

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

4 December 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, 12th December, 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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7. Urgent Items

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

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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

9. Urgent Items

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

MEMBERSHIP

Cllr 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, 7th November, 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 R P Betts, 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 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 Mrs S M Barker and M A Coffin

PART 1 - PUBLIC

AP2 18/41 DECLARATIONS OF INTEREST

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

AP2 18/42 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 26 September 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP2 18/43 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 18/44 (A) TM/17/03471FL & (B) TM/17/03472/LB -
GREAT BUDDS HOUSE, MOTE ROAD, SHIPBOURNE**

(A) Sub-division of existing site containing one Grade II-listed dwelling, one Grade II-listed barn and one oast house into three self-contained plots with Grade II- listed barn and oast house converted into dwelling and

(B) Listed Building Application: Sub-division of existing site containing one Grade II-listed dwelling, one Grade II-listed barn and one oast house into three self-contained plots with Grade II- listed barn and oast house converted into dwellings at Great Budds House, Mote Road, Shipbourne.

RESOLVED: That

(1) In respect of Application (A) TM/17/03471/FL planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health, subject to

- (i) The amendment of the plans cited as follows
- Site Plan 003 P1 replaced by 003 P2;
 - Part Site Plan 004 to be referenced.

(ii) The amendment of Condition 2 to read:

2. The residential use of the barn or Oast shall not be commenced before a scheme of hard and soft landscaping and boundary treatment has been submitted to and approved by the Local Planning Authority. The scheme shall include a plan which denotes the extent (length and width) of the public right of way across the application site, any measures proposed to differentiate this from the remainder of the site whilst ensuring it remains available for use at all times. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual and rural amenity.

(iii) The addition of the following Conditions:

6. No external lighting shall be installed on the dwellings hereby approved or within the associated residential curtilages or parking areas as laid out on drawing number 003 P2 received on 7.11.2018

Reason: In the interests of rural amenity.

7. The residential use of the barn or Oast shall not be commenced until the area shown on drawing number 004 P1 received on 7.11.2018 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 2015 (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 and in the interests of rural amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) no development shall be carried out within Classes A-F (inclusive), of Part 1; of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of rural amenity.

9. The outbuildings identified on plan number 004 P1 received on 7.11.2018 shall be used only for purposes incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried out therefrom.

Reason: To safeguard the amenities and interests of the occupants of other properties and in the interests of rural amenity.

(iv) The amendment of Informative 1 to read:

1. In seeking to meet the requirements of Condition 2, the applicant is reminded that no gates should be installed on a Restricted Byway and no vehicles should be parked in a way to obstruct legitimate users of the byway. The submitted landscaping scheme should therefore have full regard to this requirement to avoid any future conflicts arising.

(2) In respect of Application (B) TM/17/03472/LB Listed Building consent 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: Councillor N Tyler, Shipbourne Parish Council; Mr D Prichard and Mr G Krygier – members of the public and Mr N Edwards, Architect for the Applicant]

AP2 18/45 TM/18/01755/FL - 61 OFFHAM ROAD, WEST MALLING

Erection of a detached 2 storey dwelling to the rear of 61 Offham Road, West Malling

RESOLVED: That the application be DEFERRED for a Members' site inspection.

[Speakers: Mrs J Beale, Mrs G Fox and Mr C Smith – members of the public; and Ms K Kenny on behalf of the Applicant]

AP2 18/46 (A) TM/17/02705/FL & (B) TM/18/01172/LB - BUTCHERS COTTAGE, STUMBLE HILL, SHIPBOURNE

- (A) Demolition of existing low brick side boundary wall and provision of a new hard surfaced parking area in front garden with new picket fencing. Existing parking area to be returned to domestic garden and front boundary picket fence to be reinstated
- (B) Listed Building Application: Demolition of existing low brick side boundary wall and provision of new picket fencing to facilitate new parking area in front garden at Butchers Cottage, Stumble Hill, Shipbourne

RESOLVED: That

- (1) In respect of Application (A) TM/17/002705/FL planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health; and
- (2) In respect of Application (B) TM/18/01172/LB Listed Building consent be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health.

[Speaker: Councillor N Tyler, Shipbourne Parish Council]

AP2 18/47 TM/18/01840/FL - SCHOOL LANE COTTAGE, SCHOOL LANE, SHIPBOURNE

Conversion of existing outbuilding containing garage/residential accommodation to a 3 bedroom dwelling with single storey rear and side extension and roof enlargement (Amendment to 17/01741/FL) at School Lane Cottage, School Lane, Shipbourne.

RESOLVED: That the application be REFUSED for the reasons set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Councillor N Tyler, Shipbourne Parish Council and Mr T Mills, Applicant]

AP2 18/48 TM/18/00357/OA - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved at The Nursery, Taylors Lane, Trottiscliffe.

Further to Minute AP2 18/39 of the meeting held on 26 September 2018 the Committee considered the above application together with the report of the Director of Central Services set out in Part 2 of the agenda (Minute AP2 18/50 refers). The recommendation set out in the report of the Director of Planning, Housing and Environmental Health to approve the planning application was rejected and it was

RESOLVED: That the application stand ADJOURNED for determination by the full Council in accordance with Rule 15.25 of the Council and Committee Procedure Rules.

[Speaker: Councillor R Wallis, Trottiscliffe Parish Council]

MATTERS FOR CONSIDERATION IN PRIVATE

AP2 18/49 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

AP2 18/50 TM/18/00357/OA - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

(Reasons: LGA 1972 Sch 12A Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

At the meeting of the Area 2 Planning Committee held on 26 September 2018 consideration of the application was deferred for a report from Legal Services on the risks arising from refusal on the grounds of viability and harm to the Green Belt (Minute AP2 18/39 refers). The report of the Director of Central Services and Monitoring Officer provided an assessment of the risks arising from a resolution to refuse planning permission and advised that any such resolution would be a

recommendation to the Council and the matter would stand adjourned. The report further advised that similar consideration would apply in the event of non-determination.

RESOLVED: That the report be NOTED.

The meeting ended at 9.34 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

West Malling
West Malling And
Leybourne

24 July 2018

TM/18/01755/FL

Proposal: Erection of a detached 2 storey dwelling to the rear of 61
Offham Road
Location: 61 Offham Road West Malling Kent ME19 6RB
Go to: [Recommendation](#)

1. Description:

- 1.1 The application was deferred from APC2 on 07 November 2018 in order for Members to undertake a site inspection to assess the specific and particular characteristics of the site with particular reference to the relationship with surrounding neighbouring properties. The Members' Site Inspection took place on 26 November 2018.
- 1.2 A copy of my November report (main and supplementary) is annexed for ease of information.

2. Consultees (since 07 November):

- 2.1 No further representations received.

3. Determining Issues:

- 3.1 The Members site inspection enabled those in attendance to view the site, the footprint of the proposed building (which would be 70 sq.m) within its plot and the surrounding context. Members were also able to view the application site from the nearest neighbouring property, 63 Offham Road.
- 3.2 One aspect of the scheme that Members considered in some detail was the relationship of the proposed dwelling with 63 Offham Road to the east and 57 and 59 Offham Road to the north. It is important to recognise that there is not a prescribed distance to ensure privacy between the front of a dwelling (63 Offham Road in this case) and the side of another (the proposed house), albeit that a distance of approximately 13m would prevail in this instance. The only first floor window facing towards No. 63 would serve an en-suite bathroom and thus would be obscure glazed and not cause overlooking as a result.
- 3.3 Nos. 57 and 59 Offham Road are separated by more distance and there is no direct relationship with the proposed house by virtue of its specific layout and siting. As such, whilst the proposed house might be seen from these neighbouring properties, this would not give rise to any harmful impacts to their amenities as a result.

