



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive
Damian Roberts

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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

28 May 2025

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 5th June, 2025 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

DAMIAN ROBERTS

Chief Executive

A G E N D A

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 - 12

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 10 April 2025

5. Glossary and Supplementary Matters 13 - 20

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.

Matters for Decision under Delegated Powers (In accordance with Part 3 of the Constitution)

6. TM/24/00769/PA - Land & Building East of Rose Cottage, 440 Lunsford Lane, Larkfield, Aylesford 21 - 74

Demolition of existing building and the erection of a new building comprising a mixed-use office and workshop space (Class E(g)) and detached garage to rear.

Matters for Information

7. Planning Appeals, Public Inquiries and Hearings 75 - 76

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

77 - 78

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 D Thornewell (Chair)
Cllr R W Dalton (Vice-Chair)

Cllr Mrs S Bell
Cllr A G Bennison
Cllr T Bishop
Cllr R I B Cannon
Cllr L Chapman
Cllr D A S Davis

Cllr S M Hammond
Cllr P M Hickmott
Cllr D Keers
Cllr A McDermott
Cllr Mrs A S Oakley
Cllr C J Williams

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-ugSzxiAPfw/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 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@tmhc.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.

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

MINUTES

Thursday, 10th April, 2025

Present: Cllr D Thornevell (Chair), Cllr T Bishop, Cllr R I B Cannon, Cllr D A S Davis, Cllr D Keers, Cllr A McDermott and Cllr Mrs A S Oakley.

Councillor R V Roud were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R W Dalton*, Mrs S Bell, A G Bennison, S M Hammond, P M Hickmott and C J Williams

(*Cllr Dalton submitted apologies for in-person attendance but participated via MS Teams when invited by the Chair to do so).

PART 1 - PUBLIC

AP3 25/7 DECLARATIONS OF INTEREST

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

AP3 25/8 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 13 March 2025 be approved as a correct record and signed by the Chairman.

AP3 25/9 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.

MATTERS FOR DECISION UNDER DELEGATED POWERS (IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION)

AP3 25/10 TM/23/03310 & TM/23/03311 - DEVELOPMENT SITE LAND AND BUILDINGS NORTH AND WEST OF ST MARY'S CHURCH, OLD CHURCH ROAD, BURHAM, ROCHESTER

Redevelopment of former agricultural site for a mixed used commercial (Class E) development together with listed building consent.

Careful consideration was given to the points raised by a number of speakers and the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health. Whilst Members welcomed the improvements to the historic buildings, significant concern was expressed in respect of the serious impacts on the local highway network which was rural in nature and the potential level of risk to public users. However, it was noted that Kent Highway Services had not raised any objection and were satisfied that the development would not result in unacceptable impact on the highway safety and the residual cumulative impacts on the road network would not be severe.

Whilst it was acknowledged that the proposal would result in increased impact over the existing situation currently in place, it was considered that the benefits of the proposed development would outweigh the limited harms as outlined in the report of the Director of Planning, Housing and Environmental Health. Cllr Oakley proposed, seconded by Cllr Bishop that Listed Building Consent and planning permission be approved.

RESOLVED: That Listed Building Consent be APPROVED in accordance with the conditions, reasons and informatives detailed in the report of the Director of Planning, Housing and Environmental Health.

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

(1) Amended Condition 9:

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

- The days of the week and hours of the day when the 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 neighbouring properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination;
- The routing of construction and delivery vehicles to and from the site
- The provision of wheel washing facilities and road sweeping (if relevant)
- 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 design, layout and maintenance schedule of construction traffic signage along the access roads (Burham Court Road and Old Church Road).**

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

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

(2) Amended Condition 18:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development or change of use (**outside of Class E (g)**) shall be carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the character and amenities and highway safety.

[Speakers: Mr D Young (Burham Parish Council); Mr K Wood (member of the public) and Mr N Brown (applicant)]

AP3 25/11 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

There had been no planning appeals, public inquiries or hearings held since the last meeting of the Planning Committee and therefore no updates were required.

AP3 25/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.06 pm

GLOSSARY of Abbreviations used in reports to Area Planning Committees

A

AAP	Area of Archaeological Potential
AGA	Prior Approval: Agriculture (application suffix)
AGN	Prior Notification: Agriculture (application suffix)
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
AT	Advertisement consent (application suffix)

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

K

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

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

L

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

M

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

MWLP Minerals & Waste Local Plan

N

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

O

OA Outline Application (application suffix)

OAEA Outline Application with Environment Impact Assessment (application suffix)

OAX Outline Application: Extension of Time

OB106D Details pursuant to S106 obligation (application suffix)

OB106M Modify S106 obligation by agreement (application suffix)

OB106V Vary S106 obligation (application suffix)

OB106X Discharge S106 obligation (application suffix)

P

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

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

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

PDV18 Permitted development - miscellaneous development (application suffix)

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

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

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

R

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

S

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

T

TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan

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

U

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

W

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

(Version 2/2021)

This page is intentionally left blank

East Malling And Larkfield
Larkfield

5 June 2025

TM/24/00769/PA

Location: Land & Building East of Rose Cottage, 440 Lunsford Lane, Larkfield
Aylesford

Proposal: Demolition of existing building and the erection of a new building comprising a mixed use office and workshop space (Class E(g)) and detached garage to rear.

Go to: [Recommendation](#)

1. Introduction

- 1.1 Members will recall that this application was reported to APC3 on 13 March 2025.
- 1.2 Following the introduction of the item and the representations from the public speakers, members voted to defer the application to enable a committee site visit to be undertaken.
- 1.3 There have been no amendments or change to national or local plan policy since the application was deferred, as such the site description, history, consultee responses and third-party comments all remain as per the original officer's committee report which can be found at Appendix 1 and therefore these elements have not been recited in this report.
- 1.4 This report, however, does seek to clarify points raised by committee members and third-party representations, this includes an amendment to the description of development which has been amended to exclude reference to a previous use.
- 1.5 Given the significant number of representations in regard to the historic use of the existing building and without evidence submitted by the applicant and/or a certificate of lawfulness for an existing use being in place, the Council will retain a neutral position on the former use of the building. This updated position has been reflected in the report below.

2. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing building and the erection of a new building comprising of mixed use office and workshop space (Use Class E(g)) together with a detached garage/store to the rear.
- 1.2 The replacement building would be 14m wide x 12m deep and 6.5m high at its highest point. (The footing for the existing workshop building on the site is 15.5m x 14m x 5.5m).

- 1.3 The main entrance into the site remains unchanged for vehicles and pedestrians. The office has the main entrance to the front, and the workshop element has an entrance at the rear and side of the building.
- 1.4 The building proposes to incorporate three elements:
- A self-contained workshop, on the ground floor at the rear (Use class E formerly B2) comprising a GIA 55 sqm
 - Office space spilt over two levels, ground floor to the east and throughout the first floor /roof comprising a combined GIA of 168 sqm
 - Separate Garage at rear providing covered parking for 2 vehicles and some storage for grounds keeping. (GIA 12 sqm).

2. Reason for reporting to Committee:

- 2.1 This application is referred to Committee by Councillor David Thornewell on the grounds of neighbour amenity and highway issues.

3. Determining Issues:

Policy Guidance

- 3.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 3.3 The National Planning Policy Framework ("NPPF Dec 2024") and the associated National Planning Practice Guidance ("NPPG") are also important material considerations together with Kent Design Guide and Kent County Council's Parking Standards (January 2025).

Principle of Development

- 3.4 The site lies in the countryside, to the north of Larkfield. The countryside is defined as the part of the Borough lying outside the confines of the urban areas as identified in Policy CP11 and the rural settlements identified under Policies CP12 and CP13.
- 3.5 The concept of sustainability argues in favour of concentrating most development in or adjoining existing built-up areas. However, there can be cases where some

development and diversification of use in the countryside can be beneficial and sustainable. Where development in the countryside is justified, the preference will be for the re-use or redevelopment of existing buildings.

3.6 NPPF paragraph 88a) relates to supporting a prosperous rural economy, this notes planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

3.7 Policy DC2 MDE DPD focuses specifically on the replacement of rural buildings. Paragraph 7.3.3 encourages the replacement or reuse of existing buildings in rural areas for 'economic development purposes' it states:

'The Council will consider any proposals for the replacement of suitably located existing buildings of permanent design and construction in the open countryside for economic development purposes. Replacement of buildings will be favoured where this would result in a more acceptable and sustainable form of development than would be achieved by the conversion of existing buildings and bring about an environmental improvement in terms of the impact of the development and its surroundings'.

3.8 Policy DC2 therefore supports the principle of the application, subject to the design and compliance with other policy considerations.

3.9 In addition, the site would be considered previously developed land (PDL). Utilising PDL for new development aligns with the Governments objectives and is acceptable in principle.

3.10 In addition, the principle of demolishing and replacing the existing building on site has been established with the grant of permission in 2023 permission for the demolition of the existing garage/workshop/barn building and the erection of a 4-bedroom detached house with detached double garage (23/00397/FL). This permission also establishes an increase in maximum height from 5.5m (existing) to 7m (dwelling).

Assessment of Use Class E

3.11 The application seeks planning permission for a mixed-use development comprising an office and a workshop, both falling under Class E(g) of the Town and Country Planning (Use Classes) Order 1987.

3.12 As members are aware the Town and Country Planning (Use Classes) Order 1987 places the uses of land and buildings into various categories known as Use Classes. Under the Use Classes Order, buildings/sites can potentially change how they are used without requiring planning permission, so long as it stays in the same Use Class or moves to another Use Class that falls within the permitted change.

3.13 Use Class E g) specifically relates to uses which can be carried out in any residential area without causing detriment to the amenity of the area. Criterion (g) allows for:

- i) Offices to carry out any operational or administrative functions*
- ii) the research and development of products or processes or*
- iii) any industrial process.*

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

3.14 In this case, examples of what processes are likely to be undertaken in the workshop element are:

- Small adaptations to furniture and equipment (site equipment such as saws, towers, ladders, light repairs to ground repair equipment, modification to lighting fittings and similar site based materials)
- Fabrication of small project mock ups and Prototyping (Lighting, control boxes, furniture items.)
- Bench testing and trialling of small project mock ups (Lighting, controls boxes, furniture samples, painting samples of joinery items for client sign off)
- Preparation of sample boards for clients
- Office and site equipment repairs
- Office and site equipment maintenance PAT testing etc
- Ancillary equipment and supplies to allow for the above.

