

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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**Interim 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

20 May 2024

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, 29th May, 2024 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

ADRIAN STANFIELD

Interim Chief Executive

## AGENDA

1. Guidance for the Conduct of Meetings

5 - 8

## **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 9 - 14

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 21 February 2024.

5. Glossary and Supplementary Matters 15 - 22

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/23/02034/FL - Land Between Birchfield and Mid Kent Nurseries, Ashes Lane, Hadlow, Tonbridge 23 - 34

Proposed three detached dwellings with double garages (resubmission following withdrawal of 23/01395/FL)

### **Matters for Information**

7. Planning Appeals, Public Inquiries and Hearings 35 - 36

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

8. 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**

9. Exclusion of Press and Public 37 - 38

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**

10. 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) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) in the first instance.

### **Attendance:**

- Members of the Committee 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 Chair, 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 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 should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) for further information.

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

### **Ground Rules:**

The meeting will operate under the following ground rules:

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

For those Members participating online:

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

### **Voting:**

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

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

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 2 PLANNING COMMITTEE

#### MINUTES

Wednesday, 21st February, 2024

**Present:** 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 S A Hudson, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

**In attendance:** Councillor D Thornewell was also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors D A S Davis and M A J Hood participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs T Dean, D Harman and J R S Lark.

### PART 1 - PUBLIC

#### **AP2 24/1 DECLARATIONS OF INTEREST**

For reasons of transparency, and on the advice of the Monitoring Officer, Councillors M Coffin and R Betts declared an Other Significant Interest on the grounds of being close friends of the landowner and Councillors W Palmer (Chair) and M Taylor declared a potential pre-determination and bias regarding application TM/23/00681/OAEA (Land part of Wrotham Water Farm off London Road, Wrotham, Sevenoaks). After hearing the views of the members of the public they addressed the Committee before withdrawing from the meeting and took no part in the debate or vote. The Vice-Chair, Councillor C Brown, chaired the meeting for this item.

#### **AP2 24/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 6 December 2023 be approved as a correct record and signed by the Chairman.

#### **AP2 24/3 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 UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**AP2 24/4 TM/23/03116/HH - 246 BUTCHERS LANE, MEREWORTH, MAIDSTONE**

Erection of a detached garage

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

[Speaker: Ms Jessica Hampson (on behalf of the applicant) addressed the Committee in person]

**AP2 24/5 TM/23/00681/OAEA - LAND PART OF WROTHAM WATER FARM OFF LONDON ROAD, WROTHAM, SEVENOAKS**

Outline Application (all matters reserved except access): Construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100 sqm; creation of a new access to A20 via roundabout; landscaping and other associated works – Application supported by an Environmental Impact Assessment

It was proposed by Cllr Roud, seconded by Cllr Banks that the application be approved on the grounds that very special circumstances could be demonstrated to outweigh the harm the proposed development would cause to the Green Belt and the landscape setting of the Kent Downs National Landscape Area on the basis of (1) the national need for lorry parking facilities on/near the Strategic Road Network in accordance with the recommendations from Department for Transport Circular 01/2022 that the maximum distance between motorway facilities providing HGV parking should be no more than 14 miles and the proposed development being situated in a location to meet the requirement; and (2) precedents of truck stops developed elsewhere in Green Belt and AONB. This motion was defeated.

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

1. The proposal would constitute inappropriate development, harmful by definition, with a widespread and significant adverse loss of spatial and visual openness. It would further conflict with

the purposes of including land within the Green Belt, by encroaching into the countryside, and no very special circumstances have been demonstrated to clearly outweigh this harm, in conflict with policy CP3 of the Tonbridge and Malling Core Strategy and paragraphs 142, 143, 152, 153, 154 and 155 of the National Planning Policy Framework.

