

East Malling & Larkfield **570390 156579** **17 September 2015** **TM/15/00547/FL**
East Malling

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 Planning permission is sought for the demolition of an existing large agricultural barn and detached bungalow and the construction of four detached dwellings with associated gardens, hardstanding, garaging and landscaping works.
- 1.2 The application originally proposed the construction of five houses and a new access road to the east. Following public consultation and subsequent negotiations, the proposal has been reduced to comprise four detached houses and the new vehicular access has been deleted from the scheme.
- 1.3 The access to The Rocks Road is not in the ownership of the applicants. Notice has now been served on the relevant landowners and the site plan revised accordingly.
- 1.4 The houses themselves are five bedroom, two storey buildings situated within generous plots. Each house is of an individual design and would utilise 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 of the site, and more subordinate properties to either side.
- 1.5 The development would be accessed via the existing entrance between 88 The Rocks Road and Rocks Oast. Each dwelling would be served by a double garage or car barn and associated driveways for parking and turning purposes. Each dwelling would be served by parking for four cars.

2. Reason for reporting to Committee:

- 2.1 Departure from the adopted Development Plan and high level of local interest.

3. The Site:

- 3.1 The application site is located outside the built confines of East Malling village and therefore in the countryside for development plan purposes.

- 3.2 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.
- 3.3 The north west portion of the site is occupied by a bungalow and its associated residential garden which is in the ownership of the East Malling Trust who currently farm the land.
- 3.4 The site is currently 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.
- 3.5 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. 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.
- 3.6 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.

4. Planning History (relevant):

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

Bungalow for farmer.

5. Consultees:

- 5.1 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.
 - 5.1.1 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.
 - 5.1.2 The PC appreciate the properties are well designed but are considered to be too large for this location.

5.1.3 Should be a site inspection given the nature of the proposals.

Comments on amended plans:

- Notes reduction in number of units and new access road removal, which are both welcomed;
- In principle, the PC accepts the suitability of the site for redevelopment;
- Aware of residents' concerns about use of the existing access – supports the idea of a construction management plan;
- It would be helpful if KCC PROW comments could be included as an Informative;
- Landscaping will be crucial for this site;
- Some concerns about the impact on the nearby listed buildings - in the event permission is granted, permitted development rights should be removed;
- Reiterates need for a site inspection.

5.2 KCC (H+T): The proposals make use of an existing access onto The Rocks Road, which is unclassified and has a proven good crash record and the proposals are for a limited scheme of development. It is not considered therefore, in the context of national planning policy, that an objection on highway grounds could be sustained. I therefore confirm no objections subject to the following:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;
- Provision and retention of parking spaces to serve the development;
- Completion and maintenance of the access road prior to use of the site commencing.

5.3 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.

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

5.5 EMCG: (original scheme): 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.

Comments on amended plans:

- Loss of agricultural land which is not justified;
- Conversion of entire agricultural building would require permission;
- Layout does not reflect character of local area;
- Impact on adjacent listed buildings;
- Contrary to adopted policy;
- Boundary treatments should not be left to condition given the sensitive nature of the site;
- Traffic movements would be harmful;
- Construction management plan should be forthcoming as part of the application, not by condition.

5.6 Natural England: No objection

5.7 Private Reps (original scheme): 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.

Amended scheme/since withdrawal of application from October Agenda: 32 further letters of objection raising the following:

- Proposal is contrary to development plan;
- Land is not previously developed in terms of NPPF definition;
- Applicants have disregarded advice on how to approach development of the site;
- Lack of meaningful public engagement prior to submission of the application;
- Development goes beyond the existing building footprints;
- Land outside ownership of applicant;
- Construction management plan should not be agreed with development post decision – what consultation would there be with residents?
- Adverse impact on the character of the Conservation Area;
- Lack of visibility at junction with the highway;
- Tracking plans are not dimensioned or scaled;
- Loss of agricultural land;
- Impact on nearby listed buildings;
- No need for this type of housing;
- Access rights will be affected;
- Increased traffic movements;
- Loss of countryside views;
- Out of keeping with local character.

