

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: Democratic Services
committee.services@tmbc.gov.uk

1 August 2023

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 Council Chamber, Gibson Drive, Kings Hill on Wednesday, 9th August, 2023 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. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

JULIE BEILBY

Chief Executive

AGENDA

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 for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

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 2 Planning Committee held on 22 February 2023.

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/22/00375/FL - The Old Dairy, Maidstone Road, Platt 17 - 38

Demolition of existing building and erection of 6 houses, 10 parking spaces, new access drive and associated landscaping

7. TM/22/00543/FL - Dux Farm Buildings, Dux Lane, Plaxtol 39 - 56

Demolition of existing commercial buildings and open-sided agricultural building and residential redevelopment of the site, comprising a single storey detached dwelling & 3 no. detached 2-storey dwellings with associated curtilages, parking and access

Matters for Information

8. Planning Appeals, Public Inquiries and Hearings 57 - 58

To receive and note any update in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee.

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.

Matters for consideration in Private

10. Exclusion of Press and Public

59 - 60

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

11. 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 W E Palmer (Chair)
Cllr C Brown (Vice-Chair)

Cllr B Banks
Cllr R P Betts
Cllr M D Boughton
Cllr P Boxall
Cllr M A Coffin
Cllr S Crisp
Cllr Mrs T Dean

Cllr D Harman
Cllr S A Hudson
Cllr J R S Lark
Cllr R V Roud
Cllr K B Tanner
Cllr Mrs M Tatton
Cllr M Taylor

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 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 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 2 PLANNING COMMITTEE

MINUTES

Wednesday, 22nd February, 2023

Present: Cllr H S Rogers (Chair), Cllr B J Luker (Vice-Chair), Cllr Mrs J A Anderson, Cllr P Boxall, Cllr C Brown, Cllr M A Coffin, Cllr D Harman, Cllr S A Hudson, Cllr P J Montague, Cllr W E Palmer, Cllr T B Shaw, Cllr K B Tanner and Cllr M Taylor.

In attendance: Councillors V M C Branson participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R P Betts, Mrs F A Kemp and J L Sergison.

(Note: As Councillor Mrs F A Kemp was unable to attend in person and participated via MS Teams, they were unable to vote on any matters).

PART 1 - PUBLIC

AP2 23/1 DECLARATIONS OF INTEREST

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

AP2 23/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 10 August 2022 be approved as a correct record and signed by the Chairman.

AP2 23/3 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. 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.

DECISIONS TAKEN BY THE COMMITTEE**AP2 23/4 TM/22/02850/FL - LAND SOUTH OF 111 CHURCH LANE,EAST PECKHAM**

Demolition of existing garage and agricultural barn and construction of one single storey dwelling house and associated landscaping.

RESOLVED: That the application be APPROVED on the basis that very special circumstances have been demonstrated which include the prior approval of the change of use of one of the agricultural buildings to residential (Part 3 Class Q) and the enhanced sustainability measures which will be introduced to the proposed building to meet both local and national aims to reduce climate change. Final wording of conditions, reasons and informatives delegated to the Director of Planning, Housing and Environmental Health with the approval of the Chairman and Vice-Chairman

[Speaker: Mrs J Harman (applicant) addressed the Committee in person]

AP2 23/5 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.24 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 PD – shops and financial to restaurant (application suffix)
PDVSR	Permitted development PD – shop and sui generis to residential (application suffix)
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 Tonbridge 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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Platt Borough Green And Long Mill	18 February 2022 (Extension of Time 10 August 2023)	TM/22/00375/FL
Proposal:	Demolition of existing building and erection of 6 houses, 10 parking spaces, new access drive and associated landscaping	
Location:	The Old Dairy Maidstone Road Platt Sevenoaks Kent TN15 8JJ	
Go to:	Recommendation	

1. Description:

- 1.1 Planning permission is sought for the demolition of the existing structures on site and for the erection of 6 dwellings arranged in two rows of 3, with one row to the front facing Maidstone Road and the other row located towards the rear but also facing northwards.
- 1.2 A total of 10 parking spaces would be provided, one dedicated space to each dwelling along with 4 visitor spaces. Bin stores, cycle stores and rear gardens are provided to each.
- 1.3 The parking areas would be accessed from a driveway created to the left-hand side adjacent to Granville, an adjoining property.
- 1.4 The application is a resubmission of a previously refused application for 7 dwellings (ref: 20/02263/FL) which was similar to the current proposal in terms of layout but refused by the Planning Committee for the following reason:
- “The proposal by virtue of the size of the site and the amount, density and resultant layout of development would result in an unduly cramped form of development that would function poorly and be out of keeping with the prevailing character of the area, causing harm to the visual amenities of the locality. The proposal would therefore be contrary to the requirements of policies CP13 and CP24 of the Tonbridge and Malling Core Strategy 2007 and paragraphs 127 and 130 of the National Planning Policy Framework 2019.”*
- 1.5 This revised proposal has sought to address concerns raised previously through the reduction in the number of dwellings, reduction in the height, massing and bulk of the development, along with the provision of an additional 4 parking spaces.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Wendy Palmer to consider whether there is sufficient parking, the access road is adequate for waste and fire access or turning, whether the lack of access to the rear of plot 5 for bikes or garden

waste or in the case of escape route is acceptable, and whether any impact on neighbouring trees would be acceptable; whether the proposal represents overdevelopment; concerns over density.

3. The Site:

- 3.1 The application site is located in the settlement of Platt, adjacent to the main A25 Maidstone Road, on the south side of the road. Platt is defined as a rural settlement under policy CP13 of the TMBCS. The site is located almost opposite Platt Memorial Hall, to the east of the junction of the A25 Maidstone Road and Long Mill Lane.
- 3.2 The site has a long history of various uses, most recently for car sales but it is understood this use ceased some time ago. Consent was granted for the change of use to a veterinary clinic under reference TM/18/02419/FL however this was never implemented. The Officer Report for application 20/02263/FL suggested that the two-storey building on site was being used as offices for the applicant. The buildings at the rear of the site remained unused.
- 3.3 The site currently contains a number of buildings and hardstanding, with a large two storey building on the road frontage and smaller, low level buildings to the rear. The frontage building is a mixture of brick and render with a gable end facing the street; the building to the rear is timber clad and single storey. All remaining areas of the site are covered in hardstanding. A smaller temporary cabin like structure has also been installed behind the two-storey building.
- 3.4 Next to the site on the corner of Long Mill Lane is a relatively recent development with similar white weatherboarding dwellings. On the other side is a pair of semidetached dwellings whose gardens border the site.
- 3.5 The immediate area contains both residential and commercial premises, and so has a mixed suburban character.

4. Planning History (relevant):

TM/46/10186/OLD grant with conditions 7 August 1946

Extension to Dairy.

TM/62/10719/OLD grant with conditions 14 February 1962

Conversion of dairy to living accommodation, for Mrs. S.T. Langridge.

TM/78/10322/FUL grant with conditions 12 September 1978

Re-construction of vehicle shelter

TM/81/11254/FUL grant with conditions 24 July 1981

Extension to male toilet block to rear of main building.

