

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### 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.**

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19 February 2019

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, 27th February, 2019 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 23 January 2019

**Decisions to be taken by the Committee**

4. Development Control 9 - 12

Introduction and Glossary

5. TM/18/02268/FL - St Georges Court, West Street, Wrotham 13 - 36

6. TM/18/01930/FL - Kentfield Farm, Tower Hill, Offham 37 - 54

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.

**Matters for consideration in Private**

8. Exclusion of Press and Public 55 - 56

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, 23rd January, 2019

**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 R P Betts, Cllr S R J Jessel, Cllr Mrs S L Luck, Cllr P J Montague, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison and Cllr Miss S O Shrubsole

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 M A Coffin, L J O'Toole, T B Shaw and M Taylor

### PART 1 - PUBLIC

#### **AP2 19/1 DECLARATIONS OF INTEREST**

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

#### **AP2 19/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 12 December 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 19/3 DEVELOPMENT CONTROL**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP2 19/4 TM/18/02642/FL - LAND AT WEST OF STATION ROAD NORTH, WEST MALLING**

Use of land to provide station car parking and new access at land west of Station Road North, West Malling.

**RESOLVED:** That planning permission be DEFERRED for a Members' Site Inspection

[Speakers: Richard Byatt – West Malling Parish Council; Nigel Numas – Member of the public and Gavin Cooper - agent]

**AP2 19/5 TM/18/02444/FL - 246 BUTCHERS LANE, MEREWORTH**

Erection of detached dwelling at 246 Butchers Lane, Mereworth.

**RESOLVED:** That planning permission be REFUSED for the following reason:

- (1) The development by virtue of its overall size and layout when considered within the context of the restricted size and shape of the plot could not be satisfactorily accommodated and would appear as an unduly cramped form of development, which would cause demonstrable visual harm to the street scene and the amenities of the wider locality. As such, the proposed development is contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment DPD 2010 and the requirements of paragraphs 127 and 130 of the National Planning Policy Framework 2018.

[Speakers: Andrew Wells – Mereworth Parish Council; Michael Collins, Stephen Reynolds, Susan Bowman, Irene Collins, Ted Muggridge, Gary Bowman and Sarah King-Pascoe (statement read by Susan Bowman) – members of the public and Paull Trigg - agent]

**AP2 19/6 TM/18/01627/TNCA - LAND ADJACENT TO OLDBURY HATCH, OLDBURY LANE, IGHTHAM**

Removal of 18 Beech; 1 Pine; 5 Hornbeam; 6 Acacia; 1 Oak; 2 Holly and 1 Silver Birch trees from garden to be replaced with various different species at land adjacent to Oldbury Hatch, Oldbury Lane, Ightham.

**RESOLVED:** That the Tree Preservation Order, as set out in Annex 1 to the report, be CONFIRMED in the interests of amenity and to protect the trees in question.

**AP2 19/7 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.45 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.

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#### 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

**Wrotham**

**24 October 2018**

**TM/18/02268/FL**

Wrotham, Ightham And  
Stansted

Proposal: Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

Location: St Georges Court West Street Wrotham Sevenoaks Kent TN15 7DN

Go to: [Recommendation](#)

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**1. Description:**

- 1.1 Planning permission is sought for the demolition of the existing development known as St Georges Court and the redevelopment of the site to provide a total of 38 residential units with associated parking and landscaping.
- 1.2 The buildings would be a mixture of detached, semi-detached and terraced housing along with one flatted building which will be located centrally within the site. All of the proposed buildings will be two-storey in scale. Materials proposed to be utilised include red brick, dark weatherboarding and tiles.
- 1.3 The single block of flats is proposed to provide a total of 12 x 2 bed units, centrally located to the front of the site, fronting onto West Street. Each flat is proposed to have its own street level entrance door and private amenity space. This building would be surrounded to the west, east and north by rows of two and three bed terraces. The northern edge of the site is to be occupied by semi-detached and detached units at a lower density.
- 1.4 The proposed development would provide for a total of 38, 2 and 3 bed units. Of the units, 10 are proposed to be allocated for affordable rent, owned and managed by Clarion Housing Group with the remaining being built out as intermediate low cost home ownership. The affordable rent units would all be 2 bed houses, located on the eastern side of the site, with the remaining homes spread across the 2 and 3 bed houses and flats.
- 1.5 The residential units are proposed to be served by a total of 62 car parking spaces, of which 57 will be allocated to the residents, with the remaining spaces for visitor use. Two cycle spaces per unit have also been incorporated into the layout.
- 1.6 Vehicular access to the site will remain from West Street. A further pedestrian access from West Street into the development is also shown to be provided.
- 1.7 In support of the planning application, the following documents have been submitted. These have been referred to and discussed where applicable and necessary within the assessment that follows:

- Planning Statement prepared by Savills dated September 2018;
- Design and Access Statement prepared by BPTW Partnership dated November 2018;
- Preliminary Ecological Appraisal prepared by GreenLink Ecology Ltd dated June 2018; Tree Survey Report prepared by GreenLink Ecology Ltd dated June 2018;
- Transport Statement prepared by Paul Mew Associates dated September 2018;
- Phase 1 Desk Study prepared by Albury S.I Ltd dated May 2015;
- Phase 2 Report on Site Investigation prepared by Albury S.I Ltd dated November 2015;

1.8 This submission follows on from a previously refused scheme for the redevelopment of the site and the construction of 60 units. Having undertaken a Members' Site Inspection, APC2 refused planning permission for that earlier scheme for the following reasons:

*The proposed redevelopment within a rural settlement does not comply with policy CP13 of the Tonbridge and Malling Borough Core Strategy 2007 and there are insufficient material considerations to justify the setting aside of that policy.*

*The proposed footprint, scale, bulk and massing of the new buildings results in an overbearing appearance which is also out of character with the street scene. The proposal is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.*

1.9 The Planning Inspector subsequently dismissed an appeal lodged against that refusal. The considerations made by the Inspector in reaching that decision are a material consideration in the assessment of this planning application and it is necessary to establish whether the previous reasons for refusal have been successfully overcome having particular regard to the prevailing circumstances now extant. These will be referred to in the assessment that follows as appropriate.

## **2. Reason for reporting to Committee:**

2.1 Given the recent history of the site.

## **3. The Site:**

3.1 The site lies within the rural settlement confines of Wrotham. The site and Wrotham as a whole is washed over by the AONB. Wrotham Conservation Area is

beyond the Courtyard Gardens development to the east; it does not abut the site but lies about 75m away.

- 3.2 The site measures 0.94 ha and currently accommodates 2 storey building previously in use as sheltered housing comprising 57 dwellings.
- 3.3 The built form is concentrated in the centre of the site with grass banks, trees and hedges at the periphery. There are currently 28 parking spaces.
- 3.4 The land is generally upwards sloping south-east to the north-west.
- 3.5 There are mature trees mainly on the southern frontage to West Street and on the western boundary to public footpath MR236 that runs adjacent to Mountain Close and Goodworth Road towards the primary school. The majority are protected under a Tree Preservation Order 16/00011/TPO confirmed on 19 September 2016.
- 3.6 The boundary to Courtyard Gardens comprises a 1.6m high concrete panel wall. A well-maintained hedge belonging to Courtyard Gardens currently screens much of the existing buildings from the amenity areas serving those neighbouring properties.
- 3.7 To the east are over 55's dwellings at Courtyard Gardens and the dwellings and garage courts of 111-116 West Street: ground levels are similar to the application site along the common boundary. There is hedge approximately 4m high belonging to Courtyard Gardens along much of the western boundary.
- 3.8 To the north is a boundary of concrete panel fencing with the bungalows of Childs Way set at levels 133.3m to 132.7m OD. On average, these bungalows have ground levels 1.2m higher than the ground level of the application site, which is set down in the NE corner. There is almost a full Leylandii hedge along that boundary in the gardens of Childs Way, screening most of the gardens of these neighbouring bungalows. Beyond the bungalows are conventional 2 storey houses in Childs Way, which are on rising land.
- 3.9 To the south beyond West Street itself are pairs of semi-detached houses. These are generally 24m from the edge of the site but at a lower land level. Some have hardstanding for parking in their frontages.

