

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**28 JULY 2005**

**Report of the Chief Solicitor**

**Part 1- Public**

**Matters for Information**

**1 PLANNING APPEAL DECISIONS**

1.1 Site **Former Bridgewood Service Station, Maidstone Road, Chatham**  
Appeal **Against the refusal of permission to demolish the existing service station and redevelop to residential with the erection of 12 number 2 bed flats with ancillary car parking**  
Appellant **Zog 2 Ltd**  
Decision **Appeal dismissed**  
Background papers file: PA/12/05

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- 1.1.1 The Inspector considered the main issue to be the implications for the living conditions of future residents in respect of transport related noise and the effect of the proposed development on the character and appearance of the area.
- 1.1.2 The appeal site is at the edge of a residential area and the proposed development is a block of flats. The cutting for the M2 motorway is on the other side of the road and the flyover for the new section of the A229 is about 60m away. The Inspector considered that noise from the M2 is not generally excessive and at the time of his visit he noted greater noise made by lorries and by traffic using the elevated section of the A229. Trees planted on the new embankment will become more substantial in time but he would not expect them to significantly reduce the noise in the future.
- 1.1.3 The appellant's acoustic report shows, using the definitions in local plan Policy P3/17, the site falls within NEC B at night time and NEC C during daytime. Consequently, while mitigating measures, such as providing ventilation so that windows do not need to be opened, may make the proposal acceptable at night time, the daytime NEC is in the range where Policy P3/17 advises that planning permission will not normally be granted.
- 1.1.4 The acoustic report calculates that, subject to construction in accordance with Part E of the Building Regulations, additional roof insulation and quality assurance checks, a good internal environment could be achieved if windows remained closed. Passive acoustic ventilation is also proposed in the report to avoid the

need to open windows. However, the proposed layout would not minimise the impact of the noise, and in the Inspector's view this, together with the limitation on opening windows in habitable rooms, would unduly restrict the enjoyment of the property by prospective occupants. He concluded that, with the layout as shown, the transported related noise would result in unacceptable living conditions for future residents and the proposed development would be in conflict with Policy P3/17.

- 1.1.5 The proposed block of flats would be considerably larger than the surrounding buildings and the demolished service station. While the ends of the roof have been lowered to take account of the bungalows on each side and the step in the roof line, set backs and bay windows would reduce its impact, by reason of its size, it would be an incongruous feature in the area. Although the previous appearance of the site was not attractive and the appellant has referred to the potential benefits of replacing the old service station and canopy, in the Inspector's view any benefits arising would not outweigh the harm described above. He therefore concluded that the proposed building would not be in keeping with the modest character and appearance of the area and would conflict with structure plan Policy ENV15 and local plan Policy P4/11.

**Duncan Robinson**  
Chief Solicitor