

**East Malling &
Larkfield**
East Malling

570390 156579 6 March 2015

TM/15/00547/FL

Proposal: Erection of 4 no. residential dwellings and associated access,
parking and landscaping on land located at Rocks Farm, The
Rocks Road, East Malling

Location: 92 The Rocks Road And Rocks Farm East Malling West
Malling Kent ME19 6AU

Applicant: Croudace Portland

1. Description:

- 1.1 Full planning permission is sought for the demolition of an existing large agricultural barn and detached bungalow and the construction of four detached residential dwellings with associated gardens, hardstanding and garaging for parking, and landscaping works.
- 1.2 The application was originally submitted for the construction of five houses and a new access road to the east. Following discussions the proposal has been reduced to four detached houses and the new vehicular access has been deleted from the proposal.
- 1.3 The houses themselves are five bedroom two storey houses in generous plots. Each house is of an individual design and a varied palette of materials. The applicant has stated that the design of the development would have the character of an informal farmstead, with a larger manor/farmhouse within the centre, and more subordinate properties to either side. The buildings have been designed to respond positively to the local vernacular with features such as exposed rafter feet, chimneys and brick plinths provided upon them to provide a suitable high quality finish to the properties. This would create a traditional and rural character that would be appropriate in response to both the countryside within which it would sit, but also the adjacent Conservation Area.
- 1.4 The density of the development is low to retain much of the open feel of the existing site, with the more public northern area having a good level of soft landscaping and a less formal area to the south to soften the development in long distance views.
- 1.5 The development would be accessed via the existing entrance between 88 The Rocks Road and Rocks Oast. Each property would be served by a double garage or car barn and, including driveways, have parking for four cars.

2. Reason for reporting to Committee:

- 2.1 Due to the level of public interest.

3. The Site:

- 3.1 The application site extends to a total area of approximately 1.3 hectares, the majority of which is in an agricultural use. The site has some buildings and structures located upon it, particularly to the northern side with extensive areas of hardstanding, a large agricultural barn and some polytunnels. To the north west is a bungalow and associated residential garden which is in the ownership of the East Malling Trust who currently farm the land.
- 3.2 The site is accessed by way of two access roads: one to the north west which runs to the side of Rocks Oast and which also forms part of a public footpath; and one which runs between The Old Coach House and 132-136 The Rocks Road. Both accesses are single track and are shared with the residential neighbours.
- 3.3 To the north of the site are residential dwellings which line the edge of The Rocks Road. Some of these properties are Listed Buildings including Rocks Farmhouse and 132-136 The Rocks Road. The East Malling Conservation Area also wraps around the northern side of the site, linking to the main East Malling village. The dwellings to the north face both towards the main road but also towards the application site; they are also set back from the highway by a range of distances which creates a non-linear form to the street scene and no clear rhythm.
- 3.4 To the south of the application site is open countryside which drops into a valley before rising up towards a ridge on the opposite side of the valley.
- 3.5 The application site is located outside of the built confines of East Malling village and therefore in the countryside for development plan purposes.

4. Planning History (relevant):

TM/57/10728/OLD grant with conditions 4 July 1957

Bungalow for farmer.

5. Consultees:

- 5.1.1 PC: (Original submission) Concerns regarding loss of trees and that all development must occupy the site area of the old buildings on site. Concerns also regarding the through road to this eastern end of the Rocks Road.
- 5.1.2 Whilst some development on the site of the barn and bungalow may be acceptable the proposed buildings would be of a scale that will detract from the local views for residents when viewed from the south.
- 5.1.3 The PC appreciate the properties are well designed but are considered to be too large for this location.

5.1.4 Should be a site inspection give the nature of the proposals.

5.1.5 Comments awaited on current plans.

5.2 KCC PROW: Public Right of Way MR107 should not affect the development. However due to possible conflict between footpath users and construction traffic during the construction phase, a safe access should be retained for walkers.

5.3 KCC Heritage: No objections subject to conditions and informatives.

5.4 EMCG: Object to the application on the grounds that it:

- Adversely affects the views in and out of the CA.
- Causes an adverse impact on the local character by exceeding the existing footprint area and contravenes Policy CP14.
- Fails to respect the identity of the local surroundings.
- Causes substantial harm and loss of significance to the existing designated listed heritage asset.
- Loses too much top quality agricultural land, when there is no overriding need in this location.

