

# 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.**

Contact: Committee Services  
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15 April 2019

To: MEMBERS OF THE AREA 3 PLANNING COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 25th April, 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 3 Planning Committee held on 31 January 2019

**Decisions to be taken by the Committee**

4. Development Control 9 - 12

Introduction and Glossary

5. TM/19/00135/FL - Stables and Land East of Pilgrims Ways, 13 - 24  
Wouldham

6. TM/18/01106/FL - Belvidere Oast, 165 Wateringbury Road, 25 - 30  
East Malling

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 31 - 32

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 M Parry-Waller (Chairman)

Cllr M C Base (Vice-Chairman)

Cllr Mrs S Bell

Cllr T Bishop

Cllr Mrs B A Brown

Cllr T I B Cannon

Cllr R W Dalton

Cllr D A S Davis

Cllr Mrs T Dean

Cllr S M Hammond

Cllr D Keeley

Cllr D Keers

Cllr S M King

Cllr D Lettington

Cllr D Markham

Cllr Mrs A S Oakley

Cllr R V Roud

Cllr A K Sullivan

Cllr B W Walker

Cllr T C Walker

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 3 PLANNING COMMITTEE

Thursday, 31st January, 2019

**Present:** Cllr M Parry-Waller (Chairman), Cllr Mrs S Bell, Cllr T Bishop, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr S M Hammond, Cllr D Keeley, Cllr D Markham, Cllr A K Sullivan and Cllr T C Walker.

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

Apologies for absence were received from Councillors M C Base (Vice-Chairman), Mrs T Dean, D Keers, D Lettington, Mrs A S Oakley, R V Roud and B W Walker.

### PART 1 - PUBLIC

#### **AP3 19/1 DECLARATIONS OF INTEREST**

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

#### **AP3 19/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 22 November 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)

#### **AP3 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.

**AP3 19/4 TM/17/01864/FL - SITE OF FORMER UPPER BELL PH, 1 CHATHAM ROAD, AYLESFORD**

Residential redevelopment of former public house site with an apartment block housing 10 no. flats and 2 no. terraces of 3 houses (3 bed units) together with associated access, car parking and amenity facilities at site of former Upper Bell PH 1 Chatham Road, Aylesford.

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

- (1) The proposed development, by virtue of its overall density, scale and design would fail to preserve and enhance the local character, qualities and distinctiveness of the Kent Downs Area of Outstanding Natural Beauty, as set out in the Kent Downs Management Plan. As such, the proposed development fails to meet the requirements of the restrictive policy contained within the National Planning Policy 2018 at paragraph 172.
- (2) The proposed development, by virtue of the height, scale, massing, form and design of the apartment building, would appear out of keeping with the prevailing character of the built environment along Common Road, Mill Lane and Maidstone Road and would appear as an obtrusive form of development when viewed from these surrounding roads. As such, the development would cause visual harm to the street scene and visual amenities of the wider locality contrary to the requirements policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and the requirements of paragraph 127 of the National Planning Policy Framework 2018.
- (3) The Local Planning Authority is not convinced on the basis of evidence placed before it to date that there are material considerations indicating a divergence from adopted policies CP17 of the Tonbridge and Malling Borough Core Strategy 2007 and policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 requiring the provision of affordable housing and open space respectively.

**MATTERS FOR INFORMATION****AP3 19/5 UPDATE REPORT ON OUTLINE PLANNING APPLICATION - LAND SOUTH OF LONDON ROAD AND EAST OF HERMITAGE LANE, AYLESFORD**

Members were advised on the progress of a significant planning application at the land south of London Road and east of Hermitage Lane at Aylesford. The proposed development related to 840 dwellings,

the provision of public open space, land for a primary school, creation of a new link road through the site, improvements to the existing highway network and other necessary infrastructure provision.

The report of the Director of Planning, Housing and Environmental Health and the Director of Central Services provided an update on matters subject to ongoing liaison and negotiation between relevant providers, technical and statutory consultees and the applicant before the application could be reported to the Area Planning Committee for determination.

