

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
committee.services@tmbc.gov.uk

26 June 2018

To: MEMBERS OF THE AREA 2 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 4th July, 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 2 Planning Committee held on 30 May 2018

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Introduction and Glossary

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6. Alleged Unauthorised Development 18/00141/COM – 27 - 30
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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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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.

PART 2 - PRIVATE

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 Mrs F A Kemp (Chairman)
Cllr B J Luker (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr M A C Balfour
Cllr Mrs S M Barker
Cllr R P Betts
Cllr M A Coffin
Cllr S R J Jessel
Cllr Mrs S L Luck
Cllr P J Montague

Cllr L J O'Toole
Cllr S C Perry
Cllr H S Rogers
Cllr Miss J L Sergison
Cllr T B Shaw
Cllr Miss S O Shrubsole
Cllr M Taylor

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 30th May, 2018

Present: Cllr Mrs F A Kemp (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M A Coffin, Cllr S R J Jessel, Cllr Mrs S L Luck, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole and Cllr M Taylor.

Councillors O C Baldock and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R P Betts, H S Rogers and T B Shaw.

PART 1 - PUBLIC

AP2 18/10 DECLARATIONS OF INTEREST

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

However, for reasons of transparency the following points were noted:

- Councillor Perry advised that the applicant of 5 Windmill Park, Wrotham Heath (TM/17/03399/FL) was the Chair of governors at his son's school.
- Councillor Taylor advised that he was the Chair of the Tonbridge and Malling branch of CPRE who had been a consultee on the applications at Barnfield Cottage, Stone Street Road (TM/17/01268/FL and TM/18/00396/FL).

As neither of these represented a Disclosable Pecuniary or Other Significant Interest there was no requirement for either Councillor to withdraw from the meeting.

AP2 18/11 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 11 April 2018 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**

AP2 18/12 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.

AP2 18/13 TM/17/01268/FL - BARNFIELD COTTAGE, STONE STREET ROAD, IVY HATCH

Part demolition and works for the conversion of the existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking, landscaping and ecological enhancement works (Resubmission of TM/16/00776/FL) at Barnfield Cottage, Stone Street Road, Ivy Hatch.

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) Addition of informative:

10. The applicant is strongly encouraged to design the roof lights in such a way that incorporates internal blinds in order to minimise light spill from the building.

[Speakers: Elizabeth Moore, Gillian Jones, Deborah Champion, Conny Templeman, Janet Appleton, Paula Penn (Members of the Public) and John Collins (agent)]

AP2 18/14 TM/18/00396/FL - BARNFIELD COTTAGE, STONE STREET, ROAD, IVY HATCH

Re-development of the site comprising demolition of existing indoor riding arena, removal of an external sand school and the erection of a new two storey dwelling with associated engineering works, access, parking, landscaping and ecological enhancement works at Barnfield Cottage, Stone Street Road, Ivy Hatch.

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.

[To avoid accusations of pre-determination and bias arising from earlier comments, Councillor Taylor did not participate in the discussion and did not vote on this application]

[Speakers: Elizabeth Moore, Tim Champion, Conny Templeman and Janet Appleton (Members of the Public) and John Collins (agent)]

AP2 18/15 TM/17/03399/FL - 5 WINDMILL PARK, WROTHAM HEATH

Proposed repitched roof with raised ridge height incorporating rooms in the roof space, demolition of existing garage, and construction of new extension at 5 Windmill Park, Wrotham Heath.

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.

[Speakers: Wendy Palmer (Platt Parish Council); Mr Duff (Member of the Public) and Paul Vallance (applicant)]

AP2 18/16 ALLEGED UNAUTHORISED DEVELOPMENT - 18/00146/WORKM - LAND SOUTH WEST OF CLAYGATE HOUSE, WINFIELD LANE, BOROUGH GREEN

The report of the Director of Planning, Housing and Environmental Health provided details of the construction of a building within the site without planning permission.

Members were advised that the site was within the Metropolitan Green Belt and, in the absence of any evidence that the building was in use for agricultural purposes, the development was inappropriate and by definition harmful to the Green Belt. Its size and position within the site also caused material harm to the openness, along with harm to the rural amenities of the locality. No special circumstances had been identified to outweigh this harm.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised building, the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/17 ALLEGED UNAUTHORISED DEVELOPMENT - 17/00314/WORKM & 17/00315/WORKM - LITTLEFIELDS, PLAXDALE GREEN ROAD, STANSTED

The Director of Planning, Housing and Environmental Health reported on the unauthorised erection of a summer house building and tree house/raised platform within the residential curtilage of the property.