3.15 It is also worth remembering that the workshop element comprises only 55 sqm so its use is constrained by its size in any event.

3.16 If members are minded to approve, a condition would be imposed for the use of the building to specifically fall within Class E (g) and moreover, the wording of the condition would also restrict any permitted change within the Use Class Order, thus ensure the use would remain as proposed.

3.17 The proposed use is considered a main town centre use as defined in Annex 2 of the NPPF. Paragraph 91 of the NPPF states that “local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan”. However, the same approach should not be applied to applications for small scale rural offices or other small scale rural development.

3.18 The site is in the countryside, in a rural setting. The proposal is for an office/workshop that is relatively small in scale by floor areas and employee numbers. Hence, it is not required to pass the sequential test on this occasion.

3.19 Therefore, subject to conditions, Officer's raise no objection in regard to the use of the building.

Assessment on Character and Appearance

3.20 Paragraph 135 of the NPPF sets out that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and distractive places to live, work and visit; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.21 Development of poor design that fails to reflect local design policies and government guidance on design should be refused as set out in paragraph 139 of the NPPF.

3.22 Policy CP1 of the TMBCS states that all proposals for new development must result in a high-quality sustainable environment. This is expanded upon in sub-paragraph 6.1.5 and includes matters such as making efficient use of land and making a positive contribution to local distinctiveness, character, townscape and the setting of settlements.

- 3.23 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. In addition, policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments
- 3.24 The design is for a chalet style building with a workshop and office space to the ground floor and further offices within the roof space. The replacement building would be smaller in size in terms of its overall footprint when compared to the existing building to be removed, albeit it is acknowledged that the replacement building would be approximately 1 metre taller than the existing. However, it is also material to note that the proposed building would be 0.5 metres lower than the extant permission for the dwelling, which also saw an increase in footprint as well as height. The ridge of the proposed building matches the height of the adjoining neighbour to the east with a pitched roof and gable end to the north.
- 3.25 The design of the proposed building takes a contemporary approach which responds to the type of materials that can be seen locally, utilising timber cladding and brick work that would appear appropriate to its context. A standing seam roof has been employed in the design in order to respond to the use of the building.
- 3.26 The proposed building is in line with the adjacent building to the east and west, it maintains a clear separation from the perimeter of the site on all sides; the building to the boundary is 1.5m on the west side, 3.8m on the east side, 11.6m to the north side and 18m to the south of the site. This is comparable to the existing building.
- 3.27 The proposed development also relocates the garage approved under the extant scheme for the dwelling, which saw the garage building located forward of the front building line in favour of placing this to the rear.
- 3.28 Whilst third party comments have raised concerns with regard to the harm to the character and appearance of the area, these concerns relate more to the use of the building and more specifically in relation to the increase in traffic and not in relation to the character and appearance of the building itself.
- 3.29 The proposal also includes renewable features in the interests of promoting sustainable design in accordance with policy DC2. The design employs the use of both PV solar panelling and air source technology these should permission be forthcoming would be secured by condition.
- 3.30 Concluding on character and appearance, it is considered that the proposal would result in a well design scheme, that would fit in with the overall form and layout of its surroundings, in compliance with paragraph 135 (NPPF), Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 Managing Development and the Environment Development Plan.

Highways and Parking

- 3.31 Paragraph 115 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.32 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.
- 3.33 Turning first to the parking provision, the submitted drawings show 12 parking space are proposed in total, 9 spaces will be provided for the office element, 4 of these are located to the front and 5 located to the rear. 3 spaces will be provided for the workshop element, and these are incorporated within the building itself.
- 3.34 Of the 12 spaces, 2 will be designated accessible parking spaces and 1 space will be of sufficient size to qualify as an accessible space, but this will not be specified.
- 3.35 Kent County Council has recently published revised parking standards. It sets out that for mixed use developments, the parking provision should first be determined for each constituent land use or building. The scope to reduce overall parking through shared provision between uses should then be discussed with the Local Planning and Highway Authorities.
- 3.36 The building would comprise of a workshop element and an office element. For the workshop element, B2 uses (now Class E) KCC Parking Standards (2024) requires 3 spaces for workshops under 200m². In regard to the office element, 1 space per 20m² is required which equates to 9 spaces (8.5) given a combined parking requirement of 12 spaces.
- 3.37 The proposed site layout drawing also demonstrates sufficient turning space within the site for vehicles to enter and exit in a forward gear.
- 3.38 In addition to vehicle parking the proposal will include cycle storage and parking for 2 motorcycles.
- 3.39 Therefore, in regard to parking provision, the proposal would comply with KCC parking standards (2025) for both vehicle and cycle provisions.
- 3.40 Turning to the access, the site would utilise an existing access. As members are aware as part of the application process statutory consultees are consulted on applications where appropriate and where the thresholds for consultation apply. In this case, the proposal falls under the threshold for consultation with KCC as highway authority, however due to the number of third-party representations received, a decision was taken to consult KCC.

- 3.41 KCC having considered the development proposal and its effect on the highway network, raises 'no objection' subject to conditions relating to the provision and permanent retention of the vehicle loading/unloading and turning facilities and the provision and permanent retention of the vehicle parking spaces and/or garages as shown on the submitted plans prior to the use of the site commencing.
- 3.42 This formal response from KCC prompted further representations and specifically comments in relation to the existing signage at the entrance of Lunsford Lane which notes the road as "unsuitable for heavy goods vehicles".
- 3.43 First, it is important to note that the signage does not prohibit heavy goods vehicles, only indicates that the road, arguably the single storey element, is unsuitable for heavy goods vehicles.
- 3.44 Further clarification was sought from KCC Highway on whether when undertaking their assessment, the existing signage was taken into account. KCC Highways confirmed that they are fully aware of the existing restrictions on Lunsford Lane and duly considered them in making a recommendation of no objection, also noting that whilst it is accepted and self-evident that Lunsford Lane is constrained, it is not considered that the development would generate significant amounts of traffic, and therefore have an impact on the highway network that could be considered 'severe.'
- 3.45 In addition, KCC noted that the majority of the objections centre around the potential for the development to attract heavy good vehicles. Although no quantitative assessment of the likelihood of this occurring in practice has been completed as part of the planning application via a Transport Statement. KCC have noted these comments and have stated that a development of this size would not be required to provide a Transport Statement because it does not exceed the threshold for one.
- 3.46 Moreover, even if the sites commercial use is discounted, KCC Highway consider the development is still clearly modest in scale. Therefore, whilst it is noted that various objectors question the classification of the existing use as a workshop; regardless of whether the use is considered as a workshop or a barn, both could generate movements by larger vehicles, and this has been noted by KCC Highway.
- 3.47 KCC also noted that many of the third-party representation refer to pre-existing traffic concerns many of which use Lunsford Lane to access the lakes. Comments, photographs and videos have been received by KCC Highways on existing lorries/HGVs however, KCC consider that this does not necessarily reflect the proposed used and state that it is material to remember that the actual workshop area proposed is only 55 sqm.
- 3.48 In addition, the agent has confirmed in relation to deliveries, the business activities primarily involve office operations with occasional deliveries of office supplies. There would be no significant manufacturing or industrial activities involving large scale deliveries. It has also been confirmed within this submission that the applicant will not

engage in manufacturing activities on site, nor do they have any intention to do so in future and members are reminded of the suggested conditions relating to the use.

- 3.49 It is therefore considered subject to conditions that the access and parking proposals comply with Core Strategy Policies CP1, CP2, CP25, Managing Development and the Environment DPD Policy SQ8 and the NPPF.

Assessment on Neighbour Amenity

- 3.50 Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 outlines that development by virtue of its design which would be detrimental to amenity will not be permitted. Policy CP1 of the Core Strategy also requires proposals to have regard to impacts on residential amenity.
- 3.51 Paragraph 135 (f) of the NPPF states 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.
- 3.52 Third party comments have raised concerns in regard to noise and disturbance created by the use and comments raised in general that the use is not suitable for the area.
- 3.53 As set out in paragraph 3.13 above, criterion g) of Use Class E specifically relates to uses which can be carried out in any residential area without causing detriment to the amenity of the area and conditions already suggested will ensure that the use remains within Use Class E(g).
- 3.54 Therefore, in regard to the use of the building subject to conditions, it is not considered that the use would be detrimental to the amenities of neighbouring properties. In addition to those conditions suggest regarding the Use, the Council's standard informative would also be added which sets out working hours during the construction period.
- 3.55 In regard to overlooking, there are no windows proposed at first floor level in the western side elevation (adjacent to Rose Cottage). The first-floor window in the eastern elevation serves a rest area/break out area for the office use. This window faces towards a large, tall outbuilding located within the curtilage of The Barn. It is acknowledge that this building does comprise a self-contained dwelling at first floor level, however, as confirmed by the committee site visit the proposed building would not afford any view over this dwelling and specifically over the balcony of that self-contained dwelling as the balcony is further to the rear than the proposed building coupled with existing vegetation along that boundary. Moreover, it is also important to acknowledge that the existing building already has a window in the eastern elevation as such the proposal would not create any unacceptable overlooking.

- 3.56 The windows facing towards the front and rear of the proposed building would also not create any unacceptable overlooking as they do not face any residential amenity area for the dwellings in the immediate area. Officers' are therefore satisfied that the proposal would not harm the amenities of neighbouring properties in relation to overlooking.
- 3.57 In regard to overbearing, it is acknowledged that the building would see an increase in height from that currently on site, and as a consequence, the proposed building would be taller than the adjacent dwelling known as Rose Cottage. However, the principle of a taller building on this site and in a similar location, including distances from boundaries, has already been established by the grant of permission in 2023 for the dwelling (23/00397/FL). In fact, it is material to note that the proposed building would actually be slightly lower (0.5m) in height than that established under the 2023 permission.
- 3.58 Therefore, to conclude on neighbour amenity, Officers are satisfied the proposal would not harm neighbour amenity subject to conditions and as such accords with Policy CP24 TMBCS and the aims of the NPPF.

