
Aylesford Blue Bell Hill And Walderslade	575791 162671	14.01.2005	TM/04/04222/FL
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Proposal:	Erection of 9 terrace houses following demolition of existing, new access, landscaping and parking
Location:	91 Robin Hood Lane Chatham Kent ME5 9NP
Applicant:	Wentworth Ltd

1. Description:

- 1.1 Members will recall that this application was deferred from the March APC3 (DPE pages 36 – 55 refer) to negotiate with the applicant terms of a Section 106 Agreement to cover highway improvements. A copy of my reports to the February and March meetings are attached in Annex 1.
- 1.2 The applicant has indicated a willingness to make contributions towards highway improvements in the locality. The applicant indicates that they are willing to extend and improve the pedestrian guard rails around the front of the site at the junction of Robin Hood Lane and Tunbury Avenue and in addition to provide a pedestrian guard rail on the opposite (southern) side of Tunbury Avenue at the junction of Tunbury Avenue and Robin Hood Lane. An indicative set of drawings showing guard rails has been submitted.
- 1.3 The applicant indicates in a supporting letter that *“on the issue of the traffic lights we understand that this has been rejected by the County Council, as it would not resolve local problems”*. The applicant proceeds to state *“furthermore, without a definitive scheme and costing, it is impossible to come to a conclusion as to what would constitute a reasonable level of contribution in accordance with Circular 1/97”*. The applicant is therefore not offering a contribution to traffic lights nor to improvements to the footpath within the Medway Council jurisdiction.
- 1.4 A report from the Chief Solicitor appears in Part 2 of this Agenda.

2. Consultees (bought forward from supplementary report):

- 2.1 PC: OBJECTION: Despite the deletion of ‘studies’ our previous objections regarding overdevelopment of the site and the siting of the development close to a dangerous junction still stand. In addition, we consider that the time the refuse collection vehicle will be stationary near this junction for the emptying of rubbish bins will cause considerable obstruction to traffic. The pedestrian access to the village necessitates crossing Robin Hood Lane twice with no pedestrian crossings, fast moving traffic and using a footpath which slopes towards the carriageway as well as the natural steep slope of the hill and unevenness due to the number of vehicle crossing points.

- 2.2 Private Reps: Two additional letters have been received, objecting to the proposal, but not raising any new issues.
- 2.3 CE(BS): The parking has been increased by 3 to a total of 17 spaces. This provision is now one short of the KCCVPS maximum requirement of 18 and I would find it acceptable.
- 2.4 DHH: Refuse Bins: Size: The area required to store a green waste bin and a residual waste bin is 0.76m by 1.52m (1.2 square metres). This means that the required storage area for the bins for nine dwellings is some 11 square metres (not allowing for the space needed to access the bins). The area of the bin store shown on drawing 6354/PL/30 is 9 square metres and is insufficient. A bin store of internal dimensions 7m by 2.5m would provide space for two rows of nine bins with a central access way.
- 2.4.1 Location: The Borough Council operates a wheeled bin, boundary of property refuse collection service, and seeks wherever possible to ensure that bins are placed at the nearest point to the public highway on the private drive (on the relevant collection day). In this case locating the store immediately to the south of the access drive adjoining the western boundary would be appropriate.
- 2.4.2 Carry distances: There is no requirement for residents to keep their bins in the bin store all the time. The point is that the bins will only be emptied by the Council if they are in the store by 7.00am on the day of collection.
- 2.4.3 Air Quality: The air quality within the Robin Hood Lane/Fossington Way/Tunbury Avenue locality falls well below the thresholds where air quality management schemes are required.

3. Determining Issues:

Matters brought forward from supplementary report (paragraphs 3.1 to 3.1.8 below)

- 3.1 Matters arising from the Members Site Inspection: Traffic calming measures; lack of parking spaces; developer contribution; wildlife of the site; refuse bins; distance to the village centre, boundary treatment; drains; and air quality.
- 3.1.1 In terms of the refuse storage, I draw Members attention to paragraph 5.8 of the February report which is attached as an annex, "*the siting of the refuse bins needs to be reviewed in light of the DHH comments and this matter could be controlled by condition*". Additional DHH comments regarding the size of the enclosure add further weight to deal with this matter by condition, rather than approving the bin store as shown on the approved drawings.

