

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
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14 January 2020

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, 22nd January, 2020 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

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To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 6 November 2019

Decisions to be taken by the Committee

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Introduction and Glossary

5. TM/19/01573/FL - Kentfield Farm, Tower Hill, Offham 13 - 28

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7. Urgent Items

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

Matters for consideration in Private

8. Exclusion of Press and Public 41 - 42

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 H S Rogers (Chairman)
Cllr B J Luker (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr R P Betts
Cllr C Brown
Cllr M A Coffin
Cllr S A Hudson
Cllr Mrs F A Kemp
Cllr Mrs C B Langridge
Cllr P J Montague

Cllr L J O'Toole
Cllr W E Palmer
Cllr J L Sergison
Cllr T B Shaw
Cllr N G Stapleton
Cllr K B Tanner
Cllr M Taylor

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 6th November, 2019

Present: Cllr H S Rogers (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr C Brown, Cllr M A Coffin, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr W E Palmer, Cllr J L Sergison, Cllr K B Tanner and Cllr M Taylor.

Councillors N J Heslop and D Lettington were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs C B Langridge, P J Montague, L J O'Toole and N G Stapleton

PART 1 - PUBLIC

AP2 19/43 DECLARATIONS OF INTEREST

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

AP2 19/44 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 14 August 2019 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 19/45 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 19/46 TM/19/01756/FL - MOUNT MEAD, FORD LANE, TROTTISCLIFFE

Demolition of existing domestic outbuildings and construction of two bungalows with ancillary areas and parking provision at Mount Mead, Ford Lane, Trottiscliffe.

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

(1) Amended Conditions:

3. The dwellings hereby approved shall not be occupied until the area shown on the submitted layout for a vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking 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: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

4. Before the development hereby approved is occupied a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall clearly indicate the extent of each of the residential curtilages in connection with Plots 1 and 2 in conformity with Drawing Number 1406 P002 D and how these will be defined and enclosed. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

(2) Additional Condition:

11. No external lighting shall be installed in connection with the development hereby approved until such details have been submitted to and approved by the Local Planning Authority, and the work shall be

carried out in strict accordance with those details.

Reason: In the interests of visual and rural amenity.

(3) Additional Informative:

2. The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies however possible into the design and construction of the buildings and for measures to support biodiversity within the construction of the buildings as well as through the landscaping within the wider site.

[Speakers: Vicky Bedford – agent]

AP2 19/47 TM/19/01642/FL - THE RED HOUSE COTTAGE, 29 OLD ROAD, WATERINGBURY

Erection of buttress to support wall between Red House Cottage and 31 Old Road. The Red House Cottage, 29 Old Road, Wateringbury.

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

[Speakers: Mr Graham Stubbs – member of the public and Mr Richard Bate – on behalf of the applicant]

AP2 19/48 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.33 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 23 September 2015

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

Offham
Downs And Mereworth

2 July 2019

TM/19/01573/FL

Proposal: Variation of conditions 3 (archaeology), 8 (hours of events) and 17 (cease of development) of planning permission TM/18/01930/FL (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](#)

1. Description:

1.1 This application seeks to vary conditions 3 (archaeology), 8 (hours of events) and 17 (cease of development) of planning permission TM/18/01930/FL under the provisions of Section 73 of the Town and Country Planning Act 1990.

1.2 Condition 3, as imposed under TM/18/01930/FL, requires that:

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.

1.3 The proposal seeks to amend this condition to change the 'no development' pre-commencement clause to relate to the erection of the holiday lets alone. This would allow for the operation of the events part of the business without the requirement to discharge this condition in full.

1.4 Condition 8, as imposed under TM/18/01930/FL, requires that:

The events/functions shall not be operational outside of the hours of 11am to 11pm and all persons, other than persons using the holiday lets, shall vacate the site by 11pm.

1.5 This application seeks to amend this condition to allow for the operation of the events until 12am. This includes a cool down period by which the music volume is reduced at 11pm and turned off at 11:30pm. The site will be vacated by 12am.

1.6 Condition 17, as imposed under TM/18/01930/FL, requires that:

The development hereby permitted shall cease on or before 31 March 2020. On or before this date, the development carried out in pursuance to this permission shall

be demolished/removed from the site in totality and the land restored to its former condition and used in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority.

- 1.7 The amendment to this condition seeks to extend the date in which the development must cease until December 2020 to allow for a full period of operation under the temporary planning permission.
- 1.8 For clarification, the proposed variation to visitor numbers pursuant to condition 7 also originally proposed by this application has been withdrawn from the application and will not be considered.
- 1.9 Matters relating to the approval of details to conditions 2 (Construction and Operation Management Plan), 4 (Operation of events/functions Management Plan) and 5 (Foul water scheme) of the parent planning application TM/18/01930/FL have been approved under application reference TM/19/01505/RD and also do not form part of this application.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Kemp in order to consider matters related to potential noise and disturbance.