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

TM/15/03051/FL	Refuse	18 November 2016
	Dismissed on appeal	14 September 2017

Demolition of the existing housing to be replaced with new residential flats and houses, with associated ancillary buildings, parking and amenity space: 5

apartment blocks 2-3 storeys in height consisting of 9 X 1 bed and 43 X 2 bed units; 6 X 2 bed houses and 2 X 3 bed houses with private garden amenity space

**5. Consultees:**

5.1 PC: No objections

5.2 KCC (H +T): Confirmation that it is not considered that the impact of this proposal could be described as severe. The car parking proposed is in accordance with standards. On behalf of this authority I confirm that subject to the following conditions I have no objection to this proposal:

- Submission of a Demolition and Construction Management Plan for approval before commencement of any development on site to include the following: Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

5.3 KCC (PROW): Public Right of Way MR236 runs along the western boundary of the application site and should not affect the application.

5.4 EA: Original comments: Objections raised on the grounds that the application failed to provide assurance that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. Recommends refusal on that basis.

Further to additional information being submitted, subsequent comments were provided as follows:

5.5 Objection can be removed subject to the imposition of planning conditions. The Phase 1 Desk Study by Albury S.1. Ltd (ref: 15/10432/JM) dated May 2015, and the Phase 2 Site Investigation by Albury S.I. Ltd (ref: 15/10432/A/JM) dated November 2015 have been reviewed. We feel that, in general they have been carried out in line with relevant guidance and the analysis of risks and liabilities detailed in the reports are agreed in principle. The investigation reports have identified a low risk of contamination at the site and no remediation has been recommended. Although no significant contamination has been discovered by the site investigation, there is always the possibility that previously unsuspected

contamination may be encountered during construction. Conditions should therefore be imposed.

- 5.6 KCC (LLFA): Original comments: Unfortunately no surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review. Further information requested.

Further to liaison with the LLFA, subsequent comments were provided as follows:

- 5.7 We have reviewed the information submitted and whilst our previous comments still apply (23 November 2015), we would also recommend the following information is provided as part of detailed design:

- Information to support any key design inputs (e.g. greenfield and post-development run-off rate calculations, existing and/or proposed impermeable area plan).
- Final full network calculations and model details to demonstrate the drainage system's operation and performance for the critical duration 1 year, 30 year, 100 year +20% and 100 year +40% storm intensities.
- Where there is any exceedance of the drainage network above the 30 year event, an exceedance plan should be provided illustrating where exceedance occurs and the extent and depth of flooding. Exceedance must be controlled within the site boundary.
- As per our SuDS policy 4, for brownfield sites, and unless demonstrated to be reasonably impracticable, we would expect a 50% reduction in the peak runoff rate from that of existing.
- Should your local authority be minded to grant permission for this development, we recommend the following conditions:
- Condition: Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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

5.8 SWS: Comments provided regarding the need for the developer to ensure the location of public sewers is established.

5.9 KFRS: The means of access is considered to be satisfactory

5.10 KCC (Economic Development): Contributions sought towards primary and secondary education.

5.11 Private Reps: 99 + site and press notices/0X/17R/0S. Objections raised on the following grounds:

- Overdevelopment and not in keeping with the area;
- More imposing on the environment and denser than other housing in the area;
- Impact on roosting bats;
- Lack of parking and associated impacts on on-street parking;
- Increased levels of traffic;
- Concern about who will have responsibility for the maintenance and upkeep of protected trees;
- Need for elderly accommodation within the village remains;

- Applicant should prove there is a need for this type of accommodation in the village;
- Lack of school places in the area;
- Increase in noise;
- Existence of restrictive covenants  
[DPHEH – this is not a material planning consideration]

**6. Determining Issues:**

*Preliminary matters:*

- 6.1 Members will be aware that a restrictive covenant exists on the application site and it is clear from the representations received that this remains a locally sensitive issue. For the avoidance of any doubt, the existence of the covenant is not a material planning consideration and simply cannot be a matter upon which a decision on the planning application can be made. Similarly, the preference of some to ensure the site remains for elderly person's accommodation in some guise is not material but rather whether the specific scheme now put forward is acceptable in light of the adopted development and other material considerations. As such, these matters will not form any further basis of the assessment that follows.
- 6.2 Whilst the previous Inspector's decision is a material consideration in the determination of this application, it is important to note that circumstances have changed since this decision was made, in particular the publication of the new NPPF in July 2018 and the absence of a five year housing land supply when measured against our objectively assessed need. This means that, where still relevant to do so, reference has been made to the judgements of the previous Inspector but the relevant policy framework has already moved on from the context in which that decision was made.
- 6.3 Members will be aware that the Council has now submitted its Local Plan for examination by the Secretary of State. The policies contained within the plan at this time (pending examination) carry only limited weight. In any event, there are no policies contained within the Plan that seek to resist development of this nature in locations such as this.

*Principle of proposed development and relevant policy considerations:*

- 6.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it '*does not change the statutory status of the development plan as the starting point for decision making. Proposed*

*development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise’.*

- 6.5 Policy CP13 of the TMBCS states that new development within the confines of identified rural settlements (including Wrotham) will be restricted to minor development appropriate to the scale and character of the settlement. In the case of redevelopment or change of use of an existing building, development will only be proposed in the LDF, or otherwise permitted, if: the overall trip generation is projected to be lower than that associated with the former use; or if there is some significant improvement to the appearance, character and functioning of the settlement; or there is an exceptional local need for affordable housing in terms of Policy CP19.
- 6.6 In the absence of a five year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the NPPF. Firstly this means giving consideration to whether policy CP13 is out of date for the purposes of decision making and thus whether there is conflict between the requirements of the policy and the requirements of the NPPF.
- 6.7 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. Continuing to concentrate new housing development within identified and established settlement confines such as this (and therefore also conforming with development plan policy CP13 in the broadest of terms) wholly accords with this aim.
- 6.8 However, it should be noted that policy CP13 of the TMBCS sets out a requirement for either a reduction in trip generation resulting from a proposed development when compared to the former use of the site or “significant improvements” to the appearance, character or functioning of the settlement before planning permission can be granted. These requirements are not replicated within the policies contained within the Framework and therefore this element of CP13 does not conform within the NPPF and cannot be relied upon in the absence of a five year supply. (I would mention however that this revised scheme does actually accord with the specific requirements for net gains in any event.)
- 6.9 As such, returning to the need to apply the presumption in favour of sustainable development, the scheme proposes new housing development on a previously developed site within an existing identified settlement in accordance with the policies contained within the NPPF (and policy CP13) and therefore planning permission should be granted (paragraph 11d).
- 6.10 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.