Members were advised that retrospective planning permission for both the building and structure was refused under planning reference TM/18/00071/FL, under delegated powers on 18 April 2018, on the grounds that the height, size, scale and position would result in a highly visible and intrusive feature within the landscape and was inappropriate development within the Green Belt.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the development in its entirety (the unauthorised summer house and tree house/raised platform), the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/18 ALLEGED UNAUTHORISED DEVELOPMENT - 17/00312/WORKH - THE SEEKERS TRUST, THE CLOSE, ADDINGTON

The Director of Planning, Housing and Environment Health reported the unauthorised construction of a single storey building for the keeping/rearing of fish for commercial purposes.

Retrospective planning permission for the building was refused under planning reference TM/18/0068/FL, under delegated powers on 18 April 2018, on the grounds that it was inappropriate development within the Green Belt and that its substantial size and scale, unsympathetic design and visibility within the Conservation Area would have a demonstrably harmful impact on the appearance and character of the area and visual amenity of the surrounding locality.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised single storey building, the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/19 ALLEGED UNAUTHORISED DEVELOPMENT - 17/00077/LBH - FIVE POINTED STAR, 100 HIGH STREET, WEST MALLING

The Director of Planning, Housing and Environmental Health reported on the unauthorised construction of a pergola within the curtilage of a listed building.

Retrospective planning permission for the structure was refused under planning reference TM/17/01693/FL, under delegated powers on 9 May 2018, on the grounds of its excessive size, incongruous design and appearance and the specific siting was out of character with the listed

building to which it was attached. It also caused overt harm to the appearance and setting of the listed building and the Conservation Area.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised structure, the detailed wording of which to be agreed with the Director of Central Services.

AP2 18/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.20 pm

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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

**Mereworth
(Mereworth)**
Downs And Mereworth

12 March 2018

TM/18/00595/FL

Proposal: Demolition of existing office/workshop building and erection of 4 no. houses
Location: G B Tatham And Co Ltd 9 Willow Wents Mereworth Maidstone Kent ME18 5NF
Go to: [Recommendation](#)

1. Description:

- 1.1 It is proposed to erect 4 dwellings in place of an existing office building and car park that is occupied by Tatham Homes. The adjoining part of the builders yard/car park, that is located to the west, was redeveloped for 4 houses in 2013 (reference TM/13/02338/FL).
- 1.2 One of the houses (unit 1) would contain 4 bedrooms and the other three houses are 3-bedrooms. Unit 1 is located to the rear of the site, with the remaining three units located perpendicular to the road, one being detached and then a pair of semi-detached houses. All four dwellings would be served by 2 dedicated car parking spaces each; one car port and one open parking space. Two of the car ports are being created by re-using the existing storage building at the front of the site. It is proposed to construct the dwellings from a mix of red stock brick work, white painted timber cladding, plain roof tiles and painted softwood door and window joinery.
- 1.3 The dwellings would contain two storeys of accommodation under pitched roofs and each would stand at around 8.7m high.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Matthew Balfour in order to consider whether the proposal represents an overdevelopment of the site and to consider the impact of highway safety.

3. The Site:

- 3.1 The site is located within the settlement confines of Mereworth, on the south side of Willow Wents. Part of the site (the office) lies within the Mereworth Conservation Area. The site forms part of the applicant's builder's yard offices and car park. The adjoining site to the west was previously the builder's yard and has been redeveloped for 4 houses. The boundary to Willow Wents is defined by a brick wall. The eastern boundary adjoins residential properties, including Grade II Listed Herne Cottage. Open fields lie to the north and south of the site.

4. Planning History (relevant):

TM/13/02338/FL Approved 8 October 2013

Demolition of existing building and construction of 4 no. houses and associated garages

TM/14/01753/FL Approved 30 June 2014

Replace existing store with a new double pitched roof store

5. Consultees:

5.1 PC: Objects – danger for traffic at the junction of Butchers Lane and Willow Wents – this junction is very narrow, garages would not all be accessible for cars.

5.2 KCC (H+T): No objections subject to conditions

5.3 KCC Archaeology: No objections subject to conditions

5.4 Private Reps: 8 + site + press notice/1X/8R/0S. Objections raised on the following grounds:

- Overdevelopment of site – particularly house on unit 1 will impinge on light, view and privacy to new houses adjoining the site;
- Tatham's intention was always to develop the site in two phases – feel they have been misled;
- Overall density of site is 36dph which is more akin to urban sites rather than a rural village location – this is the same density as a recent planning application in Kings Hill (TM/16/00505/FL) – and this village location has no facilities;
- Gardens are too small for family homes and the width of the communal driveway appears narrower than that on the adjoining site;
- By developing the site in two phases they have avoided the need for local affordable housing;
- Development on site should be limited to the site of the existing office building alone;
- Removes important vistas through the conservation area and views of the Church;
- Any windows that overlook adjoining dwellings should be obscured;

- Consider traffic movements will increase as a result of the development especially at weekends;
- Parking problems exist on Butchers Lane and there is no room for visitors to proposed houses to park on surrounding roads;
- The entrance/exit from Willow Wents where it joins Butchers Lane is already seriously obscured by parked cars – already unacceptable situation as this could prevent access in an emergency for ambulance or fire engine;
- Unit 1 should be deleted from the scheme to allow for more parking within the development.