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 has 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/18/01930/FL Approved 13 March 2019

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

TM/19/01505/RD Approved 23 December 2019

Details of condition 2 (Construction and Operation Management Plan), 4 (Operation of events/functions Management Plan) and 5 (Foul water scheme) pursuant to planning permission TM/18/01930/FL (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)

TM/19/02425/DEN Prior Approval Not
 Required 18 November 2019

Prior Demolition Notification: Demolition of building

TM/19/02885/AGN Pending Consideration

Prior Agricultural Notification: Replacement barn to be built in replacement to old 1950's building

5. Consultees:

DPHEH: Members should be aware that in order to avoid any confusion, representations made in respect of conditions not sought to be varied by this application are not reproduced in the following section.

5.1 Offham Parish Council: Objects. The Parish Council and a large number of residents objected to the original application TM/18/01930/FL, and therefore strongly object to this application for variation of conditions which are even wider than the original permission granted. The causes for concern set out in the Parish

Council's original objection of 3 October 2018 remain. The terms of the original permission were imposed to protect the amenity of local residents.

5.1.1 Condition 8 - hours of events - The Parish Council objects to any extension of the hours of events. There is no reason for the planning to match the terms of the licence granted. Extending the hours increases the time of inconvenience for residents, from noise on site, to vehicles leaving later etc.

Additional representations received:

5.1.2 The Parish Council remains concerned about a number of issues, and continues to have the same concerns and objections as per our previous responses of 3rd October 2018 and 24th July 2019 which we would like to be taken into account when considering these applications.

5.1.3 It is noted that the applicant is no longer seeking to increase the number of guests attending any one event and the total number of events and this is welcomed.

5.1.4 However, the potential for noise problems continues to be an issue. There have been no trial events. This means there has been no opportunity to see if there is any effect on residents from noise, if the mitigation measures put in place are sufficient, if the traffic was well controlled, if guests could leave quietly within the allocated times etc. We cannot say whether the proposed measures have worked and so our concerns and objections remain unchanged.

5.1.5 The applicant is seeking to extend the hours for events. Instead of finishing at 11pm the application is to turn the music down at 11pm, finish at 11.30pm and vacate by midnight. The Parish Council considers that this is an unrealistic timetable and it will not be possible to vacate by midnight. Our original objections still stand. Extending the hours increases the time that residents are inconvenienced from noise on site, vehicles leaving later etc. Simply reducing the noise at 11pm is insufficient. The events and noise must end by 11pm.

5.1.6 The letter dated 17th October 2019 from John Bullock Design says regarding condition 8 (hours of events) - "our client is considering potential alternatives if this application is not approved....and if they do decide to place a marquee elsewhere on the site on one of the wildflower meadows being planted up, under permitted development rights....there would be no planning restriction as to the time that these events would finish". This suggests that the applicant will install a marquee without any restrictions or limitations if he is not granted the permission that he seeks here from the planning authority. The Parish Council does not believe this justifies permission simply being granted without consideration for the consequences on those living nearby. There must be adequate protection for the peaceful amenity of residents. The applicant has stated at meetings that he wishes to work with the village, but the statement in this letter seems to indicate otherwise.

- 5.1.7 There are no objections to the variation of condition 17 (cease of development) extending the trial period to 20th December 2020. Most outdoor events will take place during the summer months and this will allow for events to take place during 2020 for villagers to assess the impact.
- 5.2 KCC (H+T): No increase/changes to condition 7 could be entertained until, at least until condition 4 is approved, and tested under temporary permission, to be effective.
- 5.3 KCC (LLFA): No comments to make
- 5.4 Kent County Council (Heritage): No representations received.
- 5.5 Southern Water: No comments.
- 5.6 Historic England: No representations received.
- 5.7 Private Reps: 10 + site + press notice//1X/71R/17S:

Objections raised on the following grounds:

- Noise and disturbance from opening hours
- Potential noise by later opening hours including traffic leaving at 12am unacceptable
- No 'trial' events have taken place to ascertain if noise reduction methods have effect
- Inappropriate to consider extension of hours until existing temp planning permission is implemented and residents assured.

Supporting comments on the grounds of;

- Investment into area/village
- Support local economy – job creation
- Kentfield have offered great events for local scouts and charity
- Noise impact looked to be addressed- no disturbance/impact

6. **Determining Issues:**

Background and preliminary matters:

- 6.1 To summarise, planning permission has been granted at Kentfield Farm for the 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 under planning application reference TM/18/01930/FL. This application was determined by the Area 2 Planning Committee on the 27 February 2019.

- 6.2 The planning application proposed two distinct elements which included;
- 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.
- 6.3 At that time concern was raised regarding the potential impact on local residents through the operation of the events business. Members resolved to grant a temporary planning permission until 31 March 2020 subject to a number of conditions including a management plan condition.
- 6.4 This application is a Section 73 application seeking to vary the terms of the parent permission granted under TM/18/01930/FL. Section 73 applications do not seek to re-assess the merits of the parent permission but simply seek to consider the acceptability of the amendments proposed.

