

Aylesford **TM/17/02248/OA**
Aylesford North And Walderslade

Outline Application for the erection of 5 dwelling houses and 5 detached garages with associated parking, turning areas and landscaping at Taddington Wood North Of Robin Hood Lane Blue Bell Hill for Mr J Greenfield

Additional Information: Since publication of the main report, the agent for the applicant has asked that it be made clear that the previous Inspectors decision states that policy CP14 of the TMBCS could not be considered to be up to date and that the sole reason for the dismissal of the appeal rested on matters of ecology which have now been resolved.

DPHEH: The main report clearly explains that the only reason the previous appeal was dismissed was centred on matters of ecology and the Inspector considering that a lack of information provided within the context of that appeal meant that planning conditions governing mitigation could not reasonably be imposed without that information being present. This current application has indeed resolved that matter meaning that planning conditions can now be recommended in an appropriate way as set out in the recommendation.

For the avoidance of any doubt, the Inspectors conclusions concerning the weight to be afforded to CP14 were made at a time when the Council could still demonstrate an up to date five year supply of housing. During this period, a number of Inspectors decisions coming forward had started to afford less weight to CP14 when viewed against the policies contained within the NPPF (paragraph 55 in particular).

The salient point in this respect is that the Inspector did not dismiss the previous appeal on matters of principle (development within the countryside) and as such it would be unreasonable to seek to adopt such a stance now given that this amounts to an important material planning consideration (notwithstanding that the position in terms of the five year supply of housing has since changed meaning that the presumption in favour of sustainable development now applies too).

Paragraph 6.37: For the avoidance of any doubt, matters of ecological mitigation and management can be adequately addressed by planning condition and there is no need for the legal agreement to address these directly. If Members are minded to grant planning permission, a legal agreement will be required solely to address the financial contribution (policy OS3 of the MDE DPD).

Conditions: Since publication of the main report, officers have revisited the recommended planning conditions and suggest that it would be more appropriate to conjoin conditions 15

and 16 to ensure the management of the woodland area and restriction of public access occurs in advance of the mitigation measures being implemented. Additionally, a typographical error in respect of Informative 1 should be corrected.

AMENDED RECOMMENDATION:

Amend Condition 15:

15. Prior to the commencement of the development hereby approved:

- a) a scheme for managing the woodland as identified at Figure 2 of the Reptile Survey dated 20 July 2017 (Reference 2017/04/05), including measures which prevent public access to this area, shall be submitted to and approved by the Local Planning Authority. The details approved shall thereafter be implemented.
- b) Following the approval and implementation of the approved management scheme, the mitigation measures set out within the Reptile Survey dated 20 July 2017 (Reference 2017/04/05) shall be undertaken in full.

Reasons: In the interests of nature conservation and biodiversity.

Delete Condition 16

Amend Informative 1:

1. During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 0730 hours-1830 Hours, Saturdays 0800-1300 hours with no such work on Sundays or Public Holidays.

Aylesford **TM/17/02838/FL**
Aylesford South

Erection of an outbuilding within the garden to be used as a residential annex and erection of a new section of front fence 2m high at 1 Russett Close Aylesford for Mrs K Kerner

Private Reps: Since publication of the main report, one further letter of objection has been received. All issues raised have been addressed in the main report insofar as they relate to material planning considerations.

DPHEH: Officers have taken the opportunity to revisit the recommended conditions set out in the main report and on reflection consider that that Condition 5 as recommended should be amended to only restrict future subdivision of the plot. As it stands, the condition would

not allow for the applicant to replace the existing boundary fence surrounding the property which would be an unreasonable restriction which would not meet the tests set out in the NPPF.

Similarly, Condition 7 as drafted requires a scheme of landscaping to be forthcoming for a small part of an existing residential garden. It is the applicant's intention to provide soft landscaping within the site but it would not be necessary or reasonable to require this by condition. As such, a more reasonable stance would be to encourage additional planting by way of an Informative.

AMENDED RECOMMENDATION:

Amend Condition 5:

5. The plot as identified by the red line shown on the site location plan received on 10 October 2017 shall not be physically subdivided in any way.

Reason: To safeguard against the subdivision of the existing single residential curtilage that would facilitate independent occupation of the approved development as a separate unit of accommodation.

Delete Condition 7.

Additional Informative 2:

2. The applicant is encouraged to provide additional planting within the site as indicated in the supporting statement submitted in connection with the planning application.

**East Malling & Larkfield TM/17/03088/FL
East Malling**

Change of use of land to extend existing caravan site for holiday static caravans at Land Adjoining Hillberry House 353 Wateringbury Road East Malling for Hilden Enterprises

No supplementary matters to report