Comments received following the submission of revised site plan and serving of notice: 4 further letters received reiterating previous comments and raising the following:-

- Design and access statement is incorrect as it still relates to 5 dwellings;
- Removes parking and access for the Old Coach House;

- Bollard should be removed and a gate proposed for the access between The Old Coach House and 132-136 The Rocks Road and a condition should be imposed that no work can be undertaken on this access;
- Consideration needs to be given to drainage on the site.
- Scheme appears to show work on land that the applicant has no control over and is not in their ownership;
- Traffic movements are inaccurate;
- Notice served on neighbours was neither signed nor dated.

6. Determining Issues:

6.1 As Members are aware, the Council in its role as 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. The Development Plan currently in force for the application site comprises the TMBCS (2007), TMBLP (1998), DLA DPD (2008) and the MDE DPD (2010). The NPPF and the associated NPPG are important material considerations.

6.2 The application site forms open countryside, outside the village settlement confines of East Malling. Policy CP14 of the TMBCS therefore applies and this states that in the countryside development will be restricted to:

- Extensions to existing settlements in accordance with policies CP11 or CP12;
- One for one replacement or appropriate extension of an existing dwelling or conversion of an existing building for residential use;
- Development that is necessary for agriculture or forestry;
- Development required for the limited expansion of an employment use;
- Development that secures the viability of a farm as part of a comprehensive farm diversification scheme provided it is supported by a business case;
- Redevelopment of the defined major developed sites in the Green Belt [not applicable to this case as the site lies outside the Green Belt];
- Affordable housing which is justified as an exception under policy CP19 (rural exceptions site);
- Predominately open recreation uses and associated infrastructure;
- Any other development for which a rural location is essential.

- 6.3 CP11 of the TMBCS states that development will be concentrated within the confines of the urban areas (Tonbridge, the Medway Gap and Walderslade) and that development adjoining these urban areas will only be permitted if there is an identified need and there are not suitable sites within the urban areas.
- 6.4 CP12 of the TMBCS allows for development adjoining the rural confines of Borough Green, East Peckham, Hadlow, Hildenborough and West Malling provided that there are no alternative suitable sites and where there is a local justification.
- 6.5 CP13 relates to other rural settlements, including East Malling village, restricting new development to minor development, within the confines provided it is of a scale and character appropriate to the location.
- 6.6 With the above policy context in mind, it is clear that the proposal relates to new development outside the village confines (on land which is not defined as “previously developed” for the purposes of applying NPPF policy), is not part of a wider plan of farm diversification and is not intended to provide affordable housing as an exceptions site. Consequently, the proposed development falls outside of the requirements of these policies and there is an objection to the principle of the proposed development in the broad policy terms.
- 6.7 It is therefore necessary to establish whether any other material planning considerations exist that outweigh the policy objections to the scheme in these particular circumstances.
- 6.8 Annexe 1 of the NPPG states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained in within the NPPF are material considerations and must be taken into account.
- 6.9 The Annexe goes on to state that for 12 months from the day of publication of the NPPF (which was in March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. Following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). The TMBCS was adopted in 2007 meaning that it is necessary to establish how consistent the above policies are with the policies contained within the NPPF.
- 6.10 With this in mind, it must be noted that paragraph 49 of the NPPF states that applications for new housing development should be considered in the context of the presumption in favour of sustainable development. Paragraph 50 of the NPPF emphasises the importance of providing a wide choice of high quality homes, to widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Paragraph