Condition 3 Archaeology:

- 6.5 The condition imposed under TM/18/01930/FL requires that;

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.

- 6.6 Condition 3 relates to buried archaeological remains and was imposed at the request of KCC to seek to ensure through the implementation of an approved watching brief that any items of archaeological interest are identified and recorded whilst undertaking ground works associated with the development. As a pre-commencement condition the watching brief is required to be submitted and approved before the commencement of the development in its entirety including development that does not require any below ground works. The applicant has outlined that it is no longer their intention at this time to implement the holiday lets part of the proposal and is therefore seeking to vary the condition to allow for the events to be undertaken without being in breach of this condition.

- 6.7 As Members will be aware the parent planning application TM/18/01930/FL granted planning permission for two distinct elements. The first being the operation of events on the site including the marquee as well as the erection of 3 self-contained holiday let pods. The events are undertaken around the Lapa with a temporary marquee to be erected adjacent. The marquee is self-supporting and it is not proposed to install any hard surface or undertake any ground works to erect this temporary structure. Parking for the events is to take place on an existing hard-surfaced parking area with a grassed overflow area available if necessary. None of the works to implement the events part of the proposal would therefore require any engineering or ground work operations.
- 6.8 The suggested amendment to condition 3 seeks to remove the pre-commencement element of this condition to add the clause '*to construct the holiday lets*' to allow the events business to be undertaken prior to the discharge of this condition.
- 6.9 The works proposed to implement the events section of the business including the erection of the temporary marquee and associated parking and access do not require any ground works to implement. This part of the approved scheme would therefore not disturb the ground and therefore will have no significant impact on any buried archaeological remains that may be within the ground. KCC Heritage have been consulted on the application but to date have not made any representations. As the works to implement the events business would not be likely to disturb any potential buried archaeology within the site (which was part of the justification for imposing the condition) it would not be reasonable to require that the condition is discharged prior to the operation of the events element of the proposal. It is therefore recommended that the condition is modified to read;

No development shall take place to construct the holiday lets 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.

Condition 8 Hours of events:

- 6.10 The condition imposed under TM/18/01930/FL requires that;

The events/functions shall not be operational outside of the hours of 11am to 11pm and all persons, other than persons using the holiday lets, shall vacate the site by 11pm.

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

- 6.11 It is proposed to amend this condition to the following;

The events/ functions shall not operate outside the hours of 11am and 12am, with any music being turned down to not exceed 85dB(A)/ LAeq (15mins) at 11pm and turned off by 11:30 pm. All persons other than persons using the holiday lets shall vacate the site by 12am.

- 6.12 The applicant within their covering letter has outlined the justification for the variation to this condition. This is due to the applicant being unable to successfully advertise weddings on the site as they outline that most people who have enquired are looking for their event to finish later than 11pm. There has however been no supporting information provided to substantiate this claim in the form of correspondence or data to outline the number of enquiries they have had which have been unsuccessful due to the hours.
- 6.13 Members will recall that noise impact was considered in detail as part of the approved application with a noise assessment submitted at that time, which formed part of the evidence base upon which the Committee decided to grant a temporary planning permission, subject to conditions. The relevant national policy in relation to noise is contained within paragraph 180 of the NPPF and requires that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.14 In grant temporary planning permission, consideration was given to impact both in terms of movements as well as the music. It was suggested that loud speakers are only to be positioned within the Lapa and pointing towards the south with two solid partitions behind the loudspeaker locations in the lapa to act as baffles. The suggested noise monitoring through a handheld device was also suggested and taken forward by the applicant within their event management plan, now approved under TM/19/01505/RD. The event management plan also included measures to seek to prevent traffic travelling through Offham village when arriving at or leaving the venue.
- 6.15 In response to the concerns raised during the public consultation of this application the applicant has sought to amend the proposal. They are now seeking to reduce

the level of music from the agreed 95dB's to 85dB's at 11pm with music turned off at 11:30. It is then proposed that the site is cleared by 12am. It is understood that the applicant is proposing this to reflect usual licencing requirements to allow for a "cool down period" towards the end of events such as this. Having consulted the Borough Councils Licencing Team it is understood that this does not form part of the licence that was granted for Kentfield Farm; however is often imposed in noise sensitive locations in the interest of minimising disturbance. It is therefore being offered by the applicant to seek to mitigate the impact rather than a requirement imposed on the licence.