- 3.4 Members were also able to walk along the existing access road which would serve the proposed house in addition to Nos. 61 and 63. It was explained that a single storey lean-to element to No.61 would be removed along with an existing boundary fence and hedge denoting the rear garden of No.61 presently. These features are to be removed to allow the access road to be widened to meet KFRS standards. New boundary treatments would be required for submission and approval as a condition, should Members be minded to grant planning permission.
- 3.5 For completeness, it should be noted that a sectional plan has been submitted showing the proposed dwelling in relation to the existing dwellings to the east and west. This was made available to view at the Members site inspection and is publically available on the Council's website. This does not seek to amend the scheme in any way but rather was provided as further information to demonstrate these relationships.
- 3.6 The recommendation remains as set out in the 07 November report and is reproduced below.

4. Recommendation:

- 4.1 **Grant planning permission** in accordance with the following submitted details: Design and Access Statement dated 24.07.2018, Location Plan dated 24.07.2018, Site Plan P010 C dated 24.07.2018, Proposed Floor Plans P020 C dated 24.07.2018, Proposed Elevations P030 C dated 24.07.2018, Site Section P050 A dated 26.11.18 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 development shall take place until details and samples of materials to be used externally 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 character and appearance of the existing building or visual amenity of the locality.
3. No above ground development shall take place until details of slab levels have been submitted to and agreed in writing by the Local Planning Authority. The details to include a scaled drawing showing the proposed dwelling in relation to the existing dwellings to the east and west. The works shall be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

4. No above ground development shall commence until full siting and elevational details of the bin store have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

5. Prior to the first occupation of the dwelling hereby permitted a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. The scheme shall include the retention of the trees as shown on the plan referenced HH.KENNY.01PP received 8 October 2018. 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

6. The dwellinghouse hereby permitted shall not be occupied until the area shown on the submitted plan referenced HH.KENNY.01PP received 8 October 2018 as vehicle parking and turning areas to serve both the existing and proposed dwellings has been provided, surfaced and drained. The areas shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site. Thereafter the areas 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.

7.
 - a) If during development work, significant deposits or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed in writing with the Local Planning Authority and it shall thereafter be implemented by the Developer.
 - b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any

soil brought on site should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

c) A closure report shall be submitted by the Developer relating to a) and b) above and any other relevant issues and responses such as any pollution incident during the development.

Reason: To prevent unacceptable risks from pollution.

8. If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure 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 submitted to Local Planning Authority immediately on discovery of any historic item or feature.

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

9. The window on the first floor of the east elevation serving a bathroom shall be fitted with obscure glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: In the interests of the residential amenity and privacy of adjoining property.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed at the first floor level of the building other than as hereby approved.

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

Informatives

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. In the interests of good neighbourliness all vehicles and machinery associated with construction must be parked within the site and not on the public highway in such a manner as to create an obstruction.

3. The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
4. In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.
5. Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

Contact: Maria Brown

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 Report from 7 November 2018

West Malling
West Malling And
Leybourne

24 July 2018

TM/18/01755/FL

Proposal: Erection of a detached 2 storey dwelling to the rear of 61 Offham Road
 Location: 61 Offham Road West Malling Kent ME19 6RB
 Go to: [Recommendation](#)

1. Description:

1.1 Planning permission is sought for the subdivision of the existing residential curtilage and construction of a new detached dwelling. Access to the new dwelling is proposed via the existing access, which serves the host dwelling and the existing detached dwelling to the rear. The proposed dwelling is two storey and has been designed to reflect the gabled dwellings on the north side of Offham Road. The scheme proposes two vehicle parking spaces to serve the existing dwelling, and two vehicle parking spaces to serve the proposed dwelling.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Luker and Cllr Shrubsole owing to concerns regarding access, parking provision, design, siting and orientation.

3. The Site:

3.1 The site lies within the confines of West Malling and within a designated Conservation Area. The dwellings to the north west of the site comprise semi-detached dwellings. The dwellings immediately to the west and south of the site comprise Victorian terraced dwellings. Two detached dwellings set in large plots are sited to the east.

3.2 The site is level and accessed via a private driveway which serves the host dwelling and the detached dwelling to the rear. The site is bounded by close boarded fence and is laid to grass with a number of fruit trees.

4. Planning History (relevant):

TM/89/10902/FUL grant with conditions 10 October 1989

Two storey rear extension.

TM/10/03283/FL Approved 26 January 2011

Single storey and two storey rear extensions; infill front porch; render to dwelling; and associated alterations

TM/17/00070/TNCA No Objection 13 February 2017

T1 - T7 Lime trees to raise lower crown by approx 6m, removing epicormic growth and reducing the crown by 20%

5. Consultees:

5.1 PC: Object, overdevelopment of a previously developed site, loss of green space, concern about access and egress onto what is already a busy and congested road, the strong objections of neighbours are noted.

5.2 KCC (H&T): No objection subject to planning conditions

5.3 KFRS: Insufficient details to show access arrangements (amended details received 08.10.18)

5.4 KCC (Heritage): Recommend a watching brief

5.5 Private Reps: 26 + site + press notice/0X/22R/0S. Objections raised on the following grounds:

- The access road has insufficient vision splays, the access road is very small and unsuitable
- Unwelcome additional traffic onto Offham Road especially as 12 new dwellings have been allocated in the draft local plan
- Overdevelopment of green field site in a CA. The proposed dwelling would be cramped and too close to the site boundaries
- Scale, bulk and height of the dwelling is inappropriate, out of character in a CA, not sympathetic in design
- Loss of privacy, overlooking, loss of seclusion
- Noise and disturbance from additional vehicle movements
- Loss of parking to existing dwelling. Parking problems already on Offham Road
- Trees are to be removed, loss of wildlife
- Reflect on local property values
- Insufficient detail to validate application
- If granted, permitted development right should be removed to prevent further extension owing to the proximity of the site boundaries

- No surface water sewer is available
- Block the views of the existing dwellings, particularly of the wider CA and church
- Backland development which could set a precedent
- The amended details do not alter the original objections in terms of undesirable backland development which will result in a cramped layout and will result in overlooking, loss of privacy, be visually intrusive and detrimental to the character of the CA.

6. Determining Issues:

- 6.1 The application seeks to erect a new dwelling within the confines of the existing settlement. As Members will be aware TMBC cannot presently demonstrate a five year supply of housing. Whilst this will be addressed through the local plan, it has clear implications for decision making in the present. Members will also be aware that a new version of the NPPF was published in July of this year. Overall, the general thrust of government guidance has not altered and the presumption in favour of sustainable development still falls to be applied in the absence of a five year supply of housing. The precise wording which sets out the “presumption” is now contained at paragraph 11(d) of the NPPF and states that, in effect, because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing development.
- 6.2 The development plan must remain the starting point for determining any planning application, as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006, which is overtly reiterated at paragraph 12 of the NPPF. The consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the NPPF as a whole and thus ultimately the acceptability of the scheme for determination.
- 6.3 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Policy CP12 of the TMBCS states that (inter alia) housing development will be permitted within the confines of rural service centres including West Malling. The concentration of new housing within identified and established settlement confines such as this therefore accords with both local and national policy.
- 6.4 Moreover, it should be recognised that the new version of the NPPF now overtly sets out that where there is an existing shortage of land for meeting identified housing needs (i.e. where an LPA cannot demonstrate an up to date five year supply) it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of

each site (paragraph 122). It goes on to state that applications should be refused where it is considered that proposals fail to make efficient use of land.

- 6.5 However, paragraph 11(d) of the NPPF sets out that planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development. Footnote 6 then sets out what those policies are and includes policies for seeking to protect designated heritage assets (in this case the Conservation Area). It is therefore necessary to establish firstly whether the scheme accords with restrictive policies in this respect before establishing whether the presumption applies.