55 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 6.11 These criteria all demonstrate a clear government momentum in favour of sustainable development to create new homes and drive economic development. The proposed development would create four high quality new homes on the very edge of an existing village settlement.
- 6.12 A further indicator of such emphasis is borne out of the recent changes to the regime of permitted development rights set out by national government by the Town and Country Planning (General Permitted Development) Order 2015. This allows for far more development to take place without the need for planning permission from Local Authorities and **generally** provides a steer as to government's thinking on how to boost the country's economy through the delivery of new homes.
- 6.13 Such continued emphasis from government is a material consideration that must be balanced against the policy context set out in the TMBCS.
- 6.14 In practical terms for this site, the new permitted development rights mean that the existing agricultural barn could be converted into three residential units. Some representations point out that only a proportion of the barn could be converted in such a manner (up to 450sqm) but the remainder – a small proportion in terms of the overall footprint – could conceivably be left unconverted and the resultant impacts for the site in terms of the amount of residential activity would be essentially the same. **The building could be physically adapted** in certain ways that would allow for partial residential occupation and the extensive area of hardstanding which exists between the building and the northern boundary could be used for parking and turning facilities.
- 6.15 The existing bungalow within the site could be replaced in accordance with policy CP14 with a new residential building provided that it was not materially larger than the existing building. Such a scenario would, in effect, give rise to the site being occupied by a total of four residential units albeit of a different form and type to that proposed by this application. This provides a realistic fallback position in terms of how the site could be developed.
- 6.16 I appreciate that discussion concerning realistic 'fallback' positions is rather complicated but, in making an assessment of any application for development, we are bound to consider what the alternatives might be for a site: in terms of what could occur on the site without requiring any permission at all (historic use rights) or using permitted development rights for alternative forms of development.
- 6.17 In this instance a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms. Specifically, it would have to be developed in a contrived and piecemeal fashion in order to conform to the requirements of the permitted development rights, including the need to adhere to the restrictions on the floor space that can be converted using the permitted development rights.

- 6.18 I would also mention that should the applicant wish to convert the entire barn for residential purposes, above the permitted development thresholds, such a scheme (subject to detailed design) would wholly accord with adopted policy. Again, this provides a strong indicator as to how the site could be developed in an alternative way that would still retain the same degree of residential activity as proposed by the current application but in a more contrived manner and with a far more direct physical relationship with the nearest residential properties.
- 6.19 The current proposal therefore, in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights.
- 6.20 For example the buildings have, in my view, been designed to respond positively to local character with features such as exposed rafter feet, chimneys and brick plinths. 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.
- 6.21 The density of the development is low to retain much of the open character 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.
- 6.22 These aspects would be to the overall benefit of the site in visual terms and also amount to a key material consideration that, in my view, should be afforded weight in the balance of all factors.
- 6.23 I am also mindful of the fact that the proposal allows for the significant built form of the existing barn to be removed, with the new houses shifted away from the neighbouring houses to the north of the site, allowing for a greater degree of physical separation. This gives rise to a scheme that moves associated activity away from the nearest neighbours resulting in less of an impact on their amenities than might otherwise ensue from a scheme involving the conversion of the existing building.
- 6.24 With these considerations in mind, particularly the emphasis contained within the NPPF concerning sustainable development generally, the impetus behind the provision of new homes, the benefits of removing existing structures and the permitted development “fallback” position, it is my view that, on balance, other material considerations can weigh in favour of the grant of planning permission.
- 6.25 In terms of overall visual impact regard must be had to policy CP24 of the TMBCS and policy SQ1 of the MDE DPD. The development has been laid out in such a way as to avoid any material intrusion within the landscape, 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 site and into the village from the surrounding countryside would be maintained. Although the appearance of the site would change, as would the setting of the village, Conservation Area and surrounding residential properties, this change is not considered to be visually harmful. As described above, the detailed design of the dwellings is acceptable in this location.

- 6.26 The proposed layout and siting of the development is such that it would allow for acceptable amounts of separation to ensure that the development, in terms of its physical presence, would not harm the amenities of the nearest neighbouring dwellings.
- 6.27 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. In the consideration of this application, the adjacent listed buildings and Conservation Area comprise the heritage assets in question and therefore regard must be had to the preservation or enhancement of their particular settings.
- 6.28 Regard must also be had to the duty placed on local planning authorities by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.29 It is clear that the development in question would change the setting of the listed buildings and Conservation Area but, for the reasons discussed, I do not consider that such a change would be in any way harmful.
- 6.30 I acknowledge the suggestion that details of boundary treatment should be dealt with as part of this application rather than by way of planning condition. However, it is long established that detail such as this can be adequately dealt with by planning condition. That is not to say it is given any less robust consideration, simply that it can come forward at a later stage within the process. In the event that Members are minded to grant planning permission, details submitted pursuant to such a condition would be considered in respect of their suitability to the rural setting as well as the setting of the listed buildings and Conservation Area.
- 6.31 Turning to matters of access, 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 would 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, is proposed be used as the vehicular access for the dwellings. It is accepted that 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 dwellinghouses as one property would be a replacement for an existing dwelling. The traffic movements associated with the proposed residential development would be relatively modest

and would not give rise to any highway safety risks. In making this judgement, I am particularly mindful of the historic agricultural use of the site and what could occur here in terms of implementation of those historic use rights.