### **PART 2 - PRIVATE**

#### **AP3 19/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.00 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

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**Wouldham**

**21 January 2019**

**TM/19/00135/FL**

Burham And Wouldham

Proposal: Proposed single dwelling with partial change of use to residential  
Location: Stables And Land East Of Pilgrims Way Wouldham Rochester Kent  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 This application seeks planning permission for the demolition of an existing building, partial change of use of land to residential and erection of a single detached dwellinghouse.
- 1.2 The dwelling is to measure 12.9m long by 7.8m wide at its furthest points. The dwelling is to be set over two levels with the lower level excavated into the ground. Excavation is also proposed to form a lower courtyard. The building is to measure a total of 6m in height which includes a 3.4m projection above ground level.
- 1.3 Access is to be gained to the site from the existing field access. A hard surfaced parking and turning area is proposed to the north and east of the dwelling. This will provide parking for at least 3 vehicles.

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

- 2.1 Called in by Cllr Dalton and Cllr Davis due to potential impact on the AONB.

## **3. The Site:**

- 3.1 The application site consists of a parcel of equestrian land located to the east of Pilgrims Way. The site is located outside of a designated settlement and therefore is within the countryside and is within an Area of Outstanding Natural Beauty.
- 3.2 Residential dwellings border the site to the north with agricultural land to the south and east. The site has a general downhill slope from east of west with a drop down to highway level to the western boundary. It currently contains a cluster of modest buildings to the centre of the site with stable buildings/shelters to the eastern boundary.

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

- 4.1 None relevant.

## **5. Consultees:**

- 5.1 PC (13.02.19): Wouldham Parish Council oppose this planning application. The field is in an AONB. Within one mile of this site sits Peters Village with 1000

houses current being built. One of these phases has sold 3 out of its 84 units at present. We believe that TMBC have fulfilled their housing quota. Agreeing to this would set a precedent which we would like to see avoided for the future of this area and its AONB.

## 5.2 Private Reps: Site Notice/0X/1R/1S.

*Objections summarised as follows:*

- Allowing development on this land would be contrary to the intentions of designating as an AONB.
- Importance of maintaining AONB's and SSSI's and other natural areas must be recognised.
- Utilising a small timeframe before the next local plan is adopted does not, in my opinion, demonstrate that further houses are required.

*Support summarised as follows:*

- Development would not be seen from the road
- Already a building in the location where the property will be

## 6. Determining Issues:

*Principle of development:*

- 6.1 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'*.
- 6.2 The site lies outside of a defined settlement and therefore would be located within the countryside and subject to the requirements of Policy CP14 of the TMBCS. Policy CP14 requires that in the countryside development will be restricted to certain specified types, none of which allow for new dwellings to be constructed in place of equestrian buildings. This means that the development as proposed is contrary to this policy.
- 6.3 However, 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. Paragraph 11 (c) and (d) set out that for decision making

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) 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.

6.4 Firstly this means giving consideration to whether policy CP14 is “out of date” for the purposes of decision making which requires an exercise in establishing conformity between the development plan policy and the policies contained within the Framework.

6.5 The policy within the Framework relating to development within the countryside is contained within Paragraph 78. This states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 is also relevant and sets out that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting,

- 6.6 As such, there is some inconsistency between the requirements of policy CP14 and those contained within the Framework. Specifically I note that the NPPF seeks only to restrict *isolated* new homes within the countryside whereas CP14 goes further than that to restrict *any* development save for specific types. Accordingly, policy CP14 must be afforded less weight in the balance.
- 6.7 The interpretation of isolated homes in the countryside has been clarified in the Court of Appeal judgment in *Braintree DC v SSCLG* [2018] EWCA Civ. 610. In this judgment, LJ Lindblom stated that when taken in its particular context within the policy “*the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling that is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand*”. (para.31)
- 6.8 The site itself is some 700m east of the closest defined settlement of Wouldham and therefore would be physically separate from the village settlement itself. The site is however served by Pilgrims Way which is a principle traffic route to the wider settlements. As a result there are various examples of sporadic development along Pilgrims Way including a cluster of dwellings directly to the north of the site. The site is also a short distance from the public transport links which serve the local villages such as Burham and Wouldham. Whilst the site is not located within a settlement it does lie adjacent to other dwellings and has access to public transport. It is therefore not considered to be isolated for the purpose of applying paragraphs 78 and 79.
- 6.9 Returning to the application of the presumption in favour of sustainable development paragraph 11 (d) (i) first requires an assessment as to whether the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 6 of the NPPF explains the concept of “specific policies” in this respect including development relating to sites within the AONB. It is therefore first necessary to assess the impact of the development on the AONB.