2. The development would harmfully erode the rural character and appearance of the area, and cause significant harm to the landscape setting of the Kent Downs National Landscape Area through the introduction of substantial areas of built form, hardstanding and artificial lighting, in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document, paragraphs 182 and 135 of the National Planning Policy Framework, and policies SD1, SD2, SD8, and MMP2 of the Kent Downs AONB Management plan.

[Speakers: Ms Jessica Hampson (on behalf of the alliance of Wrotham, Platt, Borough Green, Addington and Stansted Parish Councils), Mr Josh Nelson and Ms Nicola Stonebank (members of the public) and Ms Jess Lockwood (on behalf of the Applicant) addressed the Committee in person]

**AP2 24/6 TM/23/01960/FL - GARAGE BLOCK REAR OF 1 TO 7 MORRIS CLOSE, EAST MALLING, WEST MALLING**

Demolition of existing garages and construction of 3 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00860/FL)

There was detailed discussion on the provision of parking spaces within the neighbourhood area and impact on existing residents in the vicinity of the site and concern was raised over the lack of communication in respect of the proposed development with the neighbouring properties. However, members acknowledged the significant need for affordable housing which was to be provided by this development.

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

- (1) delegation to the Director of Planning, Housing and Environmental Health, in consultation with the Chair, to negotiate with the Applicant with a view to bring forward the timeframe for the development to begin from 3 years to an earlier period (within Condition 1); and

- (2) Additional Informative 18:

The Applicant is requested to share details of the Construction Management Plan with neighbouring properties of the site in advance of construction starting.

[Speaker: Mr Dave Stengel (on behalf of the Applicant) addressed the Committee in person]

**AP2 24/7 TM/23/01961/FL - GARAGE BLOCK REAR OF BLATCHFORD CLOSE, EAST MALLING, WEST MALLING**

Demolition of existing garages and construction of 3 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00861/FL)

There was detailed discussion on the provision of parking spaces within the neighbourhood area and impact on existing residents in the vicinity of the site and concern was raised over the lack of communication in respect of the proposed development with the neighbouring properties. However, members acknowledged the significant need for affordable housing which was to be provided by this development.

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

- (1) delegation to the Director of Planning, Housing and Environmental Health, in consultation with the Chair, to negotiate with the Applicant with a view to bring forward the timeframe for the development to begin from 3 years to an earlier period (within Condition 1); and

- (2) Additional Informative 18:

The Applicant is requested to share details of the Construction Management Plan with neighbouring properties of the site in advance of construction starting.

[Speaker: Mr Dave Stengel (on behalf of the Applicant) addressed the Committee in person]

**AP2 24/8 TM/23/01962/FL - GARAGE BLOCK REAR OF ADDISON CLOSE, EAST MALLING, WEST MALLING**

Demolition of existing garages and construction of 4 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00862/FL)

There was detailed discussion on the provision of parking spaces within the neighbourhood area and impact on existing residents in the vicinity of the site and concern was raised over the lack of communication in respect of the proposed development with the neighbouring properties. However, members acknowledged the significant need for affordable housing which was to be provided by this development.

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

- (1) delegation to the Director of Planning, Housing and Environmental Health, in consultation with the Chair, to negotiate with the Applicant with a view to bring forward the timeframe for the development to begin from 3 years to an earlier period (within Condition 1); and
- (2) Additional Informative 16:

The Applicant is requested to share details of the Construction Management Plan with neighbouring properties of the site in advance of construction starting.

[Speaker: Mr Dave Stengel (on behalf of the Applicant) addressed the Committee in person]

**AP2 24/9 TM/23/01974/FL - GARAGE BLOCK REAR OF TYLER CLOSE, EAST MALLING, WEST MALLING**

Demolition of existing garages and construction of 3 x 2 bed 4 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of TM/23/00863/FL)

There was detailed discussion on the provision of parking spaces within the neighbourhood area and impact on existing residents in the vicinity of the site and concern was raised over the lack of communication in respect of the proposed development with the neighbouring properties. However, members acknowledged the significant need for affordable housing which was to be provided by this development.

