

approximately 10m from the junction with Tunbury Avenue. This is a substantial site covering an area of 0.274 hectares and contains a number of trees, many of which are located on the boundary of the site adjacent to Tunbury Avenue and close to the boundary with Robin Hood Lane. The Aylesford Tree Preservation Order No.6 1988 protects a number of these trees. The topography of the site is such that it slopes down Tunbury Avenue to its junction with Robin Hood Lane.

3. Planning History:

- 3.1 TM/04/01108/FL Refused 24.09.2004
Erection of 13no. 2 bedroomed flats following demolition of existing, new access, landscaping and parking.
- 3.2 TM/02/02087/OA Approved 24.01.2003
Outline application for four detached houses.

4. Consultees:

- 4.1 PC: OBJECTION: The so called 'study' on the first floor of six of the houses has the same dimensions as the 3rd bedroom of the other houses and to all intents and purposes these are 4 bedroom houses. The car parking is therefore inadequate. As stated on the previous application we consider this to be an overdevelopment of the site and will generate additional traffic egressing the site near to an already busy junction and onto a road congested with parked cars. We consider the refuse collection area to be inadequate especially in view of the proposed increase to 2 bins per household and not easily accessible from some of the houses.
- 4.1.1 We are not convinced that the attenuation figures for distances from the centre line of Robin Hood Lane have been correctly applied.
- 4.2 CE(BS): This site has been subject to a previous recent application for 14, reduced to 13, units to which no highway reasons for refusal were raised.
- 4.2.1 Parking: The proposal is to serve the 9 dwellings with a total of 14 communal parking spaces. This is on the basis of one space per unit plus 5 visitor spaces. The provision would accord with the requirements of current Government guidance on parking provision for new developments. There is the option of cycle/motorcycle storage within the curtilage of each dwelling.
- 4.2.2 Access: It is proposed to provide a new access off Tunbury Avenue. I would find the details shown on the submitted drawing acceptable. Access to be constructed as a vehicle crossover to maintain the footway as the primary route. Applicant is to liaise with T & M HMU Highway Manager regarding the details of the vehicle crossover.
- 4.2.3 Traffic Generation: The traffic generation associated with the previous application for 13 units was found to be acceptable. I therefore find 9 units acceptable. The existing vehicle crossover onto Robin Hood Lane is to be permanently closed off. I require

that the existing drop kerbs are replaced with full face and the surfacing adjusted to suit. A pedestrian access only is to be provided on this frontage. I would recommend that the existing pedestrian guard railing be extended to protect the pedestrian access. The applicant is advised to contact the Kent County Council who has an extensive scheme for traffic calming in Robin Hood Lane including improvements to this junction in order not to duplicate work.

4.2.4 Surface water from private areas is not to discharge onto the public highway. It is noted that a bin store is located close to the entrance and should be acceptable. Applicant to confirm with DHH refuse collection arrangements.

4.2.5 I am aware that there is a lot of local concern regarding the safety of the Robin Hood Lane/Tunbury Avenue junction. The KCC accident data records show that the junction experiences in general 1 personal injury accident per year. Whilst one accident can be viewed as one too many it does not represent that the junction is particularly unsafe. It has to be remembered that the data does not include minor bumps and scrapes. The KCC West Kent Area office advises me that they have improvements to the junction planned for the next financial year and that meetings with residents have already taken place. These proposals are likely to improve the safety at the junction.

4.2.6 I would therefore, on balance, raise no objections.

4.3 DHH: Refuse Storage/Collection: The proposed fenced bin collection enclosure should be moved towards the access way to minimise carry distance.

4.3.1 Noise: The applicant has submitted an acoustic appraisal, in support of the application. Part of the report is a rebuttal of the noise evidence submitted by the Council in relation to a planning appeal in respect of the refusal of a previous application. I shall confine my comments to that part of the report which addresses the current application.

