

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

24 January 2018

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, 1st February, 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 4 January 2018

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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.

8. Urgent Items

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

MEMBERSHIP

Cllr M Parry-Waller (Chairman)
Cllr 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, 4th January, 2018

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 D Lettington, Cllr R V Roud, Cllr A K Sullivan and Cllr T C Walker

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

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

PART 1 - PUBLIC

AP3 18/1 DECLARATIONS OF INTEREST

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

However, Councillors Base and T Walker advised that they were members of Aylesford Parish Council. As neither of them sat on the parish planning committee this was not considered an Other Significant Interest or Disclosable Pecuniary Interest and there was no reason to withdraw from the discussion.

AP3 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 24 August 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 18/3 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 18/4 TM/17/02248/OA - TADDINGTON WOOD, NORTH OF ROBIN HOOD LANE, BLUE BELL HILL

Outline Application for the erection of 5 dwelling houses and 5 detached garages with associated parking, turning areas and landscaping at Taddington Wood, North of Robin Hood Lane, Blue Bell Hill.

RESOLVED: That planning permission be GRANTED, 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 submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amend Condition 15:

15. Prior to the commencement of the development hereby approved:

(a) 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.

(b) Following the approval and implementation of the approved management scheme, the mitigation measures set out within the Reptile Survey dated 20 July 2017 (Reference 2017/04/05) shall be undertaken in full.

Reasons: In the interests of nature conservation and biodiversity.

(2) Delete Condition 16

(3) Amend Informative 1:

1. During the demolition and construction 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.

[Speakers: Susan Simpkin – agent]

AP3 18/5 TM/17/02838/FL - 1 RUSSETT CLOSE, AYLESFORD

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 at 1 Russett Close, Aylesford.

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 5:

5. The plot as identified by the red line shown on the site location plan received on 10 October 2017 shall not be physically subdivided in any way.

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.

(2) Delete Condition 7

(3) Additional Informative 2:

2. The applicant is encouraged to provide additional planting within the site as indicated in the supporting statement submitted in connection with the planning application.

[Speakers: Aylesford Parish Council (John Balcombe); Brian Emery, Denise Atkins, John Lockyer, Paula Lewis, Julie Cheah, Andrew Leigh, Brian Collin and Stuart Walker (members of the public) and Mrs Kerner (applicant)]

AP3 18/6 TM/17/03088/FL - 353 WATERINGBURY ROAD, EAST MALLING

Change of use of land to extend existing caravan site for holiday static caravans at land adjoining Hillberry House, 353 Wateringbury Road, 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.

PART 2 - PRIVATE

AP3 18/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.15 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

Wouldham
Burham And Wouldham

22 September 2017

TM/17/02655/FL

Proposal: Hybrid planning application: (A) Full planning application for the creation of a new vehicular access to Rochester Road, the erection of buildings with up to 2,226sqm of floor space for storage, distribution use and wholesale trade distribution (Class B8) and/or use for general industry (Class B2) including layout of internal road and hardstanding with the installation of services (Phase 1). (B) Outline planning application with all matters except access reserved, for the erection of buildings with up to 2,021sqm of floor space for use with storage, distribution, wholesale trade distribution (Class B8), general industry (Class B2) and/or offices (Class B1) including the change of use of up to 1,470sqm of open land to storage and distribution (Class B8) and the layout of internal roads and hardstanding with the installation of services (Phase 2)

Location: Land West Of Rochester Road Rochester Kent

Applicant: TBH Real Estate Developments Ltd

Go to: [Recommendation](#)

1. Description:

- 1.1 This application has been submitted in hybrid form. Full planning permission is being sought for two single storey buildings with a total floor area up to 2226 sq.m. along with vehicular access from Rochester Road. Full details are also provided for an internal site road, vehicular access to units and parking provision. The buildings are proposed to be used for storage, distribution use and wholesale trade distribution (Class B8) and/or use for general industry (Class B2). Of the two buildings, the larger one would be located at the northern end of the site, would measure 42m by 26m, have a maximum height of 9m, and have a floor area of 1638 sq.m. The other building would be positioned along the eastern boundary of the site and would measure 62.5m by 13.5m, with a maximum height of 8.5m. This building would have a floor area of 558 sq.m.
- 1.2 The application also seeks outline planning permission with all matters reserved except access, for up to 2021sq.m. of floorspace for use for storage, distribution, wholesale trade distribution (Class B8), general industry (Class B2) and/or offices (Class B1); and the change of use of up to 1,470spm of open land to storage and distribution (Class B8). Indicative layout plans have been submitted for this element showing how this floor area could be accommodated on-site.
- 1.3 The development is proposed to be carried out in two phases with the works for which full planning permission is sought making up the first phase, with the second phase being the works proposed in outline form at this stage, towards the southern end of the site.