Impact on designated heritage assets:

- 6.6 As noted above the site lies within a CA, with St Mary's Church to the south east of the site. It is therefore necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of this area – particularly the views in and out of the CA, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Regard must also be paid to paragraph 192 of the Framework which requires local planning authorities, in determining planning applications, to take account of the need to sustain and enhance the significance of heritage assets and understand the positive contribution they make, and recognise the need for new development to make a positive contribution to local character and distinctiveness.
- 6.7 The site is located to the rear of the host dwelling and therefore the proposed dwelling will have no direct visual relationship with the street scene. Whilst the appearance of the CA would change by virtue of introducing additional built form and through subdivision of the plot, this is highly localised and would cause no overt harm to the character or appearance of the CA at this point.
- 6.8 I am aware that St Marys Church lies to the south east of the application site, but owing to the considerable separation distance and absence of any direct visual relationship the site does not fall within the setting of this listed building and therefore there would be no impact arising in this respect.
- 6.9 The proposal also proposes the creation of two vehicle parking spaces to the serve the host dwelling. The spaces would be visible from the street scene and therefore have a potential impact on the CA. The parking spaces are to be created immediately to the front of the host dwelling, enabling an area of garden to be retained which will provide a visual buffer and sufficiently ensure there would be no harmful visual impact on the wider CA.
- 6.10 Consequently the proposal meets the relevant restrictive policies in the NPPF that seek to protect designated heritage assets and therefore the presumption in favour of sustainable development re-emerges to be applied, when considering the tests for its application as set out above.

6.11 With this having been established, it is necessary to consider whether the specific detail of the scheme is acceptable. In this respect, policies CP24 of the TMBCS and SQ1 of the MDE DPD require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape. These policies reflect the requirements of relating to high quality development when read as a whole. These are the key policies for consideration in the assessment that follows.

Visual amenity:

6.12 Policies CP24 of the TMBCS and SQ1 of the MDE DPD require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

6.13 The proposal seeks to subdivide the existing residential plot. The site lies within an area of mixed character. The dwellings immediately to the south of the site comprise Victorian terraced dwellings in narrow plots. The dwellings to the north west comprise semi-detached dwellings of attractive gabled appearance, and the host and dwellings to the east comprise large detached dwellings set in regular plots. The application site, being a long plot with a larger square area to the rear, lends itself to subdivision to mirror the shape of the sites to the east. Consequently the subdivision will have no unacceptable impact on the prevailing pattern of built development in the locality.

6.14 The proposed dwelling has been designed to mirror the style of the semi-detached dwellings on the north west side of Offham Road. The dwelling has been designed with steeply pitched gables and finial details.

6.15 The proposed dwelling has been designed with two storeys. The host dwelling and dwelling immediately to the east are two storey dwellings, and therefore the introduction of a similar structure is appropriate to the wider setting of the site. The site is of adequate size to accommodate the dwelling whilst leaving space to provide onsite parking, refuse storage and garden space.

6.16 The site contains a number of fruit trees which will need to be removed to accommodate the works. The trees offer little amenity value due to their small size and position within the site. The trees cannot be seen from the public domain and on this basis their removal is acceptable. However the proposal seeks to retain the three mature trees at the site boundaries and this is to be welcomed and can be adequately secured by condition.

Residential amenity:

- 6.17 The proposed dwelling has been designed to minimise its impact on the residential amenity of the host and adjacent dwelling. No first floor windows are proposed to the east and west elevations, save a bathroom window to the east elevation which is to be obscure glazed. This can be ensured by planning condition. A planning condition restricting the insertion of any additional first floor windows is also recommended and this will ensure no loss of privacy to the adjacent neighbouring dwellings. First floor windows serving bedrooms are proposed to the north and south elevations. However the separation distance between the proposed dwelling and the dwellings to the south is over 21m, and the staggered relationship between the proposed dwelling and the existing dwellings to the north west will ensure no unacceptable impact on the residential amenity of the adjacent dwellings in terms of privacy.
- 6.18 Similarly, the proposed dwelling has been designed in a cross shape to concentrate the bulk of the structure in the centre of the site. This has sufficiently mitigated the impact of the proposed dwelling on the outlook and setting of the immediate neighbouring dwelling to the east.
- 6.19 It is acknowledged that the use of the existing access driveway would increase if it were to serve an additional dwelling. This would have a potential impact on the residential amenity of the existing users, particularly the host dwelling. However the minimal increase in vehicle movement associated with a single additional dwelling would not generate sufficient harm to warrant a refusal of planning permission on this basis.

Highway safety and parking provision:

- 6.20 The scheme proposes to widen the existing access driveway and provide two off street parking spaces to serve the new dwelling, and two to serve the host dwelling. The provision of 2 parking spaces for each unit meets the standards set out within IGN3 and is acceptable.
- 6.21 The proposal seeks to remove the existing side extension to the host dwelling to increase the width of the access driveway. The increased width of the driveway would be 3.7m, increasing to 4.8m in front of the host dwelling. The increase in width has been designed to meet the standards required to provide access for emergency vehicles. I am aware of the concerns of local residents regarding the narrowness of the existing access, however KCC H+T raise no objection stating that there are no grounds on which a highway/transport reason for refusal could be sustained when considering the specific test of severity set out in the NPPF.

Archaeology:

6.22 The site lies within an area of archaeological potential associated with Early Prehistoric remains. In addition, owing to the location of the site, there is further potential for medieval archaeological remains. It is therefore necessary to attach a planning condition which requires a watching brief to be undertaken should any features of archaeological interest be discovered.

Conclusions:

6.23 In light of the above, I consider that the proposed development accords with the relevant provisions of the development plan and meets the requirements of the NPPF. As a result I recommend that, subject to the imposition of conditions, planning permission be granted.

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Design and Access Statement dated 24.07.2018, Location Plan dated 24.07.2018, Location Plan Showing access dated 24.07.2018, Site Plan P010 C dated 24.07.2018, Proposed Floor Plans P020 C dated 24.07.2018, Proposed Elevations P030 C dated 24.07.2018, 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 and samples of materials to be used externally 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 character and appearance of the existing building or visual amenity of the locality.

3. No above ground development shall take place until details of slab levels have been submitted to and agreed in writing by the Local Planning Authority. The details to include a scaled drawing showing the proposed dwelling in relation to the existing dwellings to the east and west. The works shall be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

4. No above ground development shall commence until full siting and elevational details of the bin store have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

5. Prior to the first occupation of the dwelling hereby permitted a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. The scheme shall include the retention of the trees as shown on the plan referenced HH.KENNY.01PP received 8 October 2018. 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.

6. The dwellinghouse hereby permitted shall not be occupied until the area shown on the submitted plan referenced HH.KENNY.01PP received 8 October 2018 as vehicle parking and turning areas to serve both the existing and proposed dwellings has been provided, surfaced and drained. The areas shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site. Thereafter the areas 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.
7.
 - a) If during development work, significant deposits or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed in writing with the Local Planning Authority and it shall thereafter be implemented by the Developer.
 - b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought on site should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.
 - c) A closure report shall be submitted by the Developer relating to a) and b) above and any other relevant issues and responses such as any pollution incident during the development.

Reason: To prevent unacceptable risks from pollution.

8. If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure 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 submitted to Local Planning Authority immediately on discovery of any historic item or feature.

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

9. The window on the first floor of the east elevation serving a bathroom shall be fitted with obscure glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

Reason: In the interests of the residential amenity and privacy of adjoining property.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed at the first floor level of the building other than as hereby approved.