4.3.2 Based on his measurements and calculations the consultant concludes that during the day front facades of the building will be exposed to traffic noise within NEC C of Local Plan Policy P3/17 – where permission will not normally be granted. During the night the buildings will be exposed to traffic noise within NEC B – where there is no objection to the principle of development subject to the implementation of appropriate noise mitigation. Rear gardens will be exposed to traffic noise levels of less than 55 L_{Aeq} dB and will enjoy acceptable aural amenity.

4.3.3 I must object to the proposed development on the basis that the dwellings will be exposed to daytime noise levels falling within NEC C of Local Plan Policy P3/17. If, in balancing the various planning issues relating to the site, you are minded to support the grant of planning permission I recommend that, to minimise the degree of detriment to aural amenity a condition be imposed.

- 4.4 Kent Fire & Rescue Service: The access for Fire Services appliances is considered satisfactory.
- 4.5 GEC (Airfield Safeguarding): No response.
- 4.6 Medway Council: No objection subject to effective tree planting/retention and management condition to soften and screen the development. TMBC being satisfied that there is no adverse impact on the highways and the LPA would imposing conditions requiring mitigation works to be carried out should it be necessary to do so.
- 4.7 Private Reps: 70/0S/0X/12R. Twelve letters received objecting on the following grounds:
- Ribbon development is inappropriate;
 - Dwellings still too tall;
 - Access is unsafe;
 - Bin store is inappropriately sited;
 - Lack of parking spaces;
 - Existing parking problems on Tunbury Avenue will not improve;
 - Highway hazard;
 - Development is out of character with the locality;
 - Loss of trees;
 - Loss of privacy;
 - Increase in noise and air pollution from siting of communal car park;
 - Junction of Tunbury Avenue and Robin Hood Lane is dangerous;
 - Impact on residential amenity;
 - Site is not sustainable;
 - Impact on the landscape;
 - Impact of smells;
 - Threat to security;
 - Impact of unnecessary lighting;

- Damage to foundations of abutting properties.

4.8 A8 Site Notice & Press Notice: No response.

5. Determining Issues:

- 5.1 The main issues to be considered are whether the development is appropriate, whether the proposal will detract from the visual amenity of the locality and whether the proposal will constitute a highway hazard.
- 5.2 The site lies within the urban confines of Walderslade and within an established residential area. PPG3 and policy P5/3 of the TMBLP 1998 seek to make effective and full use of land within urban locations for residential development, where it is compatible with the characteristics of the site, its surroundings and the highways serving the site.
- 5.3 The proposed density of 33 dwellings per hectare falls at the lower end of the PPG3 range of between 30 and 50 dwellings per hectare. The redevelopment would make more efficient use of the land and therefore, in principle, there is no objection to the scheme subject to the details being acceptable.
- 5.4 The local area is characterised by a variety of building types, including detached houses and bungalows as well as semi-detached properties. A number of the properties are on good sized plots but none extends to the size of the current application site, 0.274 hectares. PPG3 requires proposals to respect the characteristics of the local area and Policy P4/11 of the TMBLP 1998 also seeks to control the quality of new development.
- 5.5 The proposed scheme shows a marked improvement on the earlier application by significantly reducing the bulk, scale and massing of a single building. The current application creates two separate blocks of dwellings, which significantly breaks up the overall mass of the development. Whilst the built development is more spread out across the site, the overall frontage of the development has also been reduced by 1.5m. The depth of the dwellings has also been reduced from 14m to 10m. The proposed dwellings vary in height from 6.2m to 8.3m and utilise the changing ground levels to minimise their impact. This compares very favourably with the previous heights 6.6m to 11m under the earlier refused application. Therefore, the height, bulk, scale and general massing of the development has been significantly reduced and is now acceptable.
- 5.6 The proposed development can not be classed as overdevelopment of the site, particularly as it falls at the lower end of density range advocated by PPG3. It is accepted that the terraced form of development is not identical to its immediate neighbours, however, there are terraced properties within Foresters Close just over 50m to the northwest of the application site. The much improved appearance and the use of the changing ground levels help to enhance the design of the development to create a more sympathetic and visually pleasing scheme.

