

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

Contact: Committee Services
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21 December 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, 4th January, 2018 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

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To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 24 August 2017

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

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PART 2 - PRIVATE

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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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 24th August, 2017

Present: 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 D Keeley, Cllr D Keers, Cllr S M King, 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.

Apologies for absence were received from Councillors S M Hammond, D Lettington, Mrs A S Oakley and R V Roud

PART 1 - PUBLIC

AP3 17/23 DECLARATIONS OF INTEREST

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

AP3 17/24 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 13 July 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 17/25 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 17/26 TM/17/01135/FL - 459 MAIDSTONE ROAD, CHATHAM

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 at Former Bridgewood Service Station and Workshop, 459 Maidstone Road, Chatham.

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.

[Speaker: Mr D De Vere – Applicant]

AP3 17/27 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00375/USEH - WHITE LODGE, 70 CHATHAM ROAD, AYLESFORD

The report of the Director of Planning, Housing and Environmental Health set out details of the unauthorised change of use of land and buildings to storage and business use.

RESOLVED: That 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 of Central Services.

AP3 17/28 ALLEGED UNAUTHORISED WORKS - 17/00181/WORKH – 10 BRADBOURNE LANE, DITTON

The joint report of the Director of Planning, Housing and Environmental Health and the Director of Central Services provided an update on enforcement action taken using emergency powers in connection with unauthorised development at the Ditton Tandoori Restaurant, Bradbourne Lane, Ditton.

RESOLVED: That the report be received and noted.

PART 2 - PRIVATE**AP3 17/29 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.15 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

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

11 August 2017

TM/17/02248/OA

Proposal: Outline Application for the erection of 5 dwelling houses and 5 detached garages with associated parking, turning areas and landscaping
Location: Taddington Wood North Of Robin Hood Lane Blue Bell Hill Chatham Kent
Applicant: Mr J Greenfield
Go to: [Recommendation](#)

1. Description:

- 1.1 Outline planning permission is sought to erect five detached houses and five detached garages with associated access, parking areas and landscaping. The proposed houses would be reached via an existing vehicle access at the eastern end of Robin Hood Lane which would lead to a shared private driveway. This would terminate in a turning head at the rear of number 254 Robin Hood Lane.
- 1.2 All matters are reserved for future consideration, although the application is accompanied by drawings for illustrative purposes only. It is also supported by an updated road traffic noise survey and an ecological scoping survey, reptile survey and tree report.
- 1.3 It has also been indicated within the submission that a noise attenuating fence would be erected around the rear boundary of the dwellings and that new tree planting would be carried out to enhance screening and natural habitat.
- 1.4 This submission follows the refusal of outline planning permission back in July 2016. The Council refused planning permission for the following reasons:

The site lies within the designated countryside outside the confines of the urban and rural settlements identified in policies CP11, CP12 and CP13 of the Tonbridge and Malling Borough Core Strategy 2007. The proposal comprises residential development in the countryside, being contrary to policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007. The Local Planning Authority therefore considers that there is an overriding principle objection to the proposed development and that no other material considerations exist in this case that overrides the policy objection.

The development, by reason of its proposed location would fail to integrate with or respect the prevailing pattern of development in the locality. The proposed development would, therefore, fail to respect the character and distinctiveness of the local area, contrary to the requirements set out in policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment Development Plan Document 2010.”

1.5 The decision to refuse planning permission was the subject of an appeal to the Planning Inspectorate and whilst that appeal was dismissed, this was based solely on matters pertaining to potential impacts on protected species rather than for the reasons set out above.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Sullivan given the planning history of the site, in particular the outcomes of the previous appeal decision

3. The Site:

3.1 The application site, with the exception of the strip of land which runs between Nos. 232 and 238 Robin Hood Lane, is located outside the settlement confines of Blue Bell Hill village (albeit immediately adjacent to the confines) and therefore in the countryside for development plan purposes.

3.2 The application site comprises an irregularly shaped piece of land situated to the rear of properties on the north side of the eastern end of Robin Hood Lane (Upper). The site is reached via an existing access between numbers 232 and 238 Robin Hood Lane.

3.3 It is also adjacent to Taddington Wood (Ancient Woodland) which lies to the west.

3.4 The site has an area of 0.57 hectare. The approach to the site is framed by mature deciduous trees growing in the rear gardens of the adjacent houses. The site is now overgrown with long grass and brambles. There is some variation in ground level across the land.

3.5 It is stated that the land was previously developed with buildings and structures and a shooting range. Part of the site is covered by blanket Tree Preservation Orders in addition to individual TPO's. The larger blanket TPO covers the northern part of the site area. The applicant also owns a further larger area of land that extends to the west and north of the application site.

3.6 The application site is located in the north eastern corner of the borough, close to the boundary with Medway Unitary Authority. The land is bounded by the A2045 to the east and its intersection with the M2, that comprises junction 3, to the north. At the eastern side of the site the land falls away down a steep embankment to the A2045 road.

3.7 Robin Hood Lane comprises a mix of individually designed two storey houses, chalet houses and bungalows.

4. Planning History (relevant):

TM/87/10366/FUL Refuse 27 November 1987
Appeal allowed

Erection of 57 houses and garages with access road

TM/88/10776/FUL grant with conditions 7 July 1988

Erection of 33 houses and garages with access road

TM/90/11170/FUL grant with conditions 3 September 1990

57 dwellings with landscaping, parking and all associated infrastructure

TM/90/11341/FUL Application Withdrawn 12 June 1990

Erection of 65 dwellings with garages, access road and associated infrastructure.

TM/92/00162/FL refuse 6 July 1993

Erection of 66 dwellings. (alternate reference number TM/92/1154)

TM/14/00032/OA Application Withdrawn 26 February 2014

Outline application with all matters reserved, for the erection of four detached dwellings and access drive

erection of 66 dwellings and associated works

TM/16/00797/OA Refuse 18 July 2016
Dismissed on appeal 24 February 2017

Outline Application: erection of x 5 dwelling houses and x 5 detached garages with associated access parking and turning areas and landscaping

5. Consultees:

5.1 PC: Objection. Overdevelopment of site as per previous application.

5.2 KCC (H+T): The access to the application site is towards the end of Robin Hood Lane which is a cul de sac. The width of the access road is 4.1m shared surface with a passing bay to allow for large vehicles to pass. There is concern that parking will occur in the passing bay causing difficulties when large vehicles need to pass cars. I would therefore recommend that an access road width of 4.8m is provided and this could be narrowed to 4.1m at the access to plot 1. Labelled

tracking diagrams will also be required to indicate that the fire appliance, deliveries and refuse collection vehicles are able to turn around and leave in a forward gear. Subject to this the shared surface access road is acceptable for this development of five dwellings. The traffic generation associated with five dwellings will not be significant and will not have an adverse impact on the highway network. Each property has two independently accessible parking spaces and garages and this complies with parking document IGN3. Subject to the above I feel this application would not be detrimental to highway safety and therefore raise no objection on behalf of the local Highway Authority.

5.2.1 No further comments made in relation to the current application.

5.3 Kent Wildlife Trust: Initially raised no objection subject to planning conditions being imposed to secure the ecological enhancements recommended in the Ecological & Reptile Survey reports submitted in support of the application. Secondly, to secure the submission of a management plan for the “woodland country park” indicating how the habitat will be enhanced to support reptiles and other wildlife displaced there from developed parts of the site.