*Area of Outstanding Natural Beauty:*

- 6.10 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 impacts upon it.
- 6.11 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. This policy is in conformity with the relevant restrictive policies



of the Framework, with paragraph 172 of the NPPF attaching 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.

- 6.12 At present the site remains open equestrian land with post and rail fences surrounding the wider site. A cluster of dilapidated buildings lie to the centre of the site which add little to the character of the area. There is a mature tree screen to the south which somewhat mitigates views from the wider area.
- 6.13 The dwelling is proposed to be partially sunken with a single storey projecting above ground level. The roof is proposed to be a green roof with vertical green wall wire terrace to the east elevation, all with a view to minimising its visual impact on the wider views. Whilst the change of use of the land and its associated domestic infrastructure would increase the built form on the land the secluded nature of the site and low scale form of development should be considered. It would also remove the existing buildings which could be said to be an improvement to the land. It is therefore officer view that the proposal would conserve the landscape and scenic beauty of the AONB as well as not being detrimental to its natural beauty and quiet enjoyment. The proposal would therefore accord with Paragraph 172 of the NPPF and Policy CP7 of the TMBCS.
- 6.14 As such, the restrictive policies in respect of AONB impact do not in this instance provide a clear reason for refusal (being the correct test set out in paragraph 11 (d) (i)). The presumption in favour of sustainable development therefore falls to be applied and it is necessary to make an assessment as to whether the development would result in any significant and demonstrable adverse impacts that would outweigh the benefits (paragraph 11 (d) (ii)). It is on this basis that the remainder of my assessment takes place.

Visual impact:

- 6.15 Policies CP24 of the TMBCS and SQ1 of the MDE DPD are the most relevant design policies and require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.16 Paragraph 127 of the NPPF sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.17 Paragraph 130 is also relevant and sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

6.18 The dwelling is to be set over two storeys, with the lower level excavated into the ground. It would therefore give a single storey appearance above ground level with a shallow pitch grass roof. The building is to be clad in cedar boarding with large aluminium windows and doors. Whilst modern in its design the dwelling would be of a good standard of design and would suitably reflect its rural setting. It would remove an unattractive cluster of building and would likely facilitate more regular maintenance of the land itself which would be of benefit to the character of the area. I would therefore consider the proposal would accord the above policies.

*Residential Amenity:*

6.19 The closest dwelling to the application site lies some 30m to the north. Given the modest height of the proposed dwelling, its lack of north facing windows and the partial tree screen to the north of the site the proposal is considered to have no significant impact on the residential amenity of the neighbouring properties.

*Highway Safety and Parking Provision:*

6.20 The relevant development plan policy in relation to highway safety and parking are contained within Policy SQ8 of the TMBC MDE DPD. This states that:

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.

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.

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.

Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

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.

6.21 Paragraph 108 of the NPPF is also relevant and sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.22 Paragraph 109 is also relevant and sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

6.23 The relevant adopted parking standards are set out within Kent Design Guides Interim Guidance Note 3 on Residential Parking (IGN3). IGN3 sets out that a 2 bedroom dwelling such as that proposed within a rural setting should have a minimum of 1.5 parking spaces per unit. This is rounded up to 2 as a single unit is proposed.

6.24 The application proposes to use the existing access to the land from Pilgrims Way. A gravel access drive is to be installed to the south of the dwelling which in turn joins the existing access to the land. In re-using the existing access to the land the

proposal is not considered to result in a significant or severe impact on highway safety. It would also provide an adequate parking and turning area which will accommodate parking for at least 3 vehicles to comply with the requirements of IGN3. The proposal would therefore comply with Policy SQ8, Paragraph 108 and 109 of the NPPF and the minimum parking standards set out within IGN3.