- 6.11 In this respect, whilst I note that the scheme proposes a reduced number of units across the site from that previously occupied, it is – and has been for some time now – vacant. Furthermore, the site is tightly constrained by a number of important factors, not least the surrounding residential developments and the need to ensure adequate parking and highway safety arrangements are provided for. As such, I consider that the proposed density level (40dph) is appropriate, and represents an effective use of the land, whilst also ensuring a high quality environment prevails within the context of the various constraints at play. This is wholly consistent with the requirements of the NPPF in ensuring an effective use of land in areas such as this.
- 6.12 In light of the above, while I have given regard to the previous Inspector’s decision in terms of the detailed assessment as to the merits of the scheme as an important material consideration, events have overtaken which means the broader commentary she provided concerning matters of principle and conflict with CP13 and the associated previous reasons for refusal no longer apply in the same way.
- 6.13 I now return to the need to apply the presumption in favour of sustainable development (paragraph 11 (d) of the NPPF). For decision making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.14 With regards paragraph 11 (d) (i), footnote 6 explains the concept of “specific policies” in the NPPF indicating that development should be restricted. This includes development relating to sites within the AONB. It is therefore necessary to assess the impact of the development on the AONB in the first instance.

*Impacts on the AONB:*

- 6.15 The purpose of the AONB is to conserve and enhance the area’s natural beauty. There is a duty on the LPA to have regard to this statutory purpose in carrying out their functions (section 85 of the Countryside and Rights of Way Act 2000). National policy confirms that this duty also applies to proposals for land outside the designated area but which nonetheless impact upon it.

- 6.16 Policy CP7 relates to AONB: development should not be permitted if detrimental to the natural beauty and quiet enjoyment of the AONB, including their landscape, wildlife and geological interest. Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.
- 6.17 Paragraph 172 of the NPPF attaches great weight to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
- 6.18 The site is within the village of Wrotham and enclosed by relatively modern development on all 4 boundaries which is all washed over by the AONB. I am of the view that the scale and nature of the development now proposed within this context would not cause any harm to the AONB. In making this judgement, I am mindful of the comments made by the AONB unit in respect of the larger (refused) scheme, where no objections were raised. No comments have been expressly made by the Unit in connection with this planning application and the previous refusal was not based on any AONB impact. As such, there are no restrictive policies operating which provide a clear reason to refuse permission and the presumption in favour of sustainable development applies to be considered.
- 6.19 In this context, it is of course necessary to properly consider local context and the quality of the resultant development in terms of the requirements of CP24 of the TMBCS and the policies contained within the Framework concerning the need to achieve high quality design.

*Layout, design, visual impact and landscaping:*

- 6.20 Policy CP24 (Achieving a High Quality Environment) states that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings; all development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and should make a positive contribution towards the enhancement of the appearance and safety of the area. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside should not be permitted.
- 6.21 Policy SQ1 of the MDE DPD has similar objectives; all new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity.
- 6.22 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty that in the exercise of any powers with respect to any

buildings or other land in a conservation area, special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area. The site is 75m from the Conservation Area and there is intervening development such that the redevelopment would not affect the Conservation Area or its setting. Similarly, I do not believe that the roof scape would harm the view from St Georges Church in the village centre.

- 6.23 The reduction in the overall number of units proposed in this revised scheme has consequently reduced the scale and massing of the built form in a way that allows it to be far more reflective of that of the surrounding development. Equally, the scale and massing and detailed design of the buildings would collectively ensure that the development would respect the site and its surroundings, providing a cohesive and high quality new development.
- 6.24 The site is enveloped by relatively modern dwellings of no particular architectural merit and, in my opinion, the materials and form of the proposed development strikes an acceptable compromise between a contemporary design and respecting the local colour palette and key architectural forms.
- 6.25 I note that a number of trees are proposed to be removed to facilitate the development. Although this includes some to be removed along the West Street boundary, a suitable screen along this boundary would be retained and would be acceptable in visual terms.

*Residential amenity:*

- 6.26 Policy CP24 of the TMBCS requires that development be designed in such a way that respects the site and its surroundings. More generally, one of the core principles contained within paragraph 17 of the NPPF sets out that a good standard of amenity for all existing and future occupants of land and buildings should be sought.
- 6.27 The layout as proposed, combined with the relative scale and height of the buildings, and the manner in which the buildings have been designed all contribute collectively to ensuring there would be no harmful overlooking arising or any adverse loss of daylight or sunlight, particularly when considering the scale, form and relationships between the existing buildings on the site and the closest neighbours.
- 6.28 In particular, I note that the layout has been designed so as to ensure appropriate separation distances remain where direct relationships between existing and proposed buildings are to arise. The buildings with the closest relationships are to the northern end of the site but land levels reduce the impact arising and no first floor habitable rooms are proposed in these circumstances to ensure no overlooking occurs.

Highway safety and parking provision:

6.29 Policy SQ8 of the MDE DPD states that

1. Before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.
2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.
4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

6.30 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.31 In village locations such as this, KHS IGN3: Residential Parking (which is adopted for decision making purposes) sets out a requirement for 2 bedroom units to be served by 1.5 spaces/unit and 3 bedroom units to be served by 2 spaces/unit. This level of provision is met across the site and the scheme is therefore acceptable in terms of the level of parking provision proposed.

6.32 The submitted TA has been reviewed and endorsed by KHS, with the key conclusion being that the development would result in a reduction in trip generation overall.

6.33 As such, the scheme is considered to comply with the requirements of policy SQ8 and paragraph 109 of the NPPF.

Flooding and drainage:

6.34 Representations from statutory consultees indicate that the development is acceptable in all respects in terms of flood risk, surface water drainage and

groundwater contamination, subject to a tranche of conditions requiring the submission of further details should Members be minded to grant planning permission. This approach is reflected within the recommendation set out at Section 7 of this report.

Other environmental considerations:

- 6.35 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
- 6.36 Policy NE3 of the MDE DPD addresses impact of development on biodiversity, requiring that any impacts arising from development on biodiversity or the value of wildlife habitats be mitigated appropriately through planning conditions. More generally, paragraph 109 of the NPPF recognises that the planning system should contribute to and enhance the natural and local environment through a number of means and more specifically at paragraph 170 by requiring that when determining planning applications, LPAs aim to conserve and enhance biodiversity by applying a number of principles including mitigation of impacts where harm from a development is identified.
- 6.37 The submitted ecological appraisal concludes that there are no overriding ecological constraints that would prevent the proposed development being undertaken, subject to further survey work being undertaken in respect of bats and reptiles and in order to further inform necessary mitigation measures. This work, and the mitigation measures identified, can be adequately secured by the imposition of appropriate conditions.

Planning obligations:

- 6.38 Policy CP17 of the TMBCS requires that 40% provision for affordable housing be incorporated into the proposed scheme. Clarion are intending the scheme to be 100% affordable provision and the policy compliant 40% will be secured by way of a legal agreement which is currently being finalised. This will provide for 10 affordable rent units (which will be subject to the Council's allocations scheme) and 5 shared ownership.
- 6.39 KCC has made representations indicating that the development would necessitate contributions to be made towards primary and secondary education provision in the locality. Given that the previous, larger, scheme did not trigger the need for such contributions this has been robustly tested through negotiation to ensure the requirements meet the statutory tests (for obligations sought to be necessary, reasonable and related in order to make the development acceptable in planning terms). Having explored the need with KCC officers I am satisfied that the tests are met and the contributions should be sought by way of planning obligation. This will also be included within the legal agreement.

6.40 As there is a net reduction in the number of units overall, the policy requiring open space provision is not triggered in this instance.