5.3.1 Further feedback has been received stating that they were unable to endorse the woodland management plan as it suffers from a lack of information in a few key areas, for example which features of the woodland are to be preserved, controlled or enhanced and which opportunities exist for creating greater diversity.

5.3.2 DPHEH: KWT has now confirmed that a woodland management plan would not strictly be required given that the application has been amended to show that the adjacent woodland would not be accessible by the public.

5.4 Natural England: Noted that the proposal was unlikely to result in significant impacts on statutory designated conservation sites or landscapes, although recognised that the proposal has the potential to adversely affect woodland on the classified ancient woodland inventory. The determination of the application should be guided by paragraph 115 of the NPPF which gives the highest status of protection for the landscape and scenic beauty. The presence of protected species at the site is also a material consideration.

5.5 Private Reps: 15 + site and press notice: 0X/19R/0S. Objections can be summarised as follows:

- The proposal would lead to an increase in the level of traffic in the village. There is already severe congestion from the northern exit from the village;
- The peak filtering system of the traffic light junction should be removed;
- Robin Hood Lane already has traffic problems associated with visits to the crematorium. The proposed entrance to the site should be moved to Walderslade Woods Road to alleviate further traffic congestion;

- An outline application is not specific and only a full application should be considered. This application may be a precursor to a more intensive form of development on the remaining adjacent land under the applicants' ownership;
- The proposal will add to existing noise and air pollution problems;
- The height of the proposed buildings would compromise privacy. The access road would affect security of existing houses, possible anti-social behaviour problems in the woodland area;
- There has already been some illegal removal of protected trees from this site and the proposed removal of further trees and the associated development will damage the wildlife habitat;
- The development would erode the character of the village and AONB; [DPHEH: The site does not lie within the AONB. The boundary of the AONB, which lies to the west, is defined by the intervening M2 motorway];
- Loss of green space. The remainder of the site should be gifted to the Kent Wildlife Trust. The land should be used for amenity purposes not residential development;
- BBH village lacks amenities and infrastructure to support further development;
- A neighbourhood plan approach is needed to reflect what local people want.

5.5.2 In addition, a number of other matters have been raised but which are not material planning considerations. These are summarised as follows:

- The site is covered by a restrictive covenant;
- The development would result in financial gain;
- Proposal would result in a loss of a view;
- Water supply problems exist in the area;
- Noise and inconvenience during construction works.

6. Determining Issues:

Principle of development:

6.1 It has been established that TMBC can no longer demonstrate a five year supply of housing when measured against its objectively assessed need. This is a key change in circumstance since the previous planning decision in respect of the development of this site.

6.2 Whilst housing supply will be addressed through the emerging Local Plan, it has clear implications for decision making in the immediate term. In this respect paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

6.3 Paragraph 14 of the NPPF sets out the presumption to be applied as follows:

6.4 *“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.”*

In terms of decision taking this means approving development proposals that accord with the development plan without delay. Where relevant policies are out of date:

“Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.”

6.5 Policy CP13 of the TMBCS states that new development within the confines of the rural settlements including Bluebell Hill will be restricted to minor development appropriate to the scale and character of the settlement. In addition policy CP14 states that development in the countryside will be restricted to certain categories. This site lies within the countryside, outside the settlement confines meaning that CP14 is the policy within the development plan governing principle of development and that formed one of the reasons for refusal in 2016.

6.6 However, in the absence of an up to date five year housing supply, it is now necessary to establish the weight to be afforded to CP14 in this case particularly given the commentary made by the Inspector previously, which is an important material consideration. In this respect, the Inspector made reference to the fact that the site is located immediately adjacent to the boundary of the village and that it is “effectively sandwiched” between the existing village to the south and a major road network to the north and east, with the road network effectively forming a finite boundary. This, the Inspector concluded, meant that the development of this site for residential purposes (5 units) would not give rise to any significant harm to the countryside. Furthermore, the Inspector commented on the fact that the site is conveniently located and overall that the principle of residential development was acceptable. In concluding, the Inspector afforded CP14 limited weight, even at time when a five year supply could still be demonstrated.

6.7 In light of these considerations, I can conclude that substantially less weight should be afforded to CP14. In applying the presumption in favour of sustainable

development, it is necessary to determine the application against the policies contained within the NPPF as a whole. In terms of broad principles, this means applying the requirements of paragraph 55 which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

6.8 In this case, this means that consideration must be given to whether the scheme would provide isolated new homes (and thus whether special circumstances are needed). I do not consider that the site is physically isolated. Indeed, it is located immediately adjacent to the existing village boundary and there is access to the services and amenities available within the wider area; a matter which was also previously identified by the Planning Inspector.

6.9 In light of the above, I consider that the principle of the development of this site for five houses is acceptable.

Pattern of development within the locality:

6.10 The second reason for refusal in connection with application TM/16/00797/OA centred on the conclusion that the proposal would fail to integrate with the prevailing pattern of development in the area and respect the character and distinctiveness of the local area, contrary to policy CP24 of the TMBCS. Again, the previous Inspector concluded that the development would not cause such harm and this is an important material consideration.

6.11 Specifically, the Inspector was “satisfied that the proposal would maintain the spacious sylvan character of the locality and be appropriate in scale and character to Bluebell Hill village.” It was concluded that the proposal would maintain the distinctive character of this part of Robin Hood Lane and would integrate with the surrounding dwellings.

6.12 The circumstances at the site have not materially altered since the previous appeal decision and the character of the area remains largely unchanged. Given the Inspector’s views on the lack of harmful impact of the proposal on the character of the area, the second reason for refusal as outlined under TM/16/00797/OA can no longer be given weight. The proposal would integrate with the prevailing pattern of development in the area and would be in accordance with Core Strategy policy CP24.

Ecological considerations:

6.13 An ecological survey was submitted with the previous 2016 outline planning application, although a more specific reptile survey was not included. Whilst the applicants’ agents had been made aware of the need for a further reptile scoping survey they considered that this matter could be addressed by way of a condition,

given that the application was in outline form only. In this respect, whilst the Inspector had concluded in favour of the previous scheme in terms of the principle of development and impact on the character of the area, he did not agree that matters pertaining to ecological impact could be satisfactorily addressed through planning condition in the absence of more detailed survey work at the submission stage.

- 6.14 Policy NE2 of the MDE DPD states that the biodiversity of the Borough and in particular priority habitats, species and features will be protected, conserved and enhanced. Policy NE3 goes on to state that development that would adversely affect biodiversity will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement.
- 6.15 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying various principles, including where significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.16 In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
- 6.17 The current application is supported by an Ecological Scoping Survey which includes a desk study and walkover report. This report again concluded that the site offered no potential to support amphibians, dormice, bats or badgers, although reptiles may be present at the site. The report recommends that if a protected species is found on site at any time work should stop and advice should be sought from an Ecologist. Wildlife enhancements such as bird nesting and bat boxes are also recommended.
- 6.18 As a consequence of the findings of the Ecological Survey, and the conclusions drawn from the Inspector in this respect, a Reptile Survey has now been carried out and the results submitted with the application. This recorded slow worms and adders (both protected species) present at the site in the area of the proposed housing. The Reptile Survey also provides a suggested mitigation strategy to minimise disturbance to reptiles. It is suggested that the woodland part of the site is managed for the benefit of reptiles by creating glades in sunny places and installing a reptile-proof fence. The mitigation measures as set out within this survey can be adequately secured by condition to ensure that the works are undertaken prior to any development on the site. In terms of ongoing management of that area in the interests of those species to be translocated, now that there will

be no public access and KWT have confirmed they are agreeable to such an approach, a detailed management plan can also be addressed in this way.