6. Determining Issues:

Principle of development:

- 6.1 TMBC cannot presently demonstrate a five year supply of housing when measured against its objectively assessed need (OAN). Whilst this will be addressed through the 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.”

- 6.2 Paragraph 14 of the NPPF sets out the presumption as follows:

“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:

For decision-taking this means:

approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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;*
- *or specific policies in this Framework indicate development should be restricted.”*

- 6.3 In this respect, policy CP13 of the TMBCS allows for minor developments within the defined settlement confines of Mereworth providing they would be appropriate to the scale and character of the settlement.
- 6.4 The proposed development is for 4 dwellings arranged around a courtyard that would provide vehicular access to them. Each dwelling would sit comfortably within its plot and all dwellings would have appropriately sized private gardens. The development has been designed with a street frontage that is in keeping with the alignment of the existing buildings within this lane, with the existing storage shed being utilised as a car port and the dwelling in Unit 2 being set back slightly from Willow Wents and in a similar location as the existing office building. Whilst Unit 2 would stand sideways on to Willow Wents, no 13 Willow Wents (part of the new development adjoining) also has a flank wall facing this road. The scale and layout of the development are considered to be in keeping with the character of existing developments in the locality and are appropriate for this edge of village location. As such I consider that the principle of the development is acceptable and complies with policy CP 13 of the TMBCS.
- 6.5 Furthermore, I would add that the site is not allocated for employment purposes and therefore there is no policy basis within which to seek its retention for such a use.
- 6.6 The principle of the proposed development is therefore acceptable in terms of the adopted development plan.
- 6.7 The core principles of the NPPF seek to support sustainable economic development, to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings, and encourage the effective use of land by reusing land that has been previously developed. In light of the site's location within Mereworth and the fact that it is a previously developed site, the principle of the development sits comfortably with the core aims of the NPPF as well.

Visual amenities and impact on Conservation Area, Listed Building:

- 6.8 Policy CP 24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings.
- 6.9 MDE DPD Policy SQ1 states that, *inter alia*, proposals for development will be required to reflect the character and local distinctiveness of the area including its historical and architectural interest as well as the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, comments that special regard to the desirability of preserving the building or its setting or any features of special architectural or

historic interest which it possesses needs to be considered, this is also reflected in the NPPF at paragraph 137 it comments that LPAs should seek proposals that preserve the setting and make a positive contribution to a Conservation area.

- 6.10 The dwellings in terms of their individual scale, size, form and appearance also have a rural appearance appropriate to this location. Whilst specific details of the external materials are not known at this stage, red stock brick work, white painted timber weatherboarding, plain roof tiles and timber window/door joinery would be used. I consider that this general palette of materials is entirely appropriate for the proposed development; they would respect the rural locality and are similar to those used on the adjoining development.
- 6.11 The site is located part inside and part outside the Mereworth Conservation Area and it adjoins a Grade II Listed Building to the east (Herne Cottage). The proposal is not considered to directly impact on Herne Cottage, and its setting will be enhanced with the removal of the large bulk of the office building thus providing an improved outlook and light levels. A new boundary to Willow Wents will be formed from the external brick wall of the office. However, in light of its appropriate scale, form, layout and design, I am satisfied that it would not detract from the setting of the Conservation Area and Listed Building or views into or out of it as such the development complies with the requirements of the NPPF in that the setting is suitably preserved.
- 6.12 The demolition of the office building in the Mereworth Conservation Area has been addressed in Heritage Statements that have formed part of the submission. The Kent Historic Environment Record records this site as a “farmstead adjacent to Herne Cottage” of post medieval age. It describes the type of farmstead as “loose courtyard with working agricultural buildings on 3 sides and with additional detached elements to the main plan”; the historic maps submitted show that this was the case some time ago but this is not the situation today. There are no “working agricultural buildings” adjoining the site and there haven’t been for a significant period of time. The Kent Historic Environment Record also comments that the farmstead is “altered, with a significant loss of original form; more than 50%”. It is therefore considered that the office building has limited contribution to the character of the current site making it difficult to decipher as a “historic farm building” and thus it has lost any real association with its former function.