Assessment on Heritage Assets.

- 3.59 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.60 Chapter 16 of the NPPF relates specifically to conserving and enhancing the historic environment. It requires applicants to describe the significance of any heritage assets affected, and LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal. The section clearly sets out what LPAs should take account of in decision making and that any potential impact is considered in relation to the significance of the heritage asset potentially affected.
- 3.61 There are listed buildings located to the North, North East and South West of the application site and these were originally associated with the former Great Lunsford Farmstead.
- 3.62 When undertaking an assessment of the proposal on the heritage assets, the extant permission for the erection of the dwelling is a material consideration and in officers' opinion, the starting point.
- 3.63 When undertaking the assessment on the previous application, it was noted that not all the existing/remaining farmstead buildings in connection with the Great Lunsford Farmstead are listed and moreover it was noted that there have been a series of conversions and later new builds, which included the existing building (subject of this application). It was concluded that this has altered the overall setting of the original

farmstead which led to the view that there have been successive curtilage redefinitions and severances that no longer reflect the original pattern.

3.64 In this regard the proposed application would concur with this assessment.

3.65 In addition, the location of the extant dwelling and its separation distances between the application site and the listed buildings were considered sufficient to ensure the proposed dwelling would not affect the settings of these listed buildings in particular The Barn which is adjacent to the eastern elevation.

3.66 Whilst the workshop building is comparable in size, height, length, separation distances and general quantum of development it is acknowledged that the proposal is materially different in its intended use to the approved scheme.

3.67 With this in mind two specific questions were directed to the Conservation Officer, these were:

Firstly, in view of the previous comments, would you agree that there would be no more harm to the setting of the listed buildings when looking just at the 'visual' of what is proposed compared to what has been approved? The height of the workshop building would be less than approved, similar in length but greater in depth.

My second question is – do you think the 'use' would have any impact on the listed buildings.

3.68 In response to the first question, the Conservation Officer agrees that there would be no more harm to the setting of the listed buildings when looking just at the 'visual' of what is proposed compared to what has been approved.

3.69 However, the Conservation Officer, as outlined in the statutory consultation response above, advised that the separation distances between the buildings should not be relied upon as a primary justification for the proposal's acceptability, as those distances are not considered to be particularly generous. It is acknowledged that some third-party representations may have misinterpreted this comment. For clarity, the Conservation Officer did not raise an objection to the proposal on the basis of separation distances, but rather observed that the spatial relationship between buildings—both in the existing and proposed arrangements, as well as the extant scheme—is relatively constrained.

3.70 Furthermore, in regard to separation distances, the proposed building would be some 3.8 metres from the eastern boundary which is not materially different to the extant permission which was 3.9 metres from that boundary. Moreover, it is important to also note that the 6 metre x 10 metre detached garage (with a pitched roof height of 6 metres) which was around 1 metre from the eastern boundary, would under the proposed scheme see this building removed and a slightly smaller garage building located to the rear western side of the site, further away from the listed building.

- 3.71 With regard to the second question, the Conservation Officer is of the opinion that the use proposed would be in line with both historic and recent use so would confirm that this is very unlikely to affect the setting of the adjacent listed buildings.
- 3.72 Therefore, with this in mind Officers' are of the opinion that the proposed scheme would have less impact on the adjacent listed building than that granted under the extant permission which notably was considered acceptable in regard to the setting of the listed buildings.

Assessment on Flooding

- 3.73 Paragraph 176 (NPPF) states that applications for some minor development and changes of use, should not be subject to the sequential test, nor the exception test. but should still meet the requirements for site specific flood risk assessments as set out in footnote 63.
- 3.74 Paragraph 181 (NPPF) states that "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan".
- 3.75 Policy CP10 states, "within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development".
- 3.76 The site is located in flood zone 2 and 3, and whilst it is acknowledged that no FRA has been submitted with this application, as with the heritage assessment regard needs to be given to the extant permission for the erection of a dwelling.
- 3.77 In relation to the extant permission, a FRA was submitted, the report by Herrington's dated January 2023 covered, climate change; definition of flood hazard; probability and consequent of flooding; offsite impacts and other considerations; flood mitigation

measures; the sequential test and exception test; and conclusions and recommendations.

- 3.78 The FRA report for the extant permission concluded that the proposed development is at low risk of flooding from all sources, but the report did note that in extreme weather conditions the access roadway may experience flooding and int that regard the dwelling will provide a safe refuge. This would not be materially different to the proposed development. In addition, the FRA report noted that the hardstanding area on site will be increasing slightly and as such it was recommended that the use of SuDs is explored where possible.
- 3.79 It is important to note that in response to the FRA and the erection of a dwelling on the site the Environment Agency raised no objection and no conditions were suggested.
- 3.80 Given that the location and quantum of development is comparable with the extant permission, and more significantly that the proposal would not increase the amount of hardstanding from that which was approved under the extant permission, your Officer's are satisfied that the proposal is acceptable in relation to flooding.
- 3.81 It is also noted that there has been no change to the site circumstances since the FRA was undertaken in January 2023 or significant changes to national or local plan policies in terms of flood risk that would result in the FRA reaching a different conclusion. Moreover, it was considered that further consultation or a further FRA report was not required due to the mixed use being a use less vulnerable then residential.

Biodiversity

- 3.82 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 of the MDE DPD also states development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.
- 3.83 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 193 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for,

then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.

- 3.84 In regard to biodiversity, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain.
- 3.85 The application is accompanied by a BNG report and the required metric calculations have been submitted together with a preliminary ecological appraisal.
- 3.86 KCC Ecology advice service has reviewed the information submitted and advise that sufficient ecological information has been provided in the preliminary ecological appraisal (KB Ecology). The biodiversity net gain (BNG) requirements have been met with a BNG metric, assessment report and a net increase of 32.69% habitat units and 34.94% hedgerow units, meeting the 10% net gain requirements.
- 3.87 Biodiversity Gain Plans are not required to be submitted with the application and are required to be produced under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) therefore an informative will be imposed to bring to the attention of the applicant that a biodiversity gain plan along with supporting information is required to be submitted once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.
- 3.88 It is noted that the existing building has evidence of bird nests, and the surrounding vegetation could support breeding birds. The PEA suggests mitigation of conducting works outside the breeding bird season and or a survey to confirm the absence of nesting birds, with nest boxes erected as part of the development for mitigation of lost roosting spaces.
- 3.89 KCC Ecology agree with the proposals and a precautionary works statement and sensitive lighting strategy is required and a condition is suggested in this regard. It is also understood that the trees, hedgerow and vegetation will be minimally impacted by works. However, that which is to be retained should be protected during construction (including site clearance). This will ensure it is protected and any protected species (e.g. breeding birds) making use of it are also protected. Therefore, to protect from adverse impacts to protected species during clearance and construction we recommend a precautionary work statement is a condition.
- 3.90 In addition, in regard to enhancements we advise that an enhancement plan is provided that includes the actions proposed in the PEA, (KB Ecology, May 23), and the ownership and responsibilities for future management. This would also be secured via a condition.

Other Matters

- 3.91 Whilst the Council's Environmental Health Officer has raised no objection in relation to contamination, it is noted that contamination was considered on the extant scheme

and for which several conditions were imposed. The delegated report for the extant scheme states “that according to historic maps the site has gone through several stages of development which may have resulted in a layer of made ground of unknown composition”. It was also noted that “the current use of the site is described as a garage/workshop, which could include sources of contamination such as from the storage of fuels, machinery, etc”. as a consequence, contamination conditions were imposed, these conditions are suggested to be imposed should planning permission be granted.

- 3.92 The site for the proposed works lies in an area of potential associated with early prehistoric activity, as with the extant permission a condition in relation to archaeology is suggested.
- 3.93 It is noted that third party comments reference other applications for similar schemes such as in Heron Road in Larkfield, these applications have been viewed but your officers’ do not consider that they are comparable and as members are aware each application must be assessed on its own merits.
- 3.94 Third party comment has also raised concerns with regard to a potential fire risk being next to wooden buildings and storing machinery and flammable building goods in it. It is not considered that there is any material difference between the existing building and its use then that proposed. Moreover, as a commercial building there will be stricter controls on such matters. Fire safety is a matter regulated by the Building Regulations, which fall outside the remit of the development management process. Compliance with the fire safety requirements would be achieved through building regulation approval.
- 3.95 Comments have been raised that there are plenty of industrial areas nearby so the need to erect a random building in this location is not necessary. As set out above the use of the building fall within Use Class E(g) is a use that is considered compatible in a residential area.
- 3.96 Comments on existing activities and the stationing of a container on the site are not matters that are for consideration when determining this application.
- 3.97 A comment was also raised over the need for an actual garage building. The Council and KCC highway authority raise no objection of the use of a garage style building to provide parking. A garage of more domestic appearance would in fact harmonise with the area and its use also serves to accommodate storage in connection with the maintenance of the building and the land.

4. Recommendation: Approved Subject to the following conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan – Drawing No. 0247-001
- Existing Site Plan – Drawing No. 0247_X010
- Existing elevations – Drawing No. 0247_X200
- Existing Ground Floor Plan and Mezzanine Drawing No. 0247_X100
- Existing Sections Drawing No. 0247_300
- Existing side elevations Drawing No. 0247_X201
- Proposed Site Plan – Drawing No 0247_P010
- Proposed First Floor Plan – Drawing No. 0247-P101
- Proposed Ground Floor Plan - Drawing No. 0247_P100
- Proposed Front and Rear Elevations - Drawing No. 0247_P200
- Proposed Side Elevations - Drawing No.0247_P201
- Proposed Roof Plan - Drawing No.0247_P102
- Proposed Sections – Drawing No. 0247_P202
- Proposed Sections & Garage Elevations - Drawing No. 0247_P203
- Preliminary Ecological Appraisal by KB Ecology dated 26 May 2024 Ref No. 2023/05/01
- Biodiversity Net Gain Report by KB Ecology dated 14 June 2024 Ref No. 2023/05/01b
- Biodiversity Net Gain Statement received 12 June 2024
- On site habitats plan existing – Drawing No. 0247_X010

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

3. No 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.

Use conditions

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development or change of use (outside of flexible Class E(g)) shall be carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the character and amenities and highway safety.