Conclusions:

6.25 In light of the preceding assessment, the test to be applied in this case is whether the grant of planning permission for the proposed development would result in adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The proposed development would provide an additional dwelling at a time when the Borough Council cannot demonstrate a five year housing supply. It would also remove the existing buildings from the site and result in increased management on the land. The proposal would therefore result in some clear benefits and, in the absence of any adverse impact, it means that planning permission should be granted.

6.26 The recommendation below reflects this:

**7. Recommendation:**

7.1 **Grant planning permission** in accordance with the following submitted details: Location Plan 04363 NB01 A received 21.01.2019, Block Plan 04363 NB02 C received 21.01.2019, Proposed Plans and Elevations 04363 NB03 C received 21.01.2019, Proposed Elevations 04363 NB04 B received 21.01.2019, Proposed Plans 04363 NB05 received 21.01.2019, Planning Statement 04363 - D A - V1 JAN 19 received 21.01.2019, 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 All materials used externally shall accord with the approved plans

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

- 3 Prior to any groundworks a contoured site plan showing the ground levels and finished floor levels of the dwelling proposed to be constructed shall be submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of visual amenity.

- 4 The areas shown for vehicular parking and turning shall be provide, surfaced and drained before the first occupation of the dwelling hereby permitted. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 5 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking and turning 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.

- 6 Prior to the occupation of the building hereby approved, a scheme of landscaping and boundary treatment should be submitted to and approved by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, D & E, of Part 1; of Schedule 2 of that Order.

Reason: To control the level of additional development on site in the interest of preserving the landscape and scenic beauty of the Area of Outstanding Natural Beauty.

Contact: Paul Batchelor

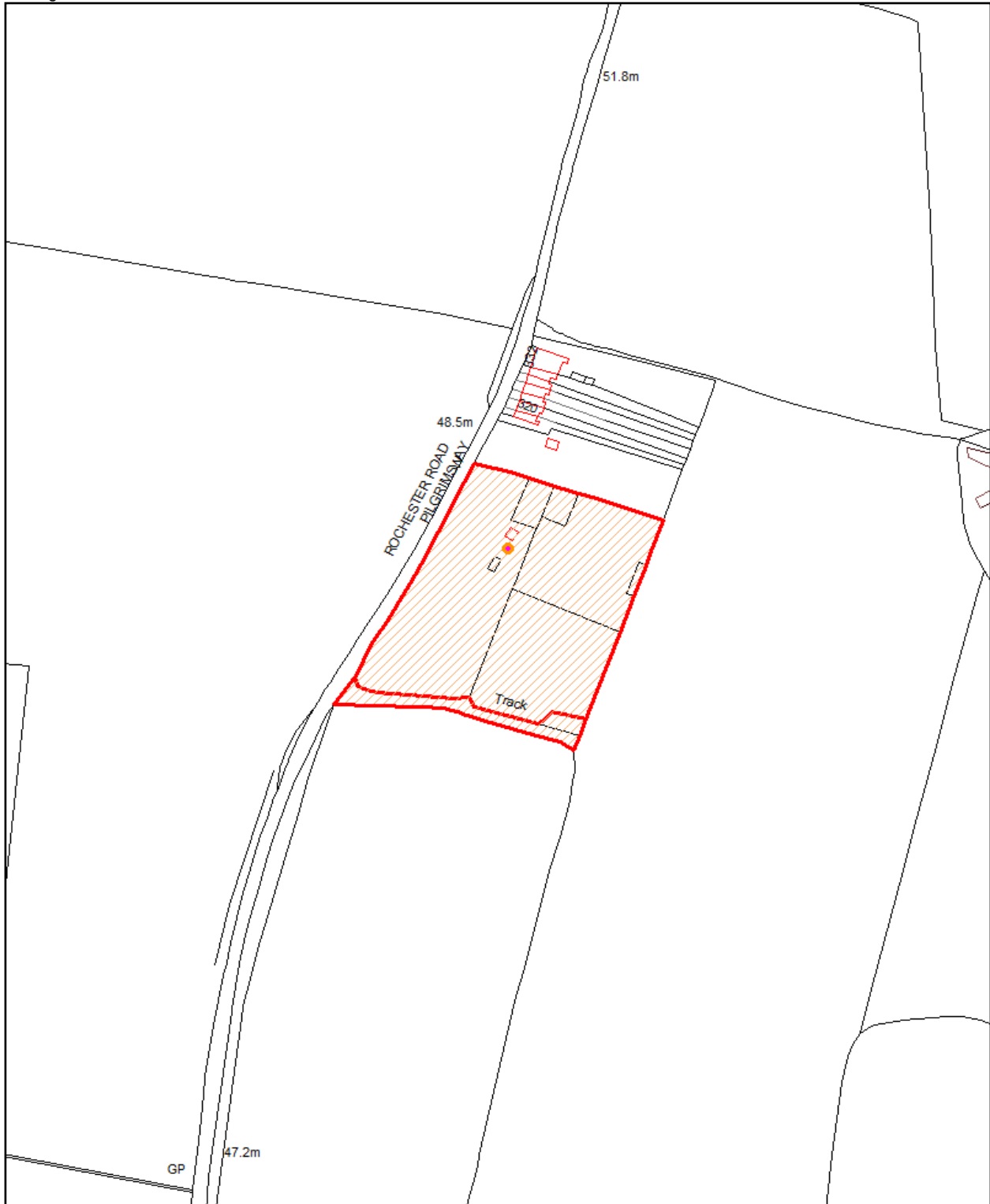
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**TM/19/00135/FL**