Highway safety and parking provision:

- 6.13 Willow Wents is a narrow lane and forward visibility at the junction with Butchers Lane is restricted by brick walls that form the boundaries to the neighbouring properties. However, it must be remembered that the site is currently used as an office, generating traffic already and Kent County Council (H+T) has not objected to the principle of the proposed development with its access from Willow Wents. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the

development are severe. In this case the impact of this development is considered to cause no more detriment to the safe and free flow of traffic than the existing office use on the site.

6.14 The development contains car ports that have either been converted from an existing building or are new buildings; the car ports have the appearance of garages but would not contain garage doors. Car ports count as car parking spaces and providing two spaces for each dwelling is acceptable for 3 and 4 bedroom dwellings in this location, according to the Council's adopted car parking standards. The proposed tandem parking layout in part of the development is noted but this arrangement was considered acceptable on the adjoining development. This is a small development of only four dwellings and car parking would be located within the curtilage of each dwelling house where the individual occupiers can move their cars around as necessary without impacting upon traffic and pedestrians using Willow Wents or the shared access road. I therefore do not consider that this proposal would cause demonstrable harm to the safe or free flow of traffic. Indeed due to the narrowness of Willow Wents, it is considered most unlikely that cars would be parked or manoeuvres undertaken here instead of within the development itself, as that would completely block the road.

Residential amenity:

6.15 The layout of the development has been designed in such a way as to ensure the proposed dwellings would not cause an unacceptable loss of privacy or light to each other or existing neighbouring residential properties.

6.16 The overall bulk and scale of development on the site will be reduced with the removal of the office building, which will serve to enhance the outlook from the properties it adjoins to the east. Additionally the provision of space around the buildings and additional planting on the boundaries will all contribute to an improved relationship.

6.17 In relation to the new dwellings to the west which are most affected by the house to the rear (Plot 01), this dwelling has been designed with a flank wall facing the rear wall to 11 Willow Wents to reduce both the visual impact and the potential for overlooking of windows into private areas. Two windows are proposed in this flank elevation, one for a dining room and one for a bathroom; a condition is proposed restricting glazing and opening ability being applied to these windows. Due to the separation between the proposed dwelling (Unit 1) and 11 Willow Wents, I do not consider that it would result in any loss of daylight or sunlight to this neighbouring property. Additionally, the comments made by local residents concerning the loss of important vistas through the conservation area and views of the Church being lost as a result of the proposed development are not material considerations that can be taken into account in the decision making process.

Other material considerations:

- 6.18 The development is for only four dwellings and the site area measures less than 0.16 ha in area. Accordingly, the development does not meet the relevant thresholds for affordable housing or open space provision as set out in policy CP17 of the TMBCS and policy OS3 of the MDE DPD.
- 6.19 Any necessary remediation of the site in terms of addressing potential contaminated land can be addressed through planning conditions that are reflected within the recommendation that follows.

Conclusions:

- 6.20 In conclusion, the development is considered to be acceptable in principle and is of a scale, form and design that is appropriate to this rural edge of village location and would not harm the setting of the Conservation Area and adjacent Listed Building. Subject to the conditions set out in the following recommendation, I consider the development to be acceptable in terms of highway safety matters and it would also not detract from the amenity of the neighbouring residential properties. In light of the above I recommend that planning permission be granted for this development.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Email dated 15.05.2018, Drawing 1871-1890 Heritage Map dated 15.05.2018, Drawing 1897-1900 Heritage Map dated 15.05.2018, Drawing 1907-1923 Heritage Map dated 15.05.2018, Drawing 1929-1952 Heritage Map dated 15.05.2018, Details Conservation Area dated 15.05.2018, Aerial Photo 1946 dated 15.05.2018, Aerial Photo 1990 dated 15.05.2018, Aerial Photo 2004 dated 15.05.2018, Photograph Herne House dated 15.05.2018, Photograph 1983 dated 15.05.2018, Photograph 1984 dated 15.05.2018, Aerial Photo Pre 1980 dated 15.05.2018, Location Plan 2391C-01 dated 12.03.2018, Block Plan 2391C-02 dated 12.03.2018, Site Plan 2391C-03 dated 12.03.2018, Proposed Floor Plans 2391C-04 dated 12.03.2018, Proposed Floor Plans 2391C-05 dated 12.03.2018, Proposed Floor Plans 2391C-06 dated 12.03.2018, Proposed Elevations 2391C-07 dated 12.03.2018, Proposed Elevations 2391C-08 dated 12.03.2018, Proposed Elevations 2391C-09 dated 12.03.2018, Proposed Elevations 2391C-10 dated 12.03.2018, Proposed Elevations 2391C-11 dated 12.03.2018, Proposed Elevations 2391C-12 dated 12.03.2018, Proposed Elevations 2391C-13 dated 12.03.2018, Design and Access Statement 2391C DAS-V16 dated 12.03.2018, Existing Elevations 05 dated 12.03.2018, Existing Site Layout EO 100A dated 12.03.2018, Existing Floor Plans DF/P/01 dated 12.03.2018, Planning Statement dated 12.03.2018, Soil Report APPENDIX A dated 12.03.2018, Soil Report APPENDIX B dated 12.03.2018, Soil Report APPENDIX C & D dated 12.03.2018, Proposed Elevations 2391C-14 dated