Open space provision:

- 6.19 Policy OS3 of the MDE DPD requires the provision of open space as part of a development for five dwellings or more. The policy states that where this cannot be provided on site, a contribution will be sought to enhance existing off site public open space.
- 6.20 Originally, it was proposed that an area of remaining woodland adjacent to the proposed houses would be provided as on site open space in accordance with policy OS3. However, this is also proposed to be the area where any reptiles discovered on the development site would be translocated to, creating a potential conflict. As such, the proposal is now to provide a financial contribution towards off-site provision in accordance with the calculator contained at Annexe D of the MDE DPD. This would be secured through a legal agreement. The woodland would be enclosed and remain in private ownership with no public access.

Noise impact:

- 6.21 It is necessary to consider the acoustic environment in this locality and whether a good standard of amenity for future residents can be achieved. Various factors such as the level and frequency of noise from the nearby road network and the impact on those affected require detailed consideration. The Noise Policy Statement for England identifies several key phases with regard to the impact of noise on proposed developments and the adverse effect levels. Where necessary mitigation measures will need to be identified and controlled through planning conditions.
- 6.22 The applicant has submitted a road traffic noise survey into the effect of noise on the proposed development. This report however made use of noise data acquired in September 2011. Notwithstanding this there do not appear to have been any substantial changes to the road network in that area since the noise data was acquired that would have affected the results and as such it is considered to be fit for purpose in making an informed assessment in this case.
- 6.23 The submitted information demonstrates that with suitable mitigation an adequate noise climate can be provided both inside and outside the proposed dwellings. It is important to note that if the data provided relies upon closed windows to meet the guide values, there needs to be appropriate alternative ventilation that does not compromise the façade insulation or the resulting noise level.
- 6.24 It is noted that this is an outline application and therefore a further noise report would be required to consider the acoustic implications arising from the detailed layout and design of buildings. In this respect, a condition can be imposed upon an outline permission requiring the submission of a further noise report addressing

the final layout and design. The report should consider the levels cited in the BS8233:2014 covering gardens and outdoor spaces. The report should include specific data detailing any mitigation/attenuation measures needed to attain the necessary levels. The information provided at this stage indicates that there is a technical solution to achieving this and there is therefore no problem with addressing this matter by way of condition.

Highway safety and parking provision:

- 6.25 Blue Bell Hill village lies close to a very busy multi-road intersection with access to the motorway network. As a result there is a high level of vehicle activity in the area with traffic flowing between the various nearby settlements on the edge of the Medway towns. This is a situation that has existed for some time and the operation of the traffic lights is regulated by KCC Highways.
- 6.26 It is appreciated that the majority of residents enter and leave the village from Maidstone Road with Warren Road being used much less frequently due to its narrow width and steep gradient. It is also recognised that, due to the siting of the crematorium towards the end of Robin Hood Lane, there is regular and sometimes heavy traffic moving along this road. As a result of the above there is significant vehicle activity in the area.
- 6.27 The application has been considered by KCC (H+T) and the conclusion drawn is that the addition of five houses in this area would not have a severe impact on highway safety (when applying the tests set out in paragraph 32 of the NPPF), subject to an increase in the width of the access road to allow large vehicles to pass cars. This would be a matter for the detailed planning stage and can be controlled by way of planning condition.
- 6.28 The submission indicates that the five detached dwellings would all accommodate 4+ bedrooms. This means that each dwelling would need to be served by two independently accessible car parking spaces in order for the scheme to accord with the requirements of KHS IG3: Residential Parking. I note that garages are shown on the indicative plans to be provided to serve each of the dwellings but these are not counted as vehicle parking spaces for the purposes of applying the adopted standards. As such, the curtilages serving each of the dwellings will need to accommodate areas of hardstanding to accommodate sufficient open parking bays. The indicative layout plan and the overall size of the site leads me to conclude that this is achievable and can be adequately secured by planning condition. Such space would need to be shown as part of the detailed "reserved matters" submission.

Air Quality:

- 6.29 As mentioned above this site is situated on a busy road intersection between the M2 and A2045. The closest property to the A2045 would be around 37m from this road and would not be in an area of poor air quality. It is suggested that any gaps

in the tree planting could be enhanced with further planting to assist in maintaining air quality levels.

- 6.30 Furthermore, on the basis of the proposal only being for five new dwellings, it is not considered that the associated trip generation arising from the development will be significant in air quality terms on the surrounding, existing, receptors.

Contaminated land:

- 6.31 In accordance with paragraph 121 of the NPPF, in the event that outline planning permission is granted, it is recommended that safeguarding conditions are attached requiring the submission of a contaminated land desktop study identifying all previous uses of the site, potential contaminants and any required mitigation measures.

Trees and landscaping:

- 6.32 A tree report has been submitted in support of the application which concludes that the majority of trees at the site are category B, which means they are of moderate quality in arboricultural terms. It has been stated that it would be necessary to remove three oak trees which are subject to a TPO (T22, T23 & T24). These would need to be replaced with three new replacement trees as part of the landscaping scheme.
- 6.33 In the event that outline planning permission was granted, the applicant would be required to submit full landscaping details as part of the “reserved matters”. This would need to include full details of replacement and additional tree planting. Information would also be required to demonstrate how trees to be retained would be protected during construction works.

Affordable housing:

- 6.34 Policy CP17 of the TMBCS requires the provision of affordable housing as part of developments in rural areas for sites which exceed an area of 0.16 hectares. However, the NPPG has recently set out clear guidance stipulating that affordable housing contributions in areas such as this should not be sought from developments of ten units or less (or with a maximum gross floor space of no more than 1,000 square metres). As such, there is no requirement for affordable housing as part of this scheme.

Conclusions:

- 6.35 For the reasons set out in the preceding assessment, in determining this application it is necessary to apply the presumption in favour of sustainable development. The weight to be afforded to CP14 in these circumstances is substantially reduced and the scheme accords with the requirements of paragraph

55 of the NPPF. As such, there is no objection to the principle of the development of five houses in this location.

- 6.36 Equally, the previous Inspector's conclusions concerning character and appearance of the area are an important material consideration and there cannot be any justifiable reason to resist the development on such grounds given the conclusions drawn.
- 6.37 Sufficient evidence has now been forthcoming which gives surety about mitigation in the event that protected species are identified on site and a legal agreement can act as the appropriate mechanism for ensuring translocation and management in the immediate and longer term.
- 6.38 In the light of the above it is recommended that planning permission is granted subject to all necessary safeguarding conditions and subject to the applicant entering into a legal agreement in respect of the provision of an appropriate off-site contribution to public open space in accordance with policy OS3 of the MDE DPD.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 02.10.2017, Letter amended dated 02.10.2017, Proposed Plans and Elevations p02 dated 11.08.2017, Tree Plan G418TCP dated 11.08.2017, Tree Protection Plan G418TPP dated 11.08.2017, Site Plan p01 dated 11.08.2017, Proposed Plans and Elevations p03 dated 11.08.2017, Proposed Plans and Elevations p04 dated 11.08.2017, Proposed Plans and Elevations p05 dated 11.08.2017, Sections p05 dated 11.08.2017, subject to:

- The applicant entering into a Section 106 Agreement relating to a public open space contribution in accordance with policy OS3 of the MDE DPD and;
- The following conditions:

Conditions:

1. Approval of details of the layout and appearance of the development, access to and within the site, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. The details submitted in pursuance to Condition 1 shall include details of finished floor levels of all buildings and the development shall be undertaken in strict accordance with the approved details.

