



# 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: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

2 November 2022

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 Council Chamber, Gibson Drive, Kings Hill on Thursday, 10th November, 2022 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

1. Guidance for the Conduct of Meetings

5 - 6

### PART 1 - PUBLIC

2. Apologies for Absence

3. Declarations of Interest

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting

4. Minutes 7 - 8

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 29 September 2022.

5. Glossary and Supplementary Matters 9 - 16

*Glossary of abbreviations used in reports to the Area Planning Committee (attached for information)*

*Any supplementary matters will be circulated via report in advance of the meeting and published to the website.*

**Decisions to be taken by the Committee**

6. TM/22/01210/FL - Downs Farm, Pilgrims Way, Wouldham 17 - 34

Erection of a two bedroom detached dwelling with mezzanine and basement, associated curtilage and three parking spaces.

Any update arising from a Member Site Inspection will be provided at the meeting.

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**

**PART 2 - PRIVATE**

8. Exclusion of Press and Public 35 - 36

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.

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 C Base (Chair)  
Cllr D J Cooper (Vice-Chair)

Cllr Mrs S Bell  
Cllr T Bishop  
Cllr R I B Cannon  
Cllr R W Dalton  
Cllr D A S Davis  
Cllr Mrs T Dean  
Cllr S M Hammond  
Cllr P M Hickmott  
Cllr A P J Keeley

Cllr D Keers  
Cllr A Kennedy  
Cllr D Lettington  
Cllr Mrs R F Lettington  
Cllr Mrs A S Oakley  
Cllr R V Roud  
Cllr Mrs M Tatton  
Cllr D Thornewell  
Cllr C J Williams

## **GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED**

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:  
  
<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) in the first instance.

### **Attendance:**

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

### **Ground Rules:**

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

### **Voting:**

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 3 PLANNING COMMITTEE**

#### **MINUTES**

**Thursday, 29th September, 2022**

**Present:** Cllr D J Cooper (Vice-Chair), Cllr Mrs S Bell, Cllr R I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr P M Hickmott, Cllr D Lettington, Cllr Mrs A S Oakley, Cllr R V Roud and Cllr Mrs M Tatton

**Virtual:** Councillor D Harman participated via MS Teams and joined the discussion when invited to do so in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, T Bishop, Mrs R F Lettington, D Thornewell and C J Williams.

#### **PART 1 - PUBLIC**

##### **AP3 22/13 DECLARATIONS OF INTEREST**

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

##### **AP3 22/14 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 18 August 2022 be approved as a correct record and signed by the Chairman.

##### **AP3 22/15 GLOSSARY AND SUPPLEMENTARY MATTERS**

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. There were no supplementary reports 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.

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

**AP3 22/16 TM/22/01210/FL - DOWNS FARM, PILGRIMS WAY, WOULDHAM**

Erection of a two bedroom detached dwelling with mezzanine and basement, associated curtilage and three parking spaces at Downs Farm, Pilgrims Way, Wouldham.

Members expressed concern in respect of the visual impact on the locality and the wider landscape of the Area of Outstanding Natural Beauty and felt that a Site Inspection would be beneficial in providing context of the surroundings.

**RESOLVED:** That the application be DEFERRED for a Members' Site Inspection

[Speakers: Wouldham Parish Council (Mr E Bell); Mr P Nicholls (agent) participated via MS Teams]

**PART 2 - PRIVATE**

**AP3 22/17 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.40 pm



## **GLOSSARY of Abbreviations used in reports to Area Planning Committees**

### **A**

AAP	Area of Archaeological Potential
AGA	Prior Approval: Agriculture (application suffix)
AGN	Prior Notification: Agriculture (application suffix)
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
AT	Advertisement consent (application suffix)

### **B**

BALI	British Association of Landscape Industries
BPN	Building Preservation Notice
BRE	Building Research Establishment

### **C**

CA	Conservation Area (designated area)
CCEASC	KCC Screening Opinion (application suffix)
CCEASP	KCC Scoping Opinion (application suffix)
CCG	NHS Kent and Medway Group
CNA	Consultation by Neighbouring Authority (application suffix)
CPRE	Council for the Protection of Rural England
CR3	County Regulation 3 (application suffix – determined by KCC)
CR4	County Regulation 4 (application suffix – determined by KCC)
CTRL	Channel Tunnel Rail Link (application suffix)

## **D**

DCLG	Department for Communities and Local Government
DCMS	Department for Culture, Media and Sport
DEEM	Deemed application (application suffix)
DEFRA	Department for the Environment, Food and Rural Affairs
DEPN	Prior Notification: Demolition (application suffix)
DfT	Department for Transport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DR3	District Regulation 3
DR4	District Regulation 4
DSSLT	Director of Street Scene, Leisure & Technical Services