Therefore, I consider that the proposed scheme will not significantly harm the characteristics of the local area or the visual amenity of the locality.

- 5.7 The proposal does involve limited tree removal on a site covered by a Tree Preservation Order. The extent of the tree works is as in the earlier application, which was subject to discussions with the Borough Council's Landscape Officer. The applicant is indicating additional tree planting along the southern and eastern boundaries. The proposal will still retain the majority of the visually prominent and protected trees on the northern and western frontages, which help to retain the well-treed nature of the site.
- 5.8 The DHH does not consider that the proposal will harm the residential amenity of the nearby dwellings, in relation to noise, smells or air pollution. The siting of the refuse bins needs to be reviewed in light of the DHH comments and this matter could be controlled by condition. In terms of concerns over light pollution from the use of the communal car park and nearby properties, no objection has been raised by DHH, although the extent of any external lighting along the service road and within the communal parking area could be controlled by condition.
- 5.9 The revised layout and change of residential units from flats to houses alters the way in which road traffic noise will impact upon the development. The DHH is satisfied that the night-time noise levels on the site will fall into Category B under policy P3/17 of the TMBLP 1998, where planning permission would normally be granted with mitigation measures. The noise levels from road traffic during the day fall into Category C where planning permission would not normally be permitted. However, the applicant has indicated that through the use of appropriate attenuation measures, such as mechanical ventilation, acceptable internal noise levels can be achieved. In addition, the rear garden areas would also have acceptable noise levels, as the blocks of terraces will shield these rear amenity areas. Therefore, as the DHH indicates, whilst the site falls within category C under policy P3/17 of the TMBLP, where permission would not normally be permitted, the attenuation measures and layout can achieve acceptable noise levels internally and in the external rear gardens respectively.
- 5.10 The proposal will provide 14 parking spaces to serve 9 residential dwellings, which equates to 1.55 parking spaces per dwelling. PPG3 currently recommends an average of 1.5 parking spaces. Given the site's proximity to the village centre, public transport links, local amenities and sustainable location, I consider the parking provision acceptable, and this view is supported by the CE(BS). I note the PC concerns over the provision of a study on a number of the units, however, the rooms concerned are extremely small for use as a potential bedroom and in the circumstances, including the relatively sustainable location of the site, I consider the proposed parking provision to be adequate.

- 5.11 In terms of traffic movements, the CE(BS) considers the projected increase to be acceptable, particularly bearing in mind that there was no highway safety reason for refusal in connection with the earlier scheme for 13 residential units.
- 5.12 The closure of the existing access onto Robin Hood Lane is welcomed and the CE (BS) considers the location of the new access onto Tunbury Avenue to be acceptable. It is noted that KCC West Kent Area Office intends to carry out improvements to the junction of Robin Hood Lane and Tunbury Avenue in this coming financial year, which should improve the safety of the junction, and alleviate local residents' concerns.
- 5.13 I note local residents' concerns over loss of privacy, however, the distance from the rear first floor windows of units 1 & 2 to 1 & 2 Olliffe Close is over the recommended distance of 21m advocated by Kent Design. The side elevation of unit 1, includes two windows (first floor landing and downstairs cloakroom) which face onto 83 Robin Hood Lane. However, these windows can be made to be obscure glazed, which will protect the privacy of the neighbouring property. In terms of privacy to 121 Tunbury Avenue, there are no windows in the side elevation to overlook this adjoining property. Due to the physical relationship between unit 9 and 121 Tunbury Avenue, the windows in the rear elevation could potentially overlook this property. However, given the combination of the angle of sight, the proposed tree planting and neighbours carport, the first floor windows of unit 9 will not result in any interlooking or loss of privacy to 121 Tunbury Avenue.
- 5.14 Concern has been raised by a local resident that the proposed development will harm the foundations of the adjacent properties. Whilst this is a private matter, normally resolved through the Party Wall Act, it should be noted the closest dwelling will be 4.9m from a neighbouring property and is also to be built at a higher ground level.
- 5.15 In light of the above considerations, I support this proposal and recommend approval.