12.03.2018, Letter Covering dated 14.03.2018, 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. No above ground development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. No above ground development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment (including details of the proposed boundary wall to Willow Wents). 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: 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.

4. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order, the car ports shall not be enclosed with garage doors without the prior written approval of the local planning authority.

Reason: To ensure that two car parking spaces remain available for the use of each dwelling within this development in the interests of the safe and free flow of traffic.

- 6 No above ground development shall take place until details of the finished floor level of the houses in relation to the existing ground levels have been 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.

- 7 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).

- 8 Following completion of the approved remediation strategy, 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 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 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).

- 9 No above ground development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

10. The window on the northern (flank) elevation of the house on Unit 1 shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

Informatives

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbs.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
2. 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 Holidays.
3. 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. It is thus recommended that bonfires not be had at the site.

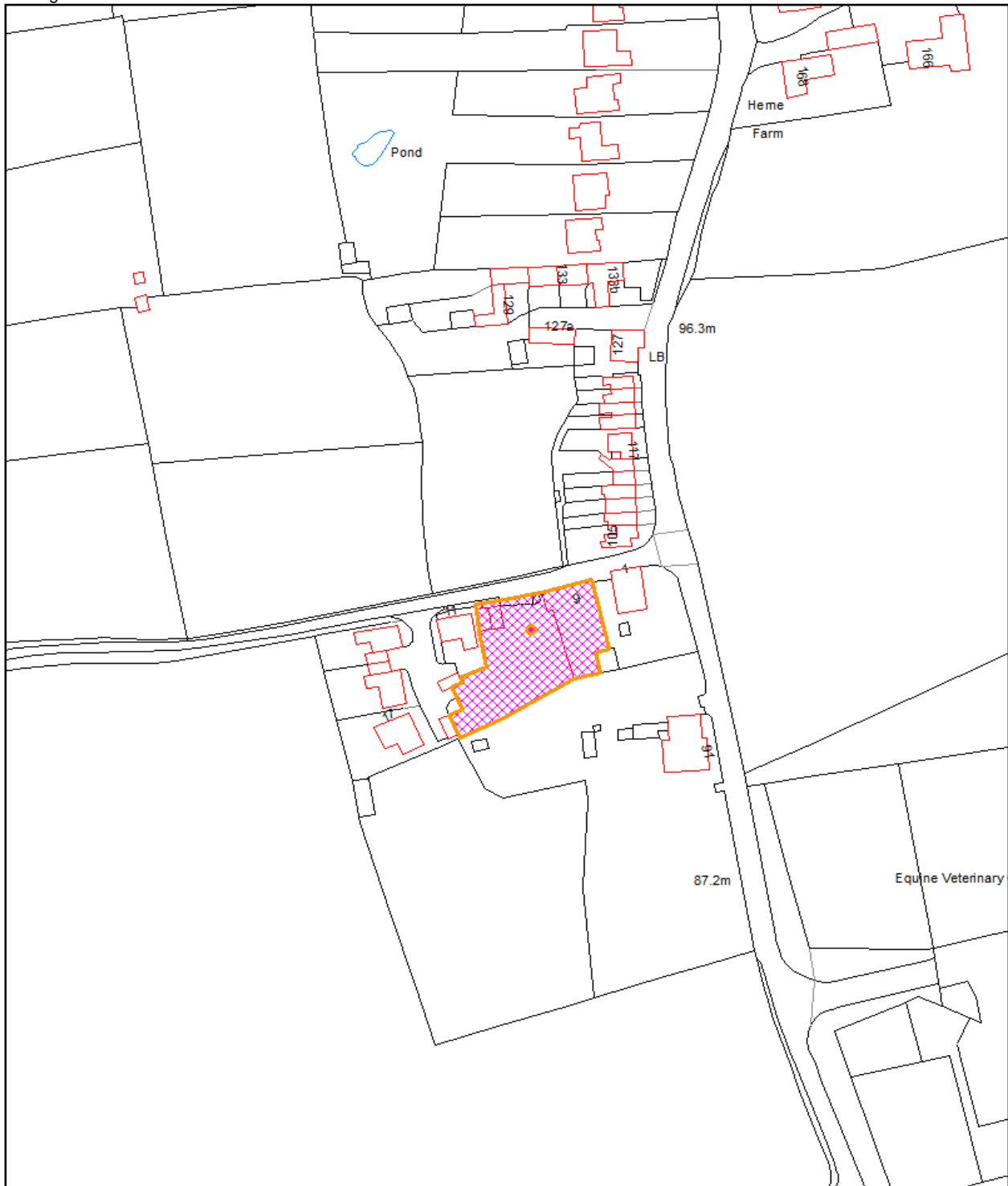
Contact: Rebecca Jarman

TM/18/00595/FL

G B Tatham And Co Ltd 9 Willow Wents Mereworth Maidstone Kent ME18 5NF

Demolition of existing office/workshop building and erection of 4 no. houses

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Alleged Unauthorised Development
West Malling **18/00141/COM**
West Malling

Location: 46 Fartherwell Avenue West Malling Kent ME19 6NJ

1. Purpose of Report:

1.1 To report development not being undertaken in accordance with approved plans resulting in a breach of condition 5 of planning permission TM/16/01277/FL which required parking spaces shown on those plans to be “kept available” for the parking of vehicles. The parking spaces within the front curtilage have not been provided and instead it has been laid to lawn.

2. The Site:

2.1 The site comprises one terraced dwellinghouse (46), and one semi-detached dwellinghouse (46) located within the built confines of West Malling. The site has recently been developed, and the original garage attached to number 46 has been demolished and a new two storey attached 2 bedroom dwelling (46) erected in its place. This new property appears to have been built in accordance with the approved plans, but the original property (46) has not been completed in accordance with those plans.

3. Relevant Planning History:

16/01277/FL

Approved 28 June 2016

Demolition of existing garage and separation of plot of land to side of No 46 and erection of a new two storey attached dwelling with off street parking for both sites

4. Alleged Unauthorised Development:

4.1 The unauthorised development in question concerns the failure to provide car parking spaces within the front curtilage to serve 46 Fartherwell Avenue in accordance with the approved plans and as required by planning condition.

5. Determining Issues:

5.1 Investigations have identified that the designated parking spaces which were required to be provided within the newly created front curtilage of 46 Fartherwell Avenue have not been provided, and the area has instead been laid to lawn. Officers have requested through informal means that this be corrected by the developer but to date this has not happened.

5.2 Given that the reason for the parking spaces being required in this manner centres on the need to provide appropriate levels of off-street parking in the interests of

highway safety, it is necessary to secure the provision of these spaces at the earliest opportunity and, as informal measures have proved unsuccessful, it is now necessary to serve a formal notice to seek compliance with the plans in this respect.