Stables And Land East Of Pilgrims Way Wouldham Rochester Kent

Proposed single dwelling with partial change of use to residential

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**East Malling &  
Larkfield**  
East Malling

**14 May 2018**

**TM/18/01106/FL**

Proposal: Proposed new entrance to No.165 Wateringbury Road  
Location: Belvidere Oast 165 Wateringbury Road East Malling West  
Malling Kent ME19 6JE  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 Planning permission is sought to create a new vehicular access to this property onto Wateringbury Road. Currently, access to the site is shared with the neighbouring property at 163 Wateringbury Road and visibility for vehicles leaving the site is limited in either direction due to the geometry of the road and layout of boundary walls and buildings in the locality.
- 1.2 The proposed new access would be located approx. 30m to the south of the existing access which is to remain in place to serve the residential property at 163 Wateringbury Road. This would require the removal of a section of close boarded fence, shrubs and bushes.

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

- 2.1 At the request of Cllr Roud to fully assess the merits of the proposed development.

## **3. The Site:**

- 3.1 The site is located outside the settlement confines of East Malling, within the countryside, on the east side of Wateringbury Road. The site contains a detached dwelling house created through the conversion of a former oast house. A timber cart barn is located in front of the dwelling.
- 3.2 Wateringbury Road in the vicinity of the site has a 40mph speed limit and the carriageway measures between 4m and 5.5m in width. The road is bisected by white lines defining the north and south bound carriageways. The road is flanked by vegetation on both sides in the locality, although sections of ragstone boundary wall are located on either side of the existing access to the application site and in front of the neighbouring dwelling at 163 Wateringbury Road, which measure between approx. 1.2m and 1.5m high. A section of footpath is located on the west side of the road, opposite the site.

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

TM/08/01476/FL

Approved

12 June 2008

Freestanding car port to front of building and shed/workshop to rear garden

**5. Consultees:**

5.1 PC: No objection but in respect of the proposed vision splay, it is felt that the highway authority need to assess whether this is satisfactory.

5.2 KCC (H&T): Initial comments: I estimate visibility to the nearside when looking right/north to be 1/3 of the minimum recommend for the speed on this road. This is of concern and I consider grounds to recommend a refusal to this application. Visibility to the south is also inadequate.