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

Informatives

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. The applicant is encouraged to ensure that all vehicles and machinery associated with construction are parked within the site and not on the public highway in such a manner as to create an obstruction.
3. The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
4. The applicant is encouraged to ensure that the hours of construction, including deliveries, are restricted to Monday to Friday 07.30 - 18.30 hours, Saturday

08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.

5. Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

Contact: Maria Brown

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 7 November 2018

West Malling TM/18/01755/FL
West Malling And Leybourne

Erection of a detached 2 storey dwelling to the rear of 61 Offham Road West Malling

Paragraph 5.3: KFRS stated in their representations that insufficient information had initially been provided regarding the access to allow for them to comment on the scheme at that time. Amended plans were subsequently received which show the full extent of the access in detail, including widening, but to date no further representations have been received from KFRS. The minimum width required for access is 3.7m and at its narrowest points, the proposed access complies with this requirement. It should also be noted that the access is already in situ in its current form and serves existing properties. In any event, the applicant will be advised through standardised text included within the decision notice of the need to comply with separate legislation under the Buildings Regulations in this regard.

RECOMMENDATION REMAINS UNCHANGED

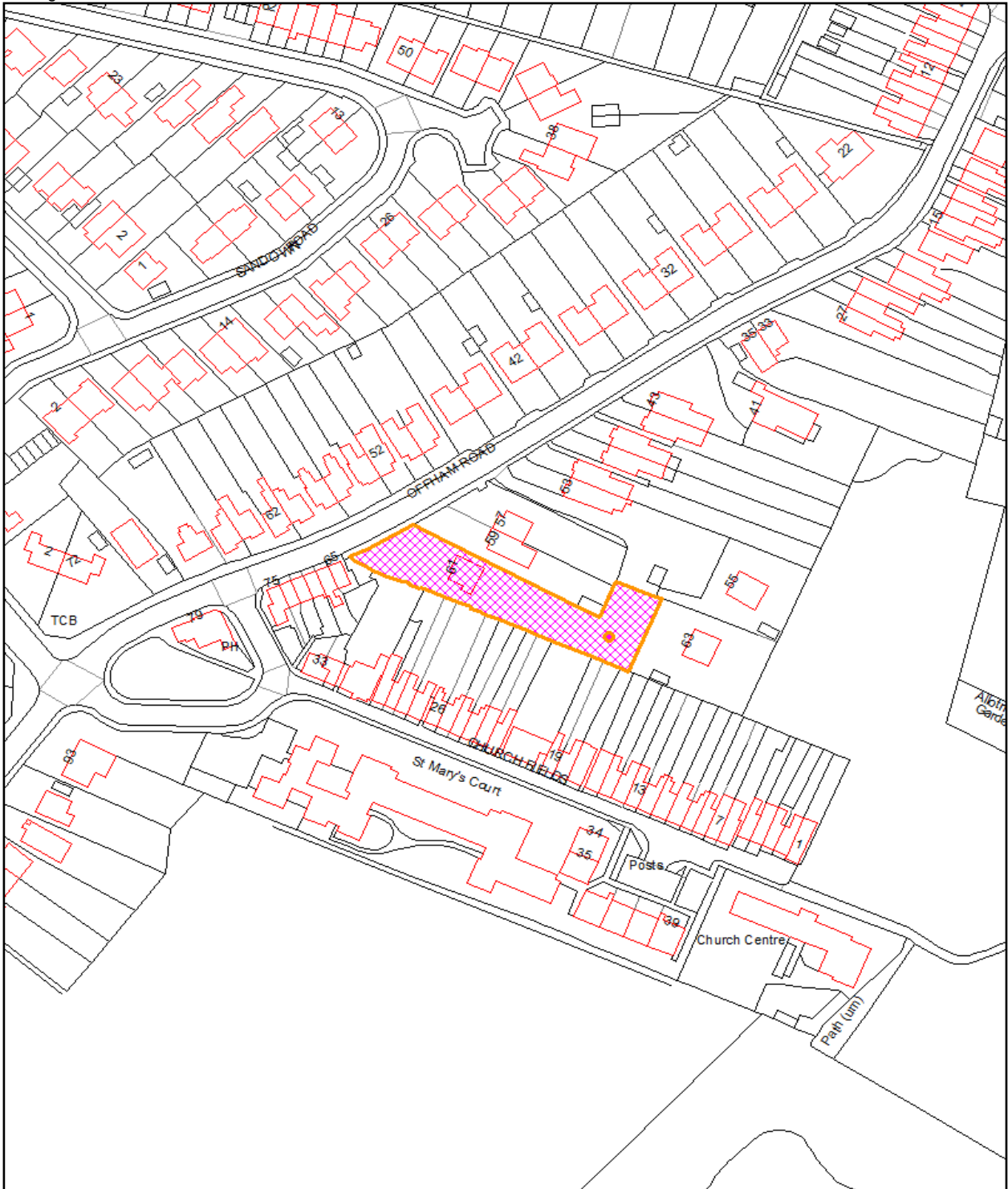
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TM/18/01755/FL

61 Offham Road West Malling Kent ME19 6RB

Erection of a detached 2 storey dwelling to the rear of 61 Offham Road

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Platt

22 August 2017

TM/17/02688/RD

Borough Green And
Long Mill

Proposal:

Details submitted pursuant to Condition 23 (junction safety measures) of planning permission TM/16/01766/FL (Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking)

Location:

Phase 3 Platt Industrial Estate Maidstone Road Platt
Sevenoaks Kent

Go to:

[Recommendation](#)

1. Description:

- 1.1 Members may recall that a resolution was passed by the Area 2 Planning Committee on 25 January 2017 granting planning permission for 3 industrial buildings (mix of B2 and B8 uses) under planning reference TM/16/01766/FL. This was subject to an additional condition, Condition 23 of the planning permission, which was to be imposed in the interests of public safety and amenity, in particular to safeguard pedestrian safety at the junction between the Platt Industrial Estate access road and the A20 Maidstone Road. The condition states that:

23. Prior to the commencement of development, details of the junction alterations and a strategy and timetable for measures to improve both the safety and the environmental conditions of the access road for vehicles and pedestrians around the A25/Platt Industrial Estate junction shall be submitted to and approved by the Local Planning Authority. The junction alterations and strategy shall be implemented as approved.

- 1.2 This application therefore seeks approval of details submitted to discharge Condition 23.
- 1.3 Members may also be aware that, as part of application TM/16/01766/FL, the applicant offered up a Unilateral Undertaking to implement improvement works to the A20 junction. This Undertaking required that the works to the junction be completed on or before the commencement of the approved scheme.
- 1.4 Within the process of revising the details of the junction alterations for this reserved details application and for a Section 278 Agreement with the local highway authority (KCC H&T), amendments to the works have been secured within a revised Unilateral Undertaking, dated 5 September 2018 (provided as an annex to this report).

2. Reason for reporting to Committee:

- 2.1 The application has been called in to Committee by Councillor Taylor due to concerns with highway safety.

3. The Site:

- 3.1 The application site is part of a vacant parcel of land within the western section of Platt Industrial Estate, located at the far end of the main access road to the estate that extends from Maidstone Road (A25). The site is located between the large factory/workshop of Kentinental Engineering to the north and the National Rail line to the south. A group of 7 light industrial units lie to the east of the site. A band of well-established trees that are covered by an Area TPO extend along the western boundary of the site. The site fronts existing tarmacked access roads on its north and east sides.