1.4 The application has been submitted in this 'hybrid' form as the building requirements of the end user for phase 1 are known and the applicant wishes to proceed with the development of this phase. The south of the site is submitted in outline form with all matters reserved except the access. The application is split in this way so that the applicant can establish the principle of development in this location but remain free to design the actual buildings when an end user is known and the specific units can be tailored to an end user's needs.

2. Reason for reporting to Committee:

2.1 Locally significant development and Departure from the Development Plan.

3. The Site:

3.1 The application site has an area of 1.49ha and is outside any settlement boundary indicated on the Tonbridge and Malling Local Development Framework Proposals Map. The land has no special landscape designations although land to the south and west (to the west of the M2) is designated as AONB.

3.2 The site is immediately to the west of Rochester Road, with Laker Road industrial estate and Rochester Airport to the east. The site is on a plateau of flat land with the land falling away steeply to the west to the M2 and CTRL at the base of the hill. The bank features tree and shrub vegetation and is not a natural feature as it was created during the widening of the M2 and construction of the CTRL.

3.3 The site itself is flat and contains little natural vegetation. The land was previously used as a contractors' compound for the M2/CTRL works. The eastern side of the site is restricted by a water main easement that runs the full length of the site.

3.4 The site extends to the borough boundary with Medway Council to the north. Historically the site formed part of a considerably larger parcel of land that extended to the north beyond Stoney Lane. The current site relates only to the land that was used as the contractor's compound and not the wider countryside land to the north.

4. Planning History (relevant): Please note that the 2008 applications relate to an application on a larger site that, as well as including the application site, also included an area of land to the north in Medway.

TM/08/00270/OA Application Withdrawn 23 May 2008

Outline Application: Change of use and provision of B1 development comprising of 12,000 to 15,000 sq m of floorspace with associated landscaping, vehicular access, internal roads, parking, services and ancillary development

TM/08/00881/A10 Application Withdrawn 23 May 2008

Article 10 Consultation by Medway Council for Outline Application for construction of 12,000 to 15,000 sq m of floorspace for B1 use, landscaping, vehicular access to the public highway, internal roads and vehicle parking services and ancillary development (MBC ref. MC2008/0404)

TM/17/00456/EASC screening opinion EIA 13 March 2017
not required

Request for screening opinion pursuant to regulation 5 of the town and country planning (environmental Impact Assessment) regulations 2011

5. Consultees:

- 5.1 PC: Object on the grounds of increased traffic in the surrounding area, including the impact on Laker Road, the Bridgewood Roundabout and Stoney Lane. Lack of pavement to the site. Consider that the development would be detrimental to the character of the landscape and the AONB especially when viewed from PROWs in the area. Wooded views are characteristic of the area and these should be retained by ensuring adequate woodland screening and limiting development to single storey over the whole site.
- 5.2 Highways England: Satisfied that the development will not have an adverse impact on the strategic highway network.
- 5.3 EA: No objections subject to conditions.
- 5.4 KCC SUDS: No objections subject to conditions.
- 5.5 Southern Water: No objection to amended plans indicating details of clearance of the development from the water main.
- 5.6 KCC Highways: No objections.
- 5.7 Medway Council: Raise an objection on grounds that the proposed development would have a detrimental impact on its designated land to the north of the application site. The proposed development would represent an inappropriate form of development adjacent to the designated countryside and have detrimental visual impacts eroding the open character of the scarp slopes of the ALLI and the Strategic Gap, contrary to Policies BNE25, BNE31 and BNE35 of the Medway Local Plan 2003, The Medway Landscape Character Assessment, March 2011 and Paragraph 109 of the NPPF.

However if Tonbridge and Mailing are minded to approve the application then Medway Council would request that careful considerations be given to our concerns and ensure that suitable boundary and landscaping treatments are provided to protect views to and from Medway Council land to minimise the impacts on the characteristics of the open Nashenden Scarp slopes.