- 6.32 It is accepted that the proposed new access road within the site itself 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, there is no doubting that vehicular movements would be audible from the residential neighbours. However, this must be viewed within the context of the existing lawful use of the site, being an unfettered agricultural use. Irrespective of how much activity has been associated with the site in recent years, such a use could attract significant vehicular movements including heavy farm machinery and staff visiting to work on the land at any time of the day or night. The existing access roads run in very close proximity to the residential neighbours and the lawful use therefore has the potential to cause significant noise and disturbance to them far beyond that created by the more low key use by the four residential units proposed. It is within this context that the current scheme must be judged.
- 6.33 As I have already explained, the existing barn could be partially converted and the existing access retained for use by those units which arguably could have a greater impact on amenity in terms of activity, noise and disturbance than the proposed development simply by virtue of the greater degree of proximity to the existing residential properties.
- 6.34 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 that this access is shared with a public footpath. It is considered though that, as this access is currently used by vehicles visiting the site, there are no justifiable grounds to resist the development for this reason.
- 6.35 The proposed development provides for ample parking within each of the residential curtilages to a level which accords with IGN3: Residential Parking.
- 6.36 I have noted the suggestion that a construction management plan should be included as part of this submission and not dealt with by planning condition. It would not be appropriate to require this information at this stage and I would stress that in many circumstances we do not recommend the imposition of such conditions as a general principle. It is only because of the specific nature of this particular site that it is felt to be appropriate to require this information by way of a condition and it would certainly be considered unreasonable to require the developer to submit it at this stage of the process.

- 6.37 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.
- 6.38 Representations have also made reference to the fact that the proposed development would involve the loss of top quality agricultural land for which there is no overriding justification. Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will not be proposed unless there is an overriding need and there is no suitable site in a sustainable location on land of poorer agricultural quality or alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.
- 6.39 This site is classified as being Grade 2 for the purposes of applying this policy. Again, it is necessary to make a judgement as to what other material planning considerations must be weighed against the application of this policy. With this in mind, I do not consider that loss of agricultural land is a justifiable reason to refuse planning permission in these particular circumstances.
- 6.40 I am aware that some local residents have also questioned the lack of meaningful public consultation on the part of the applicant, suggesting that this is a material planning consideration and justification to refuse planning permission. It is correct that the NPPF encourages developers to undertake public consultation prior to the submission of planning applications. However, it does not go so far as to allow for the refusal of planning permission in the absence of such consultation. Whilst it may be disappointing for the local community that they have not had an opportunity to engage with the developers as they might have liked, there is no justification for withholding planning permission on this basis. Indeed, as part of the formal assessment process, we have consulted with residents on a number of occasions and have taken into account their views throughout the assessment process.
- 6.41 Rights of access and matters of land ownership have also been raised as issues by local residents. These are private matters that cannot be considered as part of

the assessment of this planning application. However, it should be noted that the grant of planning permission does not give the developer any legal right over land not within his ownership. Irrespective of the grant of planning permission he would, therefore, have to obtain the necessary consents from all parties with a legal interest in the land in question.

6.42 In conclusion, it is important to understand that the starting point for the determination of this planning application rests with the adopted Development Plan. Against that starting point there are other material planning considerations that must be given appropriate regard, not least the requirements set out within the NPPF which is an important material consideration and the planning and design of the proposal for the site in the context of the permitted development fallback position. The weight to attribute to each of those other material planning considerations, on an individual and cumulative basis, and the overall balance is ultimately a matter of judgement for the Planning Committee. My view is that the balance can lie in favour of granting planning permission.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following details: This was approved 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, Location Plan 21970A/05 C dated 20.11.2015, Report REPTILE SURVEY dated 19.02.2015, Bat Survey dated 19.02.2015, Location Plan 21970A/05 B dated 19.02.2015, Existing Plans 30881/2001/003 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

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 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

11. No development shall take place until full details of foul and surface water drainage have been submitted to and approved by the Local Planning Authority, and the works shall be carried out in strict accordance with those details.

Reason: In the interests of pollution prevention.

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@tmbs.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