6. Recommendation:

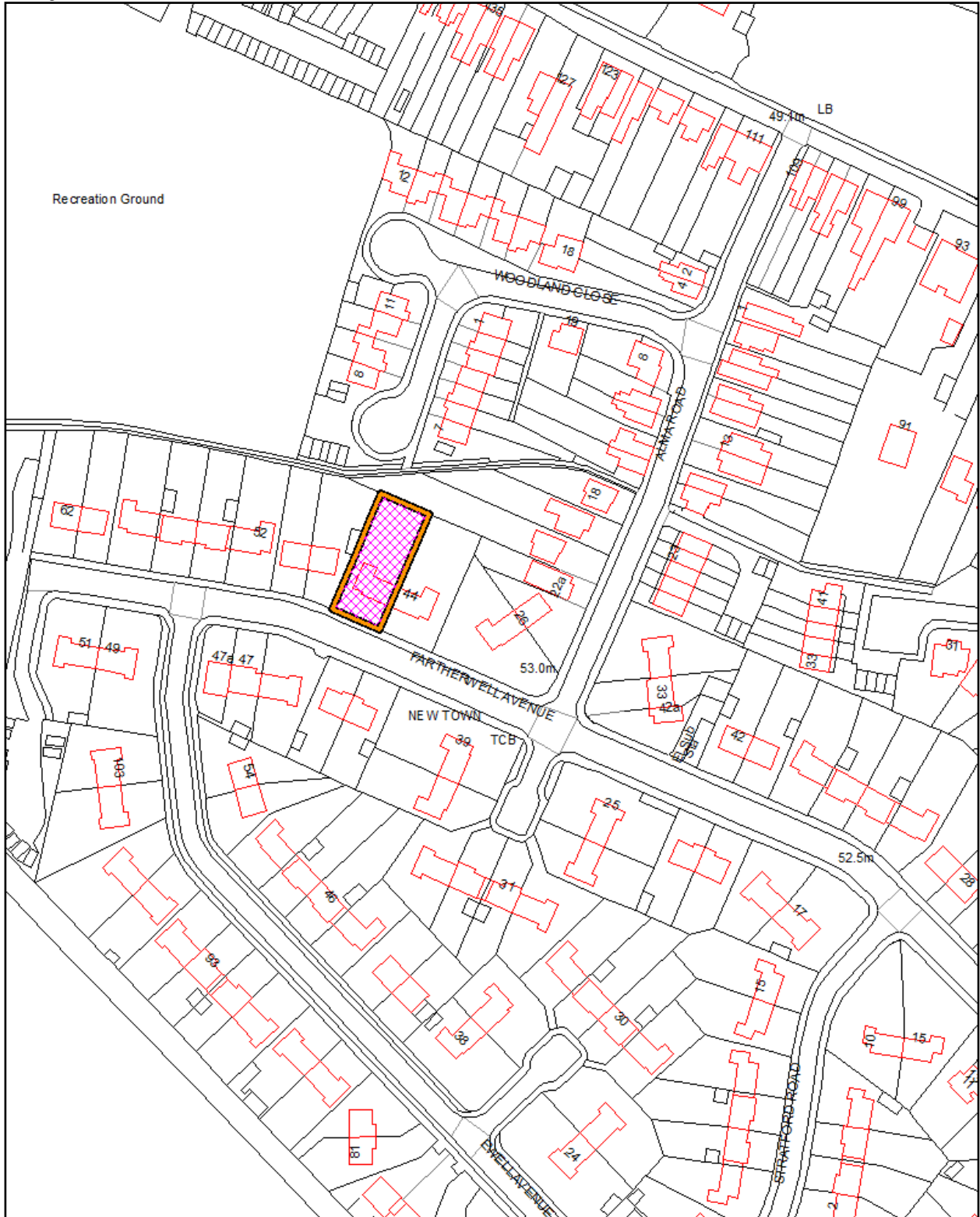
An Enforcement Notice **BE ISSUED** to require the development to be laid out in accordance with plan number 016-003/007 Rev. B insofar as it relates to the provision of the parking spaces to serve the development, the wording of which to be agreed by the Director of Central Services.

Contact: Adam Wonnacott

18/00141/COM

46 Fartherwell Avenue West Malling Kent ME19 6NJ

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Alleged Unauthorised Development
Leybourne **18/00126/WORKM**
West Malling And
Leybourne

Location: Stables At Leybourne Park Farm Park Road Leybourne West
Malling Kent ME19 5HP

1. Purpose of Report:

1.1 To report the unauthorised development at the site involving engineering and other operations, regrading of land, formation of bunds which appear to be in connection with the laying of new road surfaces and/or areas of hardstanding.

2. The Site:

2.1 The site forms a large livery stable complex situated within the Metropolitan Green Belt

3. Planning History:

3.1 None directly relevant to this matter.

4. Alleged Unauthorised Development:

4.1 Without planning permission engineering and other operations.

5. Determining Issues:

5.1 The site was inspected in April 2018 where it became clear that a new roadway, hard surface and earth bund had been created. Having checked the planning history for the site no planning permission could be found for this development.

5.2 To try and ascertain why this development was being undertaken the Authority issued a Planning Contravention Notice (PCN) requesting certain information from the owner. This Notice was issued on 16 May 2018 with a respond date set at 7 June 2018. The owner has to date failed to respond to the Notice.