## **E**

EA	Environment Agency
EIA	Environmental Impact Assessment
EASC	Environmental Impact Assessment Screening request (application suffix)
EASP	Environmental Impact Assessment Scoping request (application suffix)
EH	English Heritage
EL	Electricity (application suffix)
ELB	Ecclesiastical Exemption Consultation (Listed Building)
EEO	Ecclesiastical Exemption Order
ELEX	Overhead Lines (Exemptions)
EMCG	East Malling Conservation Group
ES	Environmental Statement
EP	Environmental Protection

**F**

FRA	Flood Risk Assessment
FC	Felling Licence
FL	Full Application (planning application suffix)
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Impact Assessment

**G**

GDPO	Town & Country Planning (General Development Procedure) Order 2015
GOV	Consultation on Government Development
GPDO	Town & Country Planning (General Permitted Development) Order 2015 (as amended)

**H**

HE	Highways England
HSE	Health and Safety Executive
HN	Hedgerow Removal Notice (application suffix)
HWRC	Household Waste Recycling Centre

**I**

IDD	Internal Drainage District
IDB	Upper Medway Internal Drainage Board
IGN3	Kent Design Guide Review: Interim Guidance Note 3 Residential Parking

**K**

KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards: Supplementary Planning Guidance SPG 4
KDD	KCC Kent Design document

KFRS	Kent Fire and Rescue Service
KGT	Kent Garden Trust
KWT	Kent Wildlife Trust

## **L**

LB	Listed Building Consent (application suffix)
LBX	Listed Building Consent: Extension of Time
LDF	Local Development Framework
LDLBP	Lawful Development Proposed Listed Building (application suffix)
LEMP	Landscape and Ecology Management Plan
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
LDE	Lawful Development Certificate: Existing Use or Development (application suffix)
LDP	Lawful Development Certificate: Proposed Use or Development (application suffix)
LP	Local Plan
LRD	Listed Building Consent Reserved Details (application suffix)

## **M**

MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDE DPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MHCL	Ministry of Housing, Communities and Local Government
MIN	Mineral Planning Application (application suffix, KCC determined)
MSI	Member Site Inspection

MWLP Minerals & Waste Local Plan

## **N**

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

## **O**

OA Outline Application (application suffix)

OAEA Outline Application with Environment Impact Assessment (application suffix)

OAX Outline Application: Extension of Time

OB106D Details pursuant to S106 obligation (application suffix)

OB106M Modify S106 obligation by agreement (application suffix)

OB106V Vary S106 obligation (application suffix)

OB106X Discharge S106 obligation (application suffix)

## **P**

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

PDRA Permitted development – change of use agricultural building to flexible use (application suffix)

PDV14J Permitted development - solar equipment on non-domestic premises (application suffix)

PDV18 Permitted development - miscellaneous development (application suffix)

PDVAF Permitted development – agricultural building to flexible use (application suffix)

PDVAR Permitted development - agricultural building to residential (application suffix)

PLVLR	Permitted development - larger residential extension (application suffix)
PDVOR	Permitted development - office to residential (application suffix)
PDVPRO	Permitted development - pub to retail and/or office (application suffix)
PDVSDR	Permitted development storage/distribution to residential (application suffix)
PDVSFR	Permitted development (application suffix) PD – shops and financial to restaurant
PDVSR	Permitted development (application suffix) PD – shop and sui generis to residential
POS	Public Open Space
PPG	Planning Practice Guidance
PWC	Prior Written Consent
PROW	Public Right Of Way

## **R**

RD	Reserved Details (application suffix)
RM	Reserved Matters (application suffix)

## **S**

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (background for the emerging Local Plan)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SW	Southern Water

## **T**

TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan

TCS	Tonbridge Civic Society
TEPN56/TEN	Prior Notification: Telecoms (application suffix)
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy 2007
TMBLP	Tonbridge & Malling Borough Local Plan 1998
TNCA	Notification: Trees in Conservation Areas (application suffix)
TPOC	Trees subject to TPO (application suffix)
TRD	Tree Consent Reserved Details (application suffix)
TRICS	Trip Rate Information Computer System
TWBC	Tunbridge Wells Borough Council

## **U**

UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board

## **W**

WAS	Waste Disposal Planning Application (KCC determined)
WTS	Waste Transfer Station

(Version 2/2021)

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**Wouldham**  
Burham And Wouldham

**1 June 2022**

**TM/22/01210/FL**

Proposal: Erection of a two bedroom detached dwelling with mezzanine and basement, associated curtilage and three parking spaces