Conclusions:

6.41 In light of the above assessment, I consider that, where still material to the assessment of this scheme, the development now proposed successfully overcomes the previous reasons for refusal (and dismissed appeal). Moreover, the presumption in favour of sustainable development applies and there are no significant or demonstrable adverse impacts arising from the development that indicate planning permission should be refused. In fact, the scheme now proposed represents a high quality residential scheme that takes into account the relevant constraints of the site and responds to them in a positive way that ensures accordance with adopted development plan and national policy. As such, I recommend that planning permission be granted subject to the finalisation of the legal agreement and the imposition of planning conditions where necessary and appropriate to do so.

**7. Recommendation:**

7.1 **Grant planning permission** in accordance with the following submitted details: subject to the following:

- The applicant entering into a legal agreement covering the provision of 40% affordable housing across the scheme and contributions towards primary and secondary education; and
- 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 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space and cycle storage 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.

- 3 No building shall be occupied until the area shown on the submitted plan as turning area 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 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.

- 4 No above ground development shall take place until a contoured site plan together with full details of the slab levels at which the approved buildings are to be constructed have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity.

- 5 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: In the interests of visual amenity.

- 6 The scheme of hard and soft landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

- 7 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity

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

Reason: In the interests of visual amenity

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

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

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018

- 10 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 2018

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

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018

- 12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless first agreed with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018

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

Reason: In the interests of highway safety.

- 14 No development shall be commenced on the site until an ecology mitigation strategy has been submitted to and approved by the Local Planning Authority. The strategy shall set out method statements for protecting bats, birds and reptiles during and subsequent to development and shall be carried out as approved.

Reason: In the interest of minimising the impacts of the development on local wildlife

- 15 No external lighting shall be installed within the application site unless details of the location, design, mounting, intensity and shielding of the lighting have been submitted to and approved in writing by the Local Planning Authority, and the schemes shall be installed in accordance with the approved details.

Reason: In the interests of amenity and the control of light pollution.

- 16 The approved refuse storage and collection arrangements 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.

- 17 No development (including demolition of the existing building) shall take place until details of a management plan to address the physical practicalities of carrying out the demolition and construction work have been submitted to and approved in writing by the Local Planning Authority. The plan shall specify access routes into the site for construction traffic and contractors' vehicles, and maximise contractor parking within the site. The plan shall specify protection of listed buildings at the High Street/West Street junction and pedestrian safety measures across and

adjoining the site. The development shall be carried out in strict accordance with the details approved.

Reason: To maximise safety and minimise disruption during this period.

- 18 The use hereby permitted shall not commence until a scheme for sound insulation has been submitted to and approved by the Local Planning Authority and the building has been insulated in accordance with the approved scheme

Reason: In the interests of residential amenity

- 19 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: In the interests of archaeological research.

- 20 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of with increase to flood risk on or off-site.

The drainage scheme shall also demonstrate:

- that silt and pollutants resulting from the site use can be adequately manage to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 21 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report

pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

### **Informatives**

- 1 During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.
- 2 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. No bonfires should be had at the site.
- 3 Planning permission does not convey approval for any works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation ([www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 4 It is recommended that there be provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- 5 Drainage shall be provided within the site such that surface water from the vehicular access, turning areas and parking does not drain into the public highway. Surfaces shall be porous or shall discharge run off to permeable areas within the curtilage or to a soakaway.
- 6 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](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Emma Keefe

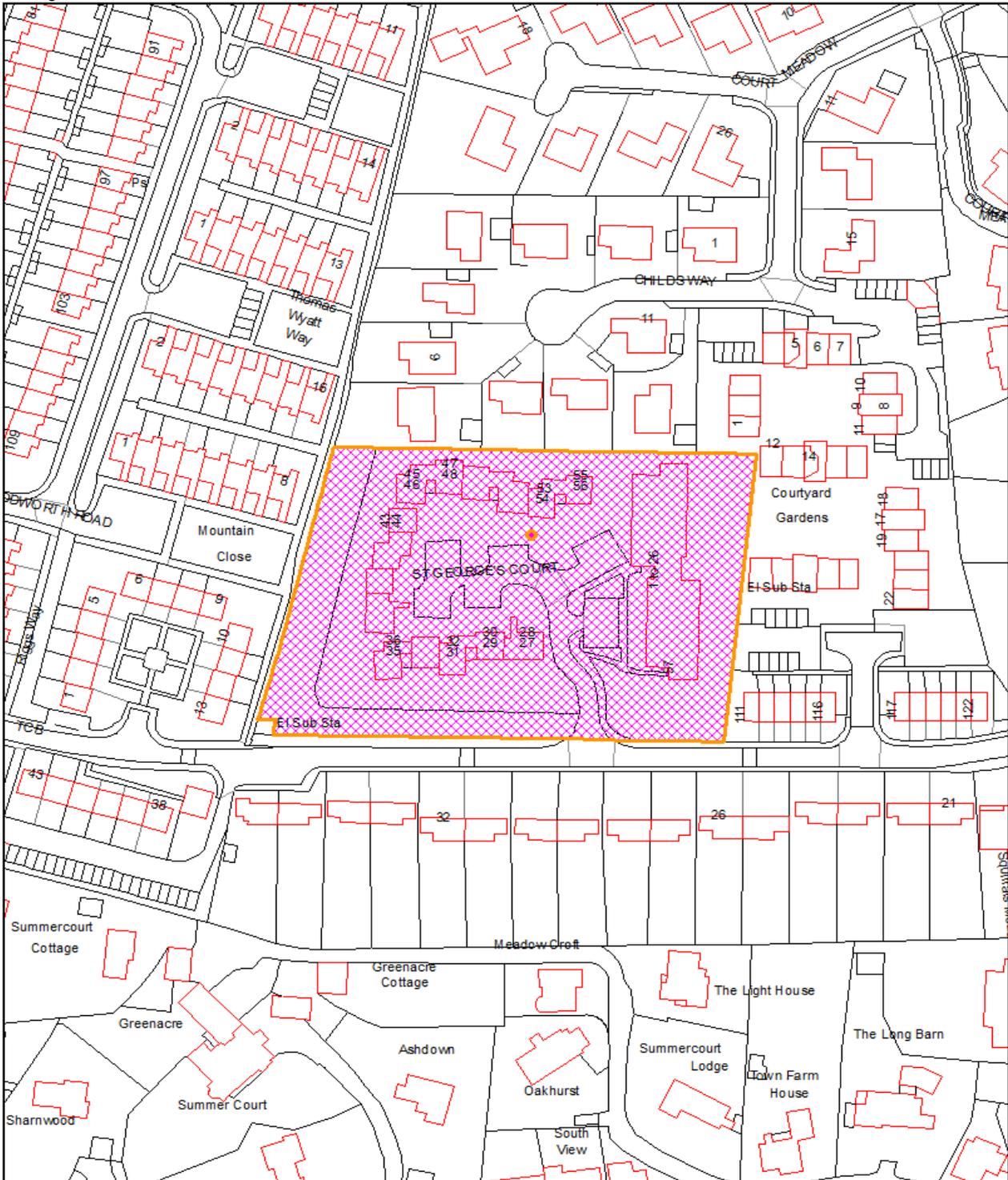
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**TM/18/02268/FL**

St Georges Court West Street Wrotham Sevenoaks Kent TN15 7DN

Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

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**Offham**

**31 August 2018**

**TM/18/01930/FL**

Downs And Mereworth

Proposal: Erection of a temporary marquee on the site to be used in conjunction with the existing lapa for weddings/events; the erection of 3 holiday let units (timber pods); and utilisation of existing access from Teston Road

Location: Kentfield Farm Tower Hill Offham West Malling Kent ME19 5NH

Go to: [Recommendation](#)

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## 1. Description:

1.1 The application seeks planning permission for the following:

- Erection of a temporary marquee to be used together with the existing lapa for weddings, events and functions (a lapa is a semi-open timber framed structure with a thatched roof used as an entertaining area);
- Erection of 3 self-contained timber holiday let pods arranged around the existing wildlife lake.