- 6.16 Members will be aware planning policy does generally support the rural economy through Paragraph 80, 83 and 84 of the NPPF as well as local policies within Policy DC3 & DC5 of the MDE DPD which support farm diversification and tourism/leisure facilities in rural areas respectively. It however also seeks to ensure development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development through Paragraph 180 of the NPPF.
- 6.17 At this time the applicant has not been able to fully implement their planning permission and therefore there is insufficient information to assess a baseline level of impact on local residents during the operation of the business. The measures proposed by the applicant to reduce the impact of the additional hour of operation beyond the 11pm by reducing the noise levels and incorporating a cool down period are noted, however without understanding the baseline impact it would not be possible to fully assess what additional impact this may have.
- 6.18 On this basis, I consider that there is not sufficient information available to reach a view that the proposed extended operation hours would not cause additional harm to the amenity of residents. In light of this it is officer recommendation that, at this stage, the variation to condition 8 is not accepted until the temporary planning consent has been implemented for a 'trial period'. I therefore conclude that the condition should not be amended to reflect the change sought by the applicant. This is reflected in the recommendation that follows.

Condition 1 Cessation of development:

- 6.19 Members previously resolved to grant a temporary planning permission for a trial period to fully understand the impacts arising from this use. However, as set out within this report, no events have yet been held under the approved planning permission. Due to the nature of the events business, particularly for weddings bookings are typically made well in advance. The applicant is understanding of the requirement for a trial period and is therefore seeking an extension to the timeframe set out within condition 17 to allow for a full year of marketing and a sufficient monitoring period.

6.20 I consider that it would be reasonable to allow for a full year 'trial period' as previously approved. It is therefore recommended that approval is given for the amendment of the condition to allow for a full year of operation from the date of the planning committee. It is therefore recommended to amend the condition to;

The development hereby permitted shall cease on or before 22 January 2021. On or before this date, the development carried out in pursuance to this permission shall be demolished/removed from the site in totality and the land restored to its former condition and used in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Conclusions:

6.21 In light of the above, the proposed variation of the conditions remain to satisfy the relevant provisions of the Development Plan and NPPF. Therefore it is officer recommendation that planning permission be granted for the variations to the conditions 3 and 17; however the variation to condition 8 is not accepted and is re-imposed as previously granted.

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Letter received 17.10.2019, Management Plan received 17.10.2019, Other premises licence received 02.07.2019, /subject to the following:

Conditions

1 The development shall be carried out and operated in strict accordance with the Management Plan approved under TM/19/01505/RD in relation to construction and operation of the development to secure protection of the Scheduled Monument. A scheme shall also be submitted to and approved by the Local Planning Authority to enhance the value of the Scheduled Monument. 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.

2 No development shall take place to construct the holiday lets 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.

- 3 The development shall be undertaken in accordance with the details contained within the event management plan approved under application reference TM/19/01505/RD.

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

- 4 Prior to the erection of the holiday let pods a scheme of foul water disposal 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.

- 5 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.

- 6 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.

- 7 The events/functions shall not be operational outside of the hours of 11am to midnight and all persons shall vacate the site by midnight.

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

- 8 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). This shall include loudspeakers being positioned only in the lapa facing south and the installation of two solid partitions behind the loudspeakers to act as baffles. A noise limiter shall be used to ensure that noise levels in the Lodge do not exceed 95dBLAeq(15) as recommended by the Code of Practice.

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

- 9 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.

- 10 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

- 11 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.

- 12 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.

- 13 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.

- 14 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.

- 15 Any live music or performances in the marquee shall be restricted to non-amplified acoustic instruments only with the use of amplified equipment restricted to background music or spoken words only. No music or amplified sound shall be played outside of the lapa or marquee.

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

- 16 The development hereby permitted shall cease on or before 20 December 2020. On or before this date, the development carried out in pursuance to this permission shall be demolished/removed from the site in totality and the land

restored to its former condition and used in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development will not harm residential amenities in the locality.

- 17 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended), the land subject to this permission shall not be used for any purpose other than those permitted under this planning permission.

Reason: In the interests of the character and visual amenity of the area and neighbouring amenities.