Ecology conditions

5. Prior to the occupation of the building, a lighting plan for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following:

- Plan showing location of any external lighting
- Downward facing
- On a motion sensor (where possible)
- Follow the recommendations within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'

The plan must be implemented as approved.

Reason: In the interests of protecting and enhancing wildlife species

6. From commencement of works (including site clearance), to avoid impacts to protected and priority species, the following precautionary mitigation should be implemented:

- 1) The hedgerow and trees to be retained, including their roots, will be protected from damage;
- 2) All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding areas and raised off the ground, e.g. on pallets.
- 3) Any work to vegetation/structures that may provide suitable bird nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If within the breeding bird season a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works.
- 4) If at any time a protected species is discovered within the works area all works must stop while a suitably qualified ecologist and/or Natural England are consulted.

Works will not resume until any required surveys and/or mitigation are completed.

Reason: In the interests of protecting and enhancing wildlife species

7. Within 3 months of works commencing within the site an ecological enhancement plan must be submitted. It must demonstrate that durable ecological enhancement features will be incorporated into the buildings and site to benefit biodiversity. The plan must be implemented as approved.

Reason: To protect habitats and species identified in the ecological surveys.

Highways

- 8 The building hereby permitted shall not be occupied, until the areas shown on the submitted layout as loading/unloading and turning facilities has been provided. 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 the loading/unloading and turning facilities

Reason: In the interest of highway safety.

- 9 The building hereby permitted shall not be occupied, until the areas shown on the submitted layout as vehicle parking including garages and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking 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, maintained, and retained.

- 10 No development hereby permitted shall commence unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include 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) Arrangements for environmental management control of all demolition and construction works;
- (f) Hours of operation.

The Construction Management Plan shall thereafter be implemented in accordance with the approved details throughout the course of construction.

Reason: In the interest of highway safety and to safeguard the amenities and interests of the occupants of other property in this residential area.

Contamination

11. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:
- (a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;
 - (b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken. If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross referenced in the submission of the details pursuant to this condition.

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

12. 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.

13. 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.

Drainage

14. No above ground development except demolition or site survey work, shall take place until full details of the means of foul surface water disposal have been submitted to and approved by the Local Planning Authority. Connection to the Public Sewer should be the first considered method of sewage disposal, however if the intention is not to connect to mains drainage the submitted details must demonstrate why this is not practicable and provide full details of the size, location and maintenance regimes of any treatment system.

Reason: In the interests of public health.

Archaeology

15. If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary

for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Climate change

16. Prior to the occupation of the building the solar panels and air source technology to be provided as shown on drawing No. 0247_P200 (Front and Rear Elevations) shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

Informatives

1. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such 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. It is therefore recommended that no bonfires are lit on the site.
3. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
 - (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.
 - (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
 - (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the

consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

Contact: Susan Field

East Malling And Larkfield
Larkfield

TM/24/00769/PA

Location: Land & Building East of Rose Cottage, 440 Lunsford Lane, Larkfield
Aylesford

Proposal: Demolition of existing workshop and office space and replacement with new mixed use office and workshop space (Class E) and detached garage to rear.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing workshop and office building and the erection of a replacement building comprising of mixed use office and workshop space (Use Class E) together with a detached garage/store to the rear.
- 1.2 The replacement building would be 14m wide x 12m deep and 6.5m high at its highest point. (The footing for the existing workshop building on the site is 15.5m x 14m x 5.5m)
- 1.3 The main entrance into the site remains unchanged for vehicles and pedestrians. The office has the main entrance to the front, and the workshop element has an entrance at the rear and side of the building.
- 1.4 The building proposes to incorporate three elements:
 - A self-contained workshop, on the ground floor at the rear (Use class E formerly B2) comprising a GIA 55 sqm
 - Office space spilt over two levels, ground floor to the east and throughout the first floor /roof comprising a combined GIA of 168 sqm
 - Separate Garage at rear providing covered parking for 2 vehicles and some storage for grounds keeping. (GIA 12 sqm).

2. Reason for reporting to Committee:

- 2.1 This application is referred to Committee by Councillor David Thornewell on the grounds of neighbour amenity and highway issues.

3. The Site:

- 3.1 The site comprises of an existing building located on the south eastern side of Lunsford Lane to the rear of May Cottage and Rose Cottage. Lunsford Lane is a double width road for the first 90 metres (when accessed from Leybourne Way) changing to a single track road with double yellow lines for the remaining length. Access is not permitted from the Malling Road end. Lunsford Lane is sign posted at the entrance as “unsuitable for heavy goods vehicles”. Access to the site is via an existing access from Lunsford Lane, which serves the application site and two residential dwellings.
- 3.2 In policy terms, the site is located beyond the settlement confines of Larkfield within the Countryside. The site lies partly within Flood Zones 1, 2 and 3. The site lies within an area of archaeological potential and there are listed buildings to the North (Great Lunsford Farm), North East (The Barn & The Byre) and South West (Little Lunsford Farm).

4. Planning History (relevant):

23/01819/RD - Approved - 07 December 2023

Details of Conditions 3 (ecology), 4-6 (contamination), 7 (materials), 8 (slab level), 9 (foul surface water disposal), 10 (landscaping and boundary treatment) and 11 (vehicle parking and turning) submitted pursuant to planning permission TM/23/00397/FL (Demolition of existing garage/workshop/barn building. Erection of a 4 bedroom detached Chalet house with detached double garage)

23/00397/FL - Approved - 21 April 2023

Demolition of existing garage/workshop/barn building. Erection of a 4 bedroom detached Chalet house with detached double garage

00/01265/FL - Grant With Conditions - 25 August 2000

Change of use from farm machinery store to two bedroom dwelling (Resubmission of application TM/99/01183/FL).

5. Consultees:

5.1 *East Malling and Larkfield Parish Council:*

First response received 26 June 2024: - Permission had been given to demolish existing workshop and replacement with a dwelling. Is this application intended to replace this? If consent is given the existing consent should be cancelled or it be clear the permissions are alternatives.

The Parish Council has no objection in principle on the basis it is linked to No.440 Lunsford Lane.

The whole group of buildings retains its appearance as a former farm complex, with some Grade II Listed and it is suggested given the buildings relationships that

permitted development rights are removed so changes cannot take place without specific consent.

Second Response received 9 October 2024 (with photographs): - The Parish Council wishes to question the letter from KCC Highways dated 10th September 2024 which it considers has not properly taken into account the location of the proposal.

Paragraph 2 says it "raises no objection subject to the following conditions". The next two paragraphs however seem to be duplicates of the same condition about turning facilities and loading and unloading. It is assumed just this one condition is being sought?

More importantly we question if account has been taken of the status of this section of Lunsford Lane north of Leybourne which still retains its narrow rural lane status which is used by users of the country park. Two photos are attached showing section of the lane including the section by the Snodland stream.

At the northern end is the layby with lorry parking and to prevent lorries turning into the lane as KCC agreed it was unsuitable a No Entry Order was made by them on that basis as shown by the sign on the third photograph.

In addition, subsequently KCC erected the blue sign at the Leybourne Way end as shown on the fourth attached photo which records it is "Unsuitable for heavy goods vehicles". The County Council must have considered the sign was justified prior to its erection.

The Parish Council is already aware of a T.I.R. Lorry visiting the site and funding the single access by the two houses too narrow and having difficulty leaving by backing into the rural lane. It is not possible for large vehicles to turn within the site

Third response 14 October 2024: - We wish to clarify our recent comments arising from the KCC response as Highway Authority.

We realise the KCC wording of the conditions suggested cover firstly provision for loading/unloading on site as well as turning facilities and secondly parking spaces. It would seem there is proposed to be 8 people working in the offices and 3 in the new workshop. This seems a lot of potential vehicles for a small site.

More of concern is that we do not think if HGVs visit the site and drive in they cannot turn within it. They would have to reverse out onto the narrow rural lane, possibly with warning reversing noise, and the lane is very narrow as well as being used by walkers and cyclists.

The Statement in support indicates access to the site is envisaged to be in and out via the junction with Leybourne Way. The entrance is not that wide and the entrance passes by the two existing dwellings. If vehicles were to go out to the A228 the section by the stream is one vehicle wide with a sharp turn over the bridge across the

stream. It is questioned if the bridge is structurally suitable and this section of road can be flooded from the stream.

5.2 *Environmental Health Protection:*

Contaminated land : No comment.

Nuisance: - The Class E use covers a range of uses within the proposed unit. The range of potential uses would lead to a variety of potential disturbances, according to the work being carried out. These could include noise, odour and light amongst other matters. Therefore, it would be difficult to require a scheme to cover all potential uses within the class use. Would it be possible to require that the occupying user carries out an impact assessment of the proposed use and then to carry out insulation/attenuation works as appropriate? The important factor here is that it would need to be an on-going condition such that if an occupier vacated the unit, the incoming occupier would then need to carry out an impact assessment relevant to his/her business. If this is not possible, please contact me to discuss. If it is possible, the following condition may be appropriate:

"No development approved by this permission shall be commenced prior to attenuation measures being identified by the developer/applicant, submitted to and approved by the Local Planning Authority. In determining any noise impact, regard shall be given to relevant standards such as the current BS4142. Further information on compliance with this condition should be sought from the Local Planning Authority."

At any time when the nature of the work/business within the unit changes, the incoming tenant/occupier shall carry out an impact assessment of their proposed use and provide adequate insulation/attenuation work following discussion and agreement with the Local Planning Authority prior to the proposed occupation. In determining noise impact, regard shall be given to relevant standards such as the current BS4142. Use of the unit shall not commence until the noise insulation/attenuation works have been carried out to the satisfaction of the Local Planning Authority."

Informatives.

