is a stable further back.

3. Planning History:

- 3.1 There have been a number of applications for works to the main house White Lodge, however for clarity this history relates to the outbuildings and surrounding land only.

TM/06/03893/FL	Refuse	1 February 2007
----------------	--------	-----------------

Conversion of existing garage workshop to provide accommodation ancillary to the main house

TM/07/04164/FL	Approved	4 July 2008
----------------	----------	-------------

Conversion of existing garage workshop to gym and changing rooms

TM/07/04165/FL	Refuse	15 January 2008
----------------	--------	-----------------

Tennis court

TM/09/00314/FL	Approved	28 April 2009
----------------	----------	---------------

Retrospective application for curved terrace (timber) to rear of existing dwelling

TM/09/01145/FL	Refuse	1 June 2011
----------------	--------	-------------

Change of use of land to domestic curtilage and addition of a tennis court and garden landscaping

TM/17/00754/FL

Refuse

12 May 2017

Replacement of existing workshop and stables with new detached house and associated parking.

4. Alleged Unauthorised Development:

- 4.1 Without planning permission a change of use of land and workshop building to a business use.

5. Determining Issues:

- 5.1 The Authority received information in October 2016 that the stocks of yellow piping had been brought onto the site in relation to the owners business. Following a site inspection it was apparent that there were numerous rolls of yellow pipework stored to the north of the workshop building.
- 5.2 The Authority has served a Planning Contravention Notice (PCN) on the owners of the site to seek clarity regarding the nature of the use of the site but no response was received. The owners did however state in support of their planning application TM/17/00754/FL for a dwelling on the site that the land had been used for many years in relation to the owners commercial business. This is contrary to the position given in the approval of the application to change the use of the garage workshop to a gym that was approved in 2008 which stated that the building was an ancillary domestic building. It therefore appears that the breach occurring relates to the use of a building and associated land for B8 purposes and that the unauthorised use is not immune from enforcement action at this time.
- 5.3 The site is outside any settlement confines as set out in the TMBCS and within the AONB. These designations mean that the area is subject to restrictive planning policies to control the type and nature of development that can occur.
- 5.4 With regard to the principle of the development the relevant policy is Policy CP14 of the TMBCS which covers development in countryside areas. This allows for the limited expansion of existing employment uses; development that is necessary for the purposes of agriculture or forestry; or any development for which a rural location is essential. The commercial use of the site does not fall within any of these categories and therefore conflicts with this policy.
- 5.5 In addition, the open storage of materials adversely impacts on the landscape quality of the AONB. The use is therefore also contrary to Policy CP7 of the TMBCS.
- 5.6 Consideration has been given as to whether there are any other material planning considerations which would override the above objections to the scheme but there

are no circumstances present which would lead to a conclusion that weigh in favour of the unauthorised development continuing.

5.7 For these reasons I consider that it is expedient to take enforcement action to seek the cessation of the change of use and the land returned to domestic use.

6. Recommendation:

An Enforcement Notice **BE ISSUED** to seek the cessation of the use and the removal of all external material stored on the land, the detailed wording of which to be agreed with the Director if Central Services.