TM/85/10583/FUL grant with conditions 22 February 1985

Erect portable single storey cold store following demolition of existing

TM/97/00419/AT Grant With Conditions 2 May 1997

externally illuminated wall mounted sign

TM/99/00347/FL Grant With Conditions 19 May 1999

temporary storage building

TM/03/03184/FL Refuse 18 December 2003

Change of use from depot (sui generis) to mixed use of offices (B1a) and car sales together with permanent retention of portacabin

TM/04/00771/FL Grant With Conditions 13 July 2004

Change of use of depot (sui generis) to offices and open display of cars for internet car sales, including retention of portacabin (Retrospective)

TM/06/00488/FL Grant With Conditions 19 May 2006

Variation to conditions 1 (fence) and 10 (temporary use) pursuant to planning permission ref. TM/04/00771/FL (change of use of depot [sui generis] to offices and open display of cars for internet car sales, including retention of portacabin)

TM/06/03960/OA Refuse 7 August 2007

Outline Application to demolish existing offices and build 8 dwellings

TM/09/00015/FL Approved 20 July 2009

Change of use from disused offices to domestic 2 bed flat

TM/18/02419/FL Approved 12 December 2018

Change of use of the 'KARDEN Internet Car Sales' building and associated 'Lock Up Garage' to a Veterinary Surgery with a cattery and pet grooming room (i.e. a change of use from Sui Generis use to D1 use)

TM/20/02263/FL

Refuse

26 February 2021

Demolition of existing buildings and construction of x7 dwelling houses with associated access, parking and amenity space

5. **Consultees:**

5.1 Platt Parish Council: Objects for the following reasons (as summarised):

- Platt PC note this is the third application at the site. Object for same reasons as previously, namely the amount of development, density, layout, which would result in cramped form of development that functions poorly and is out of keeping with character of the area
- Additional parking noted but this is at the detriment of garden sizes to the front three dwellings
- Concerns with lack of turning space for delivery vehicles
- Overlooking of existing properties
- Width of access drive insufficient
- Visibility splays from the front of the site
- Lack of public transport options

5.2 TMBC Waste Services:

Guidance provided on the bins required to serve each dwelling. Revised comments received noting hedgerow adjacent to bin presentation area would need to be maintained. Note that the site plan shows a colour coded compost bin on the 'key' but not on the site plan itself.

5.3 TMBC Environmental Health:

Noise

Initially commented on 17/03/2022 noting that amenity areas to the front 3 dwellings may have been subject to excessive noise. An updated report was submitted and the EH Officer subsequently confirmed on 17/03/2023 that the proposal is acceptable subject to conditions and informatives.

Contaminated Land

No objection subject to two planning conditions being imposed.

5.4 Environment Agency:

No objection subject to 6 planning conditions and 2 informatives. Upon re-consultation in March 2023, the EA reiterated their response from the previous year.

5.5 Southern Water:

The applicant/developer will need to submit a formal application to Southern Water for connection to the public foul sewer.

5.6 KCC Highways:

No objection subject to a planning condition and informatives.

5.7 Leisure Services:

On site provision for open space is not possible. Therefore, it would be appropriate to secure contributions towards open space as part of a legal agreement.

5.8 Private Reps: 7/0X/0S/3R: There were 4 representations received from 3 third parties which object to the proposal on the following grounds (summarised):

- Inappropriate density for the area/overcrowding/cramped
- Proximity of development to adjacent properties
- Inadequate parking provision
- Excessive height
- Bin collection area too small for 6 households
- Lack of privacy
- Visual intrusion and dominant form of development
- Rear terrace is overbearing to Wisteria Cottage
- Old Dairy site has a higher ground level

6. **Determining Issues:**

Principle of development

- 6.1 The site comprises brownfield (previously developed land) which lies within the settlement boundary of Platt, in which there is no objection in principle to new development, subject to it being appropriate to the scale and character of the settlement as set out by policy CP13 of the TMBCS. The key issues are therefore the impact on the character and appearance of the area, neighbouring amenity, noise, parking and highway safety.

Provision of housing

- 6.2 Paragraph 60 of the NPPF sets out that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.3 Paragraph 69 of the NPPF acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. It adds that LPAs should support the development of windfall sites through policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 6.4 The Council does not have an up to date local plan and cannot presently demonstrate a five year supply of housing. Consequently, in accordance with paragraph 11 d) of the NPPF, much of the adopted development plan is out of date for the purposes of determining applications for new housing development. For the purposes of this assessment.
- 6.5 Paragraph 11 d) of the NPPF sets out that planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.6 Footnote 7 provides a list of those policies that relate to protected areas and assets of particular importance, none of which relate to the current application. The proposal must now be assessed on the policies within the Development Plan, where they accord with the NPPF, and this Framework as a whole. It is therefore acknowledged that the provision of 6 new dwellinghouses on previously developed land is a benefit of the scheme which weighs in favour of the proposal. This is a matter to be attributed significant positive weight in the overall planning balance.

Design, character and appearance

- 6.7 Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 requires that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, layout,

siting, character and appearance be designed to respect the site and its surroundings.

- 6.8 Policy SQ1 of the Managing Development and the Environment Development Plan Document 2010 states all new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest and prevailing level of tranquillity; and the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form, and important views.
- 6.9 Paragraph 130 of the NPPF seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, layout and landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.10 As set out in the objections received, a concern for local residents and the Parish Council is the density of development being proposed. The Officer Report for the refused 2021 application noted that the 7-dwelling scheme had a density of around 77 dwellings per hectare (dph). By comparison, the current proposal for 6 dwellings would have a density of around 61dph (based on a site area of 978sqm). This is closer to the examples provided previously, such as the site adjacent to the Old Memorial Hall which was built at 40dph and Brickmakers Meadow which was built at 48dph. Other examples of high-density sites include No.6 Sobraon Villas (50dph), Hall Cottage to the south (78dph) and the adjoining Woodmans Cottage (126dph), Stone House Villa (45dph), dwellings in Platt Mill Terrace (with the smallest plot there measuring 58dph), properties in Platt Mill Close (with the smallest plot there measuring 123dph) and No.1 Mill Cottages to the west which has a density of 90dph.
- 6.11 It is acknowledged that the density is still high by comparison to immediately adjoining sites, however, density is not in itself harmful per se; it is the consequences of this density such as visual impacts, availability of parking etc. which are to be considered. These matters are discussed in more detail throughout this report. It should also be noted that the NPPF seeks to discourage developments which are built at too low density as this fails to make optimal and efficient use of available housing land, in particular brownfield sites. A balance therefore needs to be reached between ensuring the density is appropriate for the area and not building too few houses on suitable sites, which includes The Old Dairy site. As set out in the above paragraph, there are examples near to the site which are of a similar or higher density.
- 6.12 Further in this regard, the proposal is now for one less dwelling in an attempt to overcome the previous reason for refusal and the dwellings themselves, particularly those to the road frontage, have been made significantly smaller in height. This has also resulted in significantly less massing and bulk now being

proposed. The dwellings to the rear have been made marginally smaller by introducing half-hipped roofs.

- 6.13 No specific harm was identified in relation to the design of the dwellings previously and again it is noted that these would reflect the general design and materiality of buildings locally, namely those adjoining to the west and facing Long Mill Lane and the use of red brick with white coloured cladding. This would therefore be acceptable. To ensure that the materials are acceptable, it is considered appropriate to request details via a planning condition.
- 6.14 In terms of the landscaping, hedgerows would be used to provide defensible space to the front of each dwelling, along with timber fencing to separate rear gardens. Along the flanks of the site, a 2m high brick wall with piers is proposed. This would assist in providing privacy to existing residential properties as well as the future occupiers of the development. Confirmation of the materials to be used should also be sought via a planning condition, along with details of the other hard surfaced areas around the site, such as parking areas and footpaths. A landscaping condition requiring details of the species of hedgerow would also be appropriate.
- 6.15 The provision of timber bin stores is considered acceptable as these are modest sized structures and required for dedicated bin stores. These should also be secured via a planning condition.
- 6.16 Whilst the proposal is considered acceptable, as set out above, it is considered appropriate to impose a planning condition removing permitted development rights for the dwellings. This would mean that any extensions, alterations or outbuildings would require express planning permission from the LPA.
- 6.17 The proposal is therefore considered to be acceptable with regard to design, character and appearance, subject to planning conditions. This compliance with planning policy is not a benefit of the scheme but rather, demonstrates an absence of harm to which weight should be attributed neutrally in the overall planning balance.

