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**Report of 18 January 2012**


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**Platt**                                      **562307 157438**    **7 November 2011**      **TM/11/03061/FLX**  
 Borough Green And  
 Long Mill

Proposal:                                      Extension of time limit on planning permission TM/07/01810/FL  
 (Demolition of existing buildings and erection of 11 dwellings  
 with car ports and access road)  
 Location:                                      Platt C Of E Primary School Maidstone Road Platt Sevenoaks  
 Kent TN15 8JY  
 Applicant:                                      Rydon Homes Ltd

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**1. Description:**

- 1.1 Planning permission was granted for the “demolition of existing buildings and erection of 11 dwellings with car ports and access road” under reference TM/07/01810/FL on 27 May 2009. A condition was attached to the grant of planning permission which required that development be commenced within 3 years of the date of the permission. The planning permission is therefore extant.
- 1.2 This application seeks to extend the time limit for the implementation of this permission.
- 1.3 The development as previously permitted comprises the demolition of the existing school and the erection of 11 dwellings in its place, together with an access road and car ports. 9 of the dwellings would be arranged in 3 blocks standing towards the rear of the site, arranged in a terrace of 3, a terrace of 4 and a pair of semi-detached houses.
- 1.4 The terrace of 3 houses (units 1 – 3) would stand 8.9m to ridge level and would incorporate a hipped roof. They would contain three bedrooms each.
- 1.5 The terrace of 4 dwellings (units 4 – 7) would contain 3 two-bedroom dwellings and 1 three-bedroom dwelling. The building would stand 7.7m high to ridge.
- 1.6 The pair of semi-detached houses within plots 8 and 9 would contain 1 two-bedroom dwelling and 1 three-bedroom dwelling. This building would stand 7.7m high to ridge.
- 1.7 One of the other residential units is a one-bedroom flat, to be located in the first floor (roof void) of a four-bay car port (unit 10) and would be located towards the front of the site. Indeed the north elevation of the car port would form part of the boundary wall that would run along the northern boundary of the site. This building would stand 7.3m high and incorporate a hipped roof.
- 1.8 The remaining dwelling (unit 11) would be a detached two-storey, two-bedroom property located to the north east of unit 10.

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- 1.9 A three-bay car port would be located on the eastern side of the site, which would be supported only by posts. A hipped roof would stand on top of the timber frame and would be clad with plain tiles. This structure would stand between two mature trees that would be retained under this proposal.
  - 1.10 Although specific details of materials have not been submitted at this stage, the buildings would be constructed externally from stock brickwork, plain tile hanging and weatherboarding, with a plain tiled roof.
  - 1.11 A brick wall would be erected along the Maidstone Road frontage of the site. Due to the change in land levels across the site frontage, this wall would vary in height between 1.8 and 2.4m, except where it would incorporate with the north elevation of the car barn/unit 10. At this point the wall would measure between 3.2 and 3.4m in height.
  - 1.12 A new vehicular access from Maidstone Road would be created at the eastern side of the site and the existing access to/from Platt Common would be closed under this proposal.
  - 1.13 In total, the development would be served by 23 car parking spaces, provided within a tandem layout in communal areas and provided on an allocated basis.
  - 1.14 The site area is 0.37 ha. The development of 11 dwellings therefore equates to a density of 29.7 dwellings per ha.
  - 1.15 Four units of affordable housing would be provided within this development.

## **2. Reason for reporting to Committee:**

- 2.1 At the request of Councillor Evans, who considers that there have been changes in circumstance since the original grant of planning permission: accordingly the development should be revisited.

## **3. The Site:**

- 3.1 The application site comprises the existing Platt Church of England [C of E] Primary School and its playground. It is located within the settlement confines of Platt, on the southern side of Maidstone Road (A25). The site is bounded to the west by the main access to Platt Common and to the east and south by residential development within Pine View and Platt Common.
- 3.2 At present, the playing field for the school is located within the settlement confines of Platt on the western side of Grange Road, which is bounded to the north, south and west by residential development, with residential development also located on the eastern side of Grange Road.