5.2.1 Looking at the cross sections provided I estimate the gradient of the access proposed to the highway to be 1:4.3 of 23%. The gradient of the access should be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

5.2.2 In conclusion I recommend a refusal for this application on behalf of the highway authority.

*Subsequent comments submitted in respect of amended plans of the proposed access*

5.2.3 I am grateful for the cross section provided which shows a satisfactory access gradient (1:20, maximum acceptable 1:8) although this is not based on a survey; levels shown indicatively; the access extends at least 18m into the site/off the highway.

5.2.4 For a 40mph speed, a sight stopping distance of 65m is required. This is measured from a view point 2.4m back off the highway to a nearside point on the highway which can be 1m from the kerb line/edge of carriageway. Currently from the latest access plan, the visibility to the north (looking right on emerging) is 24m. This is unacceptably low. Visibility to the north ignoring (i.e. removing) the Ragstone wall next to the garages indicates that a visibility of 41m might be achieved. This equates to a stopping distance for traffic approaching at 29mph.

5.2.5 On behalf of this authority I write to confirm that a refusal of this application is recommended on the grounds that inadequate/unsafe visibility is available for emerging traffic.

5.2.6 Private reps (including site notice): 2\0S\0X\0R

**6. Determining Issues:**

- 6.1 The main issue with this application is the impact of the works upon highway safety.
- 6.2 Policy SQ8 of the MDE DPD relates to road safety, transport and parking. Point 2 of the policy states:

*“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.”*

- 6.3 Paragraph 108 of the NPPF states that when assessing specific planning applications it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development upon highway safety can be cost effectively mitigated to an acceptable level.
- 6.4 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
- 6.5 It is apparent from the representations made by the highway authority that an acceptable level of forward visibility cannot be provided with the design of the proposed access onto Wateringbury Road. Particularly when looking north (i.e. into the path of approaching traffic from East Malling), the amount of visibility that would be provided (24m) is approx. 1/3 of what is required for the 40mph speed of the road. This is considered by the highway authority to be “unacceptably low”. The highway authority has even considered the likely visibility were the ragstone wall that fronts onto Wateringbury Road in front of the site removed. I must stress that this is not part of the proposed development but a hypothetical situation. However, even if that wall was removed, the visibility looking north from the proposed access would still fall well short of that required for the speed of the road. The visibility to the south of the proposed access is also considered to be unacceptable to the highway authority.
- 6.6 In light of the above, it is considered that the proposed access would not be safe or suitable. Adequate mitigation cannot be undertaken (such as by the removal of the front boundary wall to the north of the proposed access) that would render the proposed development acceptable. Consequently, the proposed development is considered to have an unacceptable impact upon highway safety and is, therefore, contrary to policy SQ 8 of the MDE DPD and also current national planning advice contained within paragraphs 108 and 109 of the NPPF.
- 6.7 Turning to other matters material to the consideration of this application, policy CP24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its

surroundings. The proposed access would require the removal of a section of close boarded fencing and shrubs located behind it. The size and design of the proposed access are such that it would not have an unacceptable impact upon the character of the site or wider rural locality. It would not, therefore, be contrary to policy CP24 of the TMBCS.

- 6.8 To provide the required visibility splays would necessitate the demolition of the ragstone walls in front of the application site and the neighbouring dwelling at 163 Wateringbury Road, as well as cutting back a long section of vegetation on the south side of the access road. These works would have a detrimental impact upon the character of the street scene, which would be contrary to policy CP24.
- 6.9 In light of the above considerations, the proposed development would result in an unacceptable impact upon highway safety and, as such, would be contrary to adopted development plan policy SQ8 as well as current Government planning policy contained within the NPPF. As such, I recommend that planning permission is refused.

## **7. Recommendation:**

- 7.1 **Refuse planning permission** for the following reason:

### **Reason:**

1. The proposed development by virtue of the lack of suitable forward visibility splays for vehicles emerging from the proposed access, would not provide safe or suitable access for those using it and would, therefore cause unacceptable harm to highway safety which cannot be mitigated to an acceptable level. The development is, therefore contrary to policy SQ 8 (2) of the Managing Development and the Environment – Development plan Document 2010 and paragraphs 108 and 109 of the National Planning Policy Framework 2019.

