

- 3.6 With regard to the provision of small residential units as raised at 90 High Street, this point is also of relevance to this application. Planning Policy Statement 3 – housing, advises that “key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of households such as families with children, single person households and older people”. Furthermore, the Housing and Market Needs Survey (2005) highlighted the substantial need for smaller homes. It is considered that the conversion of the premises to 3 no. one bedroom and 3 no. two bedroom flats is acceptable in this location.
- 3.7 Given the nature of the surroundings, the applicant would endeavour to restrict construction deliveries to outside peak and school times to restrict the disruption to the area.
- 3.8 In light of the above considerations and those raised in my original report from October 2008, I am satisfied that the proposal is acceptable.

4. Recommendation:

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 12.08.2008, Planning Statement dated 12.08.2008, Noise Assessment dated 21.07.2008, Existing Plans THE-RED-LION-01 B dated 12.08.2008, Existing Plans THE-RED-LION-02 A dated 21.07.2008, Proposed Plans THE-RED-LION-03 C dated 12.08.2008, Proposed Plans THE-RED-LION-04 B dated 21.07.2008, Proposed Plans THE-RED-LION-05 A dated 21.07.2008, subject to the following:

Conditions / Reasons

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.

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. No development shall take place until details of joinery, windows and doors 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 and the Conservation Area.

4. To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development:

(a) If site significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease immediately and an investigation/remediation strategy shall be agreed with the Local Planning Authority and implemented by the developer.

(b) Any soils and other materials taken for disposal shall be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought on site should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed use.

(c) A closure report shall be submitted by the developer delineating (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

5. 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 predicted level of road traffic noise in Noise Exposure Categories B or C as set out in Policy P3/17 of the Tonbridge and Malling Borough Local Plan 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. If, with one window open in any room, predicted noise levels exceed 48 LAeq dB in living rooms during the day, or 40 LAeq dB in bedrooms during the night, additional ventilation will be required. The additional means of ventilation shall be sufficient to maintain comfortable conditions in summer, without the need to open windows. Additional ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a predicted level of road traffic noise in excess of 78 LAm_{ax} (Slow) time weighting. Day time noise levels will be assessed over a 16 hour period 07.00-23.00 hours and night-time noise levels will be assessed over an 8 hour period 23.00-07.00 hours. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be maintained at all times thereafter.

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

6. Before any works commence on site, arrangements for the management of demolition and construction traffic to and from the site (including the hours of operation) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation has been agreed by the Local Planning Authority in writing beforehand.

Reason: In the interests of residential amenities and highway safety.

7. Summary of main reasons for this decision and relevant Development Plan policies and proposals:
8. The proposal would not harm the character or quality of the local environment and meets the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.
9. The proposal would preserve or enhance the character and appearance of the Conservation Area and meets the requirements of policy QL6 of the Kent & Medway Structure Plan and Planning Policy Guidance No.15.
10. The Local Planning Authority has given full consideration of the objections to the proposal but nevertheless considers that the balance falls in favour of granting permission.

Informatives

1. You are recommended to take full account of the advice given by the Department of the Environment, Transport and the Regions in PPG 23 Planning and Pollution Control. This advice (in Paragraph 14 of Annex 10) indicates that "the responsibility for safe development and secure occupancy of the site rests with the developer." You should note that this Council, acting as Local Planning Authority, has determined the application on the basis of the information available to it - this does not mean that the land is free from contamination.
2. The applicant is advised to note the provisions of the Control of Pollution Act 1974 with regard to noise and disturbance from construction works. Works should be undertaken between the hours of 7.30am and 6.30pm Monday to Friday; 8am to 1pm Saturday, with no working on Sundays or Bank Holidays. Advice regarding this matter may be obtained from the Director of Health and Housing, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522
3. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

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.

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