Contact: Paul Batchelor

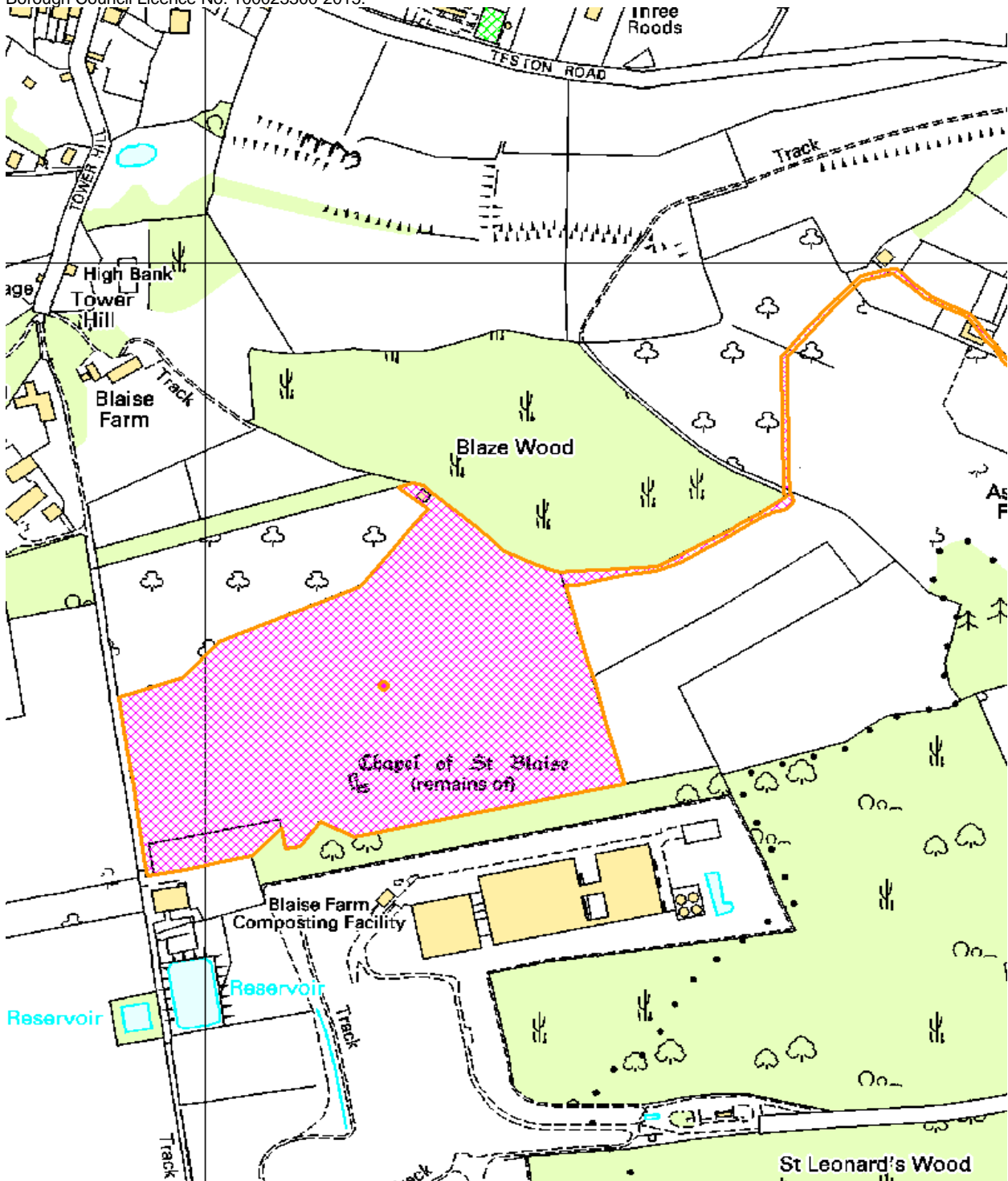
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TM/19/01573/FL

Kentfield Farm Tower Hill Offham West Malling Kent ME19 5NH

Variation of conditions 3 (archaeology), 8 (hours of events) and 17 (cease of development) of planning permission TM/18/01930/FL (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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Platt
Borough Green And
Long Mill

30 September 2019

TM/19/02275/FL

Proposal: Extending existing access drive to two six bedroom detached houses and two detached double garages, repair of existing boundary wall along west boundary, landscaping and ancillary works

Location: 172 Maidstone Road Borough Green Sevenoaks Kent TN15 8JD

Go to: [Recommendation](#)

1. Description:

- 1.1 This is an application for planning permission for the erection of two detached, 6 bedroom dwellings over two and half storeys including roof accommodation. The dwellings are to be erected in the rear garden of the existing building of 172 Maidstone Road, currently in use as a chiropody and podiatry practice.
- 1.2 The proposed dwellings are designed with two front gables, central dormer window and either wood panelling or tile hung detailing.
- 1.3 The scheme has been amended following discussions with officers to improve the relationship between the buildings and the neighbouring dwellings and also adjacent woodland and trees.
- 1.4 Access is proposed via the existing access onto Maidstone Road, which will be extended up to the rear of the site. Parking for 2 x cars is provided plus 2 x spaces within the double garages.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Mike Taylor over concerns on the impact to the character and appearance of the area and neighbouring amenity.

3. The Site:

- 3.1 The site is comprised of a large rear garden, sloping up steeply to the rear of the existing building at 172 Maidstone Road. It is largely laid to lawn with some trees and bushes of varying sizes dotted around the garden; to the rear and sides is denser woodland. It lies within the settlement confines of Borough Green. The woodland to the rear of the site is subject to a blanket Tree Preservation Order (TPO) but there are no other relevant designations.
- 3.2 Surrounding development is primarily residential in a variety of patterns and forms; on this side of the road it is mostly large detached buildings in large plots, but adjacent to the property on the eastern boundary is a comparable back land

development of 4 x semi-detached dwellings located behind the frontage dwellings.