Reason: In the interests of visual amenity.

5. The details submitted in pursuance of Condition 1 shall show land, reserved for parking in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to reserved vehicle parking area.

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

6. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

7. Details submitted pursuant to condition 1 shall include a scheme of surface and foul water disposal. The development shall be undertaken in full accordance with the approved scheme and retained and maintained at all times thereafter.

Reason: In the interests of pollution prevention.

8. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme

should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

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

9. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

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

10. Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

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

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

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

11. Details submitted pursuant to condition 1 shall include an acoustic report that addresses the proposed layout of the development. The report must consider the levels cited in BS8233:2014, namely:

1. For gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq, 1-hr and a maximum upper limit of 55dB LAeq, 1-hr: and

2. To at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16hr (day) in bedrooms, 35dB LAeq, 16hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas(ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 of BS8233:2014 and that these levels need to be achieved with windows at least partially open.

The report must also detail any mitigation/attenuation measures required as part of the development and the development must take place in accordance with any such approved measures and those measures must be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupants of the dwellings hereby approved.

12. The details submitted in pursuance to Condition 1 shall include a tree survey in accordance with BS5837:2012 detailing all trees to be retained, removed and replaced as part of the landscaping scheme for the site for approval by the Local Planning Authority. It shall also include specific measures to protect those trees to be retained during the construction works. Any such approved measures shall be put in place prior to the commencement of the development and retained throughout the construction phase.

Reason: In the interests of good forestry and amenity.

13. The details submitted in pursuance to Condition 1 shall include details for the storage and screening of refuse. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

14. The details submitted in pursuance to Condition 1 shall include details of all means of boundary treatments including full details of a noise attenuating fence to be erected around the rear of the dwellings. The development shall be undertaken in strict accordance with the approved details and the means of boundary treatment shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory standard of development and to safeguard the aural amenity of the occupants of the dwellings hereby approved.

15. No development shall commence on site until the mitigation measures set out within the Reptile Survey dated 20 July 2017 (Reference 2017/04/05) have been undertaken in full.

Reason: In the interests of nature conservation and biodiversity.

16. Prior to the first occupation of the dwellings hereby approved, a scheme for managing the woodland as identified at Figure 2 of the Reptile Survey dated 20 July 2017 (Reference 2017/04/05), including measures which prevent public access to this area, shall be submitted to and approved by the Local Planning Authority. The details approved shall thereafter be implemented at all times.

Reasons: In the interests of nature conservation and biodiversity.

Informatives

1. During the demolition and cost phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 0730 hours-1830 Hours, Saturdays 0800-1300 hours with no such work on Sundays or Public Holidays.
2. The use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommended that bonfires are not held at the site.
3. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required, are obtained and that the limits of highway boundary are clearly established.
4. The proposed site plan includes a tree line between the proposed noise barrier and the proposed dwellings. It appears that this tree line is existing but any gaps could be enhanced with further planting. This and any intended tree planting should bear in mind air quality potential of the chosen species as well as their biodiversity benefits. This can be viewed through UTAQ scores (Urban Tree Air Quality scores: see Urban Air Quality, Woodland Trust 2012); such trees as silver birch (*Betula Pendula*) have high UTAQ score and have been shown to offer high reduction of air pollution.

5. In considering the details required pursuant to condition 7, in the event that Details of surface and foul water disposal to be submitted. In the event that non mains drainage is proposed, details will be required including size, location and maintenance regimes. Due consideration should be given to the National Planning Policy Guidance, Paragraph: 020 Reference ID:34-020-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H-Drainage and Waste Disposal.
6. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
7. The refuse collection contractor operates a minimal reversing policy for its vehicles. Bins will therefore need to be presented near to the vehicle access road. There is a maximum carry distance of 25m from either the bin store or house to the refuse vehicle and consideration should always be given to a shorter distance.

Contact: Hilary Johnson

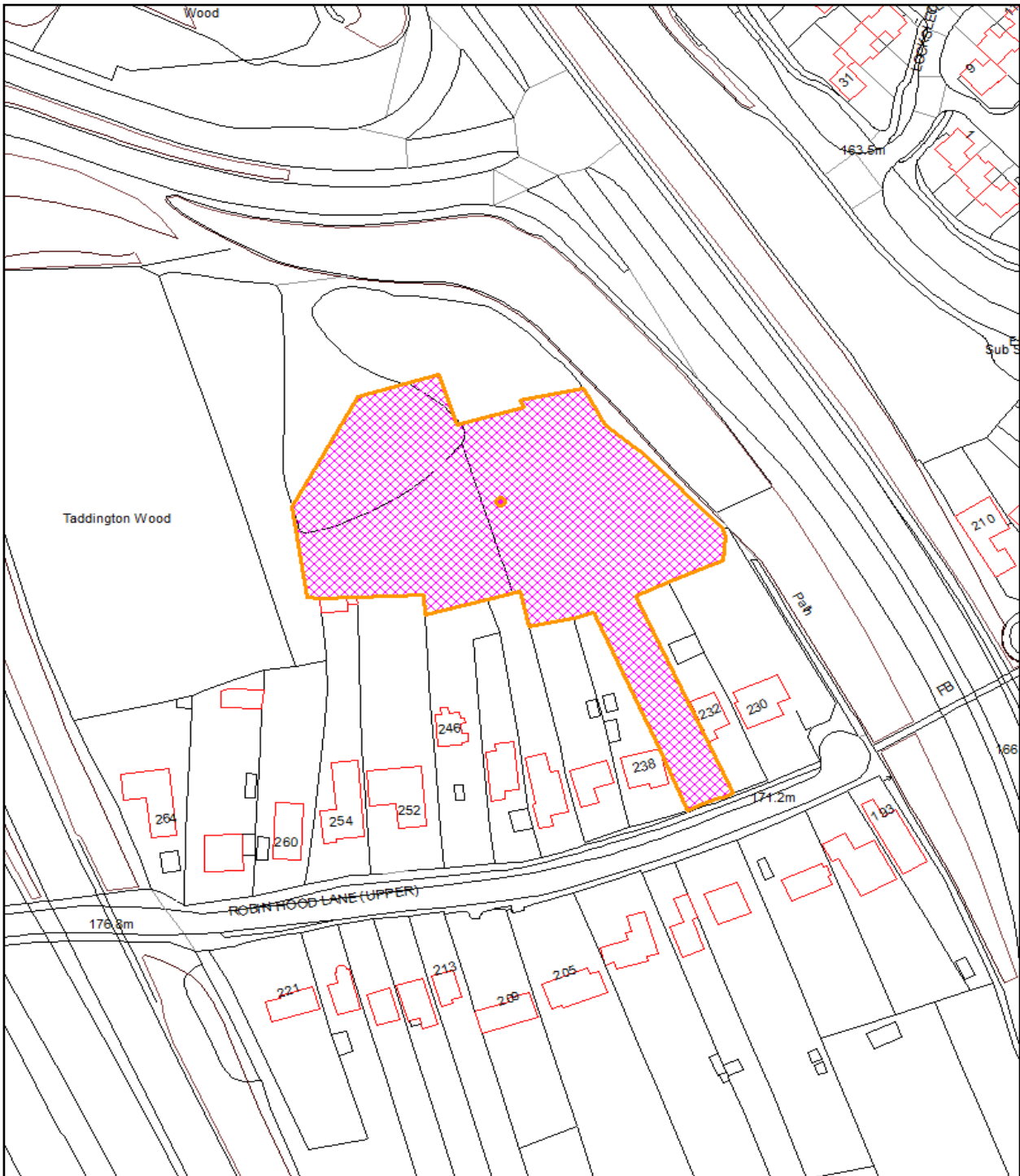
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TM/17/02248/OA