During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

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. It is therefore recommended that no bonfires are lit on the site

- 5.3 *KCC Ecological Advice Service*: - We have reviewed the information submitted by the applicant for demolition of existing workshop and office and replacement with a new mixed-use office/workshop space and detached garage to rear. We advise that sufficient ecological information has been provided in the preliminary ecological appraisal (KB Ecology). The biodiversity net gain (BNG) requirements have been met with a BNG metric, assessment report and a net increase of 32.69% habitat units and 34.94% hedgerow units, meeting the 10% net gain requirements.

The existing workshop structure has evidence of bird nests, and the surrounding vegetation could support breeding birds. The PEA suggests mitigation of conducting works outside the breeding bird season and or a survey to confirm the absence of nesting birds, with nest boxes erected as part of the development for mitigation of lost roosting spaces.

We agree with the proposals and a precautionary works statement and sensitive lighting strategy is required and a condition is suggested. We understand that the trees, hedgerow and vegetation will be minimally impacted by works. That to be retained should be protected during construction (including site clearance). This will ensure it is protected and any protected species (e.g. breeding birds) making use of it are also protected. Therefore, to protect from adverse impacts to protected species during clearance and construction we recommend a precautionary work statement is a condition.

In addition, in regard to enhancements we advise that an enhancement plan is provided that includes the actions proposed in the PEA, KB Ecology, May 23, and the ownership and responsibilities for future management. This would be secured via a condition.

- 5.4 *External Conservation/Heritage Consultant*: - With regard to your first question; I would agree that there is no harm to the setting of the adjacent listed buildings but personally I would remove the separation distances as a reason for acceptability as the separation is not really that great and a less industrial building might well have an impact over that distance, otherwise I would agree with the assessment.

With regard to your second question, Given the site was a farmstead historically and given the building in question was a workshop, even if ad hoc, the use proposed would be in line with both historic and recent use so would confirm that this is very unlikely to affect the setting of the adjacent listed buildings.

- 5.5 *KCC Highways*: - Response received 10 September 2024

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority subject to the following conditions:

Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

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.

It is important to note that Local Planning Authority (LPA) 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 LPA planning permission has been granted.

KCC Highways also confirmed that KCC Highways are fully aware of the existing restrictions (including the signage pointed out by the PC) on Lunsford Lane and duly considered them in making a recommendation of no objection. Moreover, although no quantitative assessment of the likelihood of this occurring in practice has been completed as part of the planning application via a Transport Statement (TS), the development represents a small increase in floor area (25 square meters) when compared to its existing use. As such we could not reasonably require the applicant to provide a TS because it does not exceed the threshold for one.

Additionally, even if the sites current use is discounted, the development is still clearly modest in scale (220 square meters). Whilst I note that various objectors question the classification of the existing use as a workshop; however, regardless of if considered as a workshop or agricultural barn, both would generate movements by larger vehicles. In my opinion it is equally valid for officers to make their own assessment based upon their local knowledge of the area, as well as their professional expertise, which is what has happened in this instance.

It is also worth noting that whilst the various objections assert that the development would attract HGV movements, this is unsubstantiated. Review of the applicant's plans confirm that the workshop area itself is small, with a limited amount of additional office space also proposed. This supports the conclusion that the development would more likely be occupied by a small business that would not require the use of HGV's, instead utilising smaller vehicles such as panel vans, for which there is adequate on-site turning provision.

- 5.6 *Third party Representations:* - Approximately 80 objections have been received (those sent from multiple addresses count as one objection). In addition, photographs and a video have also been received.
- 5.7 Whilst comments have been summarised for the purpose of this report, all comments have been reviewed in full. Comments below have been summarised into categories for ease and these categories follow through and align within the assessment of the application. The aligning headings, where those comments have been taking into account, are note next to the category headings for further clarification. Moreover, whilst not every comment has been referred to individually in the respective assessments for the application, all comments have been considered.

Character and Appearance (Assessment on Character and Appearance/Highway and Parking)

- Totally out of character for the area and will be dangerous for all the users of Leybourne lakes who access the country park by this country lane.
- Loads of people use this lane to go to the lakes so it will probably become a dirt track with all the comings and goings, especially through the Winter. As it is all open at the moment and not built up it will become an eyesore and with parking spaces for all those vehicles, if completed, it will become very dangerous for everybody who uses this country lane. It is very out of character for this area and is totally not needed here.
- The development will be more than just replacing an old workshop with a new one because of the increased movement of vehicles which is being generated. This is not just incidental to the main purpose of the business, so there will be a material change in use leading to a notable change in the character of the site and the area.

Highways (Highways and Parking)

- The lane is very busy everyday with people walking and cycling to the lake and all the clubs and dog walking there. There are no pavements in this road and it is one way at the end because it is so narrow. Allowing this much extra traffic is an accident waiting to happen
- This area is a small dead end country lane and is not suitable for industrial units and the traffic, etc that this will cause.
- Additional vehicle movement 24/7 will greatly impact on local residents and the surrounding area with increased carbon footprint, air pollution, noise nuisance and light pollution - all of which will greatly decrease the localised biodiversity value in the adjacent Leybourne Lakes Country Park as well as lower price values of surrounding properties
- The Lane is already marked as not suitable for heavy goods vehicles.
- The driveway they are proposing to use is a residential driveway shared with 2 other properties, that fact seems to have been completely missed off the application.
- Single track lane not suitable for commercial and business traffic.
- The change of use to industrial is not acceptable along this quiet, narrow residential area of Lunsford Lane. Frequented by dog walkers, cyclists and families with young children it puts them at risk of injury with increased traffic.

Heritage assets. (Assessment of Heritage Assets/Assessment on Residential Amenity)

- It is much higher than Rose cottage so blocks out the view of another grade 2 listed barn
- The application is not accompanied by a Heritage Statement describing the significance of these. It is therefore not possible to understand the effect of development on heritage assets and it is not demonstrated that the design has been informed by heritage under-standing.

Noise (Residential amenity)

- It is noisy now when they throw things in the skip and have machines. Their vans are too big and will run into people and my car because the road is small.
- The current application introduces an uncontrolled use class E commercial use which would permit use of the site as offices, workshops, light manufacturing, car servicing garage, gymnasium, indoor sport and recreation, nursery, vets, shop, café, restaurant etc. This range of uses are likely to cause significant noise disturbance.
- A Noise Impact Assessment must be provided so that impact to neighbouring homes and living conditions can be accurately assessed and understood.
- The noise produced throughout the working day would be invasive and impact both on the neighbours and the many visitors to the adjacent Leybourne Lakes Country Park.

Previous use (Clarification of Use)

- The application says it was offices and workshops before. That's not true. It was mainly an empty garage owned by Rose Cottage for storage of their own things. The owner must be close to her 90's so it definitely was not a workshop!
- My mother-in-law has lived in the area all her life and said it has only ever been used by the previous owners for their own personal use and garaging and storage(for circa 90 years!) just like anyone else's shed/garage.
- The proposed site has not ever been used as commercial, industrial or offices.

Flooding (Assessment of Flooding)

- The application refers to a Flood Risk Assessment submitted with a previous application. However, this has not been provided with the current application and irrespectively relates to a different land use and building than currently proposed.

Contamination (Other Matters)

- With the 'existing workshop 'use, there is potential for history of industrial processes, use of chemicals, solvents, fuels, oils etc. and other contaminative uses. The site is therefore potentially contaminated land.

Other matters (Other matters)

- It is also a fire risk being next to wooden buildings and storing machinery and flammable building goods in it
- There are plenty of industrial areas nearby so the need to erect a random building in such a beautiful setting is saddening and if this goes ahead there will no doubt be more similar applications.
- They are already using the site commercially before receiving proper planning permission. Industrial waste and equipment, it has been admitted, is already being stored on the site in addition to a large container.
- A container has been brought and placed on the site, and it appears machinery placed and operating in the existing building, this has caused noise.
- I do not understand the need for actual garage buildings in the existing garden if the development is only supposed to be for offices and workshop?

6. Determining Issues:

Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework ("NPPF Dec 2024") and the associated National Planning Practice Guidance ("NPPG") are also important material considerations together with Kent Design Guide and Kent County Council's Parking Standards (January 2025).

Clarification of Use

- 6.4 Third-party comments have raised concerns regarding the previous use of the building, stating that the building has never been used as commercial, industrial or

offices and was mainly an ancillary garage owned by Rose Cottage for storage of their own things.

- 6.5 It is not disputed that the building originally formed part of Rose Cottage and moreover that the building originated as an ancillary building to Rose Cottage. However, whilst the workshop building may have once been within the ownership of Rose Cottage, the building is now a stand-alone building not within the residential curtilage of any property.
- 6.6 As part of the application process a site visit has been undertaken. This included an internal inspection of the existing building. The internal layout of the existing building comprises, on the ground floor, a large workshop area complete with an inspection pit, which allows for a vehicle to be serviced from beneath, together with a separate WC and the remnants of a kitchenette area.
- 6.7 Within the main workshop area there are two separate mezzanine areas, both accessed independently, one used for storage, the other as an office, complete with a window from which the workshop below could be viewed. Pinned to the office wall was historic paperwork including two old indemnity insurance certificates.
- 6.8 Whilst it is accepted that there is some ambiguity concerning the historical use of the building. Based on the site visit findings, it is officers' opinion that the building has been used as a workshop on a commercial basis, albeit it is acknowledged that this could have been very low key and/or on an ad hoc basis. Notwithstanding this the permission is sought for a new Class E(g) building, full consideration to this will be fully explored in the assessment below.
- 6.9 Based on the above, it is considered that the nature of the historical use goes beyond what could reasonably be described as ancillary or incidental to the enjoyment of a dwelling house.
- 6.10 It is also important to note that whether the view is formed that the use of the building is ancillary outbuilding, or a commercial workshop, that the existing site comprises 'previously developed land' (PDL) when having regard to the definition contained within the NPPF as set out below:

"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that

was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.