4. Planning History (relevant):

TM/59/10826/OLD grant with conditions 2 April 1959

Garage and workshop.

TM/82/10533/FUL grant with conditions 19 October 1982

Construction of new vehicular access.

TM/91/11178/FUL grant with conditions 18 July 1991

Use of one room as chiropodist surgery.

5. Consultees:

5.1 PC: Platt Parish Council has taken into account the amended plans submitted 5th November 2019 but do not feel they make any impact and do not alter their comments and objections. This is an over development of a rear garden which has not taken into account the impact on the neighbouring properties. No attempt has been made to lower ground levels to ensure that the dwellings sit into the slope of the land. Three storey dwellings are totally inappropriate for this location and will have a very large impact on the privacy of the neighbouring properties, overlooking the house and garden. Not to mention creating unnecessary light pollution.

5.1.1 Consideration needs to be given to smaller properties on this site if the height of the land is not reduced. This could also mean the properties would be more favourable to the housing needs of this area. Unfortunately, the wooded area behind 172 Maidstone Road has been gradually denuded which leaves the present stark site, obviously done with this application in mind. The landscaping scheme does nothing to enhance the area, presumably there is insufficient space to plant new trees. Very careful consideration should be given to the installation of a new boundary wall instead of the repair of existing boundary wall along west boundary and care should be taken to ensure that both neighbours are consulted on the necessary height should the Borough Council grant this application.

5.1.2 The Parish Council is concerned that the entrance is inadequate for the amount of traffic two extra 6 bedroom dwellings will create, it is not just cars but all the delivery vehicles that this will entail. The A25 curves outside this property and the entrance is not considered wide enough for the increased vehicle movements. Further vehicles accessing and exiting this site will also disturb the flow of the

traffic on the already very busy A25 which also raises concerns. Parking and turning on site does not appear to be adequate for two 6 bed dwellings and does not take into account parking for visitors. There is no parking on the A25. Careful thought needs to be given to the parking of construction traffic on site to avoid any unnecessary problems on the A25 if this application is granted.

5.1.3 It is noted that there are only 4 designated spaces for the recycling/refuse bins and the Parish Council do not feel this is sufficient. As the Parish Council has previously remarked the number of bins that are required every week has increased and is a fact of life. Therefore all new properties should be required to make provision on site for these. Platt Parish Council strongly object to this application on the grounds of overdevelopment of the site and the impact this will have on the neighbours and the street scene, light pollution, traffic concerns and inadequate parking and turning on site.

5.2 KCC Highways & Transportation: The site includes a suitably located refuse collection point enabling roadside collection. There is a turning area adjacent which can accommodate medium sized delivery vehicles. The access road is to Fire Tender standard (3.7m) and other parts of the alignment enable passing. The car parking is to standard. There has been 1 slight injury crash adjacent to this site on the A25 in the last 20 years involving a single vehicle (source: www.crashmap.co.uk). On behalf of this authority I write to confirm that it is not considered that a highway reason for refusal to this application could be sustained/upheld. Should this application be approved, I do consider that a construction management plan should be submitted for approval prior to commencement. The site will need to be suitably drained to prevent surface water discharge onto the highway.

5.3 Private Reps: 2 + site notice/0X/2R/0S. 2 objections raised by 1 neighbour on the following (summarised) grounds:

- Parking insufficient
- Additional traffic a concern
- Revised plans do not alleviate concerns
- Overbearing
- Sheer bulk will tower over
- Plans of neighbouring dwellings wrong
- Overlooking
- Trees previously felled
- Bedrooms should be reduced
- Height should be lowered

6. Determining Issues:

Principle of development:

- 6.1 The site lies within the settlement boundary of Borough Green, a rural service centre as defined by policy CP12, in which there is no objection in principle to new development. It is considered that policy CP12 is wholly consistent with the Framework in directing development towards sustainable locations within urban areas and also requiring proposals to make the most efficient use of land as set out at paragraph 122.
- 6.2 The key issues are therefore the impact on the character and appearance of the area, neighbouring amenity, highways and parking, and trees.

Character & Appearance:

- 6.3 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. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 127 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be 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).
- 6.4 The site is comprised of a large rear garden area and a broadly similar form of back land development can be found just two doors down at Staddleswood Place. Here 4 x semi-detached dwellings are located to the rear of the properties that front Maidstone Road, reached from a single shared access point. This represents a higher density form of back land/tandem development within the locality and is part of the established character of the area.
- 6.5 Although there is currently no back land development on the site it is considered that once completed the change in character would not be harmful given the wide variety of development patterns in and around the area. The single access point and presence of the existing large building would serve to screen the development to a degree from views along the road, as would the woodland to the rear. It is considered that the plot is wide and deep enough to accommodate additional development without the scheme appearing cramped and it is not considered that the proposal would constitute overdevelopment. In using the site more efficiently it is considered that the proposal would comply with paragraph 122 of the NPPF.