1.2 The erection of the holiday let pods and marquee and use of the site for weddings and other events are proposed as part of the diversification of Kentfield Farm to assist the farm's future viability.

1.3 The temporary marquee is to measure 12m x 9m and 3.93m high and is to attach to the north side of the existing lapa that is situated on the edge of the wildlife lake. The marquee will be retained erected during the summer months and taken down in the winter months.

1.4 It is proposed to hold a maximum of 28 events/functions per year for up to 200 guests. The applicant has a Premises Licence (17/01899/PREM issued 5 February 2018) for this number of events and guests, and a Wedding Licence.

1.5 Three timber holiday let pods are proposed, including 2No. 2 person pods (7m long x 3.3m deep x 2.89m high) and 1No. 4-5 person pod (9m long x 3.5m deep x 2.89m high). They are of an arched roof design and will be finished in natural timber. The pods are to be situated in nominated locations around the wildlife lake.

1.6 Access to the site will be obtained from the main access to Ashtree Farm. It is noted that Ashtree Farm is also under the ownership of the applicant.

1.7 Parking will be provided mostly within an existing hard surfaced area along the fence line to the woodlands. Overflow parking will be provided in a specified grassed areas.

1.8 A single Statement comprising a Planning Statement, Design and Access Statement and Heritage Statement has been submitted with the application, along with an Environmental Impact Assessment (Noise) (revised) and a Farm Diversification Plan.

1.9 An amended Site Location Plan was submitted on 12 February 2019 that revised the position of the holiday let pods.

**2. Reason for reporting to Committee:**

2.1 At the request of Cllr Balfour due to local concerns, traffic and access.

**3. The Site:**

3.1 The application site is a large area of land (about 10.91ha) set within Kentfield Farm, which was formerly a dairy and soft-fruit farm. The main farm buildings are located just to the south of the end of Tower Hill. The associated dwelling of Kentfield House lies immediately to the north of the farm buildings. The residential properties of Blaise Farm and Blaise Farmhouse lie either side of the main farm buildings. The farm extends up to Teston Road and Ashtree Farm to the south. Land to the west of Blaise Farm Quarry is also leased by the applicant for cropping. The farm currently consists of a mix of land for cropping, hay production and grazing of cattle and sheep. The woods are used for game shooting.

3.2 In respect to the main application site, a man-made wildlife lake is situated to the southeast of the farm buildings located between Blaze Wood and St Leonard's Wood which are Ancient Woodland. St Leonard's Wood is also a designated Local Wildlife Site. A timber framed thatched roofed lapa is situated on the northern edge of the lake with decking extending over the lake. The lapa is fitted with barbeques and a fireplace. A shooting lodge is situated close to Blaze Wood. A farm track follows the southern edge of Blaze Wood.

3.3 Ashtree Farm to the south is effectively linked to Kentfield Farm via farm tracks and is occupied by a removals business and an off-road/trailer driver training and outdoor activities business. A dwelling, stables and equestrian areas are also in place on this adjacent site.

3.4 There are 4 existing access points from which the site can be accessed; one at the end of Tower Hill and 3 along Teston Road. The main southern access point provides access to the businesses at Ashtree Farm. The access further to the north provides access to the Ashtree Farm dwelling and stables. The access just north of the Teston Road/Offham Road junction provides traditional farm gates.

3.1 The site is located within the countryside, Green Belt and an Area of Archaeological Potential (AAP). A Scheduled Monument (Remains of the Chapel of St Blaise) is situated to the southwest of the lake. Teston Road is a Classified

Road. The site also lies upon a Principal aquifer. A Public Right of Way footpath (MR286) extends adjacent to the western boundary of the site.

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

TM/11/00533/FL      Application Withdrawn      28 May 2015

To build a wildlife pond/lake. Grid ref: TQ 66287 56567

TM/12/01146/FL      Approved      17 August 2012

Construction of a new wildlife conservation lake using site won material. Change of use from an agricultural field consisting of improved pasture grass land of low ecological value

TM/15/03052/DEN      Prior Approval Not  
Required      9 October 2015

Prior Demolition Notification: Demolition of barn

TM/15/03053/AGN      Prior Approval Not  
Required      9 October 2015

Prior Agricultural Notification: To erect a replacement barn/agricultural workshop as per attach drawings and specification

TM/15/03939/FL      Approved      2 February 2016

Building to be used for hobby purposes by family only and for non-commercial activities (RETROSPECTIVE)

TM/17/02077/FL      Application Withdrawn      2 November 2017

Section 73 application to vary planning condition 1 of TM/15/03939/FL to allow the building to be used for certain commercial uses

TM/17/02078/FL      Application Withdrawn      2 November 2017

Section 73 application to vary planning condition 10 of TM/12/01146/FL to allow the lake to be used for certain commercial uses

**5. Consultees:**

5.1 Offham PC: Objection for the following reasons:

- It is clear to the Parish Council that the lapa was originally built for commercial use without the benefit of planning permission. The applicant then applied for retrospective planning for private use only. At same time he was advertising the lapa as a commercial venue. It appears there was never any intention for the lapa to be anything other than a commercial venue.

- If at the start, the correct application was made for commercial planning permission for the lapa and the lake, on green belt land, the Parish Council would have objected.
- The applicant applied for the lapa and lake to have commercial status at the beginning of this year. The Parish Council and many residents objected, but the application was withdrawn before TMBC could make a decision. This application is to put a temporary structure (a marquee) against a permanent structure (the lapa) which does not have planning permission. If granted, this would give the applicant commercial use for the lake and the lapa, without an actual application for commercial use for them having been made or granted.
- The Parish Council does not support an application which is seeking to avoid the planning rules which would have made approval for commercial use at the outset unlikely. If an application for commercial use had been made at the start the Parish Council would have objected, and therefore on that basis the Parish Council must also object to this application which is seeking to achieve the same result by a different method retrospectively.
- From the contact that the Parish Council has had with villagers they are overwhelmingly against this application on the basis of noise, traffic and the route taken to try and achieve planning permission. The Parish Council also notes the application was originally made under the address of Ashtree Farm, although the location of the marquee, lapa and holiday let units are in Kentfield Farm.
- The applicant has a premises licence to use the lapa which is not valid without planning permission for commercial use. This application appears to be a route to get that commercial use permission, without actually being an application for commercial use of the lapa and lake.
- The applicant notified the Parish Council that he also has a weddings licence and that his intention is to use the temporary marquee for seating, dining, speeches etc and to use the lapa for music and dancing. The Parish Council reiterates that there is no planning permission for commercial use of the lapa, so this structure cannot be used for commercial weddings or events.
- The Parish Council would like to state that if there had been two separate applications, there would have been no objections to the erection of 3 holiday let units. However, as this has been included in one single application the Parish Council must object.

5.2 KCC (Flood & Water Management): The proposal for the erection of a temporary marquee and three holiday units would lead to a negligible increase in impermeable area and would not increase the risk of surface water flooding at the site. Therefore, we consider this application as low risk development.

5.3 KCC (H&T): Having considered the development proposals and the effect on the highway network, no objection is raised.