Taddington Wood North Of Robin Hood Lane Blue Bell Hill Chatham Kent

Outline Application for the erection of 5 dwelling houses and 5 detached garages with associated parking, turning areas and landscaping

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Aylesford
Aylesford South

11 October 2017

TM/17/02838/FL

Proposal: Erection of an outbuilding within the garden to be used as a residential annex and erection of a new section of front fence 2m high
Location: 1 Russett Close Aylesford Kent ME20 7PL
Applicant: Mrs K Kerner
Go to: [Recommendation](#)

1. Description:

- 1.1 It is proposed to install an outbuilding within the curtilage of the main dwellinghouse, to be used as a residential annex. The outbuilding would be sited within the garden area to the south of number 1 and would be used for ancillary residential accommodation for a family member.
- 1.2 The outbuilding would incorporate a living/bedroom area with kitchenette and easy access bathroom. Access to the unit would be via the main house and existing side entrance gate. The outside amenity space would be shared with the occupants of the main house.
- 1.3 In association with the proposed development a small section of new fencing would be erected along the front boundary of the southern part of the site in order to enclose a small area of land. The fence would be 2m in height and of the same design as the existing fencing. The submitted information indicates that some new shrub planting would take place adjacent to the outside of the fence.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Trevor Walker in order to consider whether the development would be out of keeping with the street scene and general character of the area.

3. The Site:

- 3.1 Russett Close is a residential cul de sac situated within the urban confines of Aylesford. To the east are the commercial premises within the South Aylesford Retail Park.
- 3.2 Number 1 is a detached two storey house situated on an irregularly shaped plot on the eastern side of the road. The eastern boundary of the plot is covered by an area Tree Preservation Order. The plot narrows towards the southern boundary and adjoins, but does not form part of the Medway Gap Conservation Area.

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

TM/91/10482/FUL Grant

9 April 1991

Details of 25 no detached dwellings with garages and creation of open space, roads etc.

5. **Consultees:**

5.1 PC: Objects. The proposal would be out of character with the street scene and the developer's original plan.

5.2 Private Reps: 26+site and press notice: 0X/16R/0S. Objections can be summarised as follows:

- Proposal is out of character with the area and would result in loss of visual amenities;
- Building is of an inappropriate type given proximity to Conservation Area;
- Impact on trees;
- Proposal would be overbearing and would result in over development of the site;
- Concern as to the possibility of the outbuilding becoming a separate unit in the future;
- Pressure on parking provision;
- Overlooking would take place towards adjacent properties.

5.3 A number of other objections have been raised concerning restrictive covenants, land ownership, council tax rates and precedents being set. These are not material considerations that can be taken into account in the determination of the planning application and as such they are not discussed within the assessment that follows.

6. **Determining Issues:**

Principle of development:

6.1 The application is considered in relation to TMBCS policies CP1 (sustainable development) and CP24 (achieving a high standard of development). Paragraphs 56, 57, 58, 60, 61 and 64 of the NPPF are relevant to the determination of the application. The main aim of these policies is to balance the need for the development against the need to protect and enhance the natural and built environment. The aim is to achieve a high standard of design whilst having regard to the residential amenities of the occupants of the area.

The site lies within the urban confines of Aylesford and forms part of an existing residential garden. The construction of a new building for residential purposes in association with the main house is therefore acceptable in principle. In terms of whether the proposal represents an overdevelopment of the site, I do acknowledge that the garden serving 1 Russett Close is not particularly large; however I consider that the building is proportionate to the size of the garden and, as such, would not be an overdevelopment of the site and would not appear cramped within the available space.

Visual impact and setting of Conservation Area:

- 6.2 Policy CP24 of the TMBCS requires that all development is of a high quality and respects its site and surroundings. In terms of the adjacent Conservation Area, paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (in this case the CA). Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.3 The Medway Gap Character Area Supplementary Planning Document identifies Russett Close as a 1990s development of two storey houses with an enclosed, quiet residential character and verdant setting.
- 6.4 The outbuilding is described as a studio design using natural and neutral colours of light oak and dark and light greys. It is stated that the studio building will be maintenance free for 25 years and will not fade. It is acknowledged that the outbuilding will have a fairly prominent position and will be partly visible above the boundary fence when entering Russett Close. However, it is important to recognise that just because the building will be seen does not automatically render it unacceptably harmful in visual terms.
- 6.5 The design of the building is considered to be acceptable in this location and would not have a detrimental impact on the visual amenities of the street scene or the general character of the Conservation Area to the south. Additional planting is proposed to take place adjacent to the fence to enhance the character and verdant setting of Russett Close and this can be adequately secured by planning condition.
- 6.6 For these reasons, the building is visually acceptable and would not cause harm to the appearance of the street scene or the setting of the Conservation Area.
- 6.7 Equally, the southern part of the garden of number 1 is currently enclosed by a panel fence with wavy edge trellis above. The realignment of the boundary fencing would not have a detrimental impact on the street scene when approaching

Russett Close or the setting of the adjoining Conservation Area. Additional planting along this fence line could be secured by planning condition.

Residential amenity:

- 6.8 The building is limited to a single storey and the windows in the western side of the outbuilding would be largely screened by the new fence and would not result in a loss of privacy for residents of the cul de sac. The proposal would not generate the need for additional parking spaces.
- 6.9 Similarly, the use of the building for purposes connected to the main dwellinghouse would mean that there would not be an increased level of activity or noise or disturbance arising from the building in a way that would cause harm to the residential area in this respect. As I have explained elsewhere within the report, planning conditions can be imposed which adequately ensure the use of the building remains incidental to the main dwellinghouse.

Highway safety and parking provision:

- 6.10 Sufficient parking spaces would remain at the site for the occupants in accordance with the adopted standards (KHS IGN3). The use of the building for purposes ancillary to the main dwellinghouse means that the development would not trigger a need for further parking to be provided within the site.

Permitted development:

- 6.11 In making the above assessment, I am also mindful of the fact that the existing dwelling benefits from the permitted development rights contained within Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This effectively grants planning permission for outbuildings to be constructed within residential gardens subject to certain limitations and restrictions. The development proposed in this application only very marginally exceeds those limitations and an amended version of the development meeting those limitations could commence without any need for planning permission from the Council.