- 3.3 Planning permission has been granted for the erection of 8 dwellings with private access at the playing field under reference TM/07/01807/FL on 27 May 2009. This site is hereafter referred to as Grange Road Playing Fields in this Report. Condition 15 of this planning permission refers to the Platt C of E Primary School site, and particularly to the grant of planning permission for its redevelopment:

*“This permission [i.e. the permission to develop the Grange Road Playing Fields site] shall not be exercised unless and until planning permission TM/07/01810/FL [i.e. the permission to redevelop the Platt C of E Primary School site] has itself been commenced or until playing fields of adequate size, quality, convenience and pedestrian safety have been made available to serve Platt Primary School, whichever is the earlier”.*

- 3.4 A sizeable site is located to the west of the existing primary school site, on the opposite (north-western) side of the A25. Planning permission was granted by KCC for a replacement six class primary school, together with nursery class, playing field, servicing, parking and new vehicular access at this site, and it is understood that this permission has been implemented (i.e. the development has been lawfully commenced). This site is referred to in this report as Land opposite The Ferns.
- 3.5 A plan indicating the position of these 3 sites is provided as an Annex.

#### **4. Planning History:**

- 4.1 For the sake of completeness, I have set out the relevant planning history for the site subject to this application [Platt C of E Primary School], together with the planning history for the Grange Road Playing Fields and Land opposite The Ferns sites.
- 4.2 Members should note that the 3 sites described above together comprise the “interlinked” application sites for planning application TM/03/03647/OA.

#### **4.3 Platt C of E Primary School:**

TM/03/03647/OA	Refuse	15 July 2004
	Appeal dismissed	28 June 2006

Outline Application: New replacement primary school with attached playing field, new replacement Memorial Hall, 20 affordable houses, 16 private houses and public open space.

TM/07/01810/FL	Approved	27 May 2009
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Demolition of existing buildings and erection of 11 dwellings with car ports and access road

#### 4.4 Playing Fields:

TM/03/03647/OA	Refuse	15 July 2004
	Appeal dismissed	28 June 2006

Outline Application: New replacement primary school with attached playing field, new replacement Memorial Hall, 20 affordable houses, 16 private houses and public open space.

TM/07/01807/FL	Approved	27 May 2009
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Erection of 8 dwellings with private access.

TM/11/02524/RD	Pending consideration
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Details pursuant to Conditions 2 (materials) and 17 (soft landscaping) of planning permission TM/07/01807/FL (erection of 8 dwellings with private access).

TM/11/02871/RD	Pending consideration
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Details relating to Conditions 13 (affordable housing) and 14 (levels) of planning permission TM07/01807/FL (erection of 8 dwellings with private access).

- 4.5 Members are advised that there have not been any applications to extend the period of time for the implementation of the Grange Road Playing Fields permission (TM/07/01807/FL). It is understood that the applicants are seeking to implement (commence) this development prior to the expiration of planning permission (27 May 2012): an application to extend the period of time for implementation could potentially be submitted at any point until that date.

#### 4.6 Land opposite The Ferns

TM/58/10382/OLD	Refuse	27 August 1958
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Outline Application for residential development.

TM/03/03647/OA	Refuse	15 July 2004
	Appeal dismissed	28 June 2006

Outline Application: New replacement primary school with attached playing field, new replacement Memorial Hall, 20 affordable houses, 16 private houses and public open space.

TM/05/01328/CR3	Grant with Conditions	23 August 2005
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Replacement six class primary school together with nursery class, playing field, servicing, parking and new vehicular access (KCC ref. TM/05/TEMP/0025).

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TM/07/02394/FL      Approved      31 December 2007

New Memorial Hall and associated external works.

TM/08/02344/CR3      Approved      22 January 2009

Details of siting, design and external appearance, means of access and landscaping submitted pursuant to planning permission TM/05/01328/CR3: Replacement six class primary school together with the nursery class, playing field, servicing, parking and new vehicular access (KCC ref TM/08/TEMP/0050).

TM/10/00926/CR3      Approved      11 May 2010

Ecology Mitigation Survey details pursuant to Condition 1 of planning permission TM/08/02344/CR3: Details of siting, design and external appearance, means of access and landscaping submitted pursuant to planning permission TM/05/01328/CR3: Replacement six class primary school together with the nursery class, playing field, servicing, parking and new vehicular access (KCC reference TM/08/2344/R1).

TM/10/01841/FLX      Approved      29 October 2010

New Memorial Hall and associated external works.

TM/10/02244/RD      Approved      11 January 2011

Details submitted pursuant to Condition 12 (Reptile Mitigation Strategy) of planning permission TM/07/02394/FL: New memorial hall and associated external works.