5.4 KCC (Heritage): The following comments were received:

- The site of application lies within an area of archaeological potential associated with Early Prehistoric remains. Flint scatters and Neolithic axes have been found in the vicinity.
- However, of concern is the lack of consideration for the remains of the Chapel of St Blaise which is designated as a Scheduled Monument and is located in close proximity to the proposed units and marquee. This proposed development will encourage more use of the field that St Blaise is in and there needs to be an assessment of the impact of the development on the chapel complex. I believe the chapel complex is still being severely harmed by trees and we would welcome consideration of the conservation of this monument and its setting. As this is a Scheduled Monument I recommend consultation with Historic England regarding concerns over the current condition of the remains and their ongoing conservation.
- Buried archaeological remains can be addressed through a specified condition, but I would also welcome further details from the applicant on the treatment of the chapel.

5.5 Historic England: We do not wish to get closely involved. Relevant Historic England guidance notes on the setting of heritage assets and temporary structures in historic places can be referred to.

5.6 Kent Wildlife Trust: No comments received.

5.7 Kent Fire Brigade: The means of access is considered satisfactory.

5.8 Private Reps: 39 + site + press notices/0X/38R/1S. The concerns raised by the objections are summarised below:

- Noise impact and nuisance for local residents from loud/amplified music and PA system, vibration and crowd noise, from the events held in the marquee/lapa
- Impact on residential amenity as a result of noise from the events
- The existing access from Teston Road has restricted views and is hazardous
- Substantial increase in traffic through Offham, Tower Hill and local lanes as a result of the events
- Noise impact from additional traffic
- The proposal would be a change of use and inappropriate development in the Green Belt

- The site would change use from agricultural to commercial use/activities
- Concerns about the use of the existing lodge
- The topography of the site contributes to the noise impact

5.8.1 Comments received in support are summarised below:

- The lake, lapa and site at Kentfield Farm provides a community service for the local scout group

## **6. Determining Issues:**

6.1 The main issues are whether the proposals would be inappropriate in the Green Belt and whether they would affect the character of the area, visual amenity of the rural locality, highway safety or the aural amenity of nearby residents.

6.2 It is noted that the private wildlife lake was approved and constructed under planning reference TM/12/01146/FL and the lapa was granted retrospective permission for private/non-commercial purposes under reference TM/15/03939/FL.

### *Development in the Green Belt:*

6.3 The application site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 13 of the NPPF).

6.4 Paragraph 143 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

6.5 Paragraph 144 follows stating that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

6.6 Paragraph 145 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but a number of exceptions are specified. The most relevant being:

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.*

6.7 In terms of exception (g), Annex 2: Glossary of the NPPF advises that Previously Developed Land (PDL) is “land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”

- 6.8 The site comprises an existing private man-made wildlife lake with an open-sided lapa building and shooting lodge. The site is therefore occupied by permanent buildings that fall outside of the exceptions in the glossary and is therefore PDL. The proposal is considered to involve the partial redevelopment of PDL and therefore a judgment needs to be made as to whether the development would have a greater impact on the openness of the Green Belt than the existing development.
- 6.9 Paragraph 146 of the NPPF also advises that material changes in the use of land is a certain other form of development that is not inappropriate in the Green Belt, provided it preserves its openness and does not conflict with the purposes of including land within it.
- 6.10 LJ Lindblom in the judgment in *Samuel Smith Old Brewery (Tadcaster) Oxtou Farm v North Yorkshire County Council & Anor, Court of Appeal - Civil Division, March 16, 2018, [2018] EWCA Civ 489*, advised that:

*“whether the development would “preserve” the openness of the Green Belt – cannot mean that a proposal can only be regarded as “not inappropriate in Green Belt” if the openness of the Green Belt would be left entirely unchanged. It can only sensibly mean that the effects on openness must not be harmful. [...] There may be cases in which a proposed development in the Green Belt will have no harmful visual effects on the openness of the Green Belt. Indeed, there may be cases in which development will have no, or no additional, effect on the openness of the Green Belt, either visual or spatial.”*  
(para.39)

- 6.11 The 3 timber holiday let pods are relatively modest in size and scale and would generally appear unassuming within their setting with the lake. However, when taken together and in conjunction with the 54m<sup>2</sup> marquee and the associated parking of vehicles relating to the use of the land for events and functions, it would result in visual and spatial impacts upon openness. Although this harm would be limited, it is considered that openness would not be preserved. The structures and uses would also cause limited harm in term of encroachment into the countryside, which is one of purposes of the Green Belt. The proposal is therefore inappropriate development in the Green Belt and a case of very special circumstances needs to be shown to exist.
- 6.12 Paragraph 80 of the NPPF states that *“significant weight should be placed on the need to support economic growth and productivity taking into account local business needs and wider opportunities for development.”*
- 6.13 Also, in terms of the rural economy, paragraph 83 of the NPPF advises that decisions should enable the sustainable growth and expansion of all types of business in rural areas; the development and diversification of agricultural and other land-based rural businesses; and sustainable rural tourism and leisure developments which respect the character of the countryside.

- 6.14 A Farm Diversification Plan has been submitted. This confirms that rare breed sheep Sussex cattle, Kune Kune pigs, pheasants, ducks, chickens and guinea fowl are produced low intensively on the farm. The wild game is supplied to local restaurants and other produce will be used to support the weddings and functions and for hampers for guests of the holiday accommodation. The holiday let accommodation is aimed at visitors who wish to use the other facilities on Kentfield Farm/Ashtree Farm, including game shooting, clay pigeon shooting, spring lambing, horse-riding, quad-biking 4 x 4 training and cycling, as well as providing accommodation for visitors who wish to explore the local rural villages and tourist attractions in the area.
- 6.15 The Plan also outlines the costs associated with the day-to-day running of the farm and future investment required over the next 12 months. It also provides an overview of the proposed diversified income streams for the farm. This includes the following in addition to the income streams from agricultural production as specified earlier: corporate days using the lake for raft building and kayaking and in conjunction with outdoor activities by Ian Wright Event (tenant of Ashtree Farm); Country Weddings, Equestrian facilities and Holiday let pods. The Plan advises that the proposed diversification of the farm would make the farm viable again after the first year.
- 6.16 I consider that the benefits to local businesses and to the local rural economy from the proposed diversification of the farm and attracting of visitors to the local area should be given significant weight, as should the benefits to securing the viability of the farm. It is therefore concluded that these benefits would clearly outweigh the harm caused by the developments inappropriateness and the limited harm to openness and encroachment into the countryside.

*Development in the Countryside:*

- 6.17 Policy CP14 of the TMBCS restricts development in the countryside to specific development listed in the policy. Development that secures the viability of a farm is listed provided it forms part of a comprehensive farm diversification scheme supported by a business case. The principle of the proposed development is consistent with this policy.
- 6.18 Policy DC3 of the MDE DPD states that proposals will be permitted which form part of a farm diversification scheme where they are directly related to supporting a working farm. Policy DC5 of the MDE DPD is also supportive of new tourism and leisure facilities in rural areas.
- 6.19 In addressing the provisions of these policies, the proposals are considered to be proportionate in terms of the amount of development for the intended uses and scale to the surroundings, would not affect the viability of the farm holding or result in a loss of high quality agricultural land, will support the local economy and the biodiversity of the site, and the farm has been significantly enhanced by the introduction of the wildlife lake. The impacts of the proposals on character,

highway safety and neighbouring amenities will be discussed in the relevant sections of this report below.