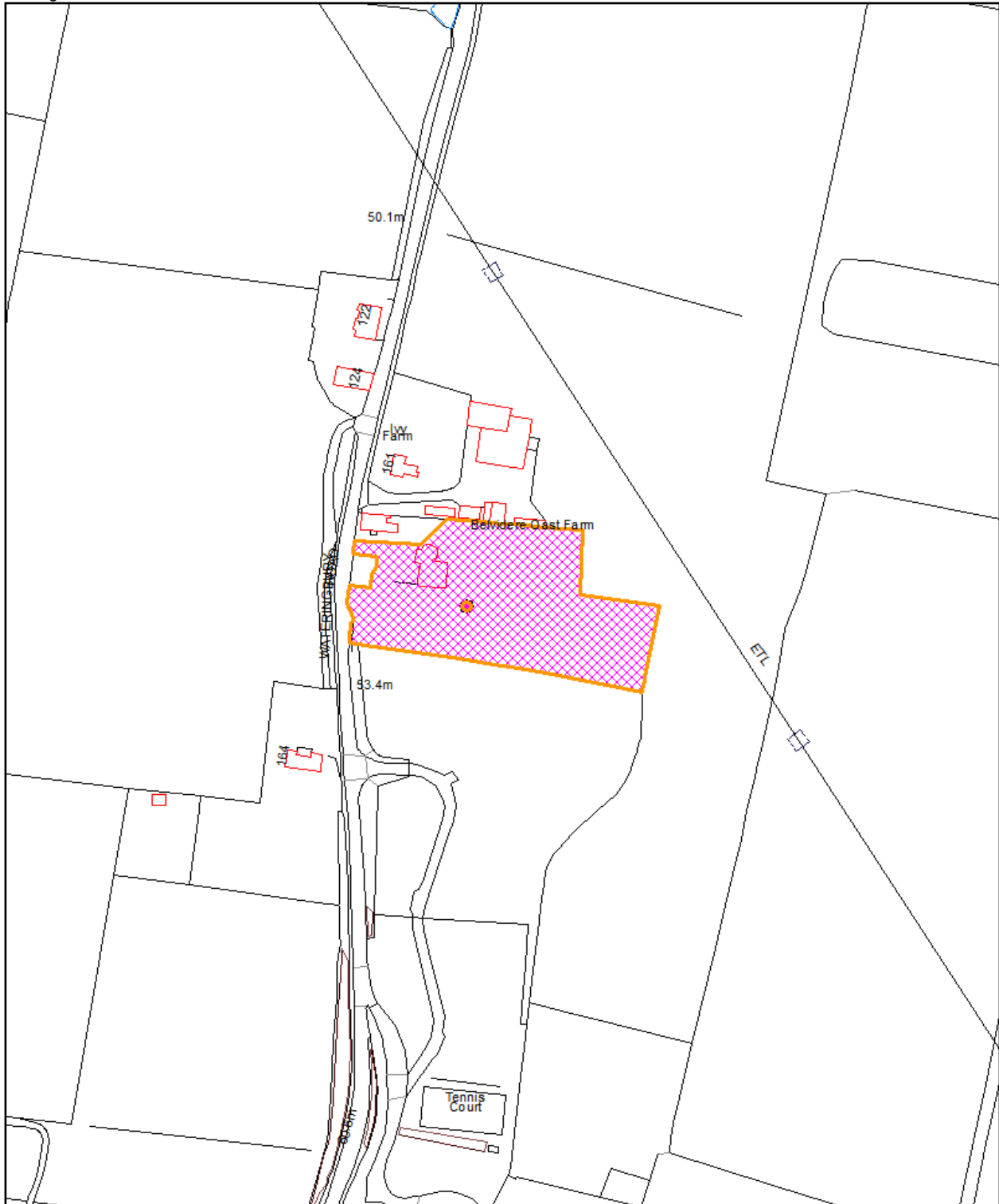
Contact: Matthew Broome

**TM/18/01106/FL**

Belvidere Oast 165 Wateringbury Road East Malling West Malling Kent ME19 6JE

Proposed new entrance to No.165 Wateringbury 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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