Impact on neighbouring amenity

- 6.18 Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 6.19 Paragraph 130 (f) of the NPPF advises that:

“Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

- 6.20 As noted above, some concerns have been raised with regard to the impact on existing residential properties that adjoin the site. However, fundamentally, this did not form a reason for refusing the previous application and the proposal under this current application represents a significant improvement in terms of the row of three dwellings to the front and a slight improvement in terms of the row of three dwellings towards the rear of the plot. The separation distances from neighbouring properties would be acceptable. Windows in the flank elevations of the front row of houses and the rear facing windows in the rear row of houses would be obscured glazed and this can be secured via a planning condition. This would ensure that overlooking does not occur.
- 6.21 The above section of the report already sets out that Permitted Development Rights would be removed for the houses, so no dormers or additional windows could be added without express consent from the LPA in any case. This would add a further level of protection to neighbouring properties in this regard.
- 6.22 As was explained in the previous Officer Report, the provision of an access drive to the left-hand side will have some marginal impact on Granville to the east, however there is no evidence to suggest the number of vehicular movements would result in excessive or unreasonable noise compared with the existing lawful use of the site. It may appear to this neighbour that there would be a significant increase, but that it because the existing site is largely disused, besides being used as an office which generates little-to-no noise at all.
- 6.23 It is therefore concluded that the proposal would be acceptable with regard to the potential impacts on neighbours. Whilst there is inevitably always impact on neighbouring sites in built up areas, the level of harm is not unreasonable in this case. The proposal therefore complies with policies CP24 of the Core Strategy and complies with the NPPF.
- 6.24 As with the above section, this is not a benefit of the scheme but demonstrates an absence of harm to which weight should be attributed neutrally in the overall planning balance.

Living conditions of the future occupiers

- 6.25 The submission sets out that the 3 dwellings to the front would each comprise of 70sqm of floor area, whilst the 3 dwellings to the rear would each comprise of 73sqm of floor area. The Government's Nationally Described Space Standards set out that 2-bedroom dwellings with three bed spaces should be a minimum of 70sqm in the case of a two-storey dwelling. Whilst the LPA has not formally adopted these space standards, it does nonetheless indicate that the size of the dwellings would be acceptable.
- 6.26 The outlook from habitable rooms would be acceptable and whilst the rear windows of Plots 4-6 and side windows of Plots 1 & 3 would be obscured, these serve either bathrooms or stairwells and are not in themselves habitable rooms

and do not require outlook in the same way that a bedroom or living room would require.

- 6.27 It is noted that concerns have been raised with the size of gardens and the fact that Plots 2 and 3 have been made somewhat shorter in order to accommodate additional parking spaces. It is important to note that no adopted planning policies, whether at local or national level, stipulate the minimum garden sizes for dwellings on this site. Whilst Plots 2 & 3 do have shorter gardens than Plot 1, they are wider than previously proposed as the refused scheme comprised 4 dwellings to the site frontage. These plots therefore benefit from wider gardens than the previous scheme. In any case, the gardens are considered to be commensurate with a two-bedroom dwelling.
- 6.28 The Council's Environmental Health Officer raises no concerns in relation to the living environment of the future occupiers of the development but has suggested a planning condition be imposed in relation to acceptable noise levels.
- 6.29 The proposal is therefore acceptable in this regard and attracts neutral weight in the overall planning balance.

Highway safety and parking provision

- 6.30 Paragraph 111 of the NPPF states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 6.31 Policy SQ8 advises that development proposals will only be permitted where they would not significantly harm highway safety.
- 6.32 As noted in the previously refused application at this site, the existing lawful use of the site as a car sales showroom would attract a fairly significant number of daily vehicular movements from staff, customers, delivery drivers etc. This would effectively cease if the development is built out.
- 6.33 Whilst the reason for refusing the previous application raised concerns with the cramped appearance of the development, it did not explicitly state that parking or highway safety were in themselves issues or reasons for refusal. It is understood that concerns have still been raised with regard to adequate parking, however the KCC Parking Standards indicate a requirement of 9 spaces, and 10 would be provided. The Highway Officer has not raised any particular concerns with the proposed access arrangements or visibility from the access.
- 6.34 As such, it appears that there are no reasonable grounds to refuse the application in relation to highway safety or parking provision. The proposal would not result in

unacceptable impacts on highway safety nor would there be any cumulative impacts that would amount to 'severe' risk to highway safety.

- 6.35 The amended Building Regulations under Approved Document S also require that new developments must include spaces with access to electric vehicle charging points equal to the number of new dwellings and that cable routes/infrastructure should be provided to other parking spaces. Where charging points would have previously been secured by condition, this is no longer reasonably required.
- 6.36 The proposal is therefore acceptable in accordance with Policy SQ8 of the MDE DPD and accords with the NPPF. This compliance demonstrates an absence of harm to which weight should be attributed neutrally in the overall planning balance.

Other material considerations

- 6.37 As noted at the top of this report, the Environmental Health Officer raises no concerns with regard to contaminated land at the site, subject to planning conditions. The Environment Agency have also been consulted and raise no objection subject to 6 planning conditions. There is some crossover between the planning conditions suggested by those two parties with specific regard to land contamination. The conditions suggested by TMBC Environmental Health are considered to be slightly more detailed and clearer and so these will be imposed.
- 6.38 However, the Environment Agency's comments regarding the need for details of surface water drainage and foul drainage are merited and these conditions should also be imposed so that the LPA can ensure the development will be adequately drained. Similarly, the EA raises concerns with the potential for pile foundations. The application has not explicitly stated whether or not these would be used but the suggested condition is considered reasonable in this case as, if pile foundations are required, they may still be acceptable subject to details being provided.

Planning obligations

- 6.39 Regulation 122 of the CIL Regulations (2010) set out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
- 6.40 Paragraph 57 of the NPPF reflects this statutory requirement.

6.41 The Council's Leisure Team have requested contributions in recognition of the increased impact on public realm and open space in the area, as a result of additional occupants of the development. The contributions sought are set out as follows:

- Parks and Gardens – Leybourne Lakes Country Park - £5,893
- Amenity Green Space – Village Green Potash Lane - £2,423
- Outdoor Sports – King Georges Field - £10,812
- Childrens and Young peoples play areas – Stonehouse Field – £1,420
- Natural Green Space – N/A

Total contributions towards open space: £20,548.

6.42 The level of contributions are set in the MDEDPD policy OS3, which requires all residential developments of 5 units or above (net), to provide open space provision in accordance with the quantitative standards set out in Policy Annex OS3. The form and level of provision of open space will be determined in accordance with the sequential approach and methodology set out in Annex D to the policy.

6.43 The applicant has agreed to pay these contributions in order to comply with the requirements of the adopted development plan. A draft Section 106 agreement has been submitted and is in the process of being ratified by the Council's solicitor at the time of writing. The Section 106 is expected to be finalised by the time of the meeting and an update will be provided to Members at the meeting itself. This agreement would commit the applicants to paying these sums to the Council prior to the first occupation of the development.

6.44 These contributions would go towards open space used by residents of Platt and the surrounding community and help to offset any additional maintenance and upkeep costs as a result of use of these facilities by future occupants of the development.

Planning balance

6.45 As previously developed (brownfield) land, national policy is strongly supportive of the redevelopment of this type of site. As Members will be aware, Tonbridge and Malling Borough Council cannot currently demonstrate a 5-year housing supply. As such, the Council's housing policies are considered 'out of date'. In such circumstances, paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and 11 d) ii states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 6.46 A 'tilted balance' exercise is therefore required. In this regard and in the absence of a 5-year housing supply, the provision of new housing carries significant positive weight. There would also be benefits to the local economy from the construction of the development itself and subsequent occupation of the dwellings, whose occupants would contribute towards the local economy and by using services and facilities etc.
- 6.47 The report has also identified that certain aspects of the scheme would result in an absence of harm, such as in the case of impacts to neighbours, risk to highway safety, parking provision, design and appearance. These matters attract neutral weight in the overall planning balance.
- 6.48 Should Members disagree with officers and consider that any of the above matters should attract negative weight in the planning balance, then it should be noted that these adverse impacts would need to significantly and demonstrably outweigh the benefits in order for the application to be refused, in accordance with paragraph 11 of the NPPF.
- 6.49 The previous application was refused solely in relation to the visual impacts, as set out in Paragraph 1.4 of this Report. This revised application proposes one less dwelling in order to address previous concerns with density and in addition to this, provides 3 additional parking spaces totalling 10, which is one more than the Parking Standards require. Given that this revised scheme is considered to sufficiently address the concerns raised in the previous application, it is therefore the view of officers that the application should be approved.

