

**East Malling & Larkfield TM/15/01023/FL
East Malling**

New access roadway from existing access roadway to serve 5 caravan pitches operated under caravan club licence and to provide access to and retain the existing septic tank at Orchard Farm Well Street East Malling West Malling for Mr John Fuller

DPHEH:

The Members Site Inspection took place on 10 July and allowed Members to view the access track and septic tank within the context of the immediate surroundings and rural landscape.

Neighbours raised two key questions during the Members Site Inspection, which are discussed in more detail below but I would take the opportunity to again stress that these matters are not material to the consideration of the planning application before Members for determination. The information provided below is therefore given in order to provide background context for Members.

Question was raised as to whether the installation of a septic tank necessitated any formal consent from other regulatory bodies and whether adherence to the requirements of other legislation could be required by condition in the event that planning permission is granted.

The grant of planning permission for the septic tank would not override the need for the applicant to obtain any other licenses required under separate legislation, these would need to be obtained in accordance with the relevant legislation in the normal way, but I must advise that the Council as Local Planning Authority is not legitimately able to seek to control these matters by way of planning condition. It can only remind the applicant of the potential need to obtain such separate approvals and this can be done by way of Informative.

Neighbours also questioned the fact that the historic access (granted by the Planning Inspector and subject to a condition restricting commercial activity) would be passed over by caravan club members to access an adjoining field for camping. As explained previously, the use of the adjoining field for camping by caravan club members (up to 5 pitches) does not require planning permission from the Council. As such, this matter does not form part of the application for determination.

Quite simply, passing over the land controlled by the Planning Inspector's condition restricting commercial activity does not in itself amount to a use of the land and therefore no breach of the planning condition would be occurring should this happen.

Similarly, the fact that the applicant may be "managing" the pitches from his property (which is controlled by the condition), does not amount to a commercial activity that would

arise in a breach of the condition. The applicant using his property for the completion of paperwork, accounts and so on would be no different to any individual householder using one of the rooms in their houses as a study/home office – the test is whether the character of the site and its use for residential purposes would materially change. This is a matter of fact and degree but in this instance such an activity would be so minor that a commercial activity would not be occurring and no breach of the planning condition would occur.

I would again reiterate that the above matters have no bearing on the application currently before Members for determination, the judgement as to whether the access and septic tank recently installed are acceptable in planning terms rests with their visual impact on the surrounding landscape. For the reasons set out in my previous report, I maintain that such development is very low key, akin to what you might expect to see in a rural location, and would cause no visual harm that would give rise to a justified refusal of planning permission.

AMENDED RECOMMENDATION

Additional Condition:

1. If at any time the access track and/or septic tank are no longer required for their intended purposes they shall be removed as soon as is reasonably practical and the land restored to its former condition.

Reason: In the interests of the visual amenities of the area.

Additional Informative:

1. The applicant is reminded that the grant of planning permission does not purport to convey any approval or consent or license which may be required under separate Legislation. Further advice on such matters should be sought where applicable from the Environment Agency, the Environmental Protection Team or Building Control Service of Tonbridge and Malling Borough Council.

**Aylesford TM/15/00494/FL
Aylesford North & Walderslade**

Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings at Former Bridgewood Service Station & Workshop 459 Maidstone Road Chatham for Mr Tilak Raj Bassi

PC: No objections

DPHEH:

It is noted that paragraph 1.1 of the main report states that visitor parking bays would be situated on the new access road. These are not actually visitor bays and are parking for

the individual units. However, the access road is still wide enough to be able to accommodate informal visitor parking as and when it may be required. This and the presence of double yellow and yellow lines on Maidstone Road and the surrounding residential streets would mean that the development would not lead to unacceptable off-site parking.

For the avoidance of doubt, Condition 14 as recommended in the main report removes permitted development rights for the use of any of the units on the site as HMOs (houses in multiple occupation).

RECOMMENDATION REMAINS UNCHANGED

Snodland **TM/14/01342/FL**
Snodland East

New paper bailing plant on former water treatment works at Former Water Treatment Plant East Street Snodland for Smurfit Kappa UK Ltd

Natural England: Based on the Bat Emergence Survey Report it is noted that the proposal is unlikely to affect any statutorily protected sites or landscapes. As noted previously the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

Snodland Town Council: Note the additional information regarding the Bat Emergence Survey report.

RECOMMENDATION REMAINS UNCHANGED

Snodland **TM/15/01431/FL**
Snodland East & Ham Hill

Demolition of an existing detached house and garage and the erection of a block of 8 no. single bedroomed flats with associated parking and amenity facilities at Dene Hall 269 Malling Road Snodland for Mr G Dunne

DPHEH:

Members are reminded that since the previous applications and appeals have been determined the NPPF has been brought in and this is the framework against which the current application should be assessed. The NPPF includes an overt presumption in favour of sustainable development and strongly encourages the reuse of brownfield land.

RECOMMENDATION REMAINS UNCHANGED