5.5 Natural England: No objection

5.6 Private Reps: 22 + Site and Press Notice 0X/35R/0S. 35 letters of objection raising the following issues:

- Contravenes TMBC Development Plan and NPPF.
- Buildings too large and dominate surrounding listed buildings significantly altering the character of this part of East Malling bordering on open countryside.
- Buildings do not respect the context of the surroundings.
- Land is top agricultural land and should not be built on.
- Would block existing accesses and turning rights.
- Would set a precedent for further development.
- Impact of construction traffic on PROW and The Rocks Road.
- Should be retained and run properly as a farm.
- Too close to listed buildings.

- Unacceptable 'greenfield' development.
- No need for housing.
- The local community has not been involved contrary to NPPF policy and very disrespectful.
- Development should be restricted to the existing built footprint.
- The trees on the site should be retained rather than be removed.
- Area needs more affordable homes, not large 5 bedroom houses.
- Would only exacerbate existing traffic problems.
- Development should not be allowed just to support East Malling Research Centre.
- New access unacceptable due to impact on adjacent properties.
- No need for new access.
- Access too narrow.
- Impact on footpath and other private lanes.
- Construction traffic should use new access only.

9 further objections received on the first revised plans:

- Original comments still stand.
- Re-sited garages, if anything, are more detrimental to the character of the area.
- Further tree loss is unacceptable.
- Description of semi-natural woodland/meadow is misleading. Existing trees in the area have been planted so could not be semi-natural.
- Do not alter the fact the proposal is unacceptable and should be refused.

Comments awaited on current plans.

6. Determining Issues:

- 6.1 The NPPF has a presumption in favour of sustainable development which is described as the golden thread running through the decision making process. Sustainable development is three pronged, it ensures that development

contributes to building a strong, responsive and competitive economy; supports strong, vibrant and healthy communities; and contributes to protecting and enhancing the natural, built and historic environment. Housing applications should be considered in the context of the presumption in favour of sustainable development with good design featuring as a key aspect, indivisible from good planning, allowing development to positively contribute to making places better for people.

- 6.2 Following on from this, policy CP1 of the TMBCS (2007) (hereafter referred to as “the Core Strategy”) is entitled “Sustainable Development” and states that the principles of sustainability underpin all of the detailed policies contained within the Core Strategy “meeting the needs of the present without compromising the ability of future generations to meet their own needs”. Policy CP1 requires that all proposals for new development must result in a high quality sustainable environment. The quality of the natural and historic environment, the countryside, residential amenity and land, air and water quality will be preserved and where possible enhanced.
- 6.3 Policy CP11 of the Core Strategy seeks new development to be concentrated within the urban confines where there is the greatest potential re-use of previously developed land as this offers the greatest opportunity to minimise need to travel by being located close to services, jobs and public transport. Policy CP13 is specifically related to new development within the confines of the rural settlements, of which East Malling is one.
- 6.4 The application site is located outside of the built confines of East Malling and therefore policy CP14 is a relevant planning consideration. Policy CP14 restricts new development in the countryside with various exceptions including the one for one replacement of an existing dwelling or conversion of an existing building for a residential use.
- 6.5 In assessing planning applications, determination should be in accordance with an up to date development plan unless material considerations indicate otherwise. Although the Council’s development plan was produced before the publication of the NPPF it is up to date insofar as it follows the general thrust of current central government policy. However, as an exception to this, since 2012 the government has sought to relax control on the conversion of rural buildings to residential uses. This was firstly born out in the wording of the NPPF which sought to support the principle of the conversion of any rural building to a residential use, and followed by changes to the General Permitted Development Order to allow the conversion of rural buildings by way of a prior notification rather than requiring a full planning application.
- 6.6 Although the current application does not relate to the conversion of the existing rural building, the acceptability of the development should be considered in this context. It should also be noted that prior notification allows for the conversion of

agricultural buildings into three dwellings. Further, as highlighted above, the NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development with a presumption in favour of sustainable development which should be seen as a golden thread running through decision taking.