Principle of Development

- 6.11 The site lies in the countryside, to the north of Larkfield. The countryside is defined as the part of the Borough lying outside the confines of the urban areas identified in Policy CP11 and the rural settlements identified under Policies CP12 and CP13.
- 6.12 The concept of sustainability argues in favour of concentrating most development in or adjoining existing built-up areas. However, there can be cases where some development and diversification of use in the countryside can be beneficial and sustainable. Where development in the countryside is justified, the preference will be for the re-use or redevelopment of existing buildings.
- 6.13 NPPF paragraph 88a) relates to supporting a prosperous rural economy, this notes planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed, new buildings.
- 6.14 Policy DC2 MDE DPD focuses specifically on the replacement of rural buildings. Paragraph 7.3.3 encourages the replacement or reuse of existing buildings in rural areas for ‘economic development purposes’ it states:
- ‘The Council will consider any proposals for the replacement of suitably located existing buildings of permanent design and construction in the open countryside for economic development purposes. Replacement of buildings will be favoured where this would result in a more acceptable and sustainable form of development than would be achieved by the conversion of existing buildings and bring about an environmental improvement in terms of the impact of the development and its surroundings’.*
- 6.15 Policy DC2 therefore supports the principle of the application, subject to the design and other policy considerations.
- 6.16 Moreover, as already confirmed the site comprises previously developed land (PDL). Utilising PDL for new development aligns with the Governments objectives and is acceptable in principle.
- 6.17 In addition, the principle of demolishing and replacing the existing building has been established with the grant of permission in 2023 for the demolition of the existing garage/workshop/barn building and the erection of a 4 bedroom detached house with detached double garage (23/00397/FL). This permission also establishes an increase in maximum height from 5.5m (existing) to 7m (dwelling).

Assessment of Use Class E

- 6.18 The application seeks planning permission for a mixed-use development comprising an office and a workshop, both falling under Class E of the Town and Country Planning (Use Classes) Order 1987.
- 6.19 As members are aware the Town and Country Planning (Use Classes) Order 1987 places the uses of land and buildings into various categories known as Use Classes. Under the Use Classes Order, buildings/sites can potentially change how they are used without requiring planning permission, so long as it stays in the same Use Class or moves to another Use Class that falls within the permitted change.
- 6.20 Use Class E, covers a wide range of uses, relating to commercial, business and services. Criterion a to f (excluding g) covers uses, or part uses, for the following purposes:
- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
 - b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
 - c) for the provision of the following kinds of services principally to visiting members of the public—*
 - i) financial services,*
 - ii) professional services (other than health or medical services), or*
 - iii) any other services which it is appropriate to provide in a commercial, business or service locality,*
 - d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*
 - e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*
 - f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*
- 6.21 It is clear that those uses listed above could have the potential to lead to a variety of potential disturbances for the amenities of the neighbouring properties and moreover some of those uses would be out of character and not compatible for the area.
- 6.22 However, criterion g) of Use Class E specifically relates to uses which can be carried out in any residential area without causing detriment to the amenity of the area (my emphasis added). Criterion g) allows for:

i) *Offices to carry out any operational or administrative functions*

ii) *the research and development of products or processes or*

iii) *any industrial process.*

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

6.23 A condition will therefore be imposed that would restrict the use of the building to that which would fall specially within Class E criterion g) and for no other purposes. For iii) this would mean that any industrial process undertaken in the workshop would be acceptable in a residential area and not cause, unacceptable levels of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. It is also worth remembering that the workshop element comprises only 55 sqm so its use is constrained by its size in any event.

6.24 If members are minded to approve, a condition would be imposed for the use of the building to specifically fall within Class E g) moreover, the wording of the condition would also restrict any permitted change within the Use Class Order.

6.25 It is also important to note that whether members reach a different view on the existing use of the building and consider that the use was never commercial. The use proposed under criterion g) Class E is an acceptable use within a residential area and a previous commercial use is not required to justify the proposal in this regard. It should also be noted that this proposal would not involve the loss of a residential unit.

6.26 Therefore, subject to conditions, no objection is raised in regard to the Use of the building.

Assessment on Character and Appearance

6.27 Paragraph 135 of the NPPF sets out that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces,

building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public spaces) and distinctive places to live, work and visit; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.28 Development of poor design that fails to reflect local design policies and government guidance on design should be refused as set out in paragraph 139 of the NPPF.

6.29 Policy CP1 of the TMBCS states that all proposals for new development must result in a high-quality sustainable environment. This is expanded upon in sub-paragraph 6.1.5 and includes matters such as making efficient use of land and making a positive contribution to local distinctiveness, character, townscape and the setting of settlements.

6.30 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. In addition, policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments

6.31 The design is for a chalet style building with office space to the ground floor and in the roof space. The replacement building would be smaller in size in terms of its overall footprint when compared to the existing workshop to be removed, albeit it is acknowledged that the replacement building would be approximately 1 metre taller than the existing. However, it is also material to note that the proposed building would be 0.5 metres lower than the extant permission for the dwelling, which also saw an increase in footprint as well as height. The ridge of the proposed building matches the height of the adjoining neighbour to the east with a pitched roof and gable end to the north.

6.32 The design of the proposed building takes a contemporary approach which responds to the type of materials that can be seen locally, utilising timber cladding and brick work that would appear appropriate to its context. A standing seam roof has been employed in the design in order to respond to the historical function of the existing workshop building.

- 6.33 The proposed building is in line with the adjacent building to the east and west, it maintains a clear separation from the perimeter of the site on all sides; the building to the boundary is 1.5m on the west side, 3.8m on the east side, 11.6m to the north side and 18m to the south of the site. This is comparable to the existing building.
- 6.34 The proposed development also relocates the garage approved under the extant scheme for the dwelling, which saw the garage building located forward of the front building line in favour of placing this to the rear.
- 6.35 Whilst third party comments have raised concerns with regard to the harm to the character and appearance of the area, these concerns relate more to the use of the building and more specifically in relation to the increase in traffic and not in relation to the character and appearance of the building itself.
- 6.36 The proposal also includes renewable features in the interests of promoting sustainable design in accordance with policy DC2. The design employs the use of both PV solar panelling and air source technology these should permission be forthcoming would be secured by condition.
- 6.37 Concluding on character and appearance, it is considered that the proposal would result in a well design scheme, that would fit in with the overall form and layout of its surroundings, in compliance with paragraph 135 (NPPF), Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 Managing Development and the Environment Development Plan.

Highways and Parking

- 6.38 Paragraph 115 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.39 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.
- 6.40 Turning first to the parking provision, the submitted drawings show 12 parking space are proposed in total, 9 spaces will be provided for the office element, 4 of these are located to the front and 5 located to the rear. 3 spaces will be provided for the workshop element, and these are incorporated within the building itself.
- 6.41 Of the 12 spaces, 2 will be designated accessible parking spaces and 1 space will be of sufficient size to qualify as an accessible space, but this will not be specified.

-
- 6.42 Kent County Council has recently published revised parking standards. It sets out that for mixed use developments, the parking provision should first be determined for each constituent land use or building. The scope to reduce overall parking through shared provision between uses should then be discussed with the Local Planning and Highway Authorities.
- 6.43 The building would comprise of a workshop element and an office element. For the workshop element, B2 uses (now Class E) KCC Parking Standards (2024) requires 3 spaces for workshops under 200m². In regard to the office element, 1 space per 20m² is required which equates to 9 spaces (8.5) given a combined parking requirement of 12 spaces.
- 6.44 The proposed site layout drawing also demonstrates sufficient turning space within the site for vehicles to enter and exit in a forward gear.
- 6.45 In addition to vehicle parking the proposal will include cycle storage and parking for 2 motorcycles.
- 6.46 Therefore, in regard to parking provision, the proposal would comply with KCC parking standards (2025) for both vehicle and cycle provisions.
- 6.47 Turning to the access, the site would utilise an existing access. As members are aware as part of the application process statutory consultees are consulted on applications where appropriate and where the thresholds for consultation apply. In this case, the proposal falls under the threshold for consultation with KCC as highway authority, however due to the number of third-party representations received, a decision was taken to consult KCC.
- 6.48 KCC having considered the development proposal and its effect on the highway network, raises 'no objection' subject to conditions relating to the provision and permanent retention of the vehicle loading/unloading and turning facilities and the provision and permanent retention of the vehicle parking spaces and/or garages as shown on the submitted plans prior to the use of the site commencing.
- 6.49 This formal response from KCC prompted further representations and specifically comments in relation to the existing signage at the entrance of Lunsford Lane which notes the road as "unsuitable for heavy goods vehicles".
- 6.50 First, it is important to note that the signage does not prohibit heavy goods vehicles, only indicates that the road, arguably the single storey element, is unsuitable for heavy goods vehicles.
- 6.51 Further clarification was sought from KCC Highway on whether when undertaking their assessment, the existing signage was taken into account. KCC Highways confirmed that they are fully aware of the existing restrictions on Lunsford Lane and duly considered them in making a recommendation of no objection, also noting that whilst it is accepted and self-evident that Lunsford Lane is constrained, it is not

considered that the development would generate significant amounts of traffic, and therefore have an impact on the highway network that could be considered 'severe.'

- 6.52 In addition, KCC noted that the majority of the objections centre around the potential for the development to attract heavy good vehicles. Although no quantitative assessment of the likelihood of this occurring in practice has been completed as part of the planning application via a Transport Statement. KCC have noted these comments and have stated that a development of this size would not be required to provide a Transport Statement because it does not exceed the threshold for one.
- 6.53 Moreover, even if the site's commercial use is discounted, KCC Highway consider the development is still clearly modest in scale. Therefore, whilst it is noted that various objectors question the classification of the existing use as a workshop; regardless of whether the use is considered as a workshop or a barn, both could generate movements by larger vehicles, and this has been noted by KCC Highway.
- 6.54 KCC also noted that many of the third-party representations refer to pre-existing traffic concerns many of which use Lunsford Lane to access the lakes. Comments, photographs and videos have been received by KCC Highways on existing lorries/HGVs however, KCC consider that this does not necessarily reflect the proposed use and state that it is material to remember that the actual workshop area proposed is only 55 sqm.
- 6.55 In addition, the agent has confirmed in relation to deliveries, the business activities primarily involve office operations with occasional deliveries of office supplies. There would be no significant manufacturing or industrial activities involving large scale deliveries. It has also been confirmed within this submission that the applicant will not engage in manufacturing activities on site, nor do they have any intention to do so in future and members are reminded of the suggested conditions relating to the use.
- 6.56 It is therefore considered subject to conditions that the access and parking proposals comply with Core Strategy Policies CP1, CP2, CP25, Managing Development and the Environment DPD Policy SQ8 and the NPPF.