- 6.6 The design of the dwellings themselves would be to a good standard and, although not necessarily innovative, they would reflect local vernacular. Further detailed landscaping can be secured by condition and this would ensure appropriate planting and screening.
- 6.7 Overall it is considered that the scheme would not be harmful to the character and appearance of the area and the proposal would therefore comply with policy CP24 of the TMBCS, SQ1 of the MDEDPD and paragraph 127 of the NPPF.

Neighbouring Amenity:

- 6.8 In terms of impact on neighbouring amenity, third party comments are noted. However, the dwellings are angled away from the adjacent property "Tanglin", instead orientated on a slight north-west angle towards the host building. Furthermore, the closest building, plot 2, is 20m away from the corner of the adjacent neighbouring property and therefore, even taking into account changing land levels, it is not considered that any harmful overbearing or overshadowing effect would arise to the property itself.
- 6.9 Furthermore the adjacent garden is wide and deep and whilst it is noted that part of the back of the rear garden would be impacted by the proximity of plot 2 this would not be considered to compromise the reasonable enjoyment of the garden as a whole given its size, as most of the garden would remain unaffected. Boundary screening to be secured by condition will also lessen this effect.
- 6.10 The other adjacent property, number 170, is also a sufficient distance to avoid any harmful impact, with this property's rear garden more heavily wooded providing an additional buffer.
- 6.11 In terms of overlooking and privacy, the angles of the proposed dwellings away from the adjacent property Tanglin would prevent any direct overlooking into the dwelling, along with the 20m separation. Furthermore, first floor side windows have been removed from plot 2 to avoid overlooking. Plot 1 is a sufficient distance from 170 and screened by woodland to prevent any harmful overlooking.
- 6.12 Overall it is considered that the scheme would not result in any harmful impact on neighbouring amenity by reason of overshadowing or overbearing impacts or loss of privacy.

Trees:

- 6.13 The site lies adjacent to woodland and there are also a number of trees on the site. Whilst some are proposed to be removed these are not considered to have sufficient amenity value to warrant retention, whereas those that do are proposed to be retained such as the T13 Black Pine. The scheme was also revised following discussions with the Council's tree officer to increase separation distances from

adjacent woodland and to avoid pressure from future occupiers to have the trees removed or cut back.

- 6.14 Subject to the tree protection measures set out in the accompanying arboriculture reports being secured by condition, it is considered that no harm would arise to important trees.

Parking & Highways:

- 6.15 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. Paragraph 110 goes on to state that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.16 Policy SQ8 of the MDE DPD sets out 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.
- 6.17 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.
- 6.18 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.

- 6.19 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.20 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 The aims of Policy SQ8 in requiring safe and suitable access to and from the highway are consistent with the aims of the Framework at paragraphs 109 and 110.
- 6.22 The site already benefits from an established access point and a number of similar neighbouring residential properties and their driveways are located along Maidstone Road. Whilst Parish Council and third party comments are noted, the number of vehicle movements associated with two dwellings are not significant even considering the amount of bedrooms. Furthermore, KCC (H+T) as the Council's statutory expert consultees on matters of highways safety, have raised no objections subject to conditions.
- 6.23 The test set out under paragraph 109 of the NPPF sets a high bar and in consideration of the comparatively low number of movements that two dwellings would attract it is not considered that this test would be met. As such there is no evidential basis to refuse planning permission on such grounds.
- 6.24 Furthermore the parking requirements for each property are 2 independent spaces as set out in the Council's adopted standards. At least one further space is also available within the garage.
- 6.25 Overall it is considered that there would not be any unacceptable highways impacts and parking would be provided in accordance with expected standards. As such no objections are raised under policy SQ8 of the MDEDPD or paragraph 109 of the NPPF.

5-Year Housing Supply:

- 6.26 Tonbridge and Malling Borough Council cannot currently demonstrate a 5 year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing carries significant weight. This presumption is only disengaged if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. There are no policy designations on the site that would disengage the presumption in favour of sustainable development. Furthermore, there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the benefits. As such paragraph 11(d) (ii) is not engaged and therefore the provision of

two new homes in a sustainable location carries further weight in favour of the scheme.

Conclusion:

6.27 The proposal would provide two new dwellings towards the existing shortfall within a suitable location in accordance with policy CP12. It is considered that the change in the character of the site would not be harmful given the range of surrounding development patterns and whilst outlook to neighbouring properties would change it is not considered that any harmful impacts would arise. Parking and access arrangements are also considered to be acceptable and the application is therefore recommended for approval.