5.8 Private Reps: 24 + site and press notice 0X/0R/0S

6. Determining Issues:

Principle of development/policy considerations:

- 6.1 The site is located outside any development boundary as defined in the LDF. The site is therefore considered to be countryside. Development in such a location is considered under Policy CP14 of the TMBCS 2007. This policy effectively restricts development in the countryside unless it falls into one of the nine categories of development listed. Whilst the development does not fall within the requirements of this restrictive policy, the site is adjacent to the built confines of the Laker Road Industrial Estate. Part (a) of Policy CP14 does allow for extensions to existing settlements in accordance with Policies CP11 or CP12. Whilst the Laker Road Industrial Estate is not specifically a settlement, it is within the wider urban confines of Walderslade and it is in this broader context that this term is used.
- 6.2 Policy CP11 does state in section 2 that *development adjoining urban areas will only be proposed in the LDF, or otherwise permitted, where there is an identified need and there are no suitable sites within the urban areas, with priority being afforded to the use of previously developed land.* The site was historically used as a contractor's compound for the M2 widening/CTRL development. It has been cleared of all above surface structures relating to its previous use although there is some evidence remaining of previous hard surfaces. The NPPF defines previously developed land as *land which is or was occupied by a permanent structure...and any associated fixed surface infrastructure.* This definition excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time. In this instance there are some signs of hard surface remaining on site although these are grassing over. It is therefore considered that limited weight can be given to the site specifically as 'previously developed' in the context of the NPPF definition. However the fact that its landscape value has been significantly degraded through the removal of vegetation and the laying of hard surfaces should be taken into consideration when assessing the impact of the development on the character of the area.
- 6.3 The site is indicated in the LDF as being within the Strategic Gap. TMBCS Policy CP5 sets out that, unless justified by special circumstances, development will not be proposed in the LDF or otherwise permitted that would harm the function of the mid-Kent Strategic Gap as a physical break maintaining the separation and separate identities of the built-up areas of Maidstone, Medway Towns and the Medway Gap. The physical break created by the site will need to be considered when assessing the physical characteristics of the site. Strategic Gaps were supported through the South East Plan to prevent coalescence of settlements. However, following the publication of the NPPF in 2012, the South East Plan was revoked. The NPPF does not implicitly support the use of Strategic Gaps, instead

focussing on protecting Green Belt land and other protected sites, such as AONB, SSSI etc. As such, the weight to be afforded to strategic gap policy is substantially reduced; however the site is not protected by any designations therefore, under the NPPF, land with the least environmental and amenity value should be brought forward where it can be shown to be consistent with the policies of the NPPF.

- 6.4 Paragraph 17 of the NPPF sets out 12 core land-use planning principles that should underpin both plan-making and decision-taking. One of these is to proactively drive and support sustainable economic development to deliver, inter alia, business and industrial units. This is supported by paragraph 19 that states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 6.5 The Tonbridge and Malling Employment Land Review published in December 2014 indicated that borough wide there is a shortfall of employment space of up to 33ha. There is therefore an unmet need for such development within the borough. It is therefore considered that there can be shown to be an identified need for the development. There are no suitable sites in existing urban areas therefore the site could be supported as an extension to an existing settlement under CP11.
- 6.6 The broad policy framework therefore requires the physical characteristics of the site to be assessed so that the balance can be made between the restrictive nature of Policy CP14 and the thrust of paragraphs 17 and 19 of the NPPF to proactively drive and support economic development. It is therefore necessary to assess whether the development would lead to a harmful encroachment into the countryside in real terms.
- 6.7 The site was historically used as a construction compound during the construction of the CTRL and M2 widening works and so has been previously altered to create the relatively flat, vegetation free piece of the land that now remains. The form of the site differs from the rest of the surrounding land by virtue of the works that have been carried out on it giving this particular parcel of land its own specific character. The form of this land does not specifically add value to the general openness and visual amenity of the wider area. The purpose of policies CP14 and CP5 are to protect the countryside and the setting of existing settlements. In this instance it is considered that the physical characteristics of the site itself are such that, when viewed against the framework of these policies, there would be no net harm to the countryside as a result of developing this particular parcel of land.