TM/10/03066/CR3      Approved      7 January 2011

Details of materials (Parham Red Bricks, render and chestnut cladding) and landscaping submitted pursuant to planning permission TM/08/02344/CR3: Details of siting, design and external appearance, means of access and landscaping submitted pursuant to planning permission TM/05/01328/CR3: Replacement six class primary school together with the nursery class, playing field, servicing, parking and new vehicular access (KCC ref TM/08/2344/R2 and R3).

TM/10/03532/CR3      Approved      19 January 2011

Submission of details pursuant to Conditions 8 (boundary fencing and gates), 9 (secure sheltered cycle parking facility) and 10 (external lighting) of permission TM/05/01328/CR3: Replacement six class primary school together with nursery class, playing field, servicing, parking and new vehicular access (KCC ref. PAG/JC/TM/05/1328/R8,9,10).

**5. Consultees:**

- 5.1 Platt PC: No objection.
- 5.2 KHS: No objection.
- 5.3 EA: Proposal poses a low environmental risk and accordingly there are no comments.
- 5.4 DHH: No objection subject to the conditions attached to TM/07/01810/FL being attached to the new permission.
- 5.5 KCC Children, Families & Education Directorate, Communities Directorate and Adult Services Directorate: Development contributions will not be sought “due to KCC waiving contributions on the earlier permission”.
- 5.6 Kent and Medway Primary Health Care Trust: No response received to date.
- 5.7 Private Reps (24/1X/0R/1S): One representation has been received stating no objection. Other correspondence has been received from a resident of Platt objecting to the development of the Platt C of E Primary School and Grange Road Playing Field on the grounds that children may have to cross the A25 Maidstone Road to access playing fields at Land opposite The Ferns, although these letters referenced current applications for the discharge of conditions and the original grant of planning permission at the Grange Road Playing Fields. I have nevertheless addressed the comments raised in this communication below.

**6. Determining Issues:**

- 6.1 The Draft National Planning Policy Framework [“NPPF”] was subject to a period of consultation from 25 July 2011 – 17 October 2011. The NPPF is a consultation document and is capable of being a material consideration: it is for the decision making authority to determine how much weight is to be attached to the draft Framework. It sets out that, *inter alia*, the key housing objective is to increase significantly the delivery of a wide choice of high quality and well designed new homes to create sustainable, inclusive and mixed communities. This largely reflects the present advice as set out in PPS1 and PPS3. Accordingly, given the draft status of the Framework, the national planning guidance relevant to this application is considered to be that contained in PPS1 and PPS3, together with PPG13 and PPG24.
- 6.2 TMBCS Policies CP1, CP2, CP12, CP17 and CP24 would apply, as would MDE DPD Policies CC1, SQ1, SQ6 and SQ8.

- 6.3 National Government guidance on the extensions of time limits for planning permission states that *“the development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. Whilst these applications should, of course, be determined in accordance with S. 38(6) of the Planning and Compulsory Purchase Act 2004, LPAs should, in making their decisions, focus their attention on Development Plan Policies and other material considerations which may have changed significantly since the original grant of permission”*.
- 6.4 Since the original grant of planning permission, there have been the following changes in national planning guidance and Development Plan policy:
- PPS3 (Housing) has been replaced by two subsequent versions of this Statement (July 2010 and June 2011). The national indicative minimum density for housing has been removed, the previous national upper limits on domestic parking are no longer overriding, private garden land has been removed from the definition of “Previously Developed Land” [“PDL”] and the definition of affordable housing has been adjusted in the current PPS3;
  - PPG13 (Transport) has been replaced by a later version of this Guidance (January 2011). In announcing this change, the government has made it clear that Ministers were *“removing national planning restrictions put in place in 2001 that required councils to limit the number of parking spaces allowed in new residential developments....”*;
  - In respect of parking, the Kent Design Guide Review: Interim Guidance Note 3 was published on 20 November 2008, and was adopted by TMBC for the purposes of the assessment of parking in development control on 19 November 2009;
  - A number of the Saved Policies within the TMBLP have been replaced by policies in the MDE DPD (April 2010), albeit the general thrust of these DPD policies are similar to those in the TMBLP;
  - The KMSP expired on 06 July 2009;
  - The SEP was adopted (06 May 2006) shortly before the original grant of planning permission (27 May 2009). However, the Localism Act 2011 has been granted Royal Assent, and consultation is currently being undertaken on reports which assess the implications of the abolition or revocation of the various Regional Spatial Strategies, after which orders will be prepared to formally abolish the RSSs, which are likely to take effect in Spring 2012. The Courts have held that the intention to revoke the RSSs (including the SEP) remains a material consideration in the determination of applications;

- As detailed above, the NPPF has been subject to a period of consultation and is capable of being a material consideration in the determination of planning applications.