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

- (1) delegation to the Director of Planning, Housing and Environmental Health, in consultation with the Chair, to negotiate with the Applicant with a view to bring forward the timeframe for

the development to begin from 3 years to an earlier period (within Condition 1); and

(2) Additional Informative 16:

The Applicant is requested to share details of the Construction Management Plan with neighbouring properties of the site in advance of construction starting.

[Speakers: Ms Amy Falconer (member of the public) and Mr Dave Stengel (on behalf of the Applicant) addressed the Committee in person]

#### **AP2 24/10 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

There were no updates in respect of planning appeals, public enquiries and hearings held since the last meeting of the Planning Committee. The Head of Planning (James Bailey) commented that updates would be reported to future meetings.

#### **AP2 24/11 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 10.10 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 Tunbridge Wells Borough Council

## **U**

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

## **W**

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

(Version 2/2021)

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**Hadlow (Hadlow)**  
Bourne

**25 September 2023**

**TM/23/02034/FL**

Proposal: Proposed three detached dwellings with double garages  
(resubmission following withdrawal of 23/01395/FL)  
Location: Land Between Birchfield And Mid Kent Nurseries Ashes Lane  
Hadlow Tonbridge Kent

Go to: [Recommendation](#)

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## 1. Description:

1.1 Planning permission is sought for the erection of three detached dwellings with double garages. The dwellings have been designed in a contemporary style with vertical timber cladding and ragstone boundary walls. The application states that the proposed dwellings are to be designed to Passive Haus Standard. The dwellings are to share a single entrance onto Ashes Lane with the provision of two curtilage vehicle parking spaces to each, in addition to the double garages and turning spaces.

1.2 The site comprises 0.904 hectares.

## 2. Reason for reporting to Committee:

2.1 At the request of Councillor Lark in order for Councillors to be given the opportunity to fully assess whether the application constitutes inappropriate development in the green belt.

## 3. The Site:

3.1 The site lies in the countryside, within the green belt. A PROW runs to the rear of the site. The site was formerly used as a brick making works. Although evidence of this can be found at ground level there are no above ground remaining structures. There are two areas of protected trees at the north of the site adjacent to Ashes Lane and the site lies within an area of archaeological protection.

## 4. Planning History (relevant):

TM/20/01193/FL      Application Withdrawn      23 July 2020

Proposed three detached dwellings with double garages

TM/23/01395/FL      Application Withdrawn      8 September 2023

Proposed three detached dwellings with double garages

**5. Consultees:**

- 5.1 PC: Hadlow Parish Council notes that this application has been “called in” to Area 2 Planning Committee and therefore will not comment at this time.
- 5.2 Waste: General advice
- 5.3 EP: No objection – recommend planning conditions and informatives
- 5.4 KCC Highways: (18.10.23) The proposal has submitted an automatic traffic count (ATC) to provide lesser sight line visibility splay. Visibility sight lines are demonstrated at 79.1metres by 2 metres eastbound, and 151metres by 2 metres westbound. The calculation to achieve these sight lines, are drawn to the below 37 mph (miles per hour) deceleration rate. In line with Manual for Streets 2, submitted automatic traffic count (ATC) results, requires calculation of absolute minimum deceleration rates, to be above 37mph, when speeds are shown at 43.06 mph (85% Speed) eastbound, and 41.85 mph (85% Speed) westbound. Consequently, the submitted visibility splay drawing, does not reflect the required visibility distance sight lines.

(17.11.23) It is not considered that it has been demonstrated with sufficient confidence that an adequate level of visibility can be achieved. Consequently, KCC Highways raise objection on the basis that the proposals would lead to the creation of an access with a sub-standard level of visibility.

(13.02.24) The applicant has now provided a revised traffic survey and calculations, to determine lesser visibility sight lines are adequate for actual driven (observed) speeds. Consequently, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.

- 5.5 KCC Ecology: (22.11.23) We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application. This includes:

- Clarification of the extent of proposed buffer planting and fencing relative to the priority habitat woodland in the south-east of the site;
- Submission of the great crested newt report for review;
- Further information regarding badger.