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Proposed Plans and Elevations PL02 B received 05.11.2019, Sections PL04 C received 05.11.2019, Topographical Survey 12856-18 received 30.09.2019, Location Plan EX01 received 30.09.2019, Design and Access Statement received 30.09.2019, Arboricultural Assessment received 30.09.2019, Tree Plan MR/TSP/1594-01 received 30.09.2019, Tree Protection Plan MR/TPP/1594-02 received 30.09.2019, Landscaping PL05 C received 03.01.2020, Proposed Plans and Elevations PL03 C received 03.01.2020, Site Layout PL01 D received 03.01.2020, 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: In the interests of visual amenity.

3 The dwelling hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking 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 (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

- 4 Before the development hereby approved is occupied a detailed scheme of landscaping and boundary treatment shall 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. 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.

- 5 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

- 6 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.

(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.

Reason: In the interests of visual amenity.

- 7 Prior to the commencement of the development hereby approved, arrangements for the management of all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

Informative

1. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

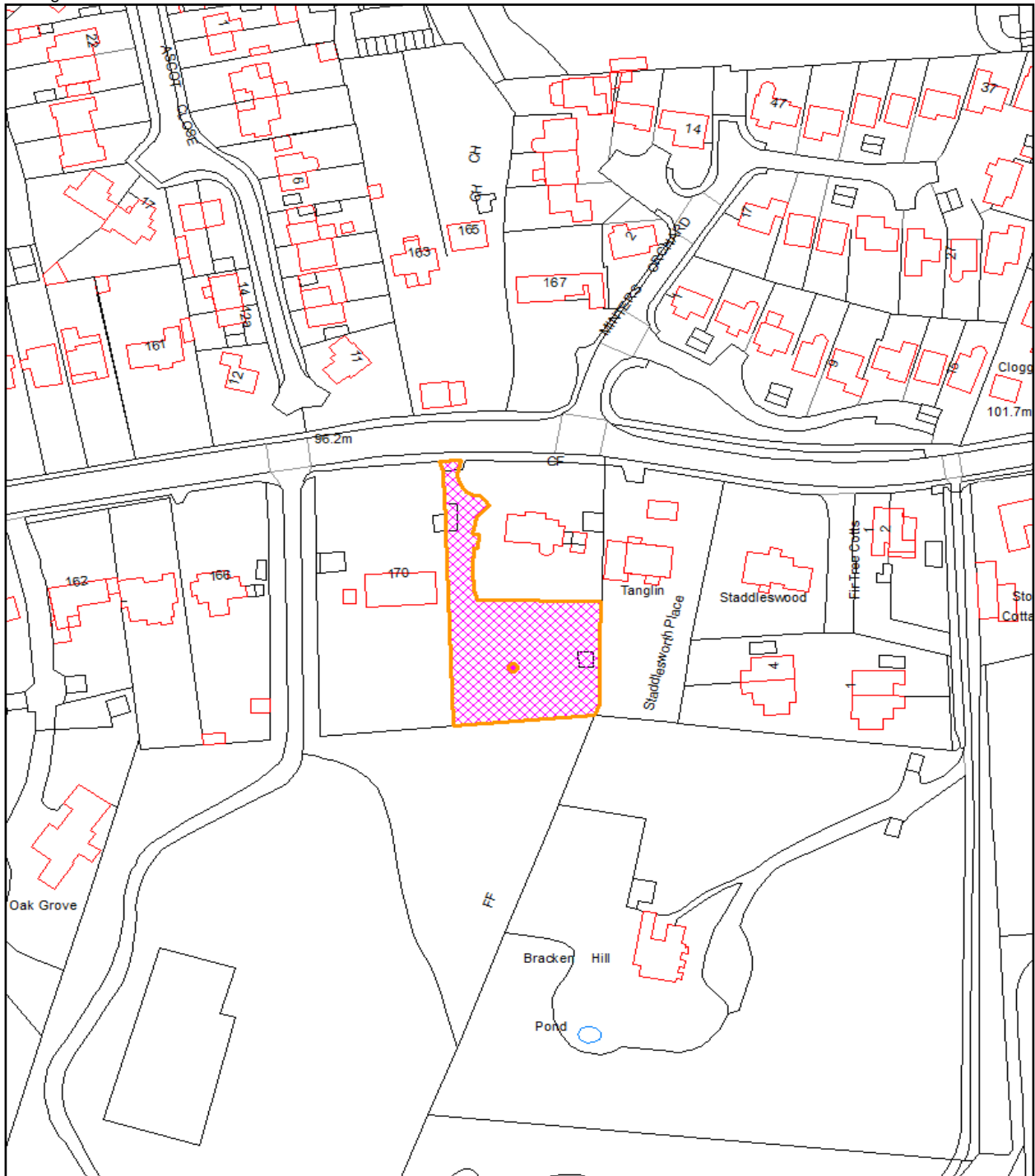
Contact: Adem Mehmet

TM/19/02275/FL

172 Maidstone Road Borough Green Sevenoaks Kent TN15 8JD

Extending existing access drive to two six bedroom detached houses and two detached double garages, repair of existing boundary wall along west boundary, landscaping and ancillary works

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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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