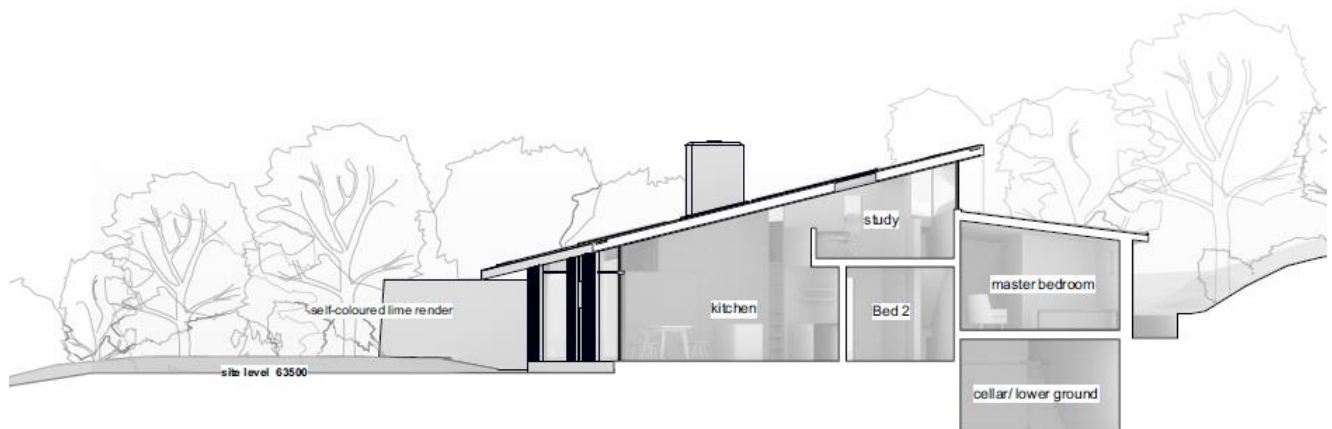
Location: Downs Farm Pilgrims Way Wouldham Rochester Kent ME1 3RB

Go to: [Recommendation](#)

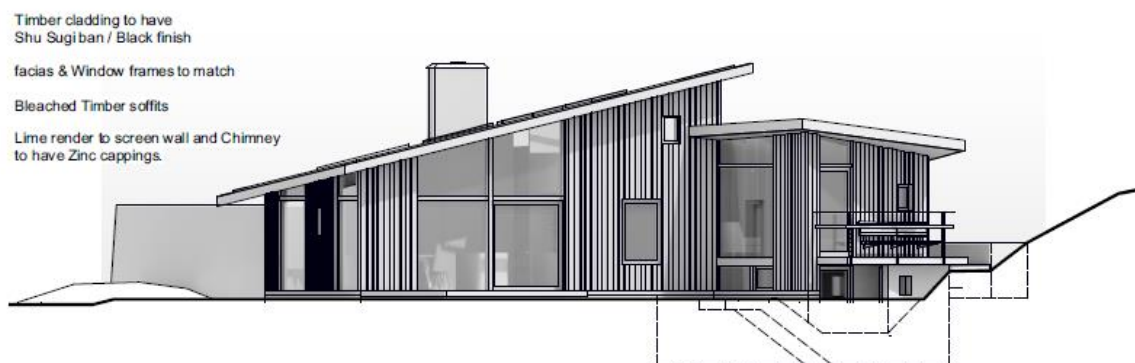
## 1. Description:

1.1 The application seeks permission for the erection of a detached two-bedroom dwelling with associated garden, access and car parking. The dwelling would feature a contemporary design formed of two sections/wings with mono-pitched roofs over.

- West wing - 1.5-storey with mezzanine/first-floor accommodation. Sedum mono-pitched roof rising to 5.3m (maximum).
- East wing - single-storey visible form with lower ground floor below. Standing seam mono-pitched roof.



*Figure 1 - Proposed section*



*Figure 2 - Proposed south elevation*

1.2 The external materials schedule includes the following:

- Timber cladding (shu sugiban/black finish) and lime render to walls
- Timber soffits
- Zinc copings
- Roof coverings - Grey standing seam and sedum/gravel

1.3 Access to the site would be via the existing shared access from Pilgrim's Way. This would lead to an area of hard surfacing to the north of the proposed dwelling, which would provide three car parking spaces. The remainder of the existing hardcore track, which wraps around the east side of the site, would be replaced with soft landscaping. A small woodstore is shown to the south of the site, with solar PV array to its roof.