(17.01.24) We have reviewed the ecological information submitted in support of this application and advise that additional information is



sought from the applicant prior to determination of the planning application. This includes:

- An updated landscaping plan confirming the extent of proposed buffer planting and fencing location relative to the priority habitat woodland in the south-east of the site and the adjacent residential garden.

(20.02.24) We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application.

(16.04.24) We have reviewed the amended information submitted and advise that sufficient information has been provided. Should planning permission be approved we advise that the following conditions are attached.

5.6 Neighbours: 1 letter of support

- The plot of land between Birch Field and Mid Kent Nurseries in Ashes Lane appears to be agricultural land suitable for farming, but in practice I believe it has a history of more industrial usage, with the consequence that there is evidence of buried foundations of buildings and detritus from previous workings. As such, it could be described better as a brown field site rather than green field.
- Given the existing ribbon development along the southern edge of Ashes Lane between The Poults and Pitts Wood and the point made above, the plot of land between Birch Field and Mid Kent Nurseries would seem to be eminently suitable for residential development, provided it is compatible with the rural nature of the area.
- The proposal for just three detached properties built along eco-home principles with the retention of the existing mature trees and supplemented by native planting between the houses is, in my opinion, a very sensible forward-thinking proposal, which could be used by Tonbridge and Malling Council as a flagship development of modern eco thinking, an example to all as to how residential development should be undertaken today and into the future.

5.7 Site Notice: As above

5.8 KCC: Contributions have been sought towards education, community learning, children's services, libraries, adult social care and waste. A total of £34,436.67 is sought by the County.

## **6. Determining Issues:**

### *Principle of development*

- 6.1 The site lies in the countryside beyond the settlement confines. The proposal is therefore contrary to CP14 of the TMBCS. However, 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. Currently the Council can demonstrate a 4.39 housing land supply.
- 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 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.
- 6.3 Footnote 7 provides a list of those policies that relate to protected areas and assets of particular importance, including land within the green belt. It must therefore firstly be established whether the proposal is acceptable in terms of local and national green belt policy in order to determine whether the presumption in favour of sustainable development applies.

### *Green belt considerations*

- 6.4 The site lies within the green belt. The application must therefore be determined with regard to policy CP3 of the TMBCS. CP3 states that national green belt policy will apply. Paragraphs 152 – 155 of the NPPF relate specifically to proposals that affect the green belt.
- 6.5 Paragraph 152 of the NPPF states that ‘inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances.
- 6.6 Paragraph 153 of the NPPF 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 other harm, is clearly outweighed by other considerations.
- 6.7 Paragraph 154 of the NPPF requires the LPA to regard the construction of new buildings in the green belt as inappropriate development. However, a number of exceptions are listed.
- 6.8 The agent opines that the proposal falls within section e) of paragraph 149 which allows for the “limited infilling of villages”. (Now section d) of paragraph 154 of the NPPF 2023). It is not disputed that the site was once used in association with

brickmaking and that Pitts Wood, as a recognised area itself is signposted. It is also appreciated that the proposed site lies between detached dwellings in large plots to the east and glasshouses to the west. However, it is not considered that Pitts Wood is a village as referred to in the NPPF. There are no remaining community facilities or shops, or other facilities that would create a cohesive settlement. This conclusion is reached in the knowledge that there is no definition of a village in this context and that, as acknowledged that in *Wood v Secretary of State for Communities and Local Government* [2014] the Court of Appeal held that whether a site lies within a village is a matter of planning judgement. It is therefore, officers judgement, that not only does Pitts Wood not constitute a village the proposal does not comprise limited infilling.