6. Recommendation:

- 6.1 **Grant Planning Permission** as detailed by letters dated the 13 January 2005 and the 7 December 2004, Environmental Noise Impact Assessment Supplementary Report and by site location plan received on the 8 December 2004 and by plans 6354/PL/30, 6354/PL/31, 6354/PL/32, 6354/PL/33, 6354/PL/34 and 6354/PL/35 subject to the following conditions:

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

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

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- 2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

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.

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- 5 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 6 The premises shall not be occupied until the existing vehicular access to Robin Hood Lane has been closed permanently.

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

- 7 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.

- 8 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.

- 9 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.

- 10 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 11 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 (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.

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- 12 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 (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.

- 13 The windows on the northeast elevation of unit 1 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the dwelling is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

- 14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the northeast elevation of unit 1 and the south elevation of unit 9 other than as hereby approved, 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.

- 15 No development shall take place until details of the finished floor levels of each of the hereby approved dwellings 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, the visual amenity of the locality or residential amenity of nearby dwellings.

- 16 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 noise in NEC's B or C as set out in policy P3/17 of the Tonbridge and Malling Borough Local Plan 1998 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 noise levels will exceed 40 LAeq dB in bedrooms or 48 LAeq in living rooms with the windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a level of traffic noise in excess of 78 L_{Amax} (Slow) time weighting. The approved scheme shall

be implemented prior to the first occupation of the dwellings to which it relates and retained thereafter.

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

- 17 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority. (D014)

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.

- 18 No development shall take place until details of external lighting of the service road and communal car park have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

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

Informatives:

- 1 With regard to the construction of the pavement crossing, the applicant is asked to consult The Highways Manager, Engineering Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522.
- 2 The applicant is advised that there should be no surface water run off from the application site onto the public highway.
- 3 To reduce the severity of domestic property fires and the number of injuries resulting the Fire Officer recommends that consideration should be given to the installation of a sprinkler system in all new properties.
- 4 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 the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Aaron Hill

SUPPLEMENTARY REPORTS**AREA PLANNING COMMITTEE NO 3 DATED 24 February 2005**

Aylesford**TM/04/04222/FL****Pages 28-39****Blue Bell Hill And Walderslade****Erection of 9 terrace houses following demolition of existing, new access, landscaping and parking at 91 Robin Hood Lane Chatham Kent ME5 9NP for Wentworth Ltd**

DPE: Further consideration has been given to concerns over the creation of first floor study's and possible use as fourth bedrooms on six of the proposed residential units. These proposed rooms are roughly 1.9m by 2m, with some minor deviation of 0.1m either way depending the layout of the house. Whilst these are small box rooms, it would be possible to get a 6ft bed (1.8m) in these rooms and could potentially be used as a fourth bedroom. However, PPG3 makes no distinction in setting an average of 1.5 parking spaces for developments with varying bedroom provision. Whilst the adopted KCCVPS should potentially require additional parking spaces to a maximum level if the Council took the view that a number of the units would be four bedroom properties, this is normally in rural and remote locations. Given the site's urban context and proximity to local services, amenities and public transport, it would be very difficult to defend a refusal based on parking provision, which is above that required by PPG3. Therefore, I am satisfied that the parking provision is acceptable.

The applicant has recently submitted two artistic impressions of the development, which I also attach this supplementary report. The drawings accurately reflect those submitted from the application.