6.5 There have been no material changes in circumstances in terms of the physical context of the site, such as alterations to the relationship of neighbouring buildings to the application site, for example through grants of planning permission for extensions to neighbouring houses.

6.6 In my report to APC2 on 13 May 2009 regarding the original application, I detailed that the main determining issues concerning the development of the Platt C of E Primary School site relate to the scale of the development within the locality, affordable housing and the impacts of the development on highway safety in the locality. I consider that these are, together with other aspects of design, again the main determining issues relevant to the consideration of this current application.

#### Scale, Density and Design

6.7 My previous report acknowledged that the erection of 11 dwellings at the site “*would result in a higher density than that of housing in the immediate area (most notably that located within Platt Common to the south and that which fronts onto Maidstone Road to the west of the site)*” but that the layout and form of the proposed development is such that it would not appear as a significantly denser development than the existing residential properties in the locality.

6.8 In terms of the scale, design and landscaping of the scheme, I detailed in the report to the 13 May 2009 APC2 that the development is considered:

- to be of a scale, bulk, mass and form that would not dominate the street scene and would not be out of scale or proportion with the adjacent dwellings;
- would sit comfortably between the existing dwellings which flank the site when viewed from Maidstone Road;
- would allow for the retention of two mature trees (an Oak and an Ash);
- would incorporate the planting of a hedge and additional trees which would serve to soften the impact of the proposed development on the character of the street scene;
- would be of a design and would use materials which are in keeping with the local vernacular.

6.9 I have reached similar conclusions when assessing the proposal presently: as detailed above, there have been no material contextual changes to the site or surroundings which would lead me to conclude that the proposal is now unacceptable in terms of its design, layout and form.



6.10 I acknowledge that the alterations to PPS3 since the grant of permission have removed the national indicative density (which was 30 dph), and that the development would be of a slightly higher density than the surrounds. However, despite this amendment, PPS3 still places a considerable emphasis on making effective and efficient use of land, particularly that which is classified as PDL (paragraphs 40 and 45), subject to such housing being well and carefully designed (paragraph 49). The development, in my view, is appropriately designed and laid out so that it makes effective and efficient use of land without having an adverse impact on the character and appearance of the street scene and locality.

#### Highway Safety and Parking

6.11 As detailed in my report to APC2 on 13 May 2009, KHS was satisfied that the development would not harm highway safety and the parking provision and layout were acceptable. KHS has again raised no objection to this application to extend the time limit to implement the permission.

6.12 Members are advised that there have been alterations to national guidance on parking requirements in residential developments since the original determination of the application. As the references to *maximum* parking standards have been removed, Councils will have the opportunity to set minimum parking standards.

6.13 The MDE DPD has been adopted since the original grant of permission. Policy SQ8 of this Document requires that parking standards will be set out in a Supplementary Planning Document. While there is as yet no SPD, the local parking standard to be adopted for Development Control purposes is now as set out in the Kent Design Guide Review: Interim Guidance Note 3 Residential Parking, which was adopted in November 2009 by TMBC (i.e. following the original grant of planning permission).

6.14 This details that, for village locations, the *minimum* number of car parking spaces for the form and amount of development at Platt C of E Primary School is 18.5 car parking spaces. The development would provide 23 car parking spaces and is therefore considered to be in accordance with current national guidance on parking and adopted Development Plan policy.

#### Affordable Housing

6.15 The application triggers the requirement for affordable housing as specified by Policy CP17 of the CS, which requires the provision of 40% of the total number of houses to be affordable (i.e. 4 units). The applicant previously detailed that 4 affordable units would be provided within the terrace containing units 4 – 7.

