



Planning, Housing &
Environmental Health

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Liberty Property Trust UK Limited
c/o GVA HOW Planning
Mr Philip Grant
Norfolk House
7 Norfolk Street
Manchester
M2 1DW

Your ref Kings Hill Site 5.4
Our ref TM/18/03031/OAEA
Contact Emma Keefe
Direct line 01732 876240
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Date 10 June 2019

APPLICATION: TM/18/03031/OAEA

VALIDATED: 21 December 2018

PARISH: East Malling & Larkfield

APPLICANT: Liberty Property Trust UK Limited
c/o GVA HOW Planning Mr Philip Grant Norfolk House 7 Norfolk Street Manchester M2
1DW

PROPOSAL: Outline Application: Redevelopment to provide up to 85 Class C3 residential units,
together with landscaping, open space and other associated works. All matters reserved
for future approval except for access (Site 5.4)

LOCATION: Development Site North Of 51 Amber Lane Kings Hill West Malling Kent

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015**

TAKE NOTICE that the TONBRIDGE AND MALLING BOROUGH COUNCIL, the District Planning Authority under the Town and Country Planning Acts has **HAS REFUSED TO PERMIT** the proposal specified above without complying with conditions subject to which planning permission () was granted and that the reasons for such refusal are:

1. The proposed development, by virtue of its location, siting, proposed means of access and intensification of residential activities would result in the partial loss (insofar as it relates to the means of access) and deterioration of ancient woodland, which is an irreplaceable habitat. There are no demonstrated reasons which are wholly exceptional to allow for such loss and deterioration to take place and no suitable compensation strategy. Furthermore, there are no acceptable measures proposed that would mitigate the harm that would arise. As such, the development is contrary to the requirements of paragraph 170(c) of the National Planning Policy Framework (2019) and the associated standing advice of Natural England and the Forestry Commission.

2. The proposed development by virtue of its location and siting and the lack of any cohesive or responsive relationship with the nearby residential settlement would be entirely at odds with the prevailing character of the immediate and surrounding environment. As such, the development would be harmful to visual amenity and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c) and 130 of the National Planning Policy Framework (2019).

3. The proposed development by virtue of the form, scale and design of the vehicular and emergency accesses would significantly erode the prevailing character of the site and its immediate surroundings and introduce urbanising features which would cause visual harm to the appearance of the site and locality. The development proposed is therefore contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c) and 130 of the National Planning Policy Framework (2019).

4. The proposed development by virtue of its overall quantum, size and proposed means of access would cause increased levels of vehicular activity along Amber Lane giving rise to noise and disturbance which would be harmful to the residential amenities of the occupants of properties along Amber Lane. As such, the development is contrary to the requirements of requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy (2007), policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD (2010) and paragraphs 127(c) and 130 of the National Planning Policy Framework (2019).

5. The Local Planning Authority is not satisfied that, on the evidence submitted, the proposed access strategy to serve the development can be delivered in a safe and acceptable manner. As such, the development is considered to be contrary to the requirements of policy SQ8 of the Managing Development and paragraph 110 of the National Planning Policy Framework (2019).

In reaching this decision, the Local Planning Authority has had appropriate regard to the provisions of paragraph 38 of the National Planning Policy Framework 2019.

Louise Reid

Head of Planning

IMPORTANT: Your attention is drawn to Notes A1 to A10 attached

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- A1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- A2 If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- A3 If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- A4 If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then you must do so within:
- 28 days of the date of service of the enforcement notice or six months in the case of a householder appeal of the date of this notice, whichever period expires earlier.
- A5 In the event of an appeal being lodged one copy of the completed appeal form should be forwarded to the Chief Solicitor of the Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ.
- A6 The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- A7 The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- A8 In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- A9 If either the local planning authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- A10 In these circumstances, the owner may serve a purchase notice on the Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

General Notes

- A11 Your attention is drawn to the provisions of Section 76 of the Town and Country Planning Act 1990 relating to the need to provide adequate access and other facilities for the disabled.
- A12 Section 53 of the County of Kent Act 1981 applies to an application for the erection/extension of a building.

This requires that adequate access for the fire brigade is provided for buildings. In view of these provisions, YOU ARE ADVISED TO CONSULT THE KENT FIRE BRIGADE at an early stage.