Figure 3 - Proposed block plan

2. Reason for reporting to Committee:

2.1 The report is referred to the Committee at the request of Councillors Dalton and Davis to allow for consideration of matters related to the impact upon the Area of

Outstanding Natural Beauty (AONB), sustainability, highway safety and environment.

### **3. The Site:**

- 3.1 The site is set within the countryside approximately 800m to the east of the defined boundary of Wouldham Village, a rural settlement, and within the Kent Downs AONB. It is an open parcel of land measuring 0.16ha situated to the east side of Pilgrims Way at its junction with Hill Road/School Lane. Hill Road is an unmade road and public byway (MR8). The shared access spurs from Hill Road and forks to the south and east, the latter providing access to the site and wrapping around the north and east boundaries. This leads to an area which has been cleared, levelled and surfaced with hard core that is used for outdoor storage of vehicles and other materials/plant.
- 3.2 The site forms part of a larger holding, which includes an agricultural barn, a new dwelling and a single storey former office building to be demolished (all south of the site). To the north, there is a small cluster of detached residential dwellings. The land to the east continues to rise steeply and is made up of an area of woodland. The area of woodland approximately 80m from the east boundary of the site forms part of the Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI), Ancient Woodland and Wouldham Common. The local area has been characterised as Eastern Scarp: Medway character area as part of KCC's Landscape Assessment of Kent.

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

- 4.1 There is no relevant planning history for the site itself, but the following history applies to the neighbouring site to the south.

TM/19/02240/FL

Approved

19 November 2019

Demolition of existing office and storage buildings and erection of a detached single storey dwelling with two bedrooms, associated curtilage and two parking spaces.

### **5. Consultees:**

- 5.1 Wouldham Parish Council – The Parish Council has objected to the proposal. Its observations and comments are summarised below:

- The site is within the AONB and should not be built upon. The building will be visible, and the footprint of the site suggests that this is the first of further unwanted development.
- It is noted that the land is within a SSSI Risk Impact Zone.

- The enhancement to the site only arises due to the actions of the site owner in relation to its use.
- The proposal would increase traffic generation from the site and what could become a dangerous junction given the single carriage form and speed of travelling vehicles.
- The suspension of the bus service means there is no public transport and occupiers will be dependent upon private vehicles.
- The applicant is using the TMBC housing supply, and this puts the Parish Council 'in a restraint jacket'.
- The description of the building as a one-storey structure is inaccurate.

5.2 Kent Highways – The Highway Authority was not consulted as this proposal does not meet the agreed consultation protocol in place.

5.3 Kent Fire and Rescue – The access drive is narrow and unsuitable for a fire appliance, with no appropriate turning point. Applicants should be aware that emergency access must be established under Building Regulations.

5.4 Environmental Health – The application includes a Phase I Geo Environmental Desk Study and Preliminary Risk Assessment. This adequately reviews the history and environmental setting of the site. On the basis of the information provided, no objection is raised, but a suitable condition, related to measures to address potential contamination, and informatives are recommended.

## **6. Determining Issues:**

### Principle:

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. Paragraph 12 of the National Planning Policy Framework 2021 (NPPF) states that “*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 is outside the boundary of Wouldham Village, defined in the Core Strategy as an “other rural settlement”. It is therefore in the countryside. Policy CP14 of the TMBCS seeks to restrict development in the countryside to certain categories, and the erection of a new dwelling would not be permitted.

6.3 However, the Council is unable to demonstrate a five-year housing land supply. In accordance with paragraph 11 of the NPPF, policies related to the provision of housing are considered out-of-date. Although one of the aims of Policy CP14 may

be in line with some of the sustainability objectives set out in the NPPF, the elements restricting housing are not. It is therefore given very little weight.

- 6.4 In these circumstances, paragraph 11d) of the NPPF sets out that planning permission should be granted unless:
- (i) the application of policies within this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
- 6.5 The presumption in favour of residential development may apply subject to consideration of the impact of the proposal upon the AONB, a protected area, and any adverse harm which may arise, which would significantly and demonstrably outweigh the potential benefits.

*AONB & Visual Amenity/Design:*

- 6.6 The site is within the Kent Downs AONB, which has the highest status of protection in relation to landscape and scenic beauty. The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area. The designation means that the Borough Council must have regard to the purpose of the designation in 'exercising or performing any functions in relation to, or so as to affect, land'.
- 6.7 Policy CP7 of the TMBCS seeks to prevent development in AONBs which would be detrimental to the natural beauty and quiet enjoyment of the area, including their landscape, wildlife and geological interest. This generally accords with paragraph 176 of the NPPF, which states that great weight should be given to conserving and enhancing the landscape and scenic beauty in AONBs which (along with National Parks and The Broads) have the highest status of protection in relation to these issues. The NPPF also states that the scale and extent of development within these designated areas should be limited.
- 6.8 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. In addition, policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas. These aims are echoed in paragraph 130 of the NPPF which seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive. Paragraph 134 of the NPPF continues that development that is not well-designed should be refused, where it fails to reflect local design policies and

government guidance. This includes the National Design Guide (2021) and the National Model Design Code (2021).