6.16 A condition (13) was attached to the original grant of planning permission requiring the submission of a scheme of affordable housing which satisfies CS Policy CP17 and the Affordable Housing SPD. I recommend that a similar condition be attached in the case of the extension of time for implementation, subject to minor

alterations in wording to refer to the new PPS3 and to specify that such provision should be made on-site. In any event, a fresh planning application with a Section 106 Agreement or Unilateral Undertaking would be required if the developers sought to provide a contribution for off-site provision instead, as the current legal position is that financial contributions cannot be sought or provided through conditions. Such an application would be considered on its own merits, having regard to current national guidance, adopted Policy and the Affordable Housing SPD.

Arboriculture, Noise, Residential Amenity, Contributions, Sustainable Construction

- 6.17 There are no material changes in circumstance (including alterations to Development Plan policy) in respect of arboriculture, noise or residential amenity which indicate that the development should no longer be treated favourably, subject to the imposition of similar conditions to those attached to the original grant of planning permission. I have recommended some amendments to these conditions in order to refer to current Policy or to reflect changes to the General Permitted Development Order since the original grant of planning permission.
- 6.18 However, Policy CC1 of MDE DPD has been adopted since the determination of the original application. I therefore recommend attaching a condition regarding the sustainable design and construction of the dwellings, which was not attached to the original grant of permission. I have also recommended that a condition be attached which requires that the development be undertaken in accordance with the plans and documentation submitted as part of the original permission.
- 6.19 Members are advised that there have been no requests for Contributions from KCC in respect of this application.

Other matters

- 6.20 Concern has been expressed during the course of this application that the developers are seeking to implement the Grange Road Playing Fields planning permission (TM/07/01807/FL) through making playing fields which accord with the requirements of Condition 15 of that permission available to serve the existing Platt C of E Primary School. This could potentially involve the provision of such fields at Land opposite The Ferns, prior to the school at that site being constructed. Accordingly, children would have to walk across Maidstone Road (the A25) from Platt C of E Primary School in order to access such fields. Concern has been expressed that this could be potentially dangerous, particularly if such an arrangement were to carry on for a number of years. To clarify, in the event that permission is granted for this current application, there is currently no legislative provision for further applications to extend the period of time for implementation.
- 6.21 I acknowledge this local concern. However, I would draw Members attention to the wording of Condition 15 of the Grange Road Playing Fields permission, and specifically that the playing fields must be of "adequate pedestrian safety" in order

for the terms of that planning permission to be met. Accordingly, in the event that the developers choose to pursue the provision of alternative playing fields at Land opposite the Fens prior to the construction of the school at that site, the Grange Road Playing Fields permission cannot be implemented until and unless appropriate and safe pedestrian access from the existing Platt C of E Primary School to the site of the new playing fields is achieved. In such an eventuality, I will liaise with KHS regarding any proposals for pedestrian crossing of the A25. If adequate pedestrian access cannot be provided, it will not be possible for the Grange Road Playing Fields permission to be implemented. In any event, this is an issue that can only be addressed in the context of the development at Grange Road Playing Fields being progressed; it is not a material issue in consideration of the current application for an extension of the time limit for implementation of the development on the Platt C of E Primary School site.

6.22 Concern has also been expressed that there has been a reduction in the numbers of children attending Platt C of E Primary School and there is the potential that KCC as the Education Authority will consider that the school is surplus to requirements, and that the school would either close or would be dependent on the Diocese of Rochester for funding. I understand that any potential closure of the school is of local concern. However, such matters fall to be determined by the Education Authority and accordingly minimal weight can be attached to this as it falls outside the control of planning legislation.

### Conclusion

6.23 Although there have been changes to material considerations, including national planning guidance and Development Plan policy, since the original grant of planning permission, these changes do not indicate that the development should no longer be treated favourably. Given that there is an implemented permission for a replacement school, the development of the Platt C of E Primary School accords with the current Development Plan and national planning guidance.

## **7. Recommendation:**

7.1 **Grant Planning Permission**, subject to the following:

### **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.

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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 The access shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure the safe and free flow of traffic.

- 4 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 5 The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

Reason: To ensure the safe and free flow of traffic.

- 6 The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 7 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 1995 as amended (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.

- 8 No building shall be occupied until the area shown on the submitted plan as turning area 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 1995

as amended (or any order amending, revoking and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 9 The development shall be undertaken in strict accordance with the tree protection measures specified in arboricultural report by Broad Oak Tree Consultants Limited dated 25.03.008 ref. J 37.12-SCHOOL, unless otherwise agreed in writing with 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.