- 6.9 I appreciate that the proposed development would fall within an existing dwelling and existing glasshouse. However, this linear arrangement would not result in a cohesive pattern of development such as exists to the east of the site - with existing dwellings clustered to the south of Ashes Lane opposite the junction with High House Lane. I am also aware of the approval of planning permission under planning reference TM/19/01226/FL to which the application refers. However, each site must be considered on its own merits. The site in Powder Mills formed an infill site with development to the east, north and west. This development as previously discussed is linear and it clear that the residential use encroaches on the greenbelt and further into the countryside.
- 6.10 I also note the application refers to the proposed development as minor. Whilst the number of dwellings can be considered minor, the size and scale of the proposed dwellings, and their associated residential curtilages has been designed to extend considerably to the south of Ashes Lane – to a much further depth than the adjacent dwellings to the east. This would comprise a much greater intrusion of development into the countryside and green belt. For these reasons I conclude that the proposal does not fall within the exception listed under section e) of paragraph 154 of the NPPF.
- 6.11 I am also aware that the application refers to the site as being designated as a brown field site noting that it is referred as such in the previous TMBC “Call For Sites” (Ref 59795). In this context the application makes reference to exception g) of paragraph 149 of the NPPF (now exception g) of paragraph 154 of the NPPF 2023). This exception allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the green belt than the existing development.
- 6.12 There is no dispute that the land has previously been used for an industrial purpose. However, the application states that the buildings were removed in the 1990s I have no reason to doubt this assertion. The site now and has for a considerable time comprised of open space which is the basis of the assessment below. The application refers to the definition of previously development land in

the NPPF noting that it refers to “Land which is or was occupied by a permanent structure...”. However, section g) specifically states that in the redevelopment of previously developed land there should not be a greater impact on the green belt than the existing development. Notwithstanding the former use of the site there are no above ground structures in situ. Therefore, the introduction of three large, detached dwellings and associated garages and residential curtilages will inevitably have a greater impact on the openness of the green belt – and this would constitute definitional, spatial and visual harm. I am aware that the proposed seeks to retain the existing trees which will provide screening however this does not override the definitional or indeed the visual harm resulting from the proposal. I am therefore of the view that the proposal fails to meet this exception.

*Sustainable development as a very special circumstance*

6.13 As detailed in paragraph 152 of the NPPF 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 other harm, is clearly outweighed by other considerations.

6.14 The application states that the proposed dwellings are to be designed to Passive House standard. The BRE Trust (Building Research Establishment) is an independent charity dedicated to improving the built environment for the benefit of all. The BRE define Passive House as

*“The core focus of Passivhaus is to dramatically reduce the requirement for space heating and cooling, whilst also creating excellent indoor comfort levels. This is primarily achieved by adopting a fabric first approach to the design by specifying high levels of insulation to the thermal envelope with exceptional levels of airtightness and the use of whole house mechanical ventilation.”*

6.15 The application lists the design features of the dwellings to show that they have been designed to Passive House standard.

- The orientation of each dwelling will be to the south to maximise the affect from the sun, particularly during winter, to assist with heating of the dwellings.
- The houses will be designed to achieve a maximum overall minimum energy requirement.
- Insulation between all thermal elements will be continuous without cold bridging.
- All external windows and doors will be triple glazed.
- The houses will be designed to have minimal air leakage.

- The houses will include a whole house ventilation system with heat recovery.
- Heating will be provided by underfloor heating so that low water temperatures can be utilised from ground source heat pumps.
- Flat roof areas to the dwellings will be finished with Sedum to reduce the amount of surface water runoff but also increase diversity for insects and birds etc.
- Any rainwater runoff will be harvested and used within the dwellings for flushing WC's, washing machines and watering gardens etc. therefore reducing water usage.
- All hard standings will be porous construction, again to reduce surface water runoff from the development.
- Although not a requirement of Passivehaus, a PV array will be provided on each dwelling to generate electricity. This will be hidden by the parapet to the flat roof.
- The dwellings will be provided with electric car charging points and cycle storage.

6.16 It is vital in the assessment of this application that a distinction is made between development that is purported to have been designed to meet the Passive House standard and development that will be undergo the rigorous tests to become formally recognized as Passive House.