Conclusions:

- 6.12 In light of the above assessment, I consider that the proposed development is acceptable in all respects and meets the requirements of adopted policy, provided planning conditions are imposed restricting the use of the building. The following recommendation is therefore put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan Annexe dated 02.11.2017, Site Plan sewage dated 02.11.2017,

Other studio booths dated 02.11.2017, Other fence angle graphic dated 02.11.2017, Supporting Information dated 02.11.2017, Letter dated 10.10.2017, Letter dated 10.10.2017, Photographic Views 1 dated 10.10.2017, Photographic Views 2 dated 10.10.2017, Photographic Views 3 dated 10.10.2017, Photographic Views 4 dated 10.10.2017, Proposed Elevations Side dated 10.10.2017, Proposed Elevations Front dated 10.10.2017, Proposed Elevations Side dated 10.10.2017, Proposed Elevations Rear dated 10.10.2017, Proposed Floor Plans dated 10.10.2017, Location Plan dated 10.10.2017, Site Plan dated 10.10.2017, Block Plan dated 10.10.2017, Site Plan Fencing dated 10.10.2017, Site Plan Sewer dated 10.10.2017, Proposed Floor Plans dated 11.10.2017, Other plan key dated 11.10.2017, subject to the following conditions:

Conditions:

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

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

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

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

- 3 The building hereby permitted shall be occupied only in conjunction with the original dwellinghouse known as 1 Russett Close, Aylesford and shall not be used, let or sold at any time as a separate unit of living accommodation.

Reason: To safeguard the character and amenities of the locality.

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

Reason: To safeguard the character and amenities of the locality.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising revoking and re-enacting that Order with or without modification), no new fences, gates, walls or other means of enclosure shall be erected other than as hereby approved.

Reason: To safeguard against the subdivision of the existing single residential curtilage that would facilitate independent occupation of the approved development as a separate unit of accommodation.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no new hardstanding for vehicles shall be constructed on, nor means of vehicular access to the highway be formed, laid out or constructed within the site.

Reason: To safeguard the character and amenities of the locality.

- 7 Within one month of the commencement of the development hereby approved, a scheme of landscaping and boundary treatment shall be submitted to the Local Planning Authority for approval. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, 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: In the interests of visual amenity.

Informative:

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

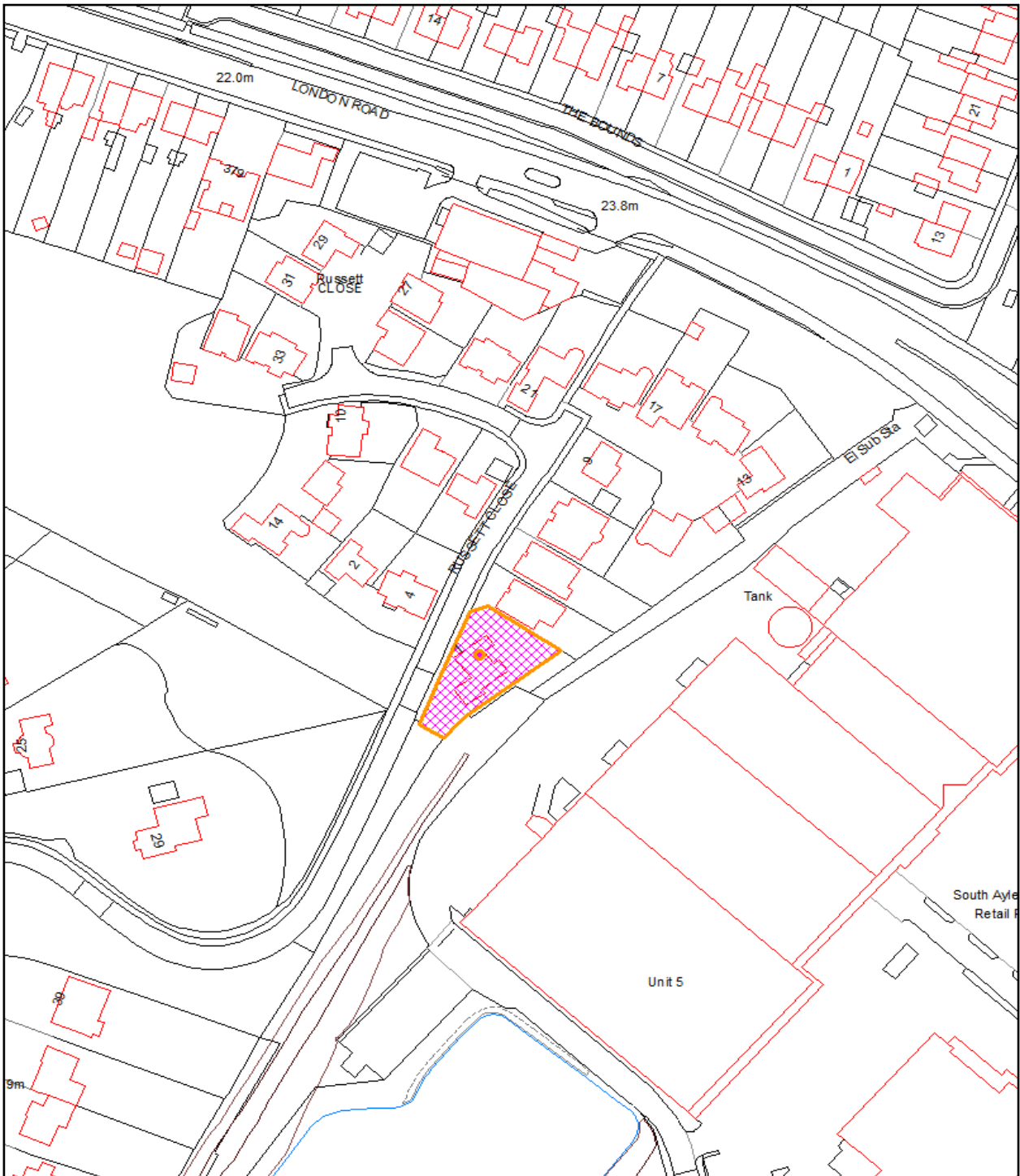
Contact: Hilary Johnson

TM/17/02838/FL

1 Russett Close Aylesford Kent ME20 7PL

Erection of an outbuilding within the garden to be used as a residential annex and erection of a new section of front fence 2m high

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**East Malling &
Larkfield**
East Malling

1 November 2017

TM/17/03088/FL

Proposal: Change of use of land to extend existing caravan site for holiday static caravans
Location: Land Adjoining Hillberry House 353 Watringbury Road East Malling West Malling Kent
Applicant: Hilden Enterprises
Go to: [Recommendation](#)

1. Description:

1.1 This planning application seeks to site an additional 26 caravans at the existing static holiday caravan park. The caravans are to resemble log cabins to match the external appearance of the existing caravans. The units are designed to group around a central amenity space and parking area, with 29 parking spaces. A separate bin store is proposed to the north west corner of the site. Additional landscaping is proposed to the eastern site boundary and bin store, with additional tree planting within the application site.

2. Reason for reporting to Committee:

2.1 Requested by Cllr Oakley to consider the impact on the countryside and whether the development would promote urbanisation of the area.

3. The Site:

3.1 The site lies within the countryside to the south of East Malling village. The site is accessed from Watringbury Road and lies to the west of Hillberry House, and immediately to the south of the existing holiday caravan park.