5.3 The site was inspected again in June 2018 when it was clear that work had continued in that the hard surface had increased and the earth bund had been made larger. As the development was continuing it was felt that immediate action needed to be taken and as such a Temporary Stop Notice (TSN) was issued on 15 June 2018. The TSN will cease to have effect on 13 July 2018 and consideration must be given to the harm that is being caused by the development and whether there are any circumstances in which it would be acceptable in planning terms.

- 5.4 The site is located within the Metropolitan Green Belt where restrictive policies apply. As such, unless the unauthorised development was intended for agricultural purposes in connection with the associated land, it would be inappropriate development within the Green Belt, which is harmful by definition and for which very special circumstances would be needed to outweigh that harm. Other material harm also arises from the changes to land levels and the creation of the earth bunds. Clearly if this preparatory works are to facilitate further built development, that would also cause further demonstrable harm.
- 5.5 The lack of a response to the PCN served earlier within the enforcement investigations combined with what is known about the wider site in terms of land use gives no indication that the works are in connection with an agricultural operation. It is hoped that the issuing of the TSN will encourage the owners to enter into a dialogue with the Council in order that we can establish what the development is intended for and whether any very special circumstances exist that would outweigh the degree of harm arising. Any such communication with the owner will be reported as a supplementary matter.
- 5.6 In light of these considerations, I recommend that it is appropriate to take enforcement action to seek the removal of the unauthorised development with a period of three months for compliance unless evidenced material is provided by the owner in the interim period.