RECOMMENDATION REMAINS UNCHANGED

- 2.1.2 The application site benefits from an outline approval (TM/02/02087/OA) for the demolition of the existing house and the construction of four new ones i.e. a net increase of three houses. Using TRICS this is likely to result in **total traffic generation of 32 two-way (arrivals and departures) daily movements**. Making allowance for the existing house a **net increase of 24**. Resulting in a **total of 2.4 two-way movements** during the **peak times**, allowing for the existing dwelling of 0.6 a **net increase of 1.8, say 2 two-way movements**.
- 2.1.3 Application TM/04/01108/FL was originally for 14 flats. It was assessed that this development would generate in the order of a **total of 80 two-way (arrivals and departures) daily traffic movements**. However, the application was subsequently reduced to 13 dwellings. This **reduces the total two-way flow to 74**. Allowing for the existing dwelling a **net increase of 66 two-way movements**. Resulting in a **total of 5.28 two-way movements** during the **peak time**. Allowing for the existing dwelling 0.6 a **net increase of 4.6 say 5 two-way movements**. 18 parking spaces were proposed to serve the 14 dwellings. Although the site is in an urban location and within reasonable distance of local facilities and served by buses, concerns were raised over the level of parking as it provided for 1 space per unit plus 4 visitor spaces. This is below the maximum level of KCCVPS i.e. a total of 24 spaces but within the Government guidance of a maximum of 1.5 spaces per dwelling i.e. 1.28 spaces per unit for new developments. The applicant took on board the concerns and reassessed the application. The application was amended to provide 13 dwellings being served by 20 spaces. This accorded with the maximum Government guidance requirements on parking for a site in this type of location and addressed the previous concerns and was therefore found acceptable. No highway reasons for refusal were attached to this application on the grounds of either parking, traffic generation or impact on the adjacent highway network.
- 2.1.4 This current application provides for 9 new houses i.e. a net increase of 8 houses. This is likely to generate a **total of 72 two-way (arrivals and departures) daily traffic movements**. Allowing for the existing dwelling a **net increase of 64 movements**. Resulting in a **total of 5.4 two-way movements** during the **peak times**. Allowing for the existing dwelling 0.6 a **net increase of 4.8 say 5 two-way movements**. The 9 houses are to be served by 14 parking spaces i.e. in line with the maximum requirements of Government guidance i.e. 1.5 spaces per unit. This is the same ratio of off street parking that was found to be acceptable with the previous application.
- 2.1.5 PPG3 states that 'Developers should not be required to provide more car parking than they or potential occupiers might want' 'Car parking standards that result, on average, in development with more than 1.5 off-street parking spaces per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential development. Policies which would result in higher levels of off-street parking, especially in urban areas, should not be adopted'.

- 2.1.6 It can be seen from the above that the current and previous application are likely to generate similar levels of traffic generation particularly during the peak times. Although the previous application was for more units TRICS assesses that flats generate a lower level of traffic to a house. Bearing in mind that the previous application TM/04/01108/FL attracted no highway objections I do not therefore consider that there are any sustainable highway reasons for refusal to this current one.
- 2.1.7 It is noted that the revised ground and first floor plan, 6454/PL/31 Rev A, shows the removal of the study, restricting the dwellings to three bedrooms.
- 2.1.8 Fostington Way Traffic Calming: I have spoken KCC Highways and they are anticipating that the works will be undertaken about September this year.