4. Planning History (relevant):

TM/10/01908/FL Approved 10 February 2011

Continued use of land as caravan site to accommodate up to 20 touring caravans

TM/11/00506/RD Approved 26 April 2011

Details of landscaping submitted pursuant to condition 6 of TM/10/01908/FL:
Continued use of land as caravan site to accommodate up to 20 touring caravans

TM/11/01269/FL Approved 22 August 2011

Removal of condition 4 (the site shall only operate between 1st March and 31st October) on TM/10/01908/FL (continued use of land as caravan site to accommodate up to 20 touring caravans)

TM/12/00797/FL Approved 8 October 2012

Change of use from touring caravan site to static holiday caravan site with ancillary road, bases, drainage, LPG storage, and bin enclosure

TM/15/03687/FL Approved 11 January 2016

Change of use of land to extend the existing static holiday caravan park

TM/16/01045/FL Approved 19 May 2016

Installation of 3 underground vessels for storage and distribution of LPG to serve approved static holiday caravan site with access road

TM/16/01946/NMA Approved 15 July 2016

Non Material Amendment of planning permission TM/15/03687/FL: approval for the variation of the site layout submitted with the application

TM/17/00283/FL Approved 30 March 2017

Change of use of land to extend existing holiday static caravan park for the same purpose

5. Consultees:

5.1 PC: No objection in principle but the following comments are made:

5.1.1 There are currently 45 existing holiday lodges on this site and the proposal is to extend the site by a further 26 lodges;

5.1.2 The site lies to the south of East Malling on a flat area but is generally screened from view. There are extensive woods to the east and houses along the frontage to Wateringbury Road. As stated in the application there are sweet chestnut trees

also along the frontage of Wateringbury Road which have re-grown following coppicing but these are not on land owned by the applicant;

- 5.1.3 The site is within an "ordinary" rural area and is not subject to any national countryside protection policy such as A.N.O.B or Green Belt. Although this is somewhat a subjective matter the land is not of local landscape value and does not stand out in general countryside views;
- 5.1.4 The Parish Council is concerned about any proliferation of such sites in the countryside and rural areas south of East Malling. However, given its location and the existing 45 lodges with the added landscaping that has taken place it considers that no objection in principle should be made to this extension in this particular location;
- 5.1.5 In order to improve the screening of the site it considers the landscaping along the trackway leading up to Hillberry House should be strengthened. This is because the site is most easily seen from Wateringbury Road travelling south across land not in the applicant's ownership, especially in the winter months or when coppicing has taken place;
- 5.1.6 It is noted the land immediately behind the houses in Wateringbury Road is left undeveloped and therefore represents a separation between them and the new extension;
- 5.1.7 If permission is granted all the previous conditions that apply to the existing site should be imposed for the sake of consistency and on the basis these are holiday lodges not permanent residences and to include landscaping, parking, and rubbish storage area conditions.
- 5.2 KCC (H+T): No objection
- 5.3 Private reps: 12 + site + press notice/0X/0R/3S. Support summarised as follows:
- The current static caravan park does not cause any problems and is not really visible from the road;
 - The site is developed to a very high standard and it is an ideal location for a holiday lodge site;
 - The site fits neatly into the surrounding landscape;
 - The site is well landscaped and has its own recreation areas;
 - Holiday makers seem very happy at the site and also happy with its management.

6. Determining Issues:

Background information:

- 6.1 Planning permission was granted in 2011 under TM/10/01908/FL for the continued use of land as a caravan site to accommodate up to 20 touring caravans. In 2012 planning permission was granted under TM/12/00797/FL for a change of use from a touring caravan site to a static holiday caravan site. The scheme comprised the siting of 20 caravans around a central landscaped area. The caravans were designed to resemble log cabins.
- 6.2 In 2015 planning permission was granted under TM/15/03687/FL for an extension to the existing static holiday caravan park. The scheme comprised the siting of 10 additional caravans to the west of the existing site, and included the creation of an additional amenity space, bin store and car parking spaces.
- 6.3 Planning permission was granted in 2016 under TM/16/01045/FL for an access road and the installation of 3 underground LPG storage vessels to serve the existing static holiday caravan park.
- 6.4 Planning permission was granted in March 2017 under TM/17/00283/FL for an extension to the existing static holiday caravan park. The scheme comprised the siting of 15 additional caravans to the west of the existing site, and included the creation of a further amenity space, bin enclosure and 17 vehicle parking spaces.
- 6.5 The site currently has permission for a total of 45 caravans, most of which have been installed.

Principle of development:

- 6.6 The application states that the existing static caravan holiday park has proved to be a considerable success and the need and demand for more holiday units remains high. The current application seeks to expand the existing rural enterprise to meet this demand.
- 6.7 In this respect, paragraph 28 of the NPPF requires that planning decisions support the rural economy, and the expansion of all types of business and enterprise in rural areas which respect the character of the countryside. Specific reference is made to the need to support sustainable rural tourism and leisure developments that benefit businesses in rural areas. As the application seeks to expand an existing and successful rural enterprise it meets the broad aims of paragraph 28 of the NPPF. However this paragraph is clear that such development must also respect the character of the countryside which is a matter I return to later in the assessment.
- 6.8 Policy CP14 of the TMBCS restricts development in the countryside to certain types of development including that for which a rural location is essential. The

application relates to the expansion of an existing and successful tourist facility. Visitors are attracted to the holiday park because of its rural location. In this regard the siting of the holiday park in the countryside is essential. The application therefore accords with CP14.

Character of countryside and visual impact:

- 6.9 CP24 of the TMBCS requires that all development is well designed and respects the site and its surroundings. More specifically, policy DC5 of the MDE DPD which relates to tourism and leisure facilities in the rural areas requires proposals, either individually or cumulatively, to not detract from the character of the area in which they are located.
- 6.10 The boundary to the north of Hillberry Park comprises a stand of mature trees. The site is well landscaped and further landscaping is proposed. The existing units are low rise, single storey timber structures and do not cause unacceptable visual impact. On the contrary, the existing units blend well into their surroundings, their impact being further mitigated through the introduction of successful landscaping.
- 6.11 The application site represents a logical infill between the existing holiday park and the access roadway. The introduction of the proposed additional units would not therefore result in any unacceptable visual impact. The location of the site, the design of the units and the existing and proposed additional landscaping will ensure the scheme makes little visual impact when viewed from the public domain. The change of use and the siting of the additional units will therefore respect the character of the countryside and consequently accord with the relevant national and local planning policies.
- 6.12 Policy DC5 of the MDE DPD sets out further criteria relating to the provision of tourism and leisure facilities in rural areas. The policy requires the re-use of existing buildings where possible, or the minimum new build required to serve the use. In this instance there are no existing buildings at the site and the introduction of a small bin enclosure, amenity space and car parking spaces is acceptable. In addition, the proposed development must support the local economy. In this regard the application is also policy compliant in that it is intended to meet the continuing economic demand for holiday accommodation.
- 6.13 Policy DC5 also seeks to prevent the irreversible loss of the best and most versatile agricultural land, and to prevent the fragmentation of an operational agricultural holding. The current use of the site is for the grazing of horses and will not therefore result in a loss of prime agricultural land or the fragmentation of an existing agricultural holding.
- 6.14 It is also important to ensure full account is taken of the biodiversity at the site. However, the loss of an existing paddock will make no unacceptable impact on the biodiversity of the site or the wider area.

6.15 It is also essential to ensure that there is no unacceptable adverse impact arising from lighting, traffic generation, activity at unsocial hours or noise. It must be noted that the application site does not abut the rear gardens of the dwellings fronting Wateringbury Road, but an area of grazing land is to be retained. This will provide a buffer which will prevent any unacceptable impact on the residential amenity of the existing dwellings.