- 6.9 A Landscape and Visual Assessment has been submitted and this contends that external views of the site would be limited to views from the southeast edge of Wouldham, 800m from the site. However, additional views of the development would also be possible at close range from the public byway and from School Lane approximately 300m to the west albeit limited due to the presence of boundary planting/woodlands and the hillside landscape. The setback of the site relative to Pilgrims Way and Hill Road would ensure that the proposal would have a very limited impact upon the character of the rural lanes adjacent.
- 6.10 Although in the countryside, the proposed development would not appear as an isolated incursion into the landscape but would form part of an existing cluster of development to this side of Pilgrims Way, with existing buildings to the north and south. The proposed dwelling is modest in scale and has been designed to sit sensitively within the hillside landscape. Its geometric form and the choice of materials would ensure that it complements the natural setting. The roof of the larger west wing would face the public vantage points and would be the most visible part of the development. Its sedum covering and pitch, reflecting the rise of the land behind, would ensure that the dwelling would visually connect and blend into to the wooded landscape. Although two-storey accommodation is provided in parts, the design and orientation of the building ensures that the outwardly visible massing is minimised. The external materials would support this modern design but would also be generally aligned with the traditional materials visible within the AONB. A condition requiring the submission of final details and colours would ensure high quality and sensitive design within this AONB setting.
- 6.11 In addition, the proposal would allow for landscape enhancement with respect to closer views of the site from the nearby public right of way. The proposed landscaping would increase planting to the western section of the site, avoid the use of hard boundary enclosures and reduce hard surfacing to the east of the site to blend the soft landscaping into the wooded area beyond. The indicative landscaping scheme would both control views of the development from the access and public byway and soften the appearance of the site compared to the existing open views dominated by hard surfacing. In addition to the visual aspect, the soft landscaping offers the opportunity to obtain benefits to local biodiversity and ecology (see section below). This enhancement could be secured by conditions requiring the submission and approval of a detailed scheme to ensure appropriate planting and hard surfacing to this chalk downs setting and to control future erection of hard boundary enclosures.
- 6.12 In light of the rural setting, external lighting could detract from the visual amenity of the area. A condition is recommended to require details of external lighting to be installed and to control future alterations to the scheme. Similarly, the erection of a new dwelling would allow for some limited scope for enlargement and/or the



erection of outbuildings/hard forms of boundary enclosure as permitted development. This could detract from this landscape. Given the sensitive nature of the AONB location, it is considered reasonable and necessary to restrict such rights by condition.

- 6.13 The proposed dwelling itself would offer good quality internal accommodation and external amenity space for future occupiers. As such, it would provide a well-designed home as set out in the National Design Guide.
- 6.14 Subject to appropriate conditions, it is concluded that the proposal would conserve and enhance the character and appearance of the rural area and the AONB. It would also result in a well-designed dwelling providing good quality accommodation. This would accord with Policies CP7 and CP24 of the TMBC, Policy SQ1 of the MDE DPD and paragraphs 130, 134 and 176 of the NPPF.

Sustainability:

- 6.15 Although Policy CP14 may be out-of-date with respect to housing provision elements, its objective to ensure that development is directed towards areas that support sustainable transport and development is aligned with national policy. The proposed dwelling would not represent an isolated dwelling given the proximity of other residential dwellings nearby. Moreover, it is noted the Wouldham Village is 800m to the west and includes a range of services including a school, two public houses and local shops. Whilst sustainable transport methods may be limited, this level of proximity to local services is very good for a countryside location. As such, no objection is raised in relation to the location of the dwelling.

Amenity:

- 6.16 Taking into account the distance of the dwelling from existing and new residential dwellings nearby, the scale and massing of the proposed dwelling and the level of screening arising from the general landscape/topography, the proposal would not result in harm to neighbour amenities in the form of overlooking, overshadowing or overbearing effect. This accords with the general aims of Policy SQ1 of the MDE DPD and the relevant design provisions of the NPPF.