- 3.1.2 Drainage: The applicant is proposing to connect to the existing public sewers. It should be noted that Southern Water has made no comment on this application.
- 3.1.3 Boundary Treatment: Details of the boundary treatment and landscaping are to be covered by condition. However, I have attached an informative, to advise the applicant that where fences are to be replaced adjacent to other residential properties, equivalent height fences should be provided.
- 3.1.4 Wildlife: The application site is not a Site of Special Scientific Interest or a Site of Nature Conservation Interest. There is no special designation or policies which seek to protect any potential wildlife within this residential garden within an urban area. The earlier planning permission (TM/02/2087/OA) did not include any nature conservation or wildlife restrictions or conditions. In addition, no formal consent would be required from the Borough Council to handstand the whole garden area, albeit retaining the TPO protected trees. Therefore, it would be unreasonable to impose a condition in this instance regarding nature conservation. Notwithstanding this, an informative could be attached suggesting that the applicant undertake nature conservation surveys and carries out appropriate mitigation measures where necessary.
- 3.1.5 Traffic Calming measures: Fossington Way and Robin Hood Lane traffic calming measures are programmed for the coming financial year. Funding by KCC is secured and the works are due to commence around September 2005. These highway works involve:
- road narrowing;
 - road markings;
 - signage;
 - zebra crossing;
 - traffic island; and
 - pedestrian island.
- 3.1.6 As part of these traffic calming works, KCC proposes alterations to the guard rail at the junction of Robin Hood Lane and Tunbury Avenue. This shields one of the proposed pedestrian accesses to the site, however, there is an opportunity to extend this guard rail further down Robin Hood Lane to the second proposed pedestrian access to the site. This matter could be secured through a condition requiring the extension of the guardrail in liaison with KCC (Highways).

- 3.1.7 Parking: The applicant has increased the parking provision from 14 spaces to 17 spaces, which is 1.88 parking spaces per dwelling. This is greater than that required by PPG3, and just short of the maximum requirement under KCCVPS, where normally applied in rural locations. This parking provision is more than sufficient.
- 3.1.8 Local amenities and services: Tunbury School and the bus stop are within 500m of the application site, whilst the edge of Walderslade village is approximately within 500m, and the centre of the village is just over 600m. PPG13 (Transport) does not state a maximum walking distance from local services, amenities and public transport links, but considers that *“walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2 kilometres”*. The local services and amenities on this locality are well under the 2km distance advocated by PPG13.
- 3.2 Members will recall that my recommendations to the February and March APC3, were to Grant Planning Permission without the need for a Section 106 Agreement and without the need for highway improvements.
- 3.3 At the Members Site Inspection, the applicant indicated that they would willingly make a contribution towards highway improvements in the locality. Further to the March APC 3 meeting, the applicant has firmed up this offer in that they would be willing to contribute to the extension and improvement of the pedestrian guard rails around the front of the site at the junction of Robin Hood Lane and Tunbury Avenue. It should be noted that on the applicant’s indicative drawing the suggested barrier does not extend fully to the footpath entrance on Robin Hood Lane, however, the precise extent of the safety barrier can be determined through a Section 106 Agreement. The contribution offered to highway improvements also extends to providing a pedestrian guard rail on the opposite/southern side of Tunbury Road at the junction of Tunbury Avenue and Robin Hood Lane.
- 3.4 These works would assist highway safety and in particular pedestrian safety around the junction of Tunbury Avenue and Robin Hood Lane. Such a contribution should be welcomed.
- 3.5 Members will recall that during the discussions at the March APC3, it was agreed to make the nature conservation survey subject to a condition. I have adapted my recommendation to reflect this.
- 3.6 In light of the above considerations, and those raised in my February and March reports, I remain of the opinion that planning permission should be granted.

4. Recommendation:

4.1 **Grant Planning Permission** as detailed by letters dated the 6 April 2005, 29 March 2005, 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/30A, 6354/PL/31A, 6354/PL/32, 6354/PL/33, 6354/PL/34 and 6354/PL/35 subject to:

- The applicant entering into a Section 106 Legal Agreement covering the following terms:
 - Extend and improve the pedestrian guard rails around the front of the site at the junction of Robin Hood Lane and Tunbury Avenue.
 - Provision of a pedestrian guard rail on the opposite/southern side of Tunbury Avenue at the junction of Tunbury Avenue and Robin Hood Lane.
 - Details of both schemes to be either provided at the time the S106 Agreement is executed or submitted subsequently for approval.

- 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.

- 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.

- 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 NECs 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.

- 19 No development shall take place until the detailed nature conservation survey has been submitted to and approved by the Local Planning Authority. This submission shall include details of any mitigation measures required, which shall be implemented in accordance with the approved details, including any timetable specified therein.

Reason: In the interests of nature conservation interest.

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.
- 5 In connection with condition 3 above, the applicant is advised that where fences to adjoining residential properties are to be replaced, equivalent fences, in terms of their height should be provided.

Contact: Aaron Hill