Highway safety, access and parking provision:

6.16 Paragraph 32 of the NPPF relates to development that generates traffic movement and seeks to optimise the opportunities for sustainable transport modes. However, the paragraph also states that development should only be refused on transport grounds where the impacts are severe. The need to ensure that a proposal is adequately served by the highway network and does not create a hazard to road safety is also included in policy DC5. The proposal does not involve the alteration of the existing access onto Wateringbury Road. Whilst it is acknowledged the proposed caravans will result in an increase in visitor traffic movements, this is not a level which would result in harm to the wider highway network. On-site parking spaces are provided and the level of provision is adequate to accommodate the needs of holiday makers. In light of the requirements of paragraph 32 of the NPPF and the absence of any objection from KCC (H+T) I conclude that the proposal is acceptable in terms of highway safety. In addition, the levels of traffic movement are limited and will not adversely affect the residential amenity of the nearby dwellings.

6.17 Policy DC5 also requires suitable provision for the protection is made, and where practicable, the enhancement of existing rights of way. A public footpath is located to the north and east of the site. However the works will make no direct impact on the PROW. On the contrary the presence of the PROW enhances the holiday park's appeal as a rural holiday destination.

Conclusions:

6.18 The proposal meets the aims of national planning policy, specifically the aims of paragraph 28 relating to encouraging a prosperous rural economy. The visual impact of the proposal, when considered individually and in conjunction with the existing holiday park, is acceptable. The application therefore accords with policy CP24 of the TMBCS. The appeal of the holiday park is its rural location which is essential to its success. The siting of the application within the rural area is therefore in accordance with policy CP14 of the TMBCS. In addition, the impact of the proposal on highway safety, the residential amenity of nearby dwellings and the general amenity of the area is acceptable and therefore meets the criteria of policy DC5 of the MDE DPD in all respects. It will be necessary to impose planning conditions which suitably restrict how the use operates and these should be consistent with the previous planning permissions related to the site and use. I

therefore recommend that planning permission is granted subject to the following planning conditions.

7. Recommendation:

7.1 Grant planning permission in accordance with the following submitted details: Location Plan dated 01.11.2017, Site Survey Existing dated 01.11.2017, Proposed Layout dated 01.11.2017, Design and Access Statement dated 01.11.2017, Letter Covering dated 01.11.2017, subject to the following conditions:

Conditions:

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

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

2. All materials used externally shall accord with the approved plans and match the external appearance of the existing/permitted holiday log cabins (caravans).

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

3. The maximum number of log cabins (caravans) to be located at the application site shall be no more than 26. The maximum number of log cabins (caravans) to be located at the wider site known as Hillberry Park shall be 71.

Reason: The siting of more than 26 log cabins (caravans) at the application site and more than 71 at the wider site would lead to an over intensification of the use which could potentially have an adverse impact upon the wider character of the countryside.

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

(ii) the log cabins (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 log cabin (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 log cabin (caravans) for permanent residential occupation would constitute an inappropriate land use in the countryside.

5. Notwithstanding any of the provisions of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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.

6. Notwithstanding any of the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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.

7. 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.

8. The log cabins (caravans) hereby approved shall not exceed 13m 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.

9. 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 and in the interests of visual amenity.

10. The log cabins (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. All hardstanding must be constructed using porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site.

Reason: To ensure surface water run off does not discharge onto land outside the ownership of the applicant.

Informatives

1. 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.
2. 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.
3. 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.
4. The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents.

Contact: Maria Brown

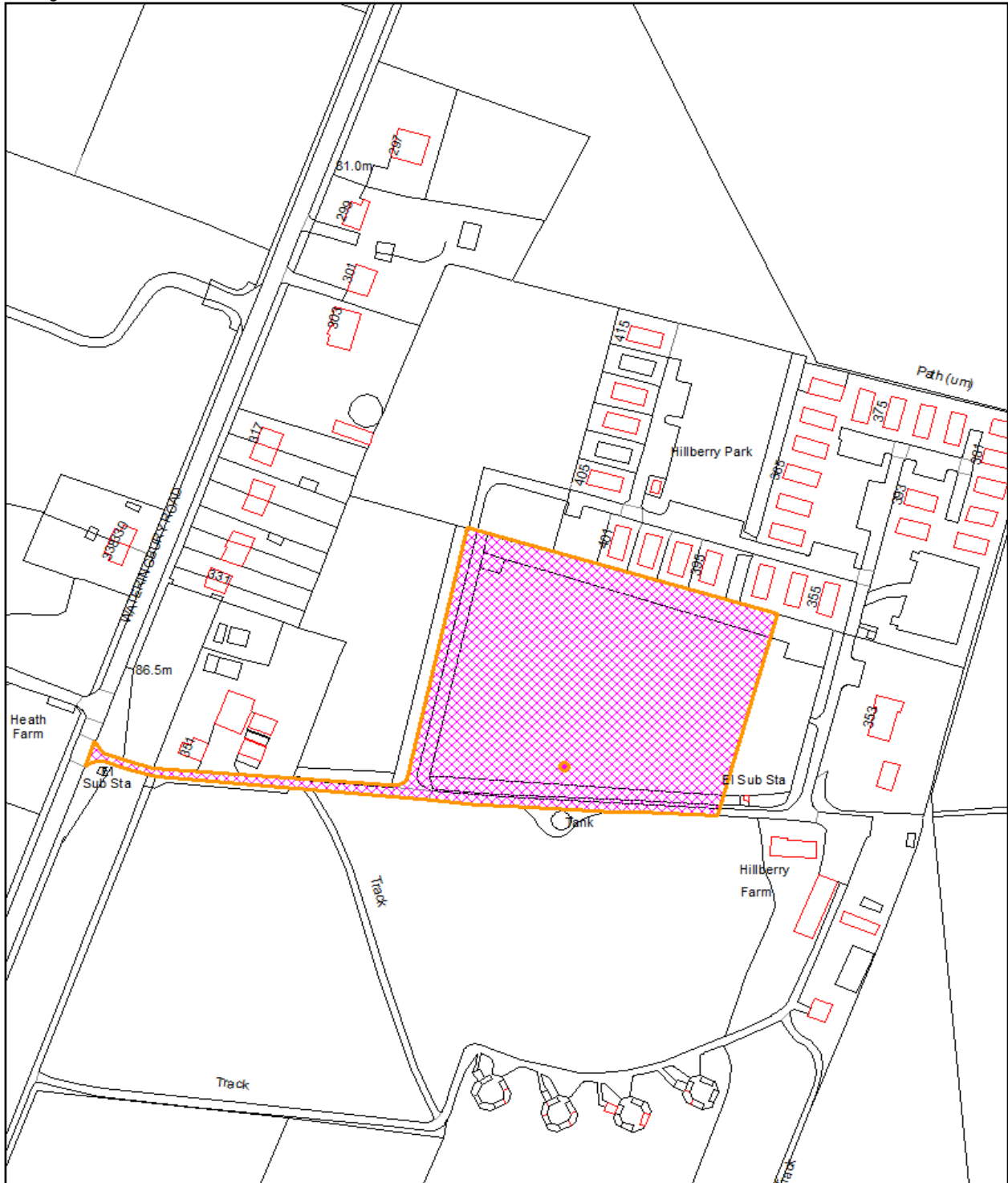
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TM/17/03088/FL

Land Adjoining Hillberry House 353 Watringbury Road East Malling West Malling Kent

Change of use of land to extend existing caravan site for holiday static caravans

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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**

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