- 6.7 The application site is situated in a sustainable location, directly adjacent to the East Malling village confines and within easy walking distance of East Malling train station and the village centre facilities.
- 6.8 Policies CP24 of the Core Strategy and SQ1 of the MDEDPD seek to ensure that all development is of a high quality design, and to protect, conserve and where possible enhance the character and distinctiveness of the local area. This includes the distinctive setting of and relationship between the pattern of the settlement, roads and the landscape, urban form and important views.
- 6.9 The development would not have an adverse impact on the general character of this part of East Malling or on the setting of the adjacent Conservation Area. The development has been laid out in such a way as to not be visually intrusive, with only glimpses of the buildings being able to be seen in views through to the site from the public domain and the Conservation Area. The general topography of the site, and also the breaking up of the built form of the proposed dwellings, would ensure that views through the area and into the village from the surrounding countryside would be maintained. The comments from local residents regarding the impact on the setting of their properties and also the loss of their rural outlook are noted. It is considered though that whilst there would be a change it would not be so detrimental to the character of the area as to warrant refusing the planning application.
- 6.10 The amended scheme has reduced the size of the development from five dwellings to four and has also reduced the scale of some of the garage buildings by changing them to 'barn style' structures. The reduction in the number of units has also had the benefit of reducing the amount of development and increasing the openness of the development overall.
- 6.11 The application site is bounded to the northern side by residential dwellings. The site is proposed to be laid out with an access road situated between the new and the existing dwellings. The proposed dwellings would be located a minimum of 22 metres from the existing which would prevent a harmful level of overlooking from occurring between the two. This separating distance in conjunction with the separation between the proposed dwellings would also mean that the development would not be unacceptably overbearing upon the neighbouring dwellings.
- 6.12 The proposed new access road would run along the front and rear gardens of the existing residential dwellings to the north. Due to the tranquillity of the local rural area, vehicular movements would be audible from the residential neighbours. The

existing lawful use of the site is an unfettered agricultural use, and therefore could attract significant vehicular movements including heavy farm machinery and staff visiting to work on the land. The existing access roads run in close proximity to the residential neighbours and the lawful use therefore has the potential to cause significant noise and disturbance to them.

- 6.13 Policy SQ8 of the MDEDPD states that development proposals will only be permitted where they would not significantly harm highway safety and where the traffic generated by the development can adequately be served by the highway network.
- 6.14 The application site makes provision for ample car parking to serve the proposed new dwellings, all of which would have their own driveway and garages. This would provide space both for the residents and their visitors to park and would prevent additional pressure to park on the public highway.
- 6.15 At present the site is served by two accesses. It is proposed that the small lane which runs between The Old Coach House and 132-136 The Rocks Road shall be blocked with a bollard to restrict vehicular access to the site. The single lane access road which runs to the side of Rocks Oast, which also forms part of the public footpath, would be used as the vehicular access for the dwellings.
- 6.16 The development would result in traffic movements to and from the site associated with the residential use; however, it is important to note that there would only be three additional dwelling houses as one property would be a replacement for an existing dwelling. The traffic movements associated with the proposed residential development would be relatively small scale. The submitted transport assessment identifies this as 30 two way daily trips, and the equivalent to one vehicle movement every 20 minutes during peak hours.
- 6.17 The existing lawful use of the site is for agricultural purposes and has been long established, with no restrictions on numbers of movements or size of vehicles accessing the site at all times of the day. The submitted transport statement advises that various vehicles visit the site throughout the year including employees private vehicles, 4x4's, and heavy farm machinery. Although no analysis has been carried out with regard to the existing movements, and they may well have been light in recent years, there is no restriction on the agricultural use intensifying in the short or long term. This is a material consideration when assessing the traffic impact.
- 6.18 It is noted that the removal of the proposed access to the south of Rosemary Cottage will result in all traffic using the access by Rocks Oast. This access, although narrow, is suitable for the level of traffic that would be generated by the proposal. Tracking diagrams submitted with the revised plans indicate that a refuse freighter would be able to service the site through this access. Concerns have been raised regarding the fact this access is shared by a public footpath. It is considered though that as this access is currently used by vehicles visiting the

site it would not be justifiable to refuse planning permission for this reason. Concerns regarding vehicle movements during the construction process could be addressed through a construction management plan. This could be sought and controlled by planning condition.