7. Recommendation:

- 7.1 That planning permission be **GRANTED SUBJECT TO SATISFACTORY COMPLETION OF A SECTION 106 AGREEMENT** in accordance with the following submitted details:

Location Plan P11 A received 18.02.2022, Section P12 A received 18.02.2022, Proposed Plans and Elevations P19 Refuse store received 18.02.2022, Letter received 18.02.2022, Artist's Impression received 18.02.2022, Environmental Assessment received 18.02.2022, Planning, Design And Access Statement received 18.02.2022, Ground Investigation Report received 18.02.2022, Noise Assessment received 18.02.2022, Transport Statement received 18.02.2022, Artist's Impression received 13.01.2023, Site Plan BDS-1696-P14F Proposed received 13.01.2023, Sections BDS-1696-P15C Proposed received 13.01.2023, Proposed Plans and Elevations BDS-1696-P16C PLOTS 1-4 received 13.01.2023, Proposed Plans and Elevations BDS-1696-P17B PLOTS 5-7 received 13.01.2023, Design and Access Statement Revised received 31.01.2023, and subject to compliance with the following conditions:

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place above slab level until details of the materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

3. 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.

4. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021.

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

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021.

6. The windows on the first-floor south elevation marked as obscure glazed on plan BDS-1696-P17 Rev B for Plots 4, 5 and 6, and on the east and west (flank) elevations marked as obscure glazed on plan BDS-1696-P16 Rev C in relation to Plots 1 and 3 shall be fitted with obscured glass and, shall be non-opening unless the parts of the window that can be opened are a minimum of 1.7m measured from the finished floor level.

Reason: To prevent overlooking of adjoining properties.

7. The development hereby approved shall not be occupied until the areas shown on the submitted layout for vehicle parking spaces have been provided, surfaced and drained. Thereafter the spaces 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 these parking spaces.

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

8. 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. 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: 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.

9. 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:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
 - (g) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
 - (h) Provision of measures to prevent the discharge of surface water onto the highway.
 - (i) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
 - (j) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
 - (k) All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: To ensure that the development is carried out without disruption or inconvenience to other highway users.

10. Prior to occupation of any dwelling, bin stores shall be constructed to Plots 1-4 and Plot 6 in accordance with drawings BDS-1696-P19 received 18 February 2022 and BDS-1696-P14 Rev F, received 13 January 2023. The bin store to Plot 5 shall be provided in accordance with drawings BDS-1696-P14 Rev F and BDS-1696-P17 Rev B, both received 13 January 2023. Once constructed, the bin stores shall be retained in perpetuity and shall not be used for any other purpose.

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

11. Prior to occupation of any dwelling, full details of a scheme for the storage of cycles shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the storage of cycles and preserve visual amenity.

12. No development shall take place above slab level until full details of the scheme of acoustic protection against traffic and fixed installations/mechanical plant for the habitable rooms of the dwellings have been submitted to and approved in writing by the Local planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30dB LAeq in bedrooms and 40dB LAeq in living rooms with windows closed. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: To ensure a suitable noise environment for future occupants.

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

Reason: To preserve the visual amenity of the site and ensure that any future development can be carefully controlled by the Local Planning Authority to prevent overdevelopment of the site and loss of garden space.

14. The development shall be constructed at the level indicated on the drawing BDS-1696-P15 Rev C received on 13 January 2023.

Reason: To accord with the terms of the application and to protect the visual amenity of the area.

15. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the LPA. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

16. No development shall commence above slab level until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by the LPA in consultation with the water undertaker and Environment Agency. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place until the installed scheme is confirmed as meeting the agreed specifications and connections are made to the sewer network.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF.

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

Informatives

1. During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
2. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. Therefore, if it is possible to prohibit the use of bonfires by way of a planning condition, I would advise that a suitable condition be attached if planning permission is to be recommended. Alternatively, an informative should be attached to this effect.
3. The applicant's attention is drawn to the comments received from Southern Water. In particular, it should be noted that a formal application will need to be made for any connection to the public foul sewer.

4. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

5. Drainage: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering

after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Piling: Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

6. 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.
7. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
8. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.

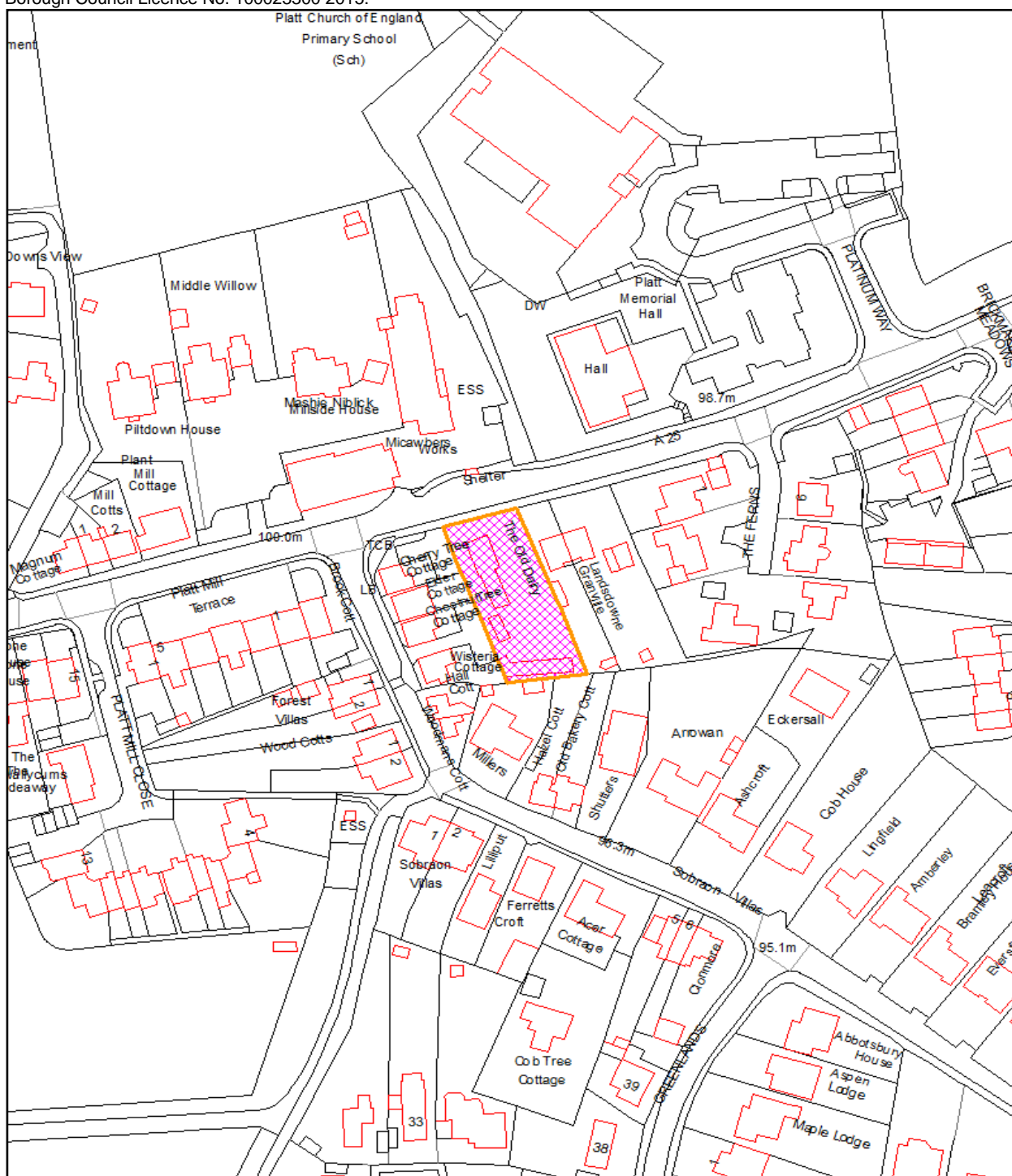
Contact: Daniel Terry

TM/22/00375/FL

The Old Dairy Maidstone Road Platt Sevenoaks Kent TN15 8JJ

Demolition of existing building and erection of 6 houses, 10 parking spaces, new access drive and associated landscaping

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Plaxtol
Borough Green And
Long Mill

9 March 2022

TM/22/00543/FL

Proposal: Demolition of existing commercial buildings and open-sided agricultural building and residential redevelopment of the site, comprising a single storey detached dwelling & 3 no. detached 2-storey dwellings with associated curtilages, parking and access

Location: Dux Farm Buildings Dux Lane Plaxtol Sevenoaks Kent TN15 0RB

Go to: [Recommendation](#)

1 Description:

- 1.1 This is a full application for the demolition of the existing commercial buildings and open-sided agricultural building and redevelopment of the site for residential development comprising of a 1 x 3 bed single storey detached dwelling, 2 x 4 bed two storey detached houses and 1 x 5 bed two storey detached dwelling.
- 1.2 The dwellings will be arranged on a north-south line, each being accessed from an access road running close to the eastern boundary of the site. The southern most dwelling will be single storey and the rest two storey. They will be traditional in design using traditional materials.
- 1.3 This application has been revised post submission. It has changed from:-

“Demolition of existing commercial buildings and open sided agricultural building and mixed use redevelopment of the site ,comprising a single storey detached office building (Use Class E) and 4 no detached 2 storey dwellings with associated curtilages, parking and access.”