Impact of the development on the surroundings and AONB:

- 6.8 The development would be sited on a relatively flat plateau of open land at the top of the escarpment on the east side of the M2. The escarpment is a man-made feature that was created as part of the motorway widening works. The vegetation on it consists of trees and shrubbery that, at the top of the bank, forms a barrier to

the application site. There is also a screen of trees and shrubs along the western side of Rochester Road that is outside the applicant's ownership and so consequently is indicated as being retained.

- 6.9 The retention of the existing vegetation and the flat topography of the site combine to ensure that the development would have little impact on the immediate surroundings. The siting of the buildings away from the site boundary and the relatively low overall height of the built form at 9m would ensure that the development would not be clearly visible from the surroundings.
- 6.10 The site is not subject to any specific landscape designations. The site is outside the AONB which is located to the south and west of the M2. Policy CP7 of the TMBCS states that development which would be detrimental to the natural beauty and the quiet enjoyment of the AONB will not be permitted unless it is, amongst other things, essential to meet local social and economic needs. Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design. In this instance, as the site is outside the AONB itself, this policy would only consider the impact on the setting of the AONB. Section 85 of the Countryside and Rights of Way Act 2000 requires Local Authorities, when exercising any function in relation to, or so as to affect, land in an AONB, to have regard to the purpose of conserving the natural beauty of the AONB.
- 6.11 The general topography of the area is such that the majority of the AONB is significantly lower than the application site. This means that views from it towards the application site are generally upward. The angle of view means that little of the buildings would actually be visible and the roof form of the new buildings would not significantly break the skyline. The existing vegetation around the site boundaries would also assist in the reduction of the impact of the site on views into the area from the surrounding AONB. The setting of the site in relation to the AONB is distinct due to the physical separation as a result of the M2 and the escarpment.
- 6.12 As a result it is considered that given the physical form of the site, positioned on a well screened plateau at the top of a man-made escarpment, and its separation the development would not have an adverse impact on either the setting or the functioning of the AONB in terms of landscape and habitat. The site is of low ecological value and by retaining boundary vegetation would ensure that there is no loss of potential bat foraging corridors or bird nesting sites, the loss of which may have been contrary to the Wildlife and Countryside Act 1981.
- 6.13 With the application being submitted in hybrid form only detailed design of the works in phase 1 is to be considered at this stage. The development shown on the drawings within phase 2 is only an indication of how the quantum of development being proposed could be provided on the site. The only element of phase 2 being considered at this stage is the access with all other matters

reserved for future consideration. These will have to be subject to applications for approval of the layout, scale and appearance of the development and the landscaping of the site.

- 6.14 With regard to the detailed design of the units, these are indicated as being treated in profiled steel cladding with a colour to be agreed. The units indicated in phase 1 would measure approximately 42m by 26m with a maximum height of 9m, and 62.5m by 13.5m with a maximum height of 8.5m. Hard and soft landscaped areas are also indicated around the development along with parking and turning provision. Policy CP24 requires that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. The design is similar to that of a standard industrial unit which is similar to other developments on the eastern side of Rochester Road in this area. The design would ensure that the buildings have minimal impact on the site and surroundings and, subject to the units being an appropriate colour, the development would not have an adverse impact on the site and its surroundings. The development therefore is in accordance with the requirements of Policy CP24.

Highway safety and parking provision:

- 6.15 The proposed development indicates the construction of a new vehicular access on the west side of Rochester Road. The access has adequate visibility for traffic entering and leaving the site and the level of traffic generation that the development would create (predicted two-way annual daily average traffic movements of 386 vehicles) is not sufficient to warrant the construction of a right turn lane/ghost island at the junction.
- 6.16 With regard to parking the application states that the overall development would be served by 101 car spaces, 18 light goods vehicle spaces, 15 disability spaces and 25 cycle spaces. This provision accords with the requirements of KCC SPG 4 (Supplementary Parking Standards) when looking at the site as whole. The detailed plans for phase 1 indicate that there is suitable provision made for the size of the units proposed.
- 6.17 The site is in close proximity to the strategic road network, in particular the M2 and M20. Paragraph 32 of the NPPF relates to assessing traffic generating development. The application is supported by a Transport Statement which highlights that the proposed development would not generate significant levels of additional traffic that would require alterations to the highways infrastructure in the vicinity. Highways England is satisfied that the development is of such a scale that it would not have an adverse impact on the strategic road network. Given the position of the site on the top of an escarpment above the M2 there is a concern that an HGV could breach the site boundary and topple onto the motorway below. It is therefore considered that a barrier should be provided along the western

boundary of the site and Highways England is satisfied that this can be secured by planning condition.