Character and Visual Amenity:

- 6.20 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should 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.
- 6.21 Paragraph 127 of the NPPF also seeks to ensure that development will function well, be sympathetic to local character, establish a strong sense of place and create attractive, safe places in which to live, work and visit.
- 6.22 A moderate diversification of the farm is proposed. The new timber pods to be erected are small in number, are of a very modest size and scale and are of a design and natural timber finish that would make them blend in unassumingly with the lake setting and surrounding farm and woodlands. As a result, they would integrate effectively within the surrounding rural area and therefore any impact on the character of area would not be significant, in my view.
- 6.23 The marquee would be a temporary building/feature only and can be removed at any time. The parking of cars will be primarily contained within existing hard surfaced areas with overflow parking being provided on grassed areas during events when needed. Any visual impact on the site would therefore be limited.
- 6.24 In respect to lighting, a condition can be added requiring any external lighting to be approved prior to installation so that impact on the landscape from any such lighting can be minimised.
- 6.25 The proposed development would therefore not harm the character of the area or visual amenity of rural locality and would satisfy Policies CP1 and CP24 of the TMBCS and SQ1 of the MDE DPD, as well as DC3 and DC5 as they relate to character.

Setting with Scheduled Monument / Archaeology:

- 6.26 The Scheduled Monument of the remains of the Chapel of St Blaise lies about 40m to the southwest of the lake. The original proposal showed one of the holiday let pods positioned between the lake and the Scheduled Monument, only 25-30m from the Monument. This pod has now been repositioned and is now located 50m to the north of the Scheduled Monument.
- 6.27 KCC (Heritage) has advised that development provides buildings and a marquee close to the Chapel complex and will encourage more use of the field that it is

located in and as a result an assessment of the impact of the development on the chapel complex is needed. Also it has been suggested that the chapel complex is still being severely harmed by trees and that they would welcome consideration of the conservation of the monument and its setting.

6.28 Measures to protect the Scheduled Monument during construction have been outlined in the Design and Access Statement. These include fencing to be erected around the monument set 5m back from it; keep out signage is to be placed on the fencing and construction staff to be briefed on the protected area. It has been advised that groundworks will be limited to the laying of a base for the pods.

6.29 The holiday pods are low impact structures that would not require significant alteration of the land and visually they would be sympathetic to the setting of the Scheduled Monument, in my view. The closest holiday pod is also now located some 50m away from the Scheduled Monument. The marquee would be a temporary fixture that is to be located a substantial distance away from the Scheduled Monument and would be taken down for the winter months. However, to ensure that adequate protection of the Scheduled Monument is afforded in terms of construction works and the increase in people using the site, I consider that a Management Plan is required. The applicant has also advised that they will work with Historic England to manage tree and vegetation growth within the area of the Chapel complex. This would better reveal the Monument which would provide a contribution to its historic significance. This can be secured by condition.

6.30 In terms of archaeology, the site also lies within an area of archaeological potential associated with Early Prehistoric remains, as flint scatters and Neolithic axes have been found in the area. KCC (Heritage) has advised that archaeological matters can be adequately addressed through a specified condition.

6.31 Accordingly, I am satisfied that the development would not harm the significance of the Scheduled Monument on the site and would therefore not conflict with paragraphs 189, 190, 192 and 197 of the NPPF.

Traffic and Highway safety:

6.32 Paragraph 84 of the NPPF advises that developments such as those relating to farm diversification may need to be located outside of settlements that are not well served by public transport but such development should be sensitive to its surroundings and should ensure that it does not have an unacceptable impact on local roads.

6.33 The main existing access to Ashtree Farm is to be used for guests and vehicles relating to the operation of the events. This is necessary to minimise movements down the narrow lane of Tower Hill. The principle of this is acceptable and I note that KCC H&T have no objection to the scheme on highway grounds.

- 6.34 One of the main concerns though from local residents was how vehicles will be prevented from being directed down Tower Hill, in particular taxis and delivery/commercial vehicles. In order to minimise the potential vehicle movements within Tower Hill, I consider that a condition can be imposed requiring a management plan to be put in place that provides appropriate measures to reduce the likelihood of vehicles using Tower Hill.
- 6.35 I am satisfied that the development would not result in an unacceptable impact on highway safety or residual cumulative impacts on the road network that would be severe. It would therefore not conflict with Policy SQ8 of the MDE DPD or paragraphs 84 or 109 of the NPPF, or Policy DC5 of the MDE DPD as it relates to road safety.

Noise Impact:

- 6.36 One of the key concerns of local residents was noise impact from the operation of the events/function as a result of amplified music, amplified speech, vibration and crowd noise. This has come about as a result of a prior event held by the applicant. Local residents in their representations have advised loud music, bass and vibration could be clearly heard even given the distance and the woods intervening. Other factors such as wind and the slope of the land have also been mentioned as additional factors of the emanating noise impact.
- 6.37 Although a separate regime, a Premised Licence has since been granted for the same arrangement as is proposed here for the holding of events within the lapa/marquee. It is my understanding that the Environmental Impact Assessment (Noise) submitted with this application, prepared by SPL track Limited (updated 17 January 2019) reflects that submitted for the Premises Licence. The conditions on the Premises Licence in respect to the control of noise are considered to be consistent with the mitigation and management recommendations outlined in the noise assessment submitted with this application. These are discussed below.
- 6.38 The report assesses the potential effects from traffic movements to and from the site, event activities and any other noise generating activity. In terms of mitigation and management, the report advises that if loudspeakers are positioned only in the lapa and pointed towards the south it is unlikely that there will be any noise impact upon the community. Although it suggests that no additional measures would be required to achieve this, further assurance could be obtained by installing two solid partitions behind the loudspeaker locations in the lapa to act as baffles.
- 6.39 The report also advises that noise levels within the lapa should be controlled using a suitable noise limiting device and checks should be made using a portable noise meter to ensure that levels within the space do not exceed 98dBLAeq(15) as recommended by the Code of Practice.

6.40 I consider that the operation of the events in accordance with the mitigation and management measures outlined the noise report, including the additional baffles mentioned, would not lead to adverse impact on the aural amenity of nearby residents. A condition can added to secure these requirements. This would also be consistent with the Premises Licence. The proposal therefore accords with paragraph 180 of the NPPF and Policies DC3 and DC5, as they relate to impact on residential amenities.

Other Matters:

6.41 The site lies upon a Principal aquifer but the development involves low key structures that would not raise concerns in terms of impact on groundwater or surface water drainage. The applicant is proposing a cesspit to deal with foul water drainage. Notwithstanding this, a scheme for the disposal of foul water from the development is required, which can be secured by condition.

Conclusion:

6.42 The proposals are inappropriate development in the Green Belt but the benefits that they would bring to local businesses, the local rural economy and in securing viability of the farm would clearly outweigh the harm they would cause and therefore very special circumstances exist.

6.43 The proposals are also sited and are of a scale and appearance such that they would not harm the character or visual amenity of the area or the setting of the Schedule Monument (Chapel of St Blaise). The use of the main Ashtree Farm access would minimise impact on the highway network and adequate mitigate measures and management proposals for the events/functions would be in place to minimise impact on the amenities of nearby residents.

6.44 Accordingly, the proposed development is considered to satisfy the relevant provisions of the Development Plan and NPPF and therefore it is recommended that planning permission be granted.

**7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details:

Proposed Plans and Elevations Holiday Pod 1 received 14.08.2018, Proposed Plans and Elevations Holiday Pod 2 received 14.08.2018, Plan Marquee/Lapa received 31.08.2018, Details Marquee received 14.08.2018, Letter Support received 16.10.2018, Photographs received 16.10.2018, Design and Access Statement received 14.11.2018, Plan Farm Diversification received 14.11.2018, Plan Uses of Farm received 14.11.2018, Email received 22.01.2019, Noise Assessment V1.2 received 22.01.2019, Email received 12.02.2019, Location Plan 18003-S-01-G received 12.02.2019, 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 Prior to commencement of the development, a Management Plan in relation to construction and operation of the development to secure protection of the Scheduled Monument and a scheme to enhance its value shall be submitted to and approved by the Local Planning Authority. The development shall be carried out and operated in strict accordance with the approved scheme.