Highways safety & parking:

- 6.17 Policy SQ8 of the MDE DPD states that development would only be permitted where there is no significant harm to highway safety. Similarly, paragraph 111 of the NPPF (2021) states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact of the development would be severe. The proposal utilises an existing access to the site, and its re-use would be appropriate. Considering the scale of the development and the existing use, the development would not generate significant additional vehicular movements. Now would it significantly alter the character of such movements in a manner which would cause harm to the

local highway network or safety. Given the character of the rural lane network, a pre-commencement condition is recommended to require construction management plan details to prevent temporary harm and nuisance during construction operations.

- 6.18 The proposed parking provision would accord with adopted standards set out in the Kent Design Guide Interim Guidance Note 3: Residential Parking Standards. The parking spaces would be secured by condition to ensure that the site retains sufficient off-street parking to serve the future occupiers without the requirement for on-street parking. There is sufficient space to require secure cycle storage within the site to promote sustainable transport methods.
- 6.19 The proposal thus accords with Policy CP2 of the TMBCS, Policy SQ1 of the MDEDPD and paragraph 111 of the NPPF.
- 6.20 Observations regarding the width of access from Kent Fire and Rescue are noted. However, there are a number of methods by which access matters can be addressed and this would be considered under building control regulations. As such, no objection is raised in relation to this matter.

Ecology:

- 6.21 Policy NE3 of the MDE DPD sets out that development which would adversely affect the biodiversity or value of habitats will only be permitted if appropriate mitigation or compensation is provided. Development must make provision for the retention of habitats and wildlife corridors. Policy SQ1 also sets out that proposal should protect, conserve and where possible enhance the biodiversity value of the area.
- 6.22 These aims are in line with paragraph 174 of the NPPF, which states that planning decisions should contribute to and enhance the natural and local environment. When determining applications, Paragraph 180 sets out that local planning authorities should ensure mitigation or compensation of harm to biodiversity and refuse if this cannot be achieved.
- 6.23 As noted, the site comprises an area of land which has been largely cleared of planting and is used for outdoor storage. The Preliminary Ecological Appraisal (PEA) prepared by Native Ecology sets out that the site is of limited suitability as a habitat or foraging ground for protected and other species. However, the PEA includes recommendations for precautionary mitigation measures to protect planting near the site boundaries and the adjacent woodland and for an ecological enhancement plan. These are considered reasonable and necessary, and conditions are recommended to ensure compliance with the PEA recommendations. In the case of the precautionary mitigation measures, details would be required as part of a pre-commencement condition as the protection measures to be approved should be in place prior to the commencement of construction activities on site in order to mitigate harm.



- 6.24 The proposal would result in greater soft landscaping with new tree and hedge planting as noted. Given the proximity of sensitive ecological habitats, native and species-rich planting appropriate to this chalk downland would be secured through the landscaping condition. This should be prepared to accord with the aims of the ecological enhancement plan mentioned above. Controls on external lighting by condition as set out above would also reduce the impact upon local ecology.
- 6.25 Subject to conditions, the proposal would not result in adverse harm to local biodiversity and would offer opportunities for enhancement.

Drainage:

- 6.26 Surface water is to be attenuated on site and then drained to a soakaway, which would accord with the hierarchy of drainage set out in the Planning Practice Guidance. The design of the soakaway would be subject to consideration under Building Regulations, but a condition is recommended to require submission of details regarding the management of the drainage system to ensure future environmental quality. Given the sedum roof and enhanced soft landscaping, this is likely to reduce surface water run-off from the site compared to the existing arrangement. The development is also unlikely to affect off-site watercourses.
- 6.27 The application form states that foul drainage would be via connection to mains sewers. This is appropriate and would ensure that the development does not result in harm to the local environment.

Contamination:

- 6.28 Given its present use as storage for vehicles and plant, there exists potential for contamination on the site. Environmental Health has advised that the risks associated with this historic use could be mitigated by condition requiring further information in the event that contamination is discovered during works. This is considered reasonable and necessary and is recommended in the interest of the protection of the environment and public health.

Climate Change:

- 6.29 To achieve net zero emissions by 2050, the Government has made a commitment to ensure that new development is more energy efficient. From 2025, the Future Homes and Building Standards will require CO2 emissions produced by new homes to be 75-80% lower than those built to current standards, and new homes will need to be “zero carbon ready”, meaning that no further retrofit work will be necessary to enable them to become zero-carbon homes. The first stage of this transition towards the decarbonisation of buildings came into force on 15 June 2022 via a suite of revised Building Regulations. These now require that CO2 emissions from new build homes must be 30% lower than under previous standards. The efficiency levels now required would encourage/require the installation of zero-carbon technology and levels of energy efficiency which would exceed what we may justify under planning

policy. Thus, no conditions or informatives are recommended in relation to the incorporation of zero carbon technologies.