To

“Demolition of existing commercial buildings and open sided agricultural building and residential redevelopment of the site ,comprising 1 no single storey detached dwelling & 3 no detached 2 storey dwellings with associated curtilages ,parking and access.”
- 1.4 The original scheme of 4 detached dwellings and a commercial building had merits but on balance officers had concerns, principally about its scale and layout and indeed the business use in such an area. Negotiations took place with the applicant and a revised scheme for just 4 detached dwellings was submitted on 21 November 2022.

2 Reason for reporting to Committee:

- 2.1 This application has been referred to committee by a ward councillor for valid planning reasons and within the time-period set for such notifications.

3 The Site:

- 3.1. The application site approximately 0.38 hectares in area is located on the north side of Dux Lane, Plaxtol. The area is principally agricultural and lies within the Kent Downs Area of Outstanding Natural Beauty (AONB) and is designated as Metropolitan Green Belt (MGB). It lies outside the Plaxtol settlement confines.
- 3.2. The site comprises of 3 former agricultural buildings – building C – a large open sided barn on the west side of the application site which currently is in agricultural use for the storage of hay, as part of this application is proposed to be demolished (but not be replaced) and which it can argued will therefore enhance the openness of the site in the AONB/MGB. The building to the north of the application site – building B has been used as a car repair workshop since 2006 and has thus become lawful through the passage of time – the applicant has provided evidence of this commercial use. Building B was also the subject of a retrospective planning application which was granted permission in 1990 for the change of use to repair and service of wire stitchers (ref 90/10411) The applicant has also provided evidence that the northern part of building A (located at the southern end of the site) – the largest has been used since 2007 as a motor vehicle workshop in association with Building B. The southern part of building A was the subject of an appeal relating to residential use of a caravan temporarily allowed for 12 months in July 2000 (ref 99/01988/FL). The Inspector’s decision letter referred to storage in the barn and storage/parking of vehicles on the hardstanding areas. The applicant has also put forward the case that the building has been used since 2013 for the processing and storage of timber, an industrial process, which was referred to in the Council’s refusal of the LDC for forestry purposes (14/01767/LDE). The Council does not have any substantial evidence in our planning records to dispute the applicant’s claims regarding the commercial uses of these buildings (A and B).
- 3.3 Immediately to the south of the site, between it and the road is Dux Barn, a Grade II listed building whilst to the south west of Dux Barn is another Grade II listed building – Ducks Farm. To the east of the site is Kent Cottage beyond which is Shade Cottage, another grade II listed building as its neighbouring property Bourne Cottage. Wrapping around the application site to the west, north and east is agricultural land. Dux Lane is characterised mainly by 2 storey detached and semi detached dwellings fronting the road.

4 Planning History (relevant):

TM/74/11865/OLD grant with conditions 25 March 1974

Sheep Housing Shed.

TM/90/10411 grant with conditions 6 August 1990

Change of use to workshop for repair and service of wire stitchers

TM/99/01988/FL Refuse 10 February 2000

continued use of land for siting of caravan for residential occupation (temporary permission allowed on appeal)

TM/14/01767/LDE Refuse 14 July 2014

Lawful Development Certificate Existing: Use of part of barn and land at Dux Farm for forestry comprising storage of logs and split timber, primary processing of timber crop comprising splitting and cutting, storage and occasional use of electric wood cutting machine; storage of agricultural machinery and hay/straw

5 Consultees:

- 5.1 Kent Highways Services - Further to the previous consultation during April 2022, the application quantum has changed, in that, the commercial property (Use Class E) has now been removed from the planning application. This will now change our response to the following, it would appear that this development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements. However, if there are any material highway safety concerns that you consider should be brought to the attention of the Local Highway Authority, then please contact us again with your specific concerns for consideration.
- 5.2 Environmental Health – raise no objection but ask for conditions concerning contamination and informatives concerning hours of construction and bonfires.
- 5.3 Waste Services – raise no objection but provide guidance on waste provision.
- 5.4 Plaxtol Parish Council – object on the grounds that they consider this to be inappropriate development in the Green Belt, including not meeting an identified affordable housing need. They consider this to be a suburban-type development not in accordance with the NPPF and detrimental in terms of its scale with the openness of the Green Belt.
- 5.5 Three neighbouring properties were written to, a site notice and press notice were both issued. In response a total of 46 representations were made in response to the original submission and the revised scheme raising the following concerns:
 - Will create an out of keeping cul de sac, suburban style development in the Green Belt
 - Will affect views across the site
 - Mass, height, width and character out of keeping
 - Materials not in keeping – ragstone should be used
 - Traffic generation from deliveries including fuel deliveries and car movements with impacts on safety

- Artificial lighting will affect biodiversity
- No special circumstances for the proposal, conflicting with borough and County policy and the NPPF
- Conversion of buildings not happening but replacement and the site is not arguably Previously Developed Land because the commercial uses were unauthorised.
- Will deplete and/or strain further scarce local resources including water, broadband and public transport.
- Inadequate landscaping to screen the site compared with the existing hedge-screened site.
- Loss of local business activity from site with job loss for area
- Risk of flooding from greater hard surfacing
- Loss of red kites
- Risk of loss of archaeology (Roman remains nearby)
- Set an unwelcome precedent
- Construction & Demolition will pose risk to environment
- Building C (barn) must be removed

6 Determining Issues:

Principle of development

- 6.1 The proposal relates to the redevelopment of this site for the erection of 4 detached dwellings. TMBC cannot presently demonstrate a five year supply of housing and consequently, in accordance with paragraph 11 d) of the NPPF, much of the development plan is out of date for the purposes of determining applications for new housing development. The tilted balance in this case is therefore engaged and so the application should be granted permission unless it is a protected area (MGB and AONB are such areas) or by the harm caused by the application significantly outweigh its benefits.
- 6.2 Paragraph 11 d) of the NPPF sets out that planning permission should be granted unless the application of policies within the Framework that protect areas of assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.3 Footnote 7 provides a list of those policies that relate to protected areas and assets of particular importance. These include the green belt and areas of outstanding natural beauty. It must therefore firstly be established whether the proposal is acceptable in terms of green belt policy and area of outstanding natural beauty, in order to determine whether the presumption in favour of sustainable development applies.

Green Belt planning policy

- 6.4 Policy CP3 of the Tonbridge and Malling Borough Core Strategy sets out that development in the Green Belt should be considered in accordance with national planning policies. These national planning policies are detailed in Section 13 (Protecting Green Belt land) of the NPPF (2021). Policy CP13 has the following of relevance to say on the matter of Green Belts -

National Green Belt policy will be applied generally to the west of the A228 and the settlements of Snodland, Leybourne, West Malling and Kings Hill, and to the south of Kings Hill and east of Watringbury.