Issues raised from other consultations:

- 6.18 The site has no noise sensitive uses nearby, with the nearest premises being situated on the Laker Road industrial estate. It is considered though that any new building should be subject to noise attenuation measures to ensure that any future occupiers of the site are not subject to unacceptable levels of noise and disturbance from other units. The site is not within an AQMA and would not result in a significant reduction in air quality in the area.
- 6.19 The application is supported by a contamination report. This indicates that due to the historic use of the land as a contractors compound there is the potential for contamination to be found. It is therefore considered that decontamination works should be undertaken prior to the site being developed. These measures can be sought by condition.
- 6.20 The application has been supported by a flood risk assessment which shows that the site will be unaffected by flooding. There is however a need to protect groundwater as the site above an aquifer. This can be achieved through conditions requiring site decontamination and also drainage details to ensure the development would not result in groundwater contamination.
- 6.21 Members will note the objection from Medway Council on the grounds of impact on the designated countryside and the erosion of the open character of the scarp slopes of its designated Area of Local Landscape Importance (ALLI) to the north. I am of the opinion that the position of the site on a flat plateau on top of the scarp slope that is screened by existing vegetation and the opportunity for additional planting, combined with the height of the proposed development, would mean that the development would not have an adverse impact on views from the ALLI to the north. It is therefore considered that the objection from Medway is overcome by virtue of the specific characteristics of the site itself.

Conclusions:

- 6.22 It is acknowledged that the development is proposed on land outside any settlement boundary as defined in the LDF and so is considered to be contrary to Policy CP14 of the TMBCS. However, this policy has to be balanced against the NPPF requirement to be proactive in supporting sustainable economic development and ensuring that the planning system is not an impediment to sustainable economic growth, and the fact that CP11 does allow for development on land adjoining existing urban areas where there is an identified need and there are no other suitable sites within the urban areas.
- 6.23 The determination of the application is therefore based on the balance between the requirement to be proactive in supporting sustainable economic growth and

the shortfall of employment land identified in the Employment Land Review against the presumption against development within the countryside. In this instance it is considered that the specific nature of the site, being its landform, existing screening, low environmental value and limited value in terms of its contribution to the landscape of the area, combined with its location adjacent to the existing Laker Road industrial estate, would mean that it is a site that is suitable for the development proposed, especially given the thrust of the NPPF and the identified shortfall of employment land that outweighs the value of retaining the land as countryside. It is therefore considered that, on balance, the development is acceptable in this instance and is recommended for approval subject to conditions as required.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan 1339_005 P2 dated 22.09.2017, Letter 1 dated 22.09.2017, Letter 2 dated 22.09.2017, Ecological Assessment dated 22.09.2017, Travel Plan dated 22.09.2017, Environmental Assessment dated 22.09.2017, Landscape Statement dated 22.09.2017, Planning Statement dated 22.09.2017, Travel Plan rgp framework dated 22.09.2017, Statement sustainability & energy dated 22.09.2017, Transport Assessment dated 22.09.2017, Tree Report dated 22.09.2017, Flood Risk Assessment Part 1, 2, 3 dated 19.10.2017, Drawing LVIA FIGURES 1-10 dated 22.09.2017, Sections 1339_020 P2 dated 22.09.2017, Sections 1339_021 P2 dated 22.09.2017, Sections 1339_022 P2 dated 22.09.2017, Sections 1339_023 P2 dated 22.09.2017, Sections 1339_025 P4 dated 22.09.2017, Sections 1339_026 P4 dated 22.09.2017, Sections 1339_027 P4 dated 22.09.2017, Sections 1339_028 P4 dated 22.09.2017, Tree Report T654TCP dated 22.09.2017, Tree Report T654TPP dated 22.09.2017, subject to the following conditions:

Conditions:

1. The development hereby permitted in respect of phase 1 as indicated on key plan 1339/007 rev. P9 received 21/12/17 shall be begun before the expiration of three years from the date of this permission. The development hereby permitted within phase 2 as indicated on key plan 1339/007 rev. P9 received 21/12/17 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 Sections 91 and 92(2) of the Town and Country Planning Act 1990