- 6.30 Under the revised Building Regulations, new-build homes must include parking space(s) with access to electric vehicle charging points equal to the number of new dwellings. In addition, cable routes/infrastructure should be provided for other parking spaces. Previously, such provision might have been secured by a condition. This is no longer justified in light of revised Building Regulations which would require, in this instance, one space with electric charging point and cable infrastructure to the remaining parking spaces subject to the provisions of Approved Document S.

Planning Balance:

- 6.31 In light of the above, the proposal would conserve and enhance the AONB, and no other adverse harm is identified. As such, the tilted balance set out in paragraph 11(d) of the NPPF is engaged and there are no adverse impacts that cannot be suitability addressed by condition which would outweigh the benefits of the provision of an additional dwelling. Officer recommendation is therefore to grant planning permission subject to the conditions outlined at the end of this report.

**7. Recommendation:**

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

Location Plan 1705/01B received 07.09.2022, Site Plan 1705/02B received 07.09.2022, Proposed Floor Plans 1705/03B received 07.09.2022, Proposed Elevations 1705/04B received 07.09.2022, Topographical Survey 1705/06B received 07.09.2022, Artist's Impression 1705/05 received 01.06.2022, Design and Access Statement received 01.06.2022, Ecological Assessment received 01.06.2022, Assessment Landscape and visual received 01.06.2022, Desk Study Assessment received 01.06.2022,

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 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed 'This was approved in accordance with the following submitted details'.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

- 3 No above ground development, other than the removal of hardstanding, ground investigations or site survey works, shall take place until details of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development conserves and enhances the Area of Outstanding Natural Beauty

- 4 Prior to the first occupation of the development hereby approved a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. Details shall include:

- (a) proposed finished levels of contours
- (b) hard surfacing materials including walls and fences;
- (c) all proposed soft landscaping including a schedule of plant noting the species, planting size and planting densities and an implementation programme.

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 5 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 protecting and enhancing the visual amenity of the area and the landscape and scenic beauty of the Area of Outstanding Natural Beauty.

- 5 The use hereby permitted shall not be commenced, nor the building(s) occupied, until the area shown on drawing 1705/02B received on 7 September 2022 as vehicle parking space to serve the associated use or building 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: To ensure that adequate parking is provided, and maintained and retained.

- 6 Prior to the commencement of the development hereby approved, arrangements for the management of any and all demolition and/or 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:

- (a) The days of the week and hours of the day when the construction works will be limited to and measures to ensure these are adhered to;
- (b) Procedures for managing all traffic movements associated with the 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;
- (c) Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination;
- (d) The specific arrangements for the parking of contractors' vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.
- (e) The controls on noise and dust arising from the site with reference to current guidance.

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

Reason: In the interests of general amenity and highway safety.

- 7 No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- (a) a timetable for its implementation, and
- (b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions.

- 8 Prior to the commencement of the works hereby approved, including the removal or hard surfacing or other ground works, details of precautionary mitigation measures to protect planting near the site boundaries and the adjacent woodland must be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the mitigation measures approved under this condition.

Reason: To ensure the protection of local biodiversity and habitats.

- 9 Prior to the first occupation of the development permitted, an ecological strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include details in accordance with the recommendations of the Preliminary Ecological Appraisal prepared by Native Ecology received 1 June 2022. The approved measures shall be implemented prior to first occupation of the first occupation and retained thereafter.

Reason: To conserve and enhance the natural environment.

- 10 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

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

Reason: In the interests of amenity and public safety.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order) no development shall be carried out within Classes A or E of Part 1 or Class A of Part 2 of Schedule 2 of that Order.

Reason: To control future development in order safeguard the visual amenity, character and scenic beauty of the Area of Outstanding Natural Beauty.

- 12 Prior to the first occupation of the dwelling hereby permitted, a scheme detailing external lighting shall be submitted to and approved by the Local Planning Authority, and the approved scheme shall be carried out in strict accordance with those details and retained thereafter. No further external lighting may be installed without the express approval in writing of the Local Planning Authority.

Reason: To safeguard the character and beauty of the Area of Outstanding Natural Beauty and to reduce the potential impact upon protected species.

**Informatives:**

- 1 In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.