- 6.5 The site falls into the above area of the Borough.
- 6.6 Paragraphs 147 – 150 of the NPPF relate specifically to proposals that affect the green belt. There is a presumption against development in the green belt. Paragraph 147 of the NPPF state that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. This is supplemented by paragraph 148 which states that substantial weight should be given to any harm to the green belt-, and that very special circumstances will not exist unless potential harm to the green belt ,by reason of inappropriateness ,and any harm ,is clearly outweighed by other considerations.
- 6.7 Paragraph 149 of the NPPF requires the Council to regard the construction of new buildings in the green belt as inappropriate development. However, this paragraph and paragraph 150 lists a number of exceptions. One of these exceptions is criteria g) of paragraph 149 which goes on to establish that limited infilling or the partial or complete redevelopment of previously developed land can be acceptable provided it does not have a greater impact on the openness of the Green Belt than the existing development.
- 6.8 The history of the majority of the application site appears to show that the site falls within the definition of previously developed land as per annex 2 of NPPF. The applicant argues that the commercial uses being undertaken on the site are lawful given the length of time they have been in operation. Such lawfulness is not dependant in law on a Lawful Development Certificate (LDC). The uses are lawful if no enforcement action may be taken in respect of them whether an LDC has been issued under Sections 191 and 192 of the Planning Act, as is the case here. The site therefore represents previously developed land (PDL) as defined in the Annex 2 to the NPPF. The exception being the agricultural building (barn C) which falls outside the definition but is included for its demotion and no new built form is proposed in its place. The proposed development is therefore acceptable in principle in the green belt.

Kent Downs Area of Outstanding Natural Beauty

- 6.9 The site is in the Kent Downs Area of Outstanding Natural Beauty and as development in an area with such a designation Policy CP7 of the Core Strategy is relevant and states -

Development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:

- (a) major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way; or
- (b) any other development that is essential to meet local social or economic needs.

Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.

- 6.10 Paragraph 176 of the NPPF also gives “ great weight to conserving and enhancing landscape and scenic beauty in AONB which have the highest status of protection in relation to these areas.”
- 6.11 The applicant argues that the proposed replacement of the large former agricultural utilitarian buildings with 4 detached dwellings would provide visual improvements to the site and its surroundings, which will therefore enhance the landscape and scenic beauty of eh AONB consistent with the aims of National Policy and the Development Plan. The Council given the circumstances of this case would agree with the applicant.

Local planning policy

- 6.12 The site lies within the countryside. Policy CP14 of the TMBCS seeks to restrict development in such areas. There are a number of exceptions criteria g) of which it is argued that the proposal would fall within as per this local plan policy. It should also be noted that this policy now carries reduced weight as it no longer conforms, in its entirety, with the NPPF. Notwithstanding this it is considered that the proposal complies with this policy.
- 6.13 Policy DC2 section 1.a) of the MDE DPD allows for the replacement of buildings in the countryside providing (inter alia) that it would not be materially larger than the existing building and it would be appropriate in scale and design to its setting and any neighbouring buildings to the character of the area in which it is located. As noted below the proposed replacement buildings would be materially smaller in scale and size compared to the existing buildings.
- 6.14 In addition, Policy DC2 2. relates to the replacement of non-residential buildings with residential building in the countryside. The policy notes that any such proposal will still be subject to policy CP14 and green belt policy. Again, as noted above the proposal would meet green belt policy and is therefore in accordance with this local plan policy.
- 6.15 The applicant in the revised submission has provided a comparison of the massing of the current and proposed buildings. These details show an agreeable

spacing across the site of the new dwellings, most clearly shown in the site section north – south across the site showing silhouettes of the existing and proposed development. A comparison of volumes and footprints between the existing and proposed developments shows that the existing total volume of buildings A and B is 5,413 cubic metres and the floor area is 1,110 square metres (building C is not included in these comparisons as it is in agricultural use and not being replaced), whereas the proposed 4 new dwellings would have a total volume of 2,871 cubic metres (which is a 46 % reduction) and a footprint of 549 square metres (a reduction of 50.5%). The proposed development would therefore represent significant reductions in volume and footprint area of built form in the countryside.

- 6.16 It is therefore considered that the proposals would comply with Policy DC2 of the MDE DPD.
- 6.17 The proposed development would result in significant gains in terms of openness and this is combined with a more agreeable design for the buildings in terms of materials and form and an opportunity to repopulate the site with greenery through a landscaping scheme.
- 6.18 On balance, it is thus considered that the principle of the development, i.e. of a residential redevelopment of land that may be considered previously developed land but which is also unsightly and not serving a clear benefit in terms of the Green Belt and AONB designations, given the policy and 5 year housing land supply issues is felt to be acceptable, subject to design, standard of accommodation, impact on residential amenity and highways and parking issues.

Design

- 6.19 The proposed features and form of the new dwellings would be traditional but not pastiche and considered to pay sufficient regard to the immediate vernacular which is one of mainly 2 storey dwellings with traditional forms, scale and materials including tile, brick, render, timber, pitched-ridged roofs, with modest curtilages providing front and/or at least rear gardens.
- 6.20 The proposal will sit to the north of a Grade II listed building, Dux Barn. The proposed southernmost unit takes some account of Dux Barn by not being ostentatious in scale or form and using traditional materials. The new 2 storey houses too, given the variety of buildings in the surrounding area are acceptable in choice of materials and features. The separation distance of the development from the Barn is felt in combination with the design of the development to overcome any issues about impact.
- 6.21 In terms of the siting there is a concern raised by objectors that this is backland development in a settlement area characterised by ribbon, road-fronting/hugging development. The broader Plaxtol area, including the village envelope does include development away from the road although even there it is a preponderance towards development fronting the roads.

6.22 The Dux Lane area is characterised by housing, modest in scale and 2 storey which fronts the road. The development site in contrast begins behind the road frontage and then advances into the undeveloped hinterland. The current development has a justification for encroaching on the Green Belt due to its agricultural origins which is an appropriate use in the Green Belt. The new development thus has no precedent in the current use. If simply considered in spatial terms, then it is clear that this is backland, as it has no road frontage and its linear arrangement reinforces this backland interpretation. Notwithstanding that, the development nonetheless has taken into account the need for openness in the Green Belt with the reduction in built form across the site compared to the existing and so on balance is considered to be acceptable in terms of its impact on the character of Dux Lane as well as the Green Belt and Kent Downs Area of Outstanding Natural Beauty.

Highways and parking

- 6.23 The proposal will make use of the site's existing access onto Dux Lane. Given the scale of the development the concerns raised by objectors to the scheme are not felt valid in terms of the ability of the access and Dux Lane itself to cope with the traffic generated by the development.
- 6.24 The quantity of parking spaces, their size, siting and manoeuvring arrangements within the development are all felt to be acceptable, noting that the provision of 2 spaces per dwelling is in accordance with Council's parking standards as set out in The Kent Design Interim Guidance Note 3: Residential Parking Standards.
- 6.25 A Transport Statement has been submitted in support of the application and concludes that the proposal will not have a severe impact on the highway and no significant safety issues which would give grounds for highway related objections to the proposals. It should also be noted that Kent Highways note that the development does not meet the current consultation protocol arrangements and therefore make no comments on the development scheme.
- 6.26 Details have not been provided regarding cycle storage. However, such details can be controlled by condition, the proposal would thus accord with Policy CP2 of the TMBCS, Policies DC1 and SQ1 of the MDEDPD and paragraph 111 of the NPPF thereby encouraging sustainable travel methods.

Standard of accommodation

- 6.27 The houses if assessed against the National Technical Housing Standards all generally have adequate room sizes in terms of floor area, room width, ceiling heights and in terms of Gross Internal Floor Area (GIA) – Plot E is 207 sq.m for a 2 storey 5 bed 8 person dwelling, Plot D -200 sqm for a 2 storey 4 bed 7 person, Plot C 170sq.m for a 4 bed 8 person 2 storey house and in terms of Plot A a GIA of 114 sq.m for single storey 3 bed 6 person dwelling although 2 of the bedrooms are slightly small. The total GIAs for all the proposed dwellings would all exceed the National Standards. It should be noted that the Council does not have up to date adopted housing spatial standards of its own. The dwellings all have usable garden space. Each dwelling will have adequate aspect and where outlook or

privacy could be affected by the proximity of another house, the layout of the development reflects that the houses have been orientated to present only a few modest openings to the neighbour. It is therefore considered that the proposed development would provide an acceptable level of accommodation.