- 10 No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms having windows that will be exposed to a level of road traffic noise in Noise Exposure Category B or C as set out in Policy SQ6 and Policy Annex SQ6 of the Managing Development and the Environment Development Plan Document have been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40 LAeq dB in living rooms with windows closed. Additionally, where the internal noise level will exceed 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open the scheme for acoustic protection should incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation should also be provided to bedrooms having openings onto facades that will be exposed to a level of road traffic noise in excess of 78 L<sub>Amax</sub> (slow) time weighting. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and maintained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

- 11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the west (flank) elevation of the dwelling within plot 9, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

- 12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the rear (south facing roof slope) of the dwellings within plots 4-9 inclusive without the prior written consent of the Local Planning Authority.

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Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

- 13 Within one month of the implementation of this planning permission, a scheme shall be submitted to the Local Planning Authority for the provision of affordable housing on-site which meets the requirements of the TMBC Local Development Framework Core Policy CP 17, the Supplementary Planning Document on Affordable Housing and PPS3 (Housing). Such a scheme shall be implemented before 50% of the total number of market housing units permitted by this permission are constructed and the scheme shall be completed before 50% of the said market housing units are occupied.

Reason: In order to comply with Policy CP 17 of the Tonbridge and Malling Borough Core Strategy 2007 and the Affordable Housing Supplementary Planning Document adopted 2008.

- 14 No development shall take place until details of the levels of the slabs, finished floors and ridges of the dwellings hereby approved have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, of Part 1 of Schedule 2 to that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of residential and visual amenity.

- 16 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.

- 17 Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on-site from alternative energy sources and the potential for recycling water. The approved scheme be implemented prior to the first occupation of any of the units hereby approved.

Reason: In accordance with Core Strategy policy CP1 and Managing Development and the Environment Development Plan Document policy CC1 of the Tonbridge and Malling Borough Council Local Development Framework.

- 18 The development hereby approved shall be undertaken in accordance with the following plans submitted and approved under planning permission TM/07/01810/FL:

Design and Access Statement received 27.03.2008, Acoustic Assessment received 20.06.2007, Letter received 16.04.2009, Site Plan SMP/PS/01 received 16.04.2009, Site Survey SMP/PS/02A received 16.04.2009, Site Layout SMP/PS/03C received 16.04.2009, Landscaping SMP/PS/04 tree removal received 16.04.2009, Floor Plan SMP/PS/05A received 16.04.2009, Drawing SMP/PS/06A development grain received 16.04.2009, Floor Plan SMP/PS/10A received 16.04.2009, Elevations SMP/PS/11A received 16.04.2009, Floor Plan SMP/PS/12C received 16.04.2009, Elevations SMP/PS/13B received 16.04.2009, Elevations SMP/PS/14C received 16.04.2009, Floor Plan SMP/PS/15B received 16.04.2009, Elevations SMP/PS/16B received 16.04.2009, Floor Plan SMP/PS/17A received 16.04.2009, Elevations SMP/PS/18B received 16.04.2009, Floor Plans And Elevations SMP/PS/19B received 16.04.2009, Elevations 143/PS1-20D received 06.05.2009, Section 143/PS1-21B received 16.04.2009, Section 143/PS-22E received 30.04.2009, Section 143/PS1-23A received 16.04.2009, email (Paul Hicks) received 10.07.2008, Arboricultural Assessment J 37.12-SCHOOL received 27.03.2007, and Email (Peter Smith) received 10.07.2008.

Reason: In order to ensure that the development is undertaken in accordance with the approved plans.

**Informatives:**

- 1 The applicant is advised to contact the Chief Administrator, Tonbridge & Malling Borough Council, at an early stage to discuss the appropriate road naming regime for the development hereby permitted.
- 2 You are advised to discuss the scheme submitted pursuant to Condition 13 with the Borough Council's Development Control and Housing Services prior to submission to ensure that local affordable housing needs are adequately met.

- 3 You are advised that construction parking should not cause detriment to the safety/amenities of Maidstone Road or Whatmore Cottages and are advised to institute joint discussion between yourselves and nearby residents in an endeavour to avoid such difficulties.
  
- 4 When preparing the landscaping scheme as required by Condition 16 of this planning permission, the applicant must consider visibility from Platt Common and also the introduction of a small area of hard surfacing in the north west corner of the site adjacent to the junction of the Maidstone Road with Platt Common to provide greater room for vehicles to pass one another at this junction.

Contact: Steve Baughen