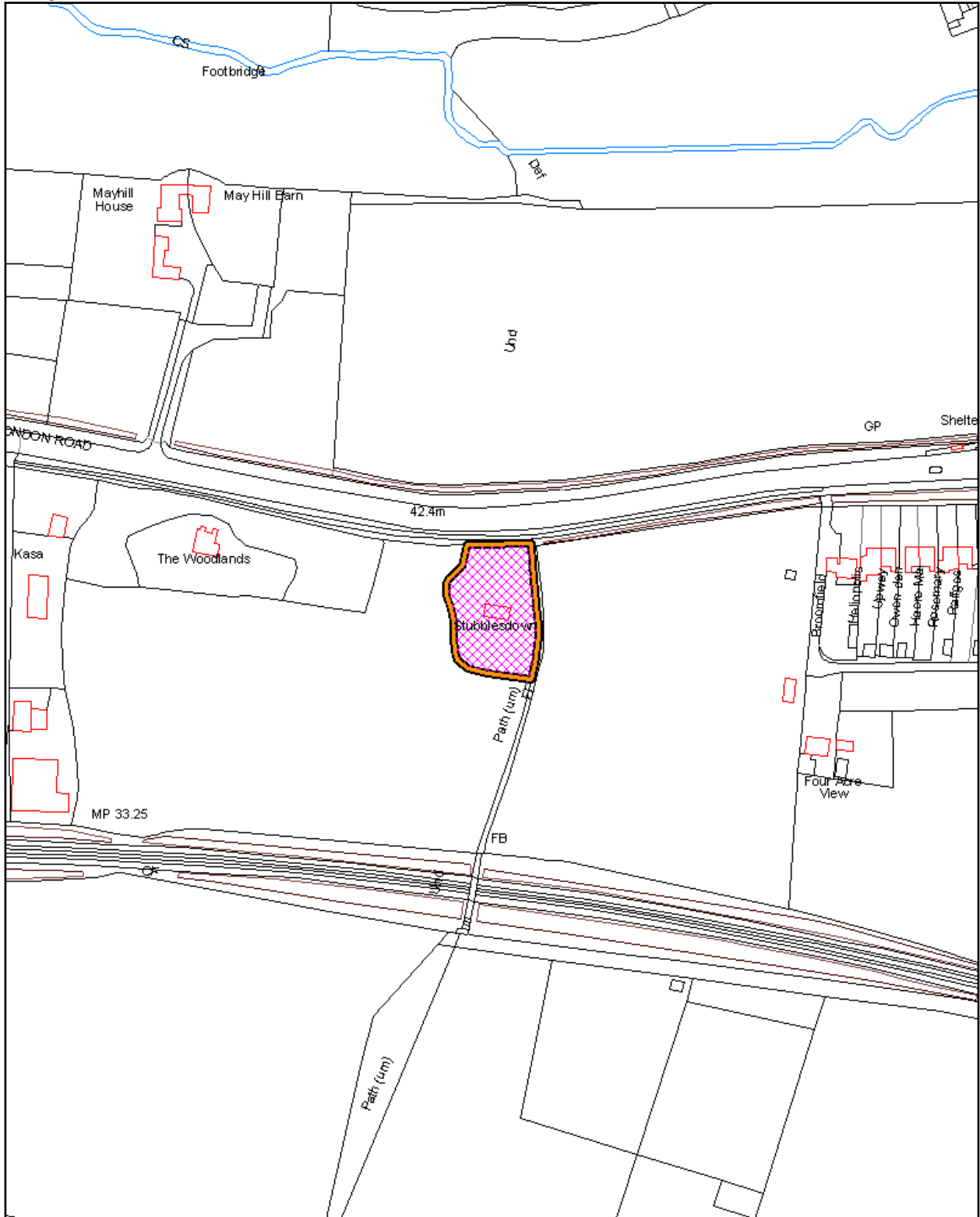
Contact: Richard Edmonds

This page is intentionally left blank

16/00375/USEH

White Lodge 70 Chatham Road Aylesford Kent ME20 7EQ

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

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

24 August 2017

Report of the Director of Planning, Housing and Environmental Health and Director of Central Services

Part 1- Public

Matters for Information

ENFORCEMENT ACTION IN CONNECTION WITH DEVELOPMENT AT DITTON TANDOORI RESTAURANT, BRADBOURNE LANE, DITTON – UPDATE REPORT

To update Members on enforcement action taken using emergency powers in connection with the development at the Ditton Tandoori Restaurant, Bradbourne Lane, Ditton.

1.1 Introduction

1.1.1 Enforcement investigations concerning the use of the car park associated with the Ditton Tandoori Restaurant as a car wash along with associated operational development to facilitate that use indicated that the activities and associated development did not have the benefit of planning permission. At the time the investigations were initiated, a planning application was submitted for the change of use and associated development, seeking to regularise the breach of planning control. At the time, it was noted that this submission followed a previous refusal of planning permission for the same use but sought to introduce mitigation measures to reduce the impact to nearby properties.

1.1.2 A Temporary Stop Notice was served requiring the use to cease for a period of 28 days to allow Officers to assess the planning application and in particular whether the mitigation put forward would make the development acceptable. The Temporary Stop Notice was complied with and the use itself has not recommenced since then.

1.1.3 At the end of the 28 day period, planning permission was refused for the following reason:

“The use would, by reason of the proximity to residential properties, would result in unacceptable noise and disturbance to these properties, harmful to their residential amenities, which it has not been clearly demonstrated can be mitigated by appropriate conditions. This would consequently result in harm

to the residential amenities of the nearby properties which is contrary to policy CP24 of the Tonbridge and Malling Core Strategy 2007.”

1.1.4 Given the specific grounds for the refusal of planning permission in this case, combined with the fact that the decision coincided with the end of the Temporary Stop Notice period, the decision was taken to use the emergency powers of the Director of Central Services to serve an Enforcement Notice requiring the removal of the unauthorised development put in place in order to facilitate the use of the land as a car wash. As there had been compliance with the Temporary Stop Notice and the use was not taking place it was not possible to include that as part of the Enforcement Notice. However, it should be noted that should the use recommence at any point, immediate steps would be taken to serve a further Notice addressing the use specifically.

1.1.5 The Enforcement Notice requires the following actions to be taken:

- Removal of the hoarding over 2m in height along the norther, southern and western boundaries of the site;
- Removal of the hoarding which incorporates the price list for car wash services on the southern boundary of the site and;
- Removal of the plastic screen installed within the site.

1.1.6 The Enforcement Notice was served on 21 July 2017. If no appeal is lodged by the developer, the Notice will become effective on 23 August 2017 with a period for compliance of one calendar month.

1.1.7 I can advise that, to date, no appeal has been lodged in respect of the decision to refuse planning permission or serve the Enforcement Notice.

FOR INFORMATION

This page is intentionally left blank

Agenda Item 9

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