Impact on neighbour amenity.

- 6.28 To the south of the southern-most dwelling is Dux Barn. This is the nearest dwelling off-site and it presents its rear elevation to the front of the single storey dwelling at Plot A. The separation distance between the two is 20m approximately – a distance that should in conjunction with a garage at Dux Barn and a boundary feature between the two dwellings prevent any significant outlook and overlooking issues. A boundary treatment planning condition will help to reinforce this. The orientation and separation distance between them will help to ensure no harmful amenity issues for this neighbour.
- 6.29 To the east Kent Cottage will be over 50m distant and so no outlook, overshadowing or privacy issues should arise between the nearest dwellings on the site and this neighbour.

Heritage

- 6.30 The significance of the designated heritage assets relevant to the proposed development is appraised in the supporting Heritage Statement ,which accompanies the application. This recognises that the current buildings have a large visual impact on the setting of the listed buildings of the farmhouse and barn and considers that the significance of effect by the proposed development is considered to be “neutral” given the set back nature of the design from the road. The Heritage Statement concludes that the adjacent heritage assets will not be affected by the proposed development which retain their historical and aesthetic qualities with the new development producing “no harm” on their settings or significance of these assets in accordance with paragraph 202 of NPPF.

Ecology

- 6.31 The application is supported by a Preliminary Ecological Appraisal which makes various recommendations to improve the biodiversity of the site, including native species planting of hedges and trees throughout the development, installation of bird boxes on the proposed dwellings or retained trees. It concludes that there are no ecological reasons to prevent the development and no conflict with the development plan and NPPF in this regard.

Climate change

- 6.32 Paragraph 153 of the NPPF requires Development Plans to take a proactive approach to mitigating and adapting to climate change. It encourages new development to avoid an increase in vulnerability to the range of impacts associated with climate change. Where there are proposals in vulnerable areas care is to be taken to mitigate and consider green infrastructure. In addition,

proposals should help to reduce greenhouse gas emissions and increase the use of renewable and low carbon energy.

- 6.33 The Government has adopted the Future Homes and Building Standards in line with its commitment to achieve net zero emissions by 2050. This seeks to reduce CO2 emissions from new homes by 75 – 80 % from 2021 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, which require that CO2 emissions from new build home 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 efficient, which would exceed what the Council previously required under planning policy. Thus, no conditions or informatives are recommended in relation to the incorporation of zero carbon technologies.
- 6.34 The amended Building Regulations under Approved Document S also require that new developments must include spaces with access to electrical vehicle charging points equal to the number of new dwellings and that cable routes/ infrastructure should be provided to other parking spaces. Where charging points would have previously been secured by condition, this is no longer reasonably required.

Other Material Planning Considerations

- 6.35 The Housing Delivery Test January 2022 records that TMBC delivered 63% of the total number of homes required by the Government and there is thus a presumption in favour of sustainable development.
- 6.36 The shortfall in the supply of housing is a material consideration that weighs in favour of the development. The development will deliver 4 new houses, as a small but useful contribution to housing land supply as a windfall. Windfall developments are a key component of housing land supply. This is a significant benefit.

Other Issues

- 6.37 This site is not subject to any archaeological designations so therefore no archaeological study is necessary. The demolition of existing open sided agricultural building C can be conditioned to be removed and the land restored to its previous use as agricultural land, as this will help to improve openness. Most of the matters relating to drainage on site will be considered by Building Regulations but also will be addressed through an appropriate planning condition.

Conclusion

- 6.38 Due to the Council’s lack of a 5 year housing land supply the tilted balance is engaged in this case. As the site is affected by both greenbelt and AONB the

proposal is assessed against paragraph 11 d (i) of the NPPF, the conclusion being that the impact of the proposed development to both greenbelt and AONB would not cause a level of harm that would provide a clear reason to refuse the proposal.

Following this it is necessary to apply consideration under paragraph 11 d (ii) of the NPPF, and whether any potential adverse impacts significantly and demonstrably outweigh the benefits of the proposal when assessed against the rest of the NPPF policies.

It is considered that the principle of the proposed development i.e. of a residential development on Previously Developed Land but which is currently underutilised, unsightly and not serving a clear benefit in terms of the Green Belt and AONB designations, given the policy steer and 5 year housing land supply shortfall is considered to be an acceptable development.

In light of the above therefore the proposal would conserve and enhance the AONB and would not significantly impact on the openness of this part of the Green Belt . No adverse harm has been identified and as such, the tilted balance set out in paragraph 11 (d) of the NPPF is engaged. It is considered that there are no adverse impacts that cannot be suitably addressed by condition . The benefits of the scheme include the provision of 4 additional dwellings and the removal of the existing large unsightly buildings. The officer recommendation is therefore to grant planning permission subject to the conditions set out below.

7 Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Existing Plans 6903-PD-01 Building A dated 09.03.2022, Existing Elevations 6903-PD-02 Building A dated 09.03.2022, Existing Plans and Elevations 6903-PD-03 Building B dated 09.03.2022, Existing Plans 6903-PD-04 Building C dated 09.03.2022, Existing Elevations 6903-PD-05 Building C dated 09.03.2022, Existing Plans and Elevations 6903-PD-06 Container _ Outbuilding dated 09.03.2022, Sections 6903-PD-11 dated 09.03.2022, Topographical Survey S19/7026/02 dated 09.03.2022, Location Plan 6903-PD-10 dated 09.03.2022, Planning Statement dated 09.03.2022, Drainage Statement dated 09.03.2022, Technical Specification dated 09.03.2022, Design and Access Statement Rev A dated 09.03.2022, Report APPENDIX B dated 09.03.2022, Report DESK STUDY & APPENDIX A dated 09.03.2022, Heritage Statement dated 09.03.2022, Ecological Assessment dated 09.03.2022, Proposed Plans and Elevations 6903-PD-15 Rev A dated 21.11.2022, Proposed Plans and Elevations 6903-PD-17 Rev A dated 21.11.2022, Proposed Plans and Elevations 6903-PD-18 Rev A dated 21.11.2022, Proposed Plans and Elevations 6903-PD-19 Rev A dated 21.11.2022, Site Layout 6903 PD 10 Rev B dated 21.11.2022, Section 6903 PD 11 Rev B dated 21.11.2022, and email dated 09 June 2023 providing Dux Farm Summary of evidence

Conditions / Reasons

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. 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:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
- 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;
- Procedures for notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and their likely duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; 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 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.

4. No development, other than demolition of any building, removal of hardstanding, or ground investigations works, until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method

statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health

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

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

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

Reason: In the interests of amenity, public safety and human health

6. The dwellings hereby permitted shall not be first occupied, until the area shown on the submitted layout referenced 6903 PD 10 REV B as vehicle parking space to serve the associated dwelling 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.

7. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall be carried out until details of secure cycle storage to serve the development have been submitted to and approved by the Local Planning Authority. The cycle storage shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with adopted standards

8. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works shall take place until details of all proposed boundary treatments have been submitted to and approved by the Local Planning Authority. The boundary treatments shall be installed in accordance with the approved details prior to the first occupation of the approved development and retained at all times thereafter.

Reason: To accord with the terms of the application and to protect visual and residential amenities

9. 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. 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.

10. No development, other than the demolition of any buildings, 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.

11. The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Report received 09.03.2022 and be retained and maintained thereafter.

Reason: To ensure the protection of wildlife species.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

13. Before first occupation of the site, the Barn (Barn C) in the far south-western corner of the site shall be demolished and the ground made good and used for agricultural uses thereafter.

Reason: In the interests of visual amenity and preserving the openness of the Green Belt.

14. No external lighting shall be installed in connection with the development hereby permitted until such details have been submitted to and approved in writing by the Local Planning Authority. The details should demonstrate that the scheme will not disturb bat activity. All external lighting shall be installed in strict accordance with the approved details and maintained and retained at all times thereafter. No further external lighting shall be installed.

Reason: In the interests of the visual and rural amenity, the landscape quality of the Area of Outstanding Natural Beauty and to prevent harm to protected species.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no extension, enlargement ,alteration or provision within the curtilage of each of the dwellinghouse as provided within Schedule 2, Part 1, classes A, B and E other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the openness of the Green Belt and the scenic beauty of the Area of Outstanding Natural Beauty and for this reason would want to control any future development.