4. Planning History (relevant):

TM/16/01766/FL Approved 31 January 2017

Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking

TM/16/03630/OA Approved 17 August 2017

Outline Application including details of access: New access road from the East side of Platt Industrial Estate, through Nepicar sandpit to join the A25 Maidstone Road

TM/17/02256/RD Pending

Details submitted pursuant to conditions 2 (materials), 5 (levels), 12 (landscaping), 15 (archaeology), 16 (refuse/cycle stores), 18 (solar panels), 20 (updated reptile survey), 21 (SUD 's), 24 (contaminated land desktop study) and 25 (site investigations) of planning permission TM/16/01766/FL (Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking)

TM/17/03095/NMA Approved 27 November 2017

Non material amendment to planning permission TM/16/01766/FL (Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking): Revisions to windows, fire escape doors and roof lights

5. Consultees:

- 5.1 PC (15.02.2018): The following comments were provided:

- There are many instances of HGVs mounting the pavement even though swept path diagrams tell us a maximum length artic can leave the junction without mounting the pavement, whereas the evidence shows that is not always the case.
- I presume the applicant is experiencing technical difficulties in devising alterations that comply with KCC's Highway and pedestrian sightline demands because of land ownership problems.
- When the permissions were originally granted for the warehousing, the applicant had ownership of No 1 Whatcote Cottage, and could then demonstrate the ability to take any land required to achieve the required standard.
- However, we now know that he immediately sold the property, and the current residential occupant now shares the same concerns as other residents. In an attempt to protect his house and family from the noise of the estate entrance, the resident has planted a screen of bamboo. As we understand it, bamboo is a grass and is therefore not subject to the normal rules governing trees and hedging in proximity to Highway land, and cannot be cut back to achieve the sightlines required for Pedestrian Safety.
- The modifications to the old Platt Industrial Estate entrance proposed by the applicant will marginally improve matters, they are still a poor compromise for improving Highway safety, and do nothing to address residents' genuine concerns for Pedestrian Safety, Air Quality or noise impact.
- The new access road approved last year by Area 2 provides a true solution to all the problems above, so we no longer have to accept the worst option.

5.2 PC (05.11.2018): The PC strongly object to this application which is an extremely unsafe proposal. There appear to be bollards on the inside of the footpath rather than adjacent to the carriage way to stop the large lorries mounting the path, also no barriers on the west corner. This plan will not help heavy traffic exiting west on to the A25. The restriction of the footpath puts adults and children at risk. The building of the new school is due to start next year on the adjacent site to the industrial estate and the residents of Whatcote Cottages will have to cross the access road to the industrial estate to reach the school. Furthermore, there is only a 1 m footpath access to the rear of the Whatcote Cottage properties. Platt Parish Council urge the Planning Committee to visit the area to assess the situation before reaching a decision.

5.3 KCC H&T: The following comments have been provided:

12.10.2018

- No plan of the existing arrangement is provided and it is considered that a detailed base from a topographical survey is required. In particular the wall adjacent to no. 1 Whatcote Cottages needs to be accurately shown. I understand there is a question mark over the ownership of this feature and I note a 'communal' pathway to the rear of these cottages which extends to as far as no. 16 Whatcote Cottages.
- An important element of the detailed design of these S278 works will be to not compromise the pedestrian crossing arrangements at this access in terms of visibility to vehicles exiting the industrial estate. Widening of the industrial estate road north of the highway boundary line is a new design element of the proposals and the impacts (detriment?) of this with regard to safety for pedestrians waiting to cross is questioned. The current extent of pedestrian visibility to approaching vehicles needs to be quantified from a detailed topographical survey and the extent of pedestrian visibility to approaching vehicles as a result of the proposals also needs to be confirmed. An independent safety audit of the proposals is also requested.
- It is further considered that measures incorporating traffic calming/management/warning on the private industrial estate road for exiting vehicles would be helpful. Consideration should be given to use of graduated spaced bar markings or 'dragons teeth', coloured surfacing and use of 'on road' warning signage, such as TSRGD no. 544 (Schedule 12, Part 20 Sign 7 – in the new 2016 TSRGD).

23.01.2018

- I note the latest amended drawing uploaded on 15 January. However this drawing does not address any points raised in my response of 12 October 2017. I would be grateful if these issues could be considered before completing my response on behalf of this authority. Currently the proposals do not address these concerns.

22.08.2018

- I am pleased to see that this drawing/proposal does not compromise pedestrian crossing visibility by moving the tactile paving's/crossing point area, back. This in my view is a more important, detrimental issue than the swinging out of large vehicles, which is recognised and described in Rule 221 of the Highway Code.
- I can confirm that in the last 19 years there have been 3 slight and one serious injury crash at this junction. Of the slights, one involved a 50cc motorcycle hitting a sunken drain cover, one involved a westbound car turning into the

path of an eastbound car and one involved an eastbound, slow moving traffic, rear end shunt.

- The serious incident which occurred in 2011 is well known and documented. This involved a lorry turning right into Platt Industrial Estate and clipping a pedestrian walking along the southern footway. Remedial safety measures regarding this crash have since been implemented. No injury crashes have occurred in over 19 years involving lorries emerging from Platt Industrial Estate. The evidence indicates therefore that either lorries emerge when there is an appropriate gap and/or drivers of through traffic appropriately hold back on the A25 to allow large vehicles to complete their manoeuvres as advised in Rule 221 of the Highway Code.
- In reflecting on this junction, the eastern corner should only be widened if the pedestrian crossing visibility to traffic approaching on the Platt Industrial Estate private road, is not made any worse.

06.09.2018

- There is no doubt that pedestrian visibility at the eastern corner to approaching traffic on the private Platt Industrial Estate Road is much better than it has historically been. However, as discussed previously, on further reflection of previous measures proposed here, I consider it important (more important than the tracking of large vehicles out onto the A25), that the pedestrian crossing position is not compromised by it being moved back (eastwards).
- I confirm that there is a SLOW marking in the Platt Industrial estate private road as described. I confirm, as I believe the agent has recently confirmed, that the wall does not belong to this authority.

25.10.2018

- The additional drawing submitted is noted.

6. Determining Issues:

- 6.1 This condition requires details of the junction alterations and the provision of measures to improve the highway safety environment at the junction for both pedestrians and vehicles.
- 6.2 The proposed junction alterations have been provided on Drawing No.280 F and for all intents and purposes have been implemented under a Section 278 agreement with KCC H&T. It is important to note that this junction proposal retains the existing junction's form and layout. The only change is the extension to the parking bays on the northern side of the A25 to the east of the junction which is now in situ.

- 6.3 The proposed/implemented junction layout revises that previously agreed by KCC H&T as part of the Unilateral Undertaking for planning reference TM/16/01766/FL. The previous layout involved a reduction in the extent of the footway on the northeast sweep. KCC H&T have reassessed this and have concluded that pedestrian visibility at the eastern corner to approaching traffic on the private Platt Industrial Estate Road is much better than it has historically been and that, on review of previous measures proposed, it is considered more important that the pedestrian crossing position is not compromised by it being moved back than the tracking of large vehicles out onto the A25 eastwards.
- 6.4 Other measures to the junction have been proposed. These include:
- A 'SLOW' (Diagram 1024) and Pedestrians (Diagram 544) road markings have been proposed on the layout plan (Drawing No 280 F) to be applied to the road on the approach from the Estate. The SLOW marking has already been provided. The Pedestrians triangle marking has not yet been provided as proposed. It is also noted that a Pedestrian with Child sign is in situ on the approach to the junction from the Estate.
 - The hedge/verge, which is owned by Prime Securities, has been partially removed back to the front wall of No.1 Whatcote Cottages and it has been stated that the hedge will be maintained so that it does not spread back towards the gatepost. It has been requested that this should also state that the hedge be maintained so that it does not encroach outside or beyond the visibility lines shown on Drawing No.4863-050 Rev A. This provision will be confirmed within the supplementary report.
- 6.5 The junction works and measures proposed, other than the Pedestrians road marking, have been implemented. A timetable for the provision of this additional marking has been requested and will be clarified within the supplementary report.
- 6.6 The applicant has clarified the ownership of the land in and around the junction which is provided on Drawing No.4863-050 Rev A. In short, Northfleet Development owns the access road, the applicant (Prime Securities) owns the reservation area between the access road and No.1 Whatcote Cottages and the wall and pier adjacent to the junction are under the ownership of No.1 Whatcote Cottages.
- 6.7 Members should be made aware that the applicant was encouraged to liaise with the owner of No.1 Whatcote Cottages to discuss the possibility of the pier adjacent to the junction being removed/modified to provide a corner cut-off pedestrian entrance to No.1 Whatcote Cottages. This is likely to have improved visibility for pedestrians further. The applicant advised that an approach was made to the owner(s) of No.1 Whatcote Cottages in relation to this but no response was received.