Assessment on Neighbour Amenity

- 6.57 Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 outlines that development by virtue of its design which would be detrimental to amenity will not be permitted. Policy CP1 of the Core Strategy also requires proposals to have regard to impacts on residential amenity.
- 6.58 Paragraph 135 (f) of the NPPF states 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.

- 6.59 Third party comments have raised concerns in regard to noise and disturbance created by the use and comments raised in general that the use is not suitable for the area.
- 6.60 As set out in paragraph 6.23 above, criterion g) of Use Class E specifically relates to uses which can be carried out in any residential area without causing detriment to the amenity of the area. Moreover, paragraph 6.24 confirms that the applicant is in agreement for a condition to be imposed that would restrict the use of the building to that which would fall specially within Class E criterion g) and for no other purposes.
- 6.61 Therefore, in regard to the use of the building subject to conditions, it is not considered that the use would be detrimental to the amenities of neighbouring properties. In addition to those conditions suggest regarding the Use, the Council's standard informative would also be added which sets out the noisy hours of operation.
- 6.62 In regard to overlooking, there are no windows proposed at first floor level in the western side elevation (adjacent to Rose Cottage). The first-floor window in the eastern elevation serves a rest area/break out area for the office use. This window faces towards a large, tall outbuilding located within the curtilage of The Barn and as such would not create any unacceptable overlooking. The windows facing towards the front and rear of the proposed building would also not create any unacceptable overlooking as they do not face any residential amenity area for the dwellings in the immediate area. Officers' are therefore satisfied that the proposal would not harm the amenities of neighbouring properties in relation to overlooking.
- 6.63 In regard to overbearing, it is acknowledged that the building would see an increase in height from that currently on site, and as a consequence, the proposed building would be taller than the adjacent dwelling known as Rose Cottage. However, the principle of a taller building on this site and in a similar location, including distances from boundaries, has already been established by the grant of permission in 2023 for the dwelling (23/00397/FL). In fact, it is material to note that the proposed building would actually be slightly lower (0.5m) in height than that established under the 2023 permission.
- 6.64 Therefore, to conclude on neighbour amenity, officers are satisfied the proposal would not harm neighbour amenity subject to conditions and as such accords with Policy CP24 TMBCS and the aims of the NPPF.

Assessment on Heritage Assets.

- 6.65 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.66 Chapter 16 of the NPPF relates specifically to conserving and enhancing the historic environment. It requires applicants to describe the significance of any heritage assets affected, and LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal. The section clearly sets out what LPAs should take account of in decision making and that any potential impact is considered in relation to the significance of the heritage asset potentially affected.
- 6.67 There are listed buildings located to the North, North East and South West of the application site and these were originally associated with the former Great Lunsford Farmstead.
- 6.68 When undertaking an assessment of the proposal on the heritage assets, the extant permission for the erection of the dwelling is a material consideration and in officers' opinion, the starting point.
- 6.69 When undertaking the assessment on the previous application, it was noted that not all the existing/remaining farmstead buildings in connection with the Great Lunsford Farmstead are listed and moreover it was noted that there have been a series of conversions and later new builds, which included the existing outbuilding/workshop (subject of this application). It was concluded that this has altered the overall setting of the original farmstead which led to the view that there have been successive curtilage redefinitions and severances that no longer reflect the original pattern.
- 6.70 In this regard the proposed application would concur with this assessment.
- 6.71 In addition, the location of the extant dwelling and its separation distances between the application site and the listed buildings were considered sufficient to ensure the proposed dwelling would not affect the settings of these listed buildings in particular The Barn which is adjacent to the eastern elevation.
- 6.72 Whilst the workshop building is comparable in size, height, length, separation distances and general quantum of development it is acknowledged that the proposal is materially different in its intended use to the approved scheme.
- 6.73 With this in mind two specific questions were directed to the Conservation Officer, these were:

Firstly, in view of the previous comments, would you agree that there would be no more harm to the setting of the listed buildings when looking just at the 'visual' of what is proposed compared to what has been approved? The height of the workshop building would be less than approved, similar in length but greater in depth.

My second question is – do you think the 'use' would have any impact on the listed buildings.

- 6.74 In response to the first question, the Conservation Officer agrees that there would be no more harm to the setting of the listed buildings when looking just at the 'visual' of what is proposed compared to what has been approved.
- 6.75 However, the Conservation Officer (as set out in the statutory responses above) also stated that the separation distances as a reason for acceptability should not be used as justification, as the separation distances were not considered great. Unfortunately, it would appear from third party comments that this later comment has been taken out of context. The Conservation Officer is not stating that the proposal is unacceptable because of the separation distances, the Conservation Officer is merely noting that the separation distances between the buildings are not great in the first instance, and this relates to the existing arrangement as well as the extant and proposed.
- 6.76 Furthermore, in regard to separation distances, the proposed building would be some 3.8 metres from the eastern boundary which is not materially different to the extant permission which was 3.9 metres from that boundary. Moreover, it is important to also note that the 6 metre x 10 metre detached garage (with a pitched roof height of 6 metres) which was around 1 metre from the eastern boundary, would under the proposed scheme see this building removed and a slightly smaller garage building located to the rear western side of the site, further away from the listed building.
- 6.77 With regard to the second question, given the site was a farmstead historically and given the building in question was a workshop, even if ad hoc, the Conservation Officer is of the opinion that the use proposed would be in line with both historic and recent use so would confirm that this is very unlikely to affect the setting of the adjacent listed buildings.
- 6.78 Therefore, with this in mind Officers' are of the opinion that the proposed scheme would have less impact on the adjacent listed building than that granted under the extant permission which notably was considered acceptable in regard to the setting of the listed buildings.

Assessment on Flooding

- 6.79 Paragraph 176 (NPPF) states that applications for some minor development and changes of use, should not be subject to the sequential test, nor the exception test. but should still meet the requirements for site specific flood risk assessments as set out in footnote 63.
- 6.80 Paragraph 181 (NPPF) states that "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.

6.81 Policy CP10 states, “within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development”.

6.82 The site is located in flood zone 2 and 3, and whilst it is acknowledged that no FRA has been submitted with this application, as with the heritage assessment regard needs to be given to the extant permission for the erection of a dwelling.

6.83 In relation to the extant permission, a FRA was submitted, the report by Herrington’s dated January 2023 covered, climate change; definition of flood hazard; probability and consequent of flooding; offsite impacts and other considerations; flood mitigation measures; the sequential test and exception test; and conclusions and recommendations.

6.84 The FRA report for the extant permission concluded that the proposed development is at low risk of flooding from all sources, but the report did note that in extreme weather conditions the access roadway may experience flooding and that the dwelling will provide a safe refuge. This would not be materially different to the proposed development. In addition, the FRA report noted that the hardstanding area on site will be increasing slightly and as such it was recommended that the use of SuDs is explored where possible.

6.85 It is important to note that in response to the FRA and the erection of a dwelling on the site the Environment Agency raised no objection and no conditions were suggested.

6.86 Given that the location and quantum of development is comparable with the extant permission, and more significantly that the proposal would not increase the amount of hardstanding from that which was approved under the extant permission, your Officer’s are satisfied that the proposal is acceptable in relation to flooding.

6.87 It is also noted that there has been no change to the site circumstances since the FRA was undertaken in January 2023 or significant changes to national or local plan policies in terms of flood risk that would result in the FRA reaching a different conclusion. Moreover it was considered that further consultation or a further FRA

report was not required due to the mixed use being a use less vulnerable than residential.

Biodiversity

- 6.88 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 of the MDE DPD also states development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.
- 6.89 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 193 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.90 In regard to biodiversity, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain.
- 6.91 The application is accompanied by a BNG report and the required metric calculations have been submitted together with a preliminary ecological appraisal.
- 6.92 KCC Ecology advice service has reviewed the information submitted and advise that sufficient ecological information has been provided in the preliminary ecological appraisal (KB Ecology). The biodiversity net gain (BNG) requirements have been met with a BNG metric, assessment report and a net increase of 32.69% habitat units and 34.94% hedgerow units, meeting the 10% net gain requirements.
- 6.93 Biodiversity Gain Plans are not required to be submitted with the application and are required to be produced under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) therefore an informative will be imposed to bring to the attention of the applicant that a biodiversity gain plan along with supporting information is required to be submitted once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.
- 6.94 It is noted that the existing workshop structure has evidence of bird nests, and the surrounding vegetation could support breeding birds. The PEA suggests mitigation of

conducting works outside the breeding bird season and or a survey to confirm the absence of nesting birds, with nest boxes erected as part of the development for mitigation of lost roosting spaces.

- 6.95 KCC Ecology agree with the proposals and a precautionary works statement and sensitive lighting strategy is required and a condition is suggested in this regard. It is also understood that the trees, hedgerow and vegetation will be minimally impacted by works. However, that which is to be retained should be protected during construction (including site clearance). This will ensure it is protected and any protected species (e.g. breeding birds) making use of it are also protected. Therefore, to protect from adverse impacts to protected species during clearance and construction we recommend a precautionary work statement is a condition.
- 6.96 In addition, in regard to enhancements we advise that an enhancement plan is provided that includes the actions proposed in the PEA, (KB Ecology, May 23), and the ownership and responsibilities for future management. This would also be secured via a condition.