Reason: To preserve the historic importance of the Scheduled Monument on the site.

- 3 No 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.

- 4 The development shall not be brought into use until a detailed Management Plan for the operation of the events/functions has been submitted to and approved by the Local Planning Authority. This should include, amongst other matters, management procedures relating to the use of the holiday lets and existing lodge building in conjunction with events, how noise nuisance outside of the lapa/marquee is to be managed and how vehicle movements along Tower Hill from the uses will be minimised.

Reason: To minimise noise and other nuisance from the operation of the development.

- 5 Prior to the erection of the holiday let pods and use of the marquee and lapa for events/functions, a scheme of foul water disposed for the development shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To prevent pollution of groundwater.

- 6 All materials used externally shall accord with the plans and application details hereby approved.

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

- 7 The events/functions shall be restricted to no more than 28 in any calendar year and the number of guests/customers for any given event shall not exceed 200.

Reason: To adequately protect the amenities of residents in the local area.

- 8 The events/functions shall not be operational outside of the hours of 11am to midnight.

Reason: To adequately protect the amenities of residents in the local area.

- 9 The events/functions shall be conducted in strict accordance with Section 14 'Mitigation and Management' of the submitted Environmental Impact Assessment (Noise) Report (Prepared by SPL track Limited Updated 17 January 2019), including the recommended installation of two solid partitions behind the loudspeaker locations in the lapa to act as baffles.

Reason: To adequately protect the aural amenity of residents in the local area.

- 10 Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, the self-contained timber holiday let pods hereby approved shall be used to provide holiday accommodation only and they shall not be used as permanent unrestricted accommodation or as a primary place of residence.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

- 11 All vehicle traffic relating to the operation of the development hereby approved, including any delivery vehicles and taxis, shall access the site via the main southern access to Ashtree Farm located on Teston Road only.

Reason: To minimise traffic impact on Tower Hill and in the interests of highway safety

- 12 The operator(s) of the holiday let accommodation hereby approved shall maintain a register of customers'/occupants' main place of residence, which shall be made available for inspection.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

- 13 The events/functions and holiday let accommodation hereby approved shall only be operated by the owners/occupiers of the farm known as Kentfield Farm, Tower Hill Offham West Malling Kent ME19 5NH.

Reason: The events/functions and holiday let accommodation forms part of the diversification of the farm and their operation independent of the farm may harm the openness of the Green Belt and character and visual amenity of the area.

- 14 Within 3 months of the date that the events/functions or holiday let accommodation uses cease, a scheme for the removal of all structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with that use, and the restoration of the land to its condition before the development took place shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full within 3 months of approval of the scheme relating to this condition.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

- 15 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting that has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect the visual amenity of the rural locality.

### **Informatives**

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public or Bank Holidays.
- 3 If non-mains drainage is to be pursued, full details will be required in respect to Condition 5 of this permission, including size, location and maintenance regimes. Due consideration should be given to the National Planning Policy Guidance, Paragraph: 020 Reference ID: 34-020-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal.
- 4 You are advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. It is recommended that the applicant seek further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB.

Contact: Mark Fewster

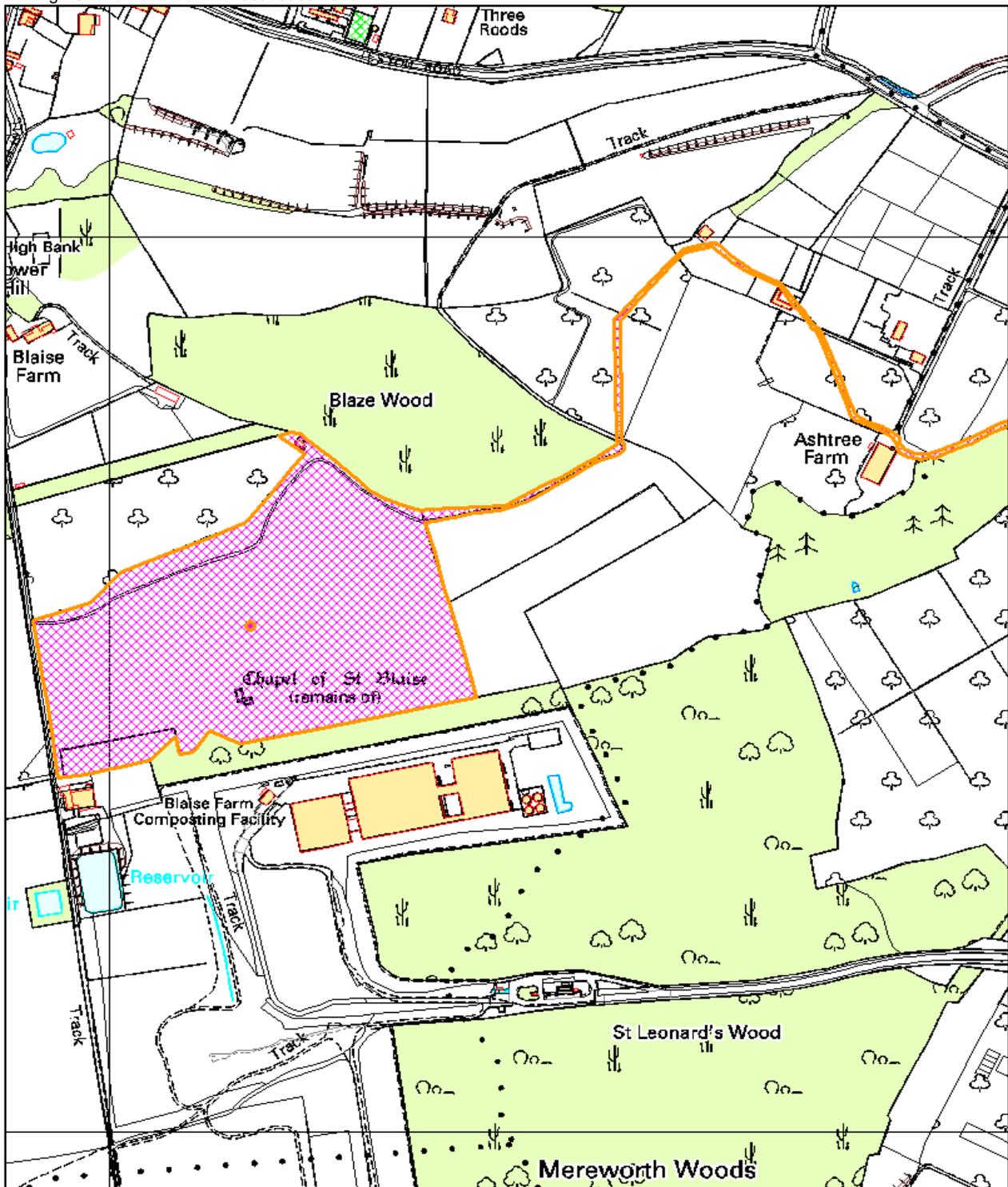
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TM/18/01930/FL

Kentfield Farm Tower Hill Offham West Malling Kent ME19 5NH

Erection of a temporary marquee on the site to be used in conjunction with the existing lapa for weddings/events; the erection of 3 holiday let units (timber pods); and utilisation of existing access from Teston Road

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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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