- 6.8 The details therefore need to be assessed on their individual planning merit. I note the concerns raised by the Parish Council relating to pedestrian safety at the junction. However, this is considered to be a technical highways matter and it is noted that the applicant has liaised with KCC H&T in order to provide junction alterations and measures that KCC H&T are now satisfied would improve safety at the junction. Accordingly, it is considered that the details submitted are acceptable and sufficient to discharge this condition.
- 6.9 A revised unilateral undertaking that reflects the details submitted within this reserved details application has been agreed with the Council (dated 5 September 2018). It has been noted that this shows an earlier revision of Drawing No.280 (D). It has therefore been requested that this be amended to reflect the drawing submitted with this application and which was issued for construction (Drawing No.280 F. An update regarding this will be provided within the supplementary report. As mentioned previously, these works have now been implemented.
- 6.10 It is therefore recommended that Members resolve to approve this application for reserved details and endorse the revised unilateral undertaking agreed.

7. Recommendation:

- 7.1 **Reserved Details be Approved** in accordance with the following:

Drawing 280 F received 20.08.2018, Topographical Survey LPS2089 received 20.08.2018, Planning Layout 4863-050 A received 19.09.2018, Planning Statement received 03.09.2018, Other Land Registry Map received 03.09.2018.

Contact: Mark Fewster

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DATED

5 SEPTEMBER

2018

PRIME SECURITIES LIMITED

and

TONBRIDGE AND MALLING BOROUGH COUNCIL

**PLANNING OBLIGATION BY WAY OF UNILATERAL
UNDERTAKING UNDER SECTION 106 OF THE TOWN
& COUNTRY PLANNING ACT 1990 RELATING TO
LAND AT PLATT INDUSTRIAL ESTATE, MAIDSTONE
ROAD, PLATT, SEVENOAKS, KENT**

pdtsolicitors

premier house, 36-48 queen street
horsham, west sussex
RH13 5AD
t: 01403 262333
f: 01403 262444
e: law@pdt.co.uk
Ref: CGB/PRI 14/61

THIS DEED is made the 5 day of SEPTEMBER 2018

- (1) **PRIME SECURITIES LIMITED** incorporated and registered in England and Wales with company number 00635489 whose registered office is at The Courtyard, Shoreham Road, Upper Beeding, Steyning, West Sussex BN44 3TN ("the Owner")
- (2) **TONBRIDGE AND MALLING BOROUGH COUNCIL** of Gibson House, Gibson Drive, Kings Hill ME19 4LZ ("the Council")

BACKGROUND :-

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Owner owns the Property.
- (C) The Owner has made the Planning Application and is proposing to carry out the Development.
- (D) In accordance with the Council's Local Plan on planning contributions the Owner gives this undertaking to perform the obligations set out in this Deed.

WHEREBY IT IS AGREED as follows:-

1. Interpretation

The following definitions and rules of interpretation apply in this Deed.

1.1 Definitions:

Commencement of Development means the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this Deed and for no other purpose, the following operations:

- demolition works;
- site clearance;
- ground investigations;
- site survey works;
- temporary access construction works;
- archaeological investigation; and
- erection of any fences and hoardings around the

Property.

Commenced and **Commences** shall be construed accordingly;

Commencement Date

means the date of Commencement of Development;

Development

means the development of the Property described in the Planning Application;

Highway Works

means the agreed works to the existing access to the Property and the provision of visibility splays as detailed on the appended drawings;

Plan

means the plan attached to this Deed;

Property

means the freehold land at Platt Industrial Estate, Maidstone Road, Sevenoaks, Kent registered at HM Land Registry with absolute title under title number K161974 and as shown on the Plan;

Planning Application

means an application for planning permission made to the Council under reference number TM/16/01766/FL;

Planning Permission

means the planning permission to be granted by the Council in respect of the Planning Application;

TCPA 1990

means Town and Country Planning Act 1990;

Working Day

means any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.

- 1.2 Clause headings shall not affect the interpretation of this Deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.5 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.6 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 1.7 A reference to the Council shall include the successors to its respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.

- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** includes fax but not e-mail.
- 1.11 References to clauses are to the clauses of this Deed.
- 1.12 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

2. Statutory Provisions

- 2.1 This Deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972 and any other enabling powers.
- 2.2 The obligations contained in clause 3 of this Deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 This Deed shall come into effect on the date of grant of the Planning Permission.
- 2.4 The obligations contained in clause 3 of this Deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

3. Covenants With the Council

- 3.1 The Owner covenants with the Council:
 - 3.1.1 to undertake and complete the Highway Works on or before the Commencement Date.
 - 3.1.2 to give at least 10 Working Days written notice to the Council of the Commencement Date.

4. Release

No person shall be liable for any breach of an obligation, restriction or covenant contained in this Deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

5. Determination of Deed

- 5.1 This Deed shall be determined and have no further effect if the Planning Permission:
 - 5.1.1 expires before the Commencement of Development;

- 5.1.2 is varied or revoked other than at the request of the Owner; or
- 5.1.3 is quashed following a successful legal challenge.

6. Local Land Charge

This Deed is a local land charge and shall be registered as such by the Council.

7. Ownership

- 7.1 The Owner warrants that no person other than the Owner has any legal or equitable interest in the Property.
- 7.2 Until the obligations in clause 3 have been complied with the Owner will give to the Council within 10 Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:
 - 7.2.1 the name and address of the person to whom the disposition was made; and
 - 7.2.2 the nature and extent of the interest disposed of.

8. Notices

- 8.1 A notice or other communication to be given under or in connection with this Deed must be in writing and must be:
 - 8.1.1 delivered by hand; or
 - 8.1.2 sent by pre-paid first class post or other next working day delivery service.
- 8.2 Any notice or other communication to be given under this Deed must be sent to the relevant party as follows:
 - 8.2.1 to the Council at: Gibson House, Gibson Drive, Kings Hill ME19 4LZ marked for the attention of Kevin Toogood;
 - 8.2.2 to the Owner at: c/o PDT Solicitors, Premier House, 36-48 Queen Street, Horsham, West Sussex RH13 5AD marked for the attention of Craig Burton;or as otherwise specified by the relevant person by notice in writing to each other person.
- 8.3 Any notice or other communication given in accordance with clause 8.1 and clause 8.2 will be deemed to have been received:
 - 8.3.1 if delivered by hand, on signature of a delivery receipt or at the time the notice is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not

a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day;

8.3.2 if sent by pre-paid first class post or other next working day delivery service at 9.00 am on the second Working Day after posting.

8.4 A notice or other communication given under this Deed shall not be validly given if sent by e-mail.

8.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

9. Third Party Rights

A person who is not a party to this Deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Deed.