3. Determining Issues:

- 3.1 The applicant has submitted revised floor plans, which omit the provision of studies to six of the proposed dwellings. Therefore, the Council has to consider the application as it now stands as 9 no. 3 bedroom dwellings. Under the adopted KCCVPS February 1999, a three bedroom dwelling could attract up to a maximum of two parking spaces. It would normally only be appropriate to insist upon this maximum parking provision on a rural site or a site not well related to public transport, local services and local amenities. This clearly does not apply in this urban site, with local services, amenities and bus stops within 500m of the application site.
- 3.2 PPG3 sets out a parking standard of a maximum of 1.5 parking spaces per dwelling. This Government guidance is the most updated and adopted position, as well as being the most pertinent parking standards to be applied to this site. Members will note that KCC is in process of revising its parking standards to reflect the current Government guidance.
- 3.3 Members will recall that, during public speaking at the previous Committee meeting, it was mentioned that the CE(BS) had previously raised concerns over the level of parking in this location due to the slope down to local amenities and services not being conducive to walking or indeed cycling. This refers back to comments made on the previous planning application TM/04/01108/FL. These comments were made on the original submission, when 14 flats were proposed, whilst only 18 parking spaces were to be provided. This was a parking ratio of 1.28 parking spaces per dwelling. The applicant subsequently reduced the number of units to 13 and increased the parking provision to 20 parking spaces. This increased the parking ratio to 1.54 parking spaces per dwelling. This increase in parking provision was found to be acceptable by the CE(BS) even taking account of the slope down into the centre of Walderslade. Members will note that no highway safety or parking related ground of refusal was raised on the earlier planning application, which is currently at appeal.

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- 3.4 The applicant is proposing to provide 1.55 parking spaces per dwelling, which is marginally greater than that advocated in PPG3. Members will also note that no ground of refusal on parking issues was raised on the earlier planning application TM/04/01108/FL, which had a similar parking ratio. Therefore, a ground of refusal based on lack of parking spaces can not be justified.
- 3.5 In terms of traffic movements, the extant planning permission TM/02/2087/FL for four dwellings, commits the site to a level of traffic generation of approximately 2.4 movements during peak times. The earlier refused application TM/04/01108/FL would have produced 5.28 peak time movements. This level of traffic movements was found to be acceptable previously by the CE(BS) and no ground of refusal was raised on traffic generation grounds. The current submission will generate 5.4 peak time movements. Although it is acknowledged that this is marginally higher than the earlier scheme by 0.12 movements, the number of total daily movements is actually lower than the earlier scheme. The CE(BS) considers this level of traffic movements to be acceptable and does not consider a refusal on traffic movement grounds to be sustainable.
- 3.6 In light of the above considerations and those raised in my February report, I consider that planning permission should be granted.
- 3.7 Any matters arising from the Members Site Inspection will be reported in the supplementary report.

4. Recommendation:

- 4.1 **Grant Planning Permission** as detailed by letters dated the 4 March 2005, 13 January 2005 and the 7 December 2004, Environmental Noise Impact Assessment Supplementary Report and by site location plan received on the 8 December 2004 and by plans 6354/PL/30, 6354/PL/31A, 6354/PL/32, 6354/PL/33, 6354/PL/34 and 6354/PL/35 subject to the following conditions:

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

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

- 2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

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 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 6 The premises shall not be occupied until the existing vehicular access to Robin Hood Lane has been closed permanently.

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

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- 7 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.

- 8 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.

- 9 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.

- 10 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 11 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 (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.

- 12 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 (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.

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- 13 The windows on the northeast elevation of unit 1 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the dwelling is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

- 14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the northeast elevation of unit 1 and the south elevation of unit 9 other than as hereby approved, 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.

- 15 No development shall take place until details of the finished floor levels of each of the hereby approved dwellings 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, the visual amenity of the locality or residential amenity of nearby dwellings.

- 16 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 noise in NEC's B or C as set out in policy P3/17 of the Tonbridge and Malling Borough Local Plan 1998 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 noise levels will exceed 40 LAeq dB in bedrooms or 48 LAeq in living rooms with the windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a level of traffic noise in excess of 78 L_{Amax} (Slow) time weighting. The approved scheme shall be implemented prior to the first occupation of the dwellings to which it relates and retained thereafter.

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

- 17 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building 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.

- 18 No development shall take place until details of external lighting of the service road and communal car park 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.

Informatives:

1. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highways Manager, Engineering Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522.
2. The applicant is advised that there should be no surface water run off from the application site onto the public highway.
3. To reduce the severity of domestic property fires and the number of injuries resulting the Fire Officer recommends that consideration should be given to the installation of a sprinkler system in all new properties.
4. 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 the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@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.

Contact: Aaron Hill