Other Matters

- 6.97 Whilst the Council's Environmental Health Officer has raised no objection in relation to contamination, it is noted that contamination was considered on the extant scheme and for which several conditions were imposed. The delegated report for the extant scheme states "that according to historic maps the site has gone through several stages of development which may have resulted in a layer of made ground of unknown composition". It was also noted that "the current use of the site is described as a garage/workshop, which could include sources of contamination such as from the storage of fuels, machinery, etc". as a consequence contamination conditions were imposed. As your Officer's are of the opinion that the site has been used as a commercial workshop to some degree, these conditions are suggested to be imposed should planning permission be granted. However, if the members form a different view and conclude that the existing building is not commercial then it may not be necessary to impose these conditions.
- 6.98 The site for the proposed works lies in an area of potential associated with early prehistoric activity, as with the extant permission a condition in relation to archaeology is suggested.
- 6.99 It is noted that third party comments have reference other applications for similar scheme such as in Heron Road in Larkfield, these applications have been viewed but your officers do not consider that they are comparable and as members are aware each application is assessed on its own merits.
- 6.100 Third party comment has also raised concerns with regard to a potential fire risk being next to wooden buildings and storing machinery and flammable building goods in it. It is not considered that there is any material difference between the

existing building and its use (even if concluded ancillary) then that proposed. Moreover as a commercial building there will be stricter controls on such matters.

- 6.101 Comments have been raised that there are plenty of industrial areas nearby so the need to erect a random building in this location is not necessary. As set out above the use of the building fall within Use Class E(g) is a use that is considered acceptable in a residential area.
- 6.102 Comments on existing activities and the stationing of a container on the site are not matters that are for consideration when determining this application.
- 6.103 A comment was also raised over the need for an actual garage building. The Council and KCC highway authority raise no objection of the use of a garage style building to provide parking. A garage of more domestic appearance would in fact harmonise with the area and its use also serves to accommodate storage in connection with the maintenance of the building and the land.

7. Recommendation: Approved Subject to the following conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan – Drawing No. 0247-001
- Existing Site Plan – Drawing No. 0247_X010
- Existing elevations – Drawing No. 0247_X200
- Existing Ground Floor Plan and Mezzanine Drawing No. 0247_X100
- Existing Sections Drawing No. 0247_300
- Existing side elevations Drawing No. 0247_X201
- Proposed Site Plan – Drawing No 0247_P010
- Proposed First Floor Plan – Drawing No. 0247-P101
- Proposed Ground Floor Plan - Drawing No. 0247_P100
- Proposed Front and Rear Elevations - Drawing No. 0247_P200
- Proposed Side Elevations - Drawing No.0247_P201
- Proposed Roof Plan - Drawing No.0247_P102
- Proposed Sections – Drawing No. 0247_P202
- Proposed Sections & Garage Elevations - Drawing No. 0247_P203
- Preliminary Ecological Appraisal by KB Ecology dated 26 May 2024 Ref No. 2023/05/01
- Biodiversity Net Gain Report by KB Ecology dated 14 June 2024 Ref No. 2023/05/01b
- Biodiversity Net Gain Statement received 12 June 2024
- On site habitats plan existing – Drawing No. 0247_X010

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

3. No 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.

Use conditions

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development or change of use (outside of flexible Class E(g)) shall be carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the character and amenities and highway safety.

Ecology conditions

5. Prior to the occupation of the building, a lighting plan for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following:

- Plan showing location of any external lighting
- Downward facing
- On a motion sensor (where possible)
- Follow the recommendations within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'

The plan must be implemented as approved.

Reason: In the interests of protecting and enhancing wildlife species

6. From commencement of works (including site clearance), to avoid impacts to protected and priority species, the following precautionary mitigation should be implemented:

- 1) The hedgerow and trees to be retained, including their roots, will be protected from damage;

- 2) All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding areas and raised off the ground, e.g. on pallets.
- 3) Any work to vegetation/structures that may provide suitable bird nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If within the breeding bird season a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works.
- 4) If at any time a protected species is discovered within the works area all works must stop while a suitably qualified ecologist and/or Natural England are consulted.

Works will not resume until any required surveys and/or mitigation are completed.

Reason: In the interests of protecting and enhancing wildlife species

7. Within 3 months of works commencing within the site an ecological enhancement plan must be submitted. It must demonstrate that durable ecological enhancement features will be incorporated into the buildings and site to benefit biodiversity. The plan must be implemented as approved.

Reason: To protect habitats and species identified in the ecological surveys.

Highways

- 8 The building hereby permitted shall not be occupied, until the areas shown on the submitted layout as loading/unloading and turning facilities has been provided. 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 the loading/unloading and turning facilities

Reason: In the interest of highway safety.

- 9 The building hereby permitted shall not be occupied, until the areas shown on the submitted layout as vehicle parking including garages and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking 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, maintained, and retained.

Contamination

10. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

- (a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;
- (b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken. If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross referenced in the submission of the details pursuant to this condition.

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

11. 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.

12. 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.

Drainage

13. No above ground development except demolition or site survey work, shall take place until full details of the means of foul surface water disposal have been submitted to and approved by the Local Planning Authority. Connection to the Public Sewer should be the first considered method of sewage disposal, however if the intention is not to connect to mains drainage the submitted details must demonstrate why this is not practicable and provide full details of the size, location and maintenance regimes of any treatment system.

Reason: In the interests of public health.

Archaeology

14. If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Climate change

15. Prior to the occupation of the building the solar panels and air source technology to be provided as shown on drawing No. XXXXX, shall be implemented and thereafter managed and maintained in accordance with the approved details.

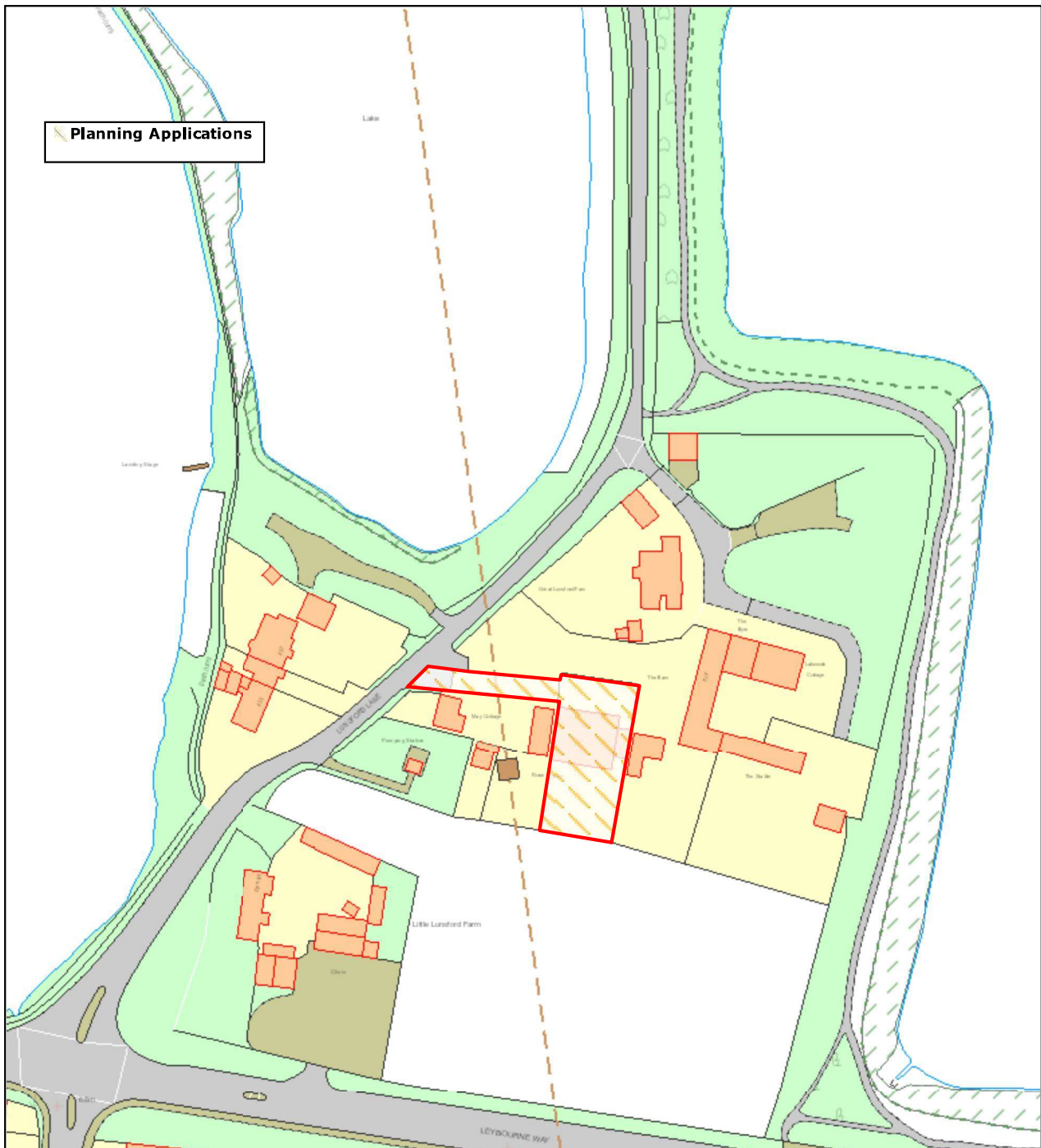
Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

Informatives

1. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such 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. It is therefore recommended that no bonfires are lit on the site.
3. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
 - (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.
 - (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
 - (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the

consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

Contact: Susan Field



Planning Applications 24/00769/PA

Scale: 1:1250



Tonbridge & Malling Borough Council
Gibson Building, Gibson Dr
Kings Hill, West Malling
ME19 4LZ
Tel.: +44 1732 844522



Date: 3/3/2025 11:22

©Crown Copyright and database rights 2022 Ordnance Survey
100014703.

This page is intentionally left blank

Planning Committee Area 3

Planning Appeal Decisions for Area 3

TMBC Ref	24/01796/PA
PINS Ref	APP/H2265/D/25/3360419
Site Address	2, Trevithick Drive, Wouldham, Rochester, ME1 3TZ
Description of development	Retrospective application for enclosure of carport and conversion to a home gym
Delegated or Committee Decision	Delegated
Appeal Outcome	Appeal Dismissed 12.5.25
<i>Insert hyperlink to decision</i>	Reference: APP/H2265/D/25/3360419
Costs Awarded	Not Applicable
<i>Hyperlink to costs decision</i>	

This page is intentionally left blank

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**

This page is intentionally left blank