6. Recommendation:

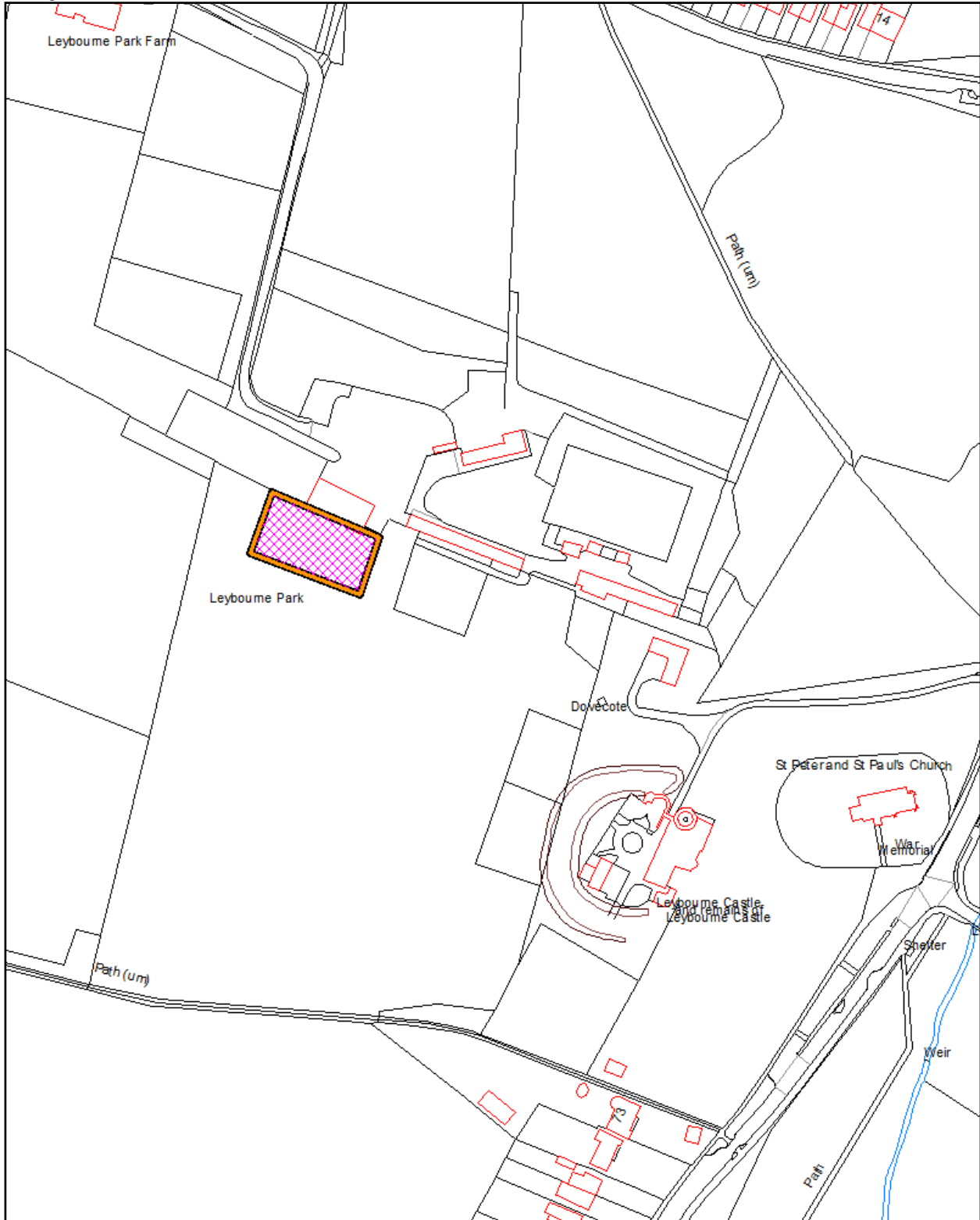
- 6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised roadway, hard surfacing and earth bunds and the reinstatement of the land to its former condition, the detailed wording of which to be agreed by the Director of Central Services

Contact: Richard Edmonds

18/00126/WORKM

Stables At Leybourne Park Farm Park Road Leybourne West Malling Kent ME19 5HP

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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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