2. Application for approval of the reserved matters in respect of phase 2 as indicated on key plan 1339/007 rev. P9 received 21/12/17 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. With regard to the development to be carried out in phase 2 as indicated on key plan 1339/007 rev. P9 received 21/12/17, approval of details of the layout, scale and appearance of the development and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

4. No development of any phase shall take place above ground level until details and samples of all materials to be used externally for the buildings in that phase have been submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

5. No development of any phase of the development shall take place above ground level, until such time that a scheme of hard and soft landscaping and boundary treatment in that phase including a scheme for the future management of the communal open spaces has been submitted to and approved by the Local Planning Authority. 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 comprised in the relevant phase 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: 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.

6. No works pursuant to this application shall commence on site until such time as the design, materials and construction methods to be adopted for the proposed works (hardstanding, drainage, safety and other boundary treatment) in the vicinity of the site boundary with the M2 have been submitted to, and agreed in writing by, the Local Planning Authority who shall consult with Highways England. All works shall be compliant with the Design Manual for Roads and Bridges.

Reason: To ensure that the M2 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety

7. The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990.

8. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990.

9. Prior to the installation of any external lighting serving any phase of the development, full details of the lighting for that phase shall be submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

10. The development within any phase shall not be occupied until the area shown on the submitted layout as vehicle parking space for that phase has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

11. No building shall be occupied until the area shown on the submitted plan as a turning area for that phase has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

12. 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

13. No development within any phase of the development shall take place until details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of visual amenity

14. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the proposals documented in the Flood Risk Assessment, prepared by The Civil Engineering Practice, Sept. 2017, and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

15. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a) a timetable for its implementation, and

b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

16. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework

17. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

18. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

19. No development of any phase of the development (or part thereof) shall take place other than as required as part of the cut and fill re-profiling and 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 particular phase of development (or part thereof) 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 particular phase of development (or part thereof) 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 each phase of the development (or part thereof) 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).

20. Following completion of the approved remediation method statement for each phase of the development (or part thereof), and prior to the first occupation of the relevant phase a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground 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 those 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 within any phase of the development (or part thereof) 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).

21. No development in any phase shall take place above ground level until noise attenuation measures identified by the developer/applicant have been submitted

to and approved by the Local Planning Authority. The use of any unit shall not commence until the noise insulation/attenuation works have been carried out to the satisfaction of the Local Planning Authority and shall be retained thereafter. At any time when the nature of the work/business within any of the units changes, the in-coming tenant/occupier shall carry out a noise impact assessment of their proposed use and provide adequate noise insulation/attenuation work in agreement with the Local Planning Authority prior to the proposed occupation.

Reason: In the interests of the aural amenity of the local environment

Informatives

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.
2. 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.
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 in order to avoid any enforcement action being taken by the Highway Authority.
4. For reasons of safety, liability and maintenance, with the sole exception of fences owned and provided by the Highways Agency at its own cost, all noise fences, screening and other structures must be erected on the developers land, and far enough within the developers land to enable maintenance to take place without encroachment onto highway land.

In preparing the design, the applicant's should be mindful, inter alia, of the need:

- for all works to be constructed and maintained such that the safety, integrity and operational efficiency of the strategic road network and any Highway England assets are not put at risk
- to provide such boundary treatment to prevent the risk of errant vehicles entering or otherwise endangering users of the strategic road network
- to provide such boundary treatment to prevent the potential dazzling or distraction of drivers on the strategic road network by vehicles manoeuvring within the site
- for the boundary treatment to be wholly within and maintainable from within the site in accordance with OfT Circular 2/13 Annex A.1.

Reference should be made to Southern Water publication "A Guide to Tree Planting near water Mains and Sewers" with regards to any Landscaping proposals.

5. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.
6. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, 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. I would thus recommend that bonfires not be had at the site.