6.17 The Passive House standard seeks to reduce the overall demand for energy rather than incorporating the use of renewable energy sources. The standard is a globally recognised and registered process. To achieve Passive House standard, it is necessary to go through robust auditing procedures and post-construction checks. To my knowledge there are only three buildings that have achieved this status in the Borough, (a dwelling in north Tonbridge 2018, an educational building at Hadlow College 2010 and a dwelling in Holly Hill 2013). If the applicant can prove that the dwellings will undergo the formal registration for Passive House then this could *potentially* be put forward, in part, to demonstrate possible 'very special circumstances' to allow for inappropriate development in the green belt. However, this information is not contained within the application. It must also be noted that the features outlined in the application do not incorporate all the features necessary to meet the Passive House standard and that many of the features listed will nevertheless be required under the Building Control regime – the energy efficiency in buildings falling within Part L of the Building Act 2010 (as amended). This sets out the minimum standards only and compliance does not demonstrate any exceptional design.

- 6.18 In my view therefore the design of the dwellings is such that would not warrant the very special circumstances required under paragraph 152 of the NPPF to overcome the definitional, spatial and visual harm to the green belt which the application would cause.
- 6.19 I am aware of section e) of paragraph 84 of the NPPF. This states that a design of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. However, this relates to the exceptional circumstances in which dwellings may be permitted in isolated areas, this is not listed as an exception to green belt policy.
- 6.20 Consequently, there are no very special circumstances that would outweigh the identified harm and therefore, in accordance with paragraph 11 of the NPPF there is a clear reason to refuse the application. In the interests of completeness however it remains appropriate to assess the application in light of local development policies, in so far as they remain in conformity with the NPPF and the Framework as a whole.

*Design and amenity considerations*

- 6.21 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires all new development to protect, conserve and, where possible enhance the character and local distinctiveness of the area. The aims of these local plan policies are echoed in paragraph 135 of the NPPF.
- 6.22 Paragraph 135 sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history.
- 6.23 The design of the proposed dwellings is contemporary and the desire to incorporate sustainable measures is acknowledged. It is noted that the dwellings have been designed to retain the mature trees and the separation distances between the proposed dwellings and the existing dwelling to the east will ensure suitable residential amenity can be achieved.

*Highway considerations*

- 6.24 Policy SQ8 of the MDE DPD that development will only be permitted where there will be no significant harm to highway safety. Paragraph 114 of the NPPF requires development to promote sustainable transport modes, provide safe and suitable access to the site, the design of any road layout to reflect current national guidance and any significant impact on the highway to be assessed. Paragraph 115 continues to state that development should only be refused on transport

grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of the development would be severe.

- 6.25 The impact of the proposal on the highway network has fully examined with additional information being provided. I am able to confirm that subject to planning conditions the highway authority has removed its objection to the proposal.

*Ecological considerations*

- 6.26 Policy NE2 of the MDE DPD seeks to protect, conserve and enhance the biodiversity of the Borough, whilst policy NE3 requires development that would adversely affect biodiversity to only be permitted if appropriate mitigation measures are provided. This is supported by paragraph 186 of the NPPF which requires the planning system to contribute to and enhance the natural and local environment. For clarity, the application was submitted prior to the commencement of the Biodiversity Net Gain requirements.
- 6.27 The trees at the front of the site are protected by a Tree Preservation Order. An arboricultural report has been submitted along with tree protection measures. An oak and cherry tree are scheduled for removal but are in poor condition and the Council's Landscape Officer is in agreement. Measures relating to trees can potentially be ensured by planning condition. However, the proximity of the trees to the proposed dwellings gives rise to some concern as this may lead to future pressures for tree works from future occupiers.
- 6.28 In terms of biodiversity, as with highway considerations, the matters relating to ecology have been fully examined with additional information being provided. I am able to confirm that subject to planning conditions the KCC Ecology advisory service has removed its objection to the proposal.