10. Governing Law

This Deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

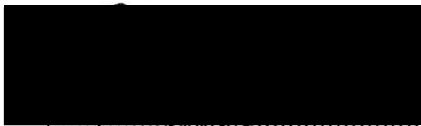
This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

EXECUTED as a DEED by
PRIME SECURITIES LIMITED



acting by a director in the presence of;

Director



Witness Signature

Ruipe Micheline
Witness Name

*Secrétaire à : Physiothérapie de la Vallée
Rte de Champeny 30
1873 Val-d'Jilliez*

Witness Address

- 1. CONTRACTOR IS RESPONSIBLE FOR ALL SETTING OUT WORK AND TO OBTAIN PERMISSIONS FOR THE SITE
- 2. ALL DIMENSIONS MUST BE TAKEN FROM THE MAIN DIMENSION LINE UNLESS OTHERWISE SPECIFIED
- 3. THIS DRAWING MUST NOT BE SCALED
- 4. ALL DIMENSIONS MUST BE TAKEN FROM THE DIMENSION LINE UNLESS OTHERWISE SPECIFIED



TENDER DOCUMENT

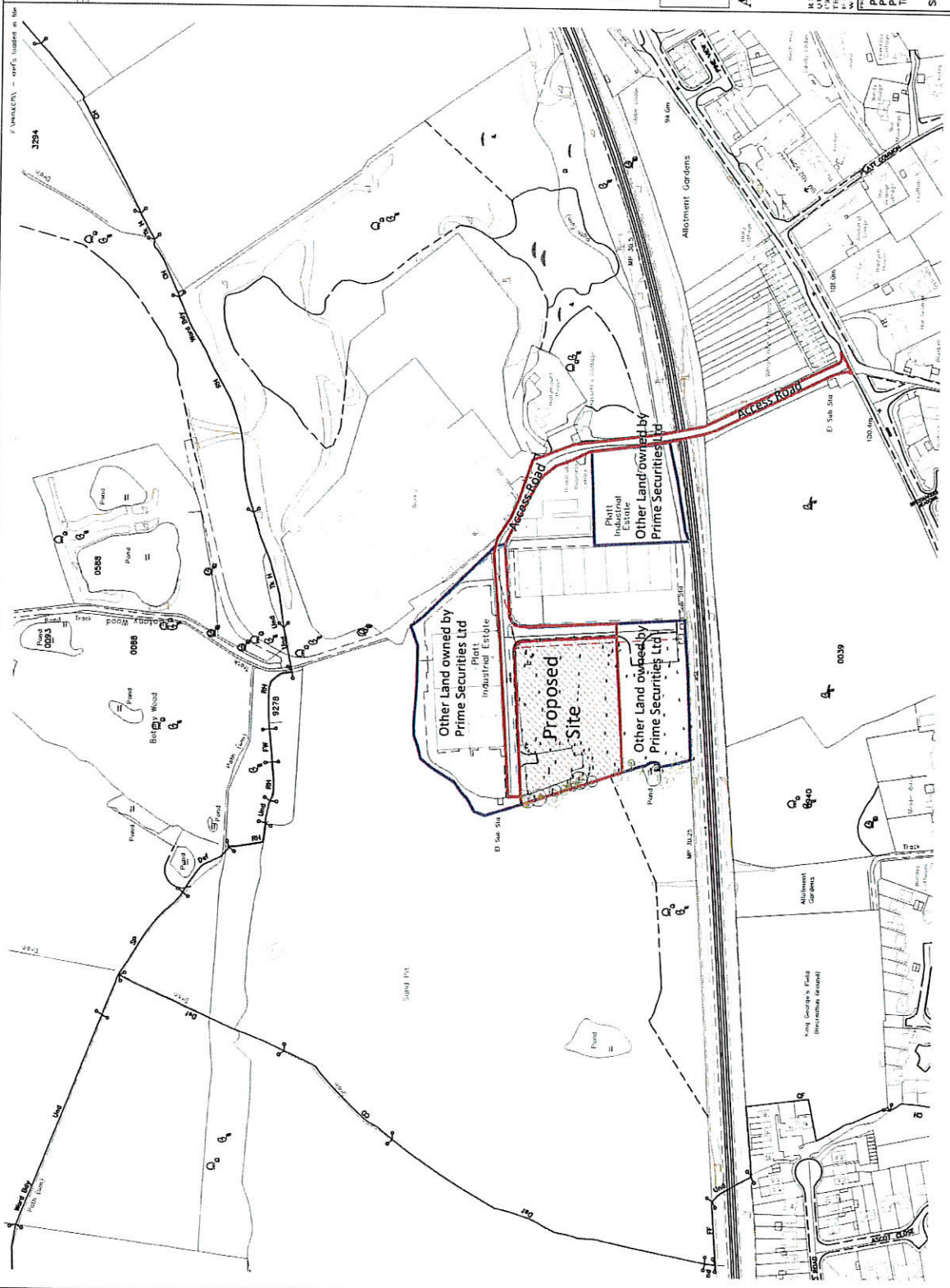
RD|W
ARCHITECTS

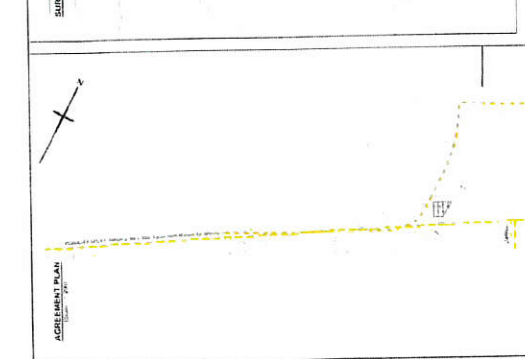
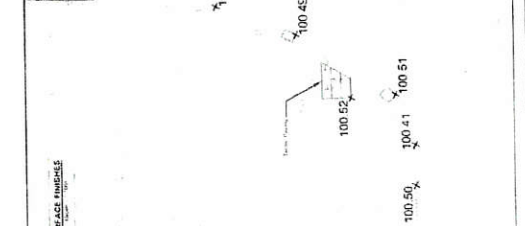
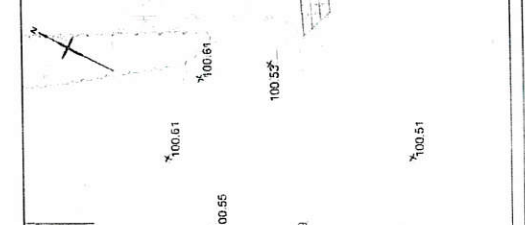
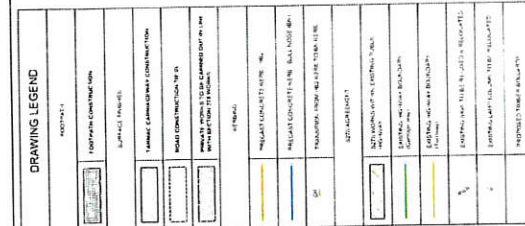
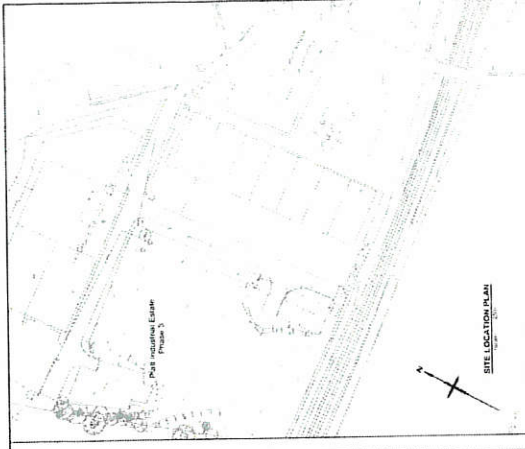
RD|W ARCHITECTS LIMITED
ONEWAY HOUSE - 111 EAST PARK
SHEPPARD AVENUE EAST - SCARBOROUGH
ON M1V 4R7
TEL: 416 291 2222
WWW.RD|WARCHITECTS.COM