Informatives

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to e-mail to 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.
2. 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.

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.

In the interests of good neighbourliness all vehicles and machinery associated with construction should be parked within the site and not on the public highway in such a manner as to create an obstruction.

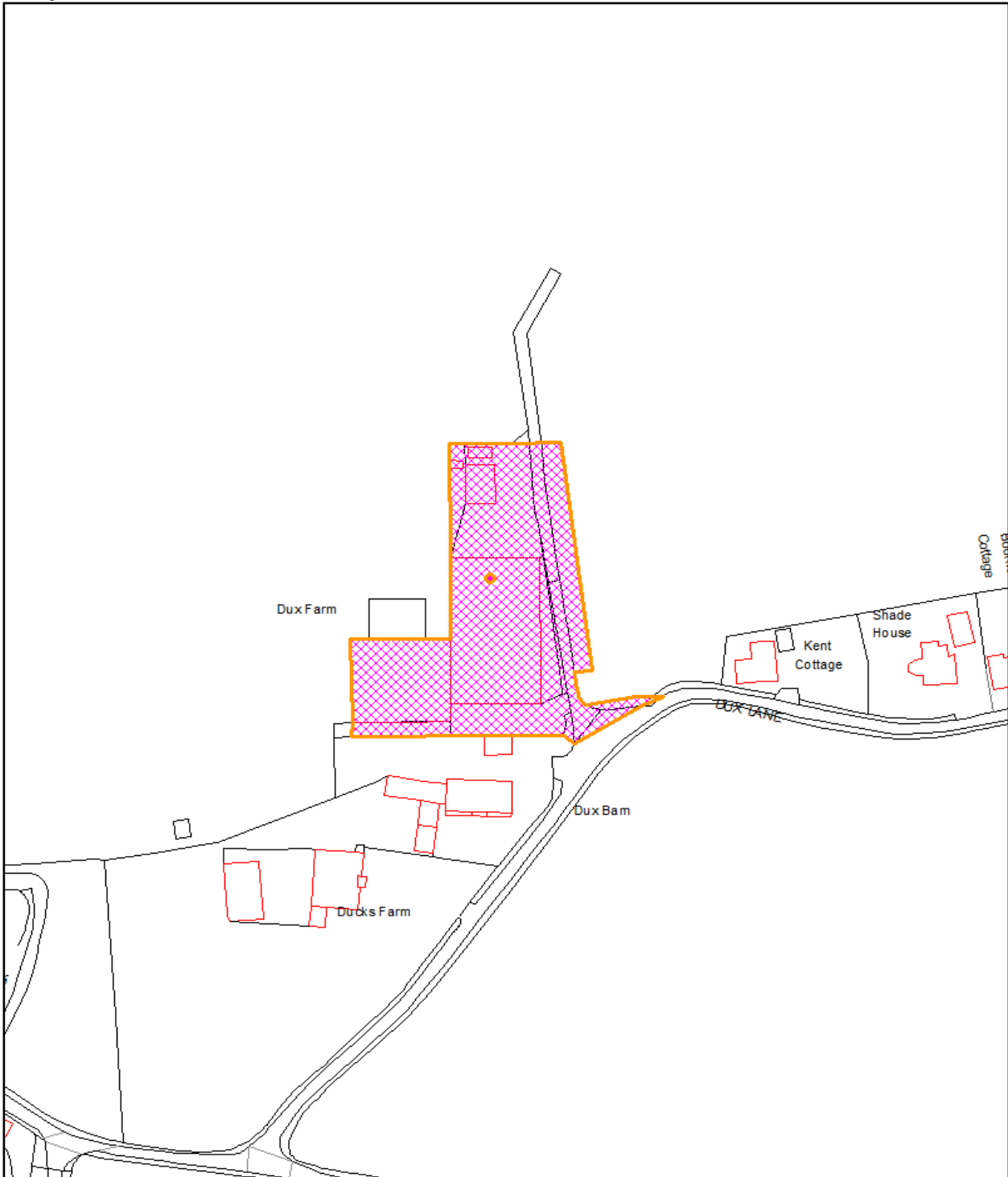
Contact: Andy Jeffers

TM/22/00543/FL

Dux Farm Buildings Dux Lane Plaxtol Sevenoaks Kent TN15 0RB

Demolition of existing commercial buildings and open-sided agricultural building and residential redevelopment of the site, comprising 1 no. single storey detached dwelling & 3 no. detached 2-storey dwellings with associated curtilages, parking and access

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Planning committee area 2 Planning appeal decisions for area 2 since 10 May 2023

TMBC ref: TM/21/02135/FL

PINs Ref: APP/H2265/W/22/3291685

Site Address: Offham Service Station, London Road, Addington

Description of Development: Temporary change of use of land to hand car wash, and stationing of portacabin to act as staff welfare unit (3 years)

Appeal Outcome: Appeal Dismissed 25 July 2023

[Appeal Decision](#)

Costs awarded: N/A

TMBC ref: TM/21/02419/FL

PINs Ref: APP/H2265/D/22/3294697

Site Address: Caterways Cottage, Old Soar Road, Plaxtol

Description of Development: Erection of a detached Oak framed garage

Appeal Outcome: Appeal Dismissed 22 May 2023

[Appeal Decision](#)

Costs awarded: N/A

TMBC ref: TM/21/03228/FL

PINs Ref: APP/H2265/D/22/3298031

Site Address: The Oasthouse, The Street, Mereworth

Description of Development: Replacement of existing driveway gates on private road

Appeal Outcome: Appeal Allowed 27 June 2023

[Appeal Decision](#)

Costs awarded: N/A

TMBC ref: TM/21/02710/FL & 21/02711/LB

PINs Ref: APP/H2265/W/22/3300796 & APP/H2265/Y/22/3300801

Site Address: 83 High Street West Malling

Description of Development: Demolition of existing small outbuilding, demolition of brick element of and alterations to existing ragstone wall, demolition of a curved garden wall, and the construction of two houses with associated hard landscaping, boundary wall extension, cycle stores and fencing

Appeal Outcome: Appeal Allowed 18 May 2023

[Appeal and Costs Decisions](#)

Costs awarded: Yes

TMBC ref: TM/22/01145/FL

PINs Ref: APP/H2265/D/22/3307615

Site Address: 32 Annetts Hall Borough Green

Description of Development: Two storey side extension, single storey rear extension and conversion of loft to habitable room with rear dormer and sky light window

Appeal Outcome: Appeal Dismissed 16 May 2023

[Appeal Decision](#)

Costs awarded: N/A

TMBC ref: TM/21/01565/FL

PINs Ref: APP/H2265/D/22/3308790

Site Address: The Warren Windmill Hill Wrotham Heath

Description of Development: Retrospective application for the erection of a site entrance gate and a fence panel

Appeal Outcome: Appeal Dismissed 19 May 2023

[Appeal Decision](#)

Costs awarded: N/A

TMBC ref: TM/22/01090/FL

PINs Ref: APP/H2265/W/22/3312356

Site Address: Land opposite Bourne House 163 Tonbridge Road East Peckham

Description of Development: Erection of a detached 2 storey 3 bedroom dwelling

Appeal Outcome: Appeal Dismissed 21 June 2023

[Appeal Decision](#)

Costs awarded: N/A

TMBC ref: TM/21/03055/FL

PINs Ref: APP/H2265/W/22/3309118

Site Address: 35 & 37 Stickens Lane East Malling West Malling

Description of Development: Demolition of two semi-detached bungalows replaced with two detached 1.5 storey dwellings

Appeal Outcome: Appeal Allowed 24 July 2023

[Appeal Decision](#)

Costs awarded: N/A

TMBC ref: TM/22/02358/FL

PINs Ref: APP/H2265/D/23/3314875

Site Address: 2 Albion Close Hadlow

Description of Development: Retrospective application for a single storey rear extension and roof terrace

Appeal Outcome: Appeal Allowed 19 June 2023

[Appeal Decision](#)

Costs awarded: Yes

[Costs Decision](#)

Agenda Item 10

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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