*Potential land contamination*

- 6.29 With regards to potential land contamination, paragraph 189 of the NPPF requires (inter alia) planning policies and decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities. Although paragraph 190 notes that the responsibility for securing a safe development rests with the developer and/or landowner, paragraph 191 requires planning policies and decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.
- 6.30 The site has formerly been used for an industrial purpose and the application includes information relating to potential land contamination. The Council's Scientific Officer comments that this information adequately reviews the history and environmental setting of the site and that any potential sources of

contamination in the form of buried made ground exposed by rabbit burrowing and ground gas generation can be dealt with through the imposition of planning considerations.

*Developer contributions*

- 6.31 Section 1 of Policy CP25 of the TMBCS requires development proposals to either incorporate the infrastructure required as a result of the scheme or make provision for financial contributions. Paragraph 55 of the NPPF requires local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 6.32 The KCC Developer Contribution Guide 2023 sets the threshold for contributions as 10 dwellings and above or a site size of 0.5Ha or more. Although the proposal only relates to three dwellings the overall size of the site, being 0.904 hectares triggers developer contributions. KCC are seeking contributions towards education, community learning, children's services, libraries, adult social care and waste to a total sum of £34,436.67. This contribution could potentially be secured by legal agreement and the applicant has confirmed his willingness in writing enter into such an agreement if all other matters were considered acceptable.
- 6.33 To conclude, the application has been assessed in accordance with paragraph 11 d) of the NPPF and it has been demonstrated that there is a clear reason to refuse development, it being contrary to green belt policy and consequently the presumption in favour of sustainable development fails to apply. Whilst other aspects of the proposal may be acceptable, subject to suitable planning conditions, this does not override the fundamental policy objection to the principle of the development. I must therefore recommend planning permission is refused for the following reason.

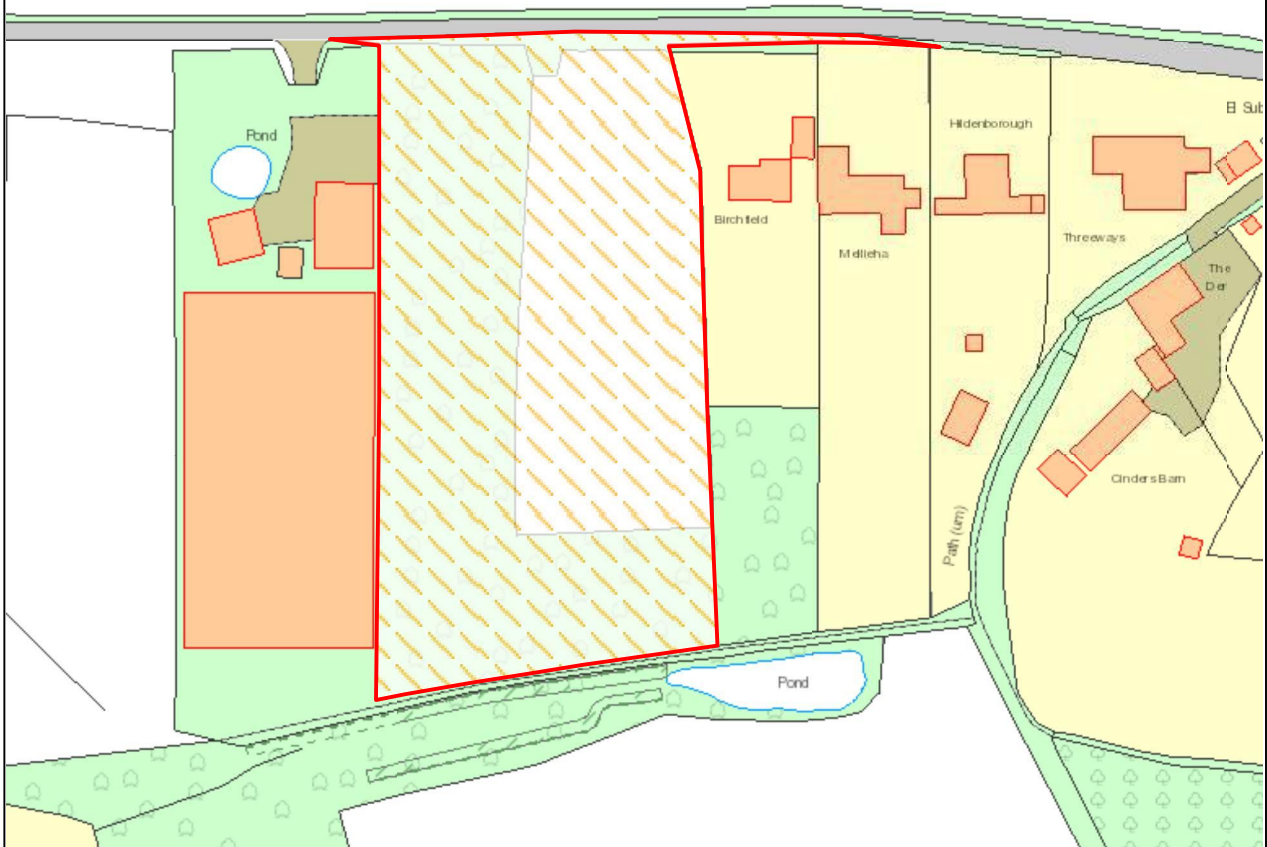
**7. Recommendation: Refuse planning permission for the following reason:**