PROPOSED ALTERNATIVE LAYOUT
PHASE 3b and 3c
INDUSTRIAL ESTATE
THIS 80A

SITE LOCATION PLAN

DATE: 20.04.16	SCALE: 1:1250 @ A1
DRAWN: JMS	DATE: 16.04.16
CHECKED: JMS	PROJECT NO: 4863-001
REVISIONS:	





Code	Description	Material	Thickness (mm)	Notes
R1	Centre Line	White	150	
R2	Edge Line	White	150	
R3	Diagonal Line	White	150	
R4	Wheel Track	White	150	
R5	Stop Line	White	150	
R6	Give Way Line	White	150	
R7	Speed Limit	White	150	
R8	Directional Arrow	White	150	
R9	Stop Line	White	150	
R10	Give Way Line	White	150	

SUBJECT TO KCC APPROVAL			
PRIME SECURITIES LTD			
RDJW ARCHITECTS			
PLATT INDUSTRIAL ESTATE, PHASE 3			
PROPOSED SECTION 278 WORKS			
As Shown	JKI	JKI	SV
E8600	280		

Symbol	Description
[Symbol]	EXISTING CONSTRUCTION
[Symbol]	PROPOSED CONSTRUCTION
[Symbol]	PROPOSED CONSTRUCTION TO BE COMPLETED BY 15/06/2024
[Symbol]	PROPOSED CONSTRUCTION TO BE COMPLETED BY 15/06/2024
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[Symbol]	PROPOSED CONSTRUCTION TO BE COMPLETED BY 15/06/2024

Vehicle	Dimensions	Weight	Notes
Flat Bed Articulated Vehicle (FBV)	100.59m x 2.40m	40,000kg	
Tractor Trailer	100.72m x 2.40m	40,000kg	
Tractor Trailer	100.55m x 2.40m	40,000kg	
Tractor Trailer	100.51m x 2.40m	40,000kg	
Tractor Trailer	100.41m x 2.40m	40,000kg	
Tractor Trailer	100.50m x 2.40m	40,000kg	
Tractor Trailer	100.55m x 2.40m	40,000kg	
Tractor Trailer	100.51m x 2.40m	40,000kg	
Tractor Trailer	100.41m x 2.40m	40,000kg	
Tractor Trailer	100.50m x 2.40m	40,000kg	

Section	Material	Thickness	Notes
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	

Detail	Description
1	Transition between existing and proposed road surface.
2	Transition between existing and proposed road surface.
3	Transition between existing and proposed road surface.
4	Transition between existing and proposed road surface.
5	Transition between existing and proposed road surface.
6	Transition between existing and proposed road surface.
7	Transition between existing and proposed road surface.
8	Transition between existing and proposed road surface.
9	Transition between existing and proposed road surface.
10	Transition between existing and proposed road surface.

Section	Material	Thickness	Notes
Sub-base	AC10	150	
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Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	

Code	Description	Material	Thickness	Notes
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R4	Wheel Track	White	150	
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R6	Give Way Line	White	150	
R7	Speed Limit	White	150	
R8	Directional Arrow	White	150	
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Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	
Sub-base	AC10	150	

STATEMENT BY THE CLIENT

I, the undersigned, being duly sworn, depose and say that the contents of the foregoing are true and correct to the best of my knowledge and belief, and that I am the duly authorized representative of the client.

SIGNED: [Signature]

WITNESSED: [Signature]

DATE: [Date]

FOR APPROVAL

SUBJECT TO KCC APPROVAL

PRIME SECURITIES LTD

RDJW ARCHITECTS

PLATT INDUSTRIAL ESTATE, PHASE 3

PROPOSED SECTION 278 WORKS

As Shown JKI JKI SV

E8600 280

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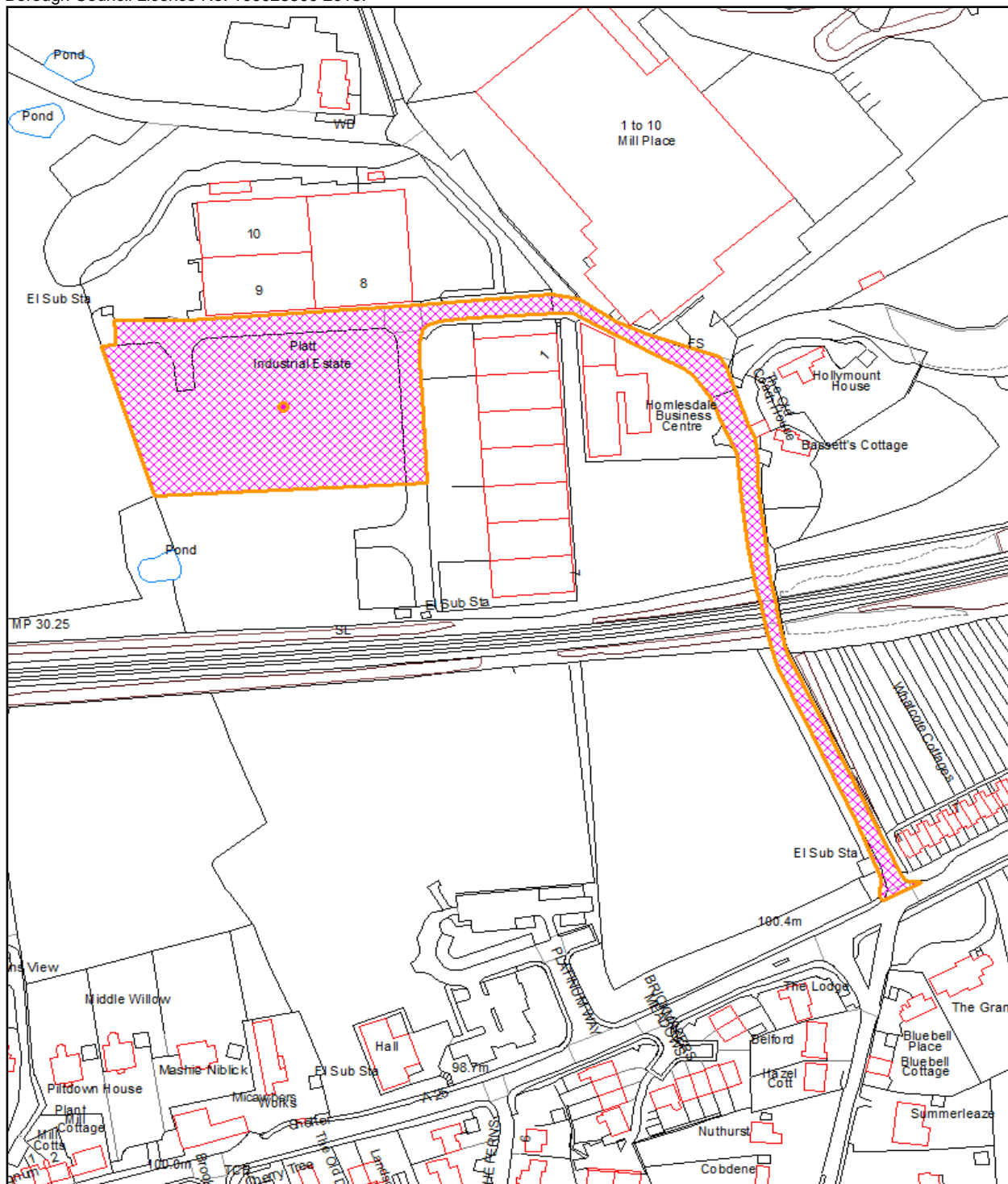
DATE: [Date]

TM/17/02688/RD

Phase 3 Platt Industrial Estate Maidstone Road Platt Sevenoaks Kent

Details submitted pursuant to Condition 23 (junction safety measures) of planning permission TM/16/01766/FL (Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking)

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Agenda Item 8

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

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

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