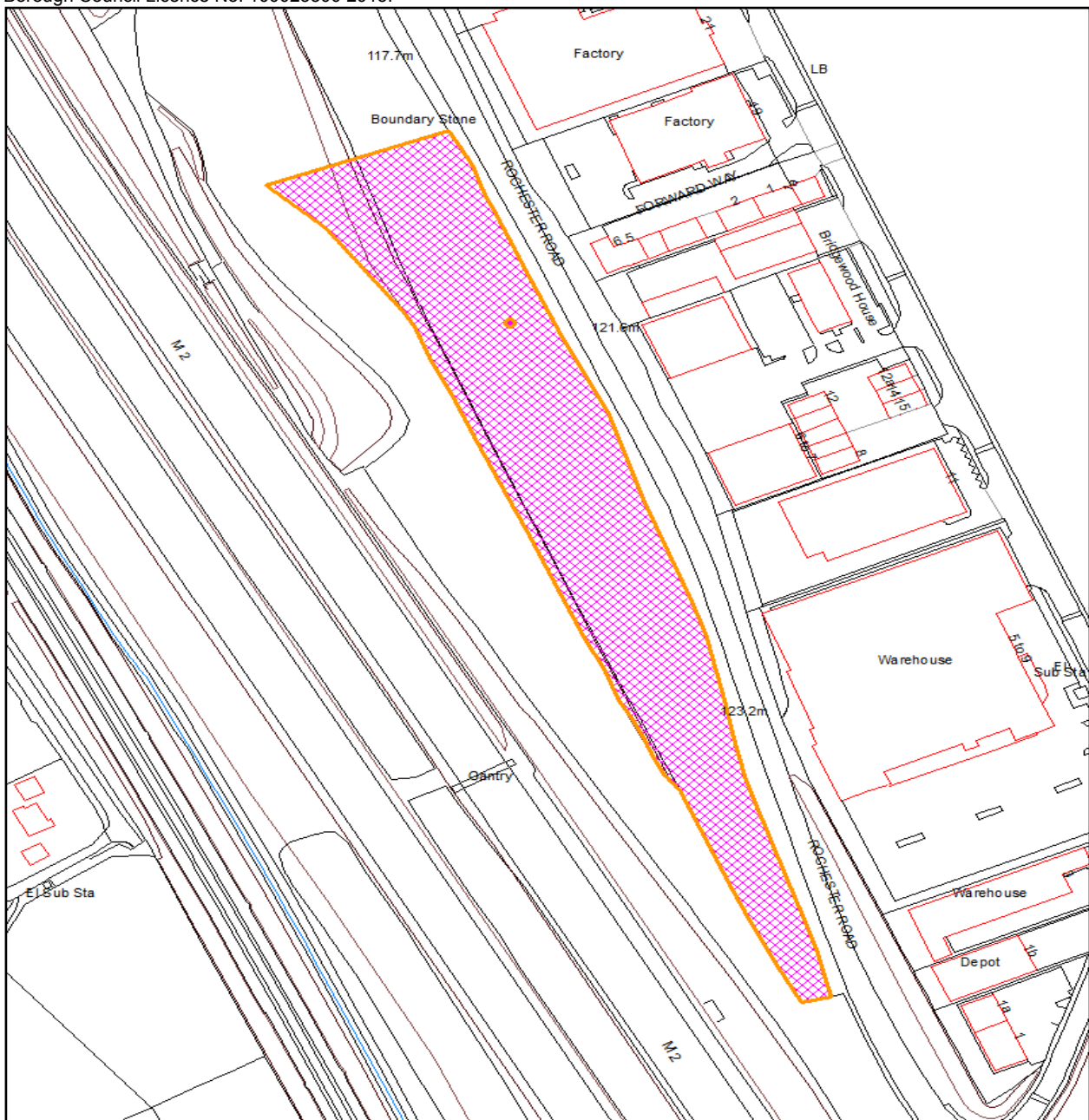
Contact: Robin Gilbert

TM/17/02655/FL

Land West Of Rochester Road Rochester Kent

Hybrid planning application: (A) Full planning application for the creation of a new vehicular access to Rochester Road, the erection of buildings with up to 2,226spm of floor space for storage, distribution use and wholesale trade distribution (Class B8) and/or use for general industry (Class B2) including layout of internal road and hardstanding with the installation of services (Phase 1). (B) Outline planning application with all matters except access reserved, for the erection of buildings with up to 2,021spm of floor space for use with storage, distribution, wholesale trade distribution (Class B8), general industry (Class B2) and/or offices (Class B1) including the change of use of up to 1,470spm of open land to storage and distribution (Class B8) and the layout of internal roads and hardstanding with the installation of services (Phase 2)

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Agenda Item 7

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

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

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