- 6.19 It is therefore considered that the development would lead to a potential betterment to the traffic movements in the village by removing agricultural traffic.
- 6.20 The size of the site would normally trigger the provision of affordable housing. Policy CP17 of the TMBCS 2007 relates to the provision of Affordable Housing. CP17 (2) states that in the rural area affordable housing will be sought on all sites of 5 dwellings or above or 0.16ha or above, at a level of 40% of the number of dwellings in any scheme. The current landowner, East Malling Trust, is both a local employer and provider of social housing. The Trust holds 36 residential properties, some of which are let at a market rent and some retained for student and seasonal work occupation. The remaining 22 properties are let to local people, being past and present employees of the Trust, on a subsidised rental basis. If the Trust were no longer able to provide this housing then the tenants are likely to be in need of alternative affordable housing. In this particular set of circumstances I consider that it would not be appropriate to make provision on site or seek off site contributions. It would be counterproductive to seek affordable housing contributions as this would merely limit the ability of the Trust to recycle funds to provide wider support for the Trust.
- 6.21 Overall it is considered that on balance the development is acceptable as it would not materially harm the overall character and setting of the surrounding properties and wider conservation area.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 17.09.2015, Site Layout 21970A/12 V proposed dated 17.09.2015, Sections 21970A/200F proposed dated 17.09.2015, Artist's Impression 21970A_300D dated 17.09.2015, Artist's Impression 21970A_301D dated 17.09.2015, Artist's Impression 21970A_302C dated 17.09.2015, Photographs 21970_303C dated 17.09.2015, Proposed Plans and Elevations 21970A/502F dated 17.09.2015, Proposed Elevations 21970A/503F dated 17.09.2015, Proposed Plans and Elevations 21970A/504F dated 17.09.2015, Proposed Elevations 21970A/505G dated 17.09.2015, Proposed Plans and Elevations 21970A/506F dated 17.09.2015, Proposed Elevations 21970A/507F dated 17.09.2015, Proposed Plans and Elevations 21970A/508E dated 17.09.2015, Proposed Elevations 21970A/509F dated 17.09.2015, Proposed Plans and Elevations 21970A/510 D dated 17.09.2015, Proposed Plans and Elevations 21970A/511 D dated 17.09.2015, Other dated 17.09.2015, Other Planning Addendum dated 17.09.2015, Tree Protection Plan CTC1495-OTPP dated 17.09.2015, Tree Removal Plan CTC1495-TRP dated 17.09.2015, Report

REPTILE SURVEY dated 19.02.2015, Bat Survey dated 19.02.2015, Location Plan 21970A/05 B dated 19.02.2015, Design and Access Statement dated 19.02.2015, Other DRAWING REGISTER dated 19.02.2015, Existing Plans 30881/2001/003 dated 19.02.2015, Planning Layout 30881/2001/004 dated 19.02.2015, Site Survey A90 SHEET 5 dated 19.02.2015, Site Survey A90 SHEET 3 dated 19.02.2015, Assessment ARBORICULTURAL dated 19.02.2015, Method Statement ARBORICULTURAL dated 19.02.2015, Environmental Assessment dated 19.02.2015, Other DELIVERY STRATEGY dated 19.02.2015, Assessment ARBORICULTURAL dated 19.02.2015, Method Statement ARBORICULTURAL dated 19.02.2015, Drainage Layout 30881/2001/004 dated 19.02.2015, Planning Statement dated 19.02.2015, Transport Statement dated 19.02.2015, Flood Risk Assessment dated 19.02.2015, Site Layout 21970A/12 dated 06.03.2015, Artist's Impression 21970A 300 A dated 14.04.2015, Artist's Impression 21970A 301 A dated 14.04.2015, Artist's Impression 21970A 302 A dated 14.04.2015,

Conditions / Reasons

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

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

2. No development shall take place until details and samples 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: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

4. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

5. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking 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: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D, E and F, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to regulate development within this countryside location.

7. Prior to the development hereby approved commencing details of the slab levels of the proposed buildings and the finished levels of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of visual and residential amenity

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

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

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

Reason: In the interests of amenity and public safety.

9. Prior to the development hereby approved commencing details of a Construction Management Plan, including details of the control of the movement of vehicles, shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of protecting access rights along the existing public right of way

10. No part of the development hereby approved shall be occupied until full details of a scheme for managing and maintaining the shared areas of open space have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details in perpetuity.

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

Informatives

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
2. The granting of this permission does not purport to convey any legal right to block or impede any private right of way which may cross the application site without any consent which may be required from the beneficiaries of that right of way.
3. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to

Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

4. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
5. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
6. The development involves demolition and, owing to the likelihood of the buildings containing or being constructed of asbestos, the applicant should contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

Contact: Robin Gilbert