- 1 The proposed development constitutes inappropriate development within the green belt and very special circumstances are not considered to exist that outweigh the harm by reason of definitional inappropriateness, and the spatial and visual erosion of the openness of the green belt. Consequently, the development is contrary to policy CP3 of the Tonbridge and Malling Core Strategy 2007 and paragraphs 152 - 155 of the National Planning Policy Framework 2023.

Contact: Maria Brown



Planning Applications



Planning Applications 23/02034/FL

Scale: 1:1250



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## **Planning Committee area 2 Planning appeal decisions for area 2**

TMBC ref: 23/00365/FL

PINs Ref: APP/H2265/W/23/3325169

Site Address: 1 Silverhill Cottages Dunks Green Road Shipbourne

Description of Development: Part one/part two storey side extension (Revision to refused application TM/22/00335/FL)

Appeal Outcome: Appeal Allowed 17 May 2024

[Appeal and Costs Decision:](#)

Costs awarded: Yes

TMBC ref: 23/00685/FL & 23/00686/LB

PINs Ref: APP/H2265/W/23/3327452 & APP/H2265/Y/23/3327458

Site Address: Gibbons Place Tonbridge Road Ightham

Description of Development: Proposed garage/store as a replacement for existing dilapidated outbuilding, to be demolished

Appeal Outcome: Appeal Dismissed 25 April 2024

[Appeal Decision](#)

Costs awarded: N/A

TMBC ref: 23/01299/FL

PINs Ref: APP/H2265/D/23/3330891

Site Address: Little Allens Allens Lane Plaxtol

Description of Development: New utility room to the side of the existing kitchen. New rear porch to the rear elevation and alteration to the existing door/side lights. Alteration to the existing stairway window to allow the construction of the rear porch. Replacement of the kitchen rear window with French doors. Installation of a new stainless steel chimney flue, powdered coated in matt black. Alteration to the existing Games Room front elevation including the fenestration.

Appeal Outcome: Appeal Dismissed 30 April 2024

[Appeal Decision](#)

Costs awarded: N/A

TMBC ref: 23/00976/FL

PINs Ref: APP/H2265/D/23/3333080

Site Address: The Gatehouse Rectory Lane Ightham

Description of Development: First floor roof extension to create a new bedroom, bathroom and ensuite

Appeal Outcome: Appeal Dismissed 20 April 2024

[Appeal Decision](#)

Costs awarded: N/A

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# Agenda Item 9

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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