- 2 Surface water must not be allowed to run off the site onto the public highway or any other land outside the ownership of the applicant. Any additional hardstanding must be constructed using porous materials or provision made to direct surface water runoff from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
- 3 With regard to the Environmental Health issues raised in the above conditions, the applicant is advised to seek advice from [environmental.protection@tmhc.gov.uk](mailto:environmental.protection@tmhc.gov.uk)
- 4 The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
- 5 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies and measures to support biodiversity into the approved development.
- 6 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 7 The surface for the first 5m of the access from the edge of the highway should be a bound surface to prevent overspill onto the public highway. The applicant is advised to reflect this in landscaping proposals.
- 8 The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.
- 9 The applicant is advised that details for external lighting should take into account matters of visual amenity and the potential impact of lighting to bats.
- 10 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@tmhc.gov.uk](mailto:addresses@tmhc.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: Alda Song



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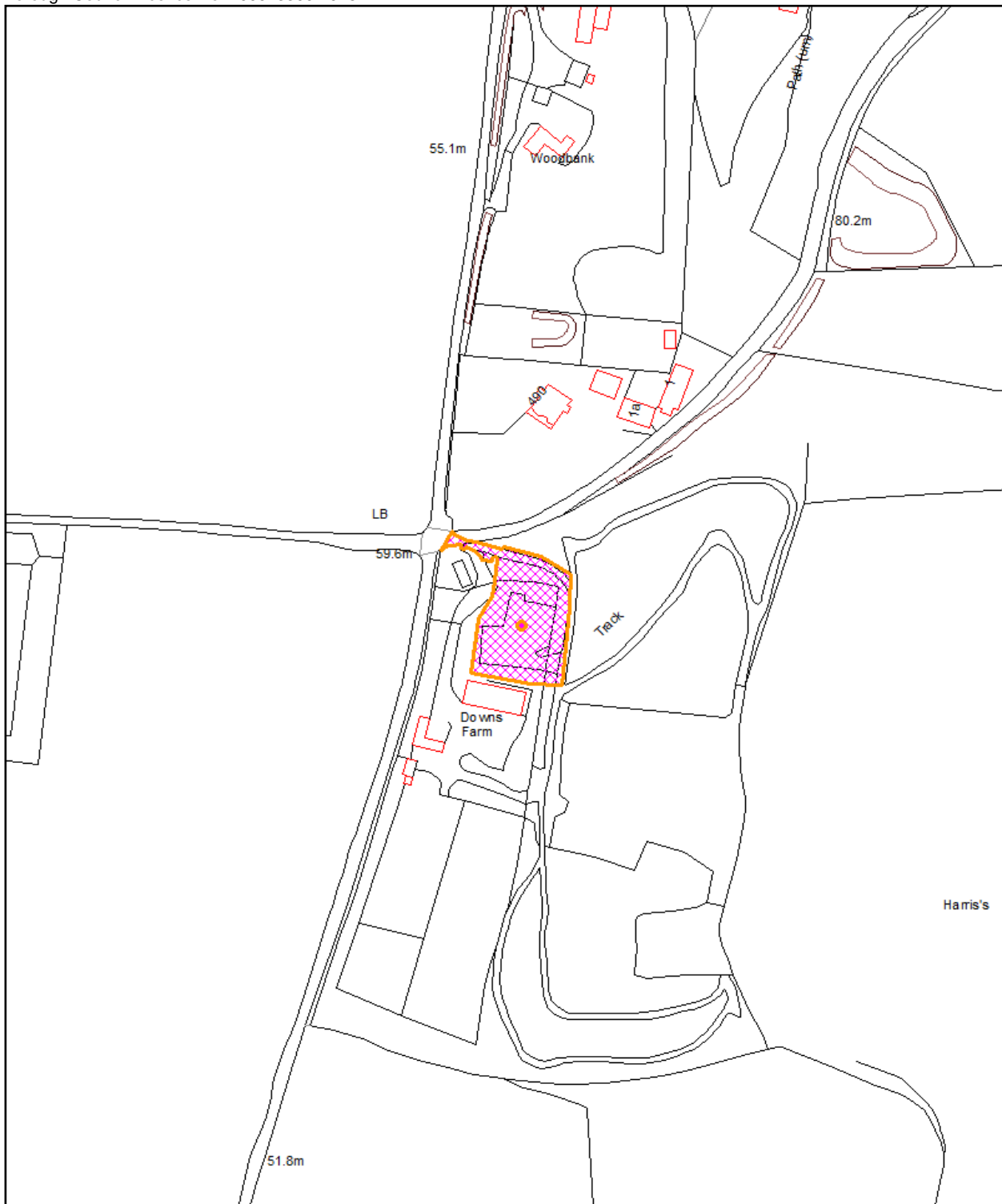


**TM/22/01210/FL**

Downs Farm Pilgrims Way Wouldham Rochester Kent ME1 3RB

Erection of a two bedroom detached dwelling with mezzanine and basement, associated curtilage and three parking spaces

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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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