

**Aylesford**  
Aylesford

**573605 157152 12 July 2010**

**TM/06/03825/OA**

---

Proposal: Outline Application for 18 apartments, access, parking and associated open space  
Location: Bunyards Farm London Road Allington Maidstone Kent  
Applicant: Mr J Clarke + Mr A Cheale

---

## **1. Description:**

- 1.1 Members will recall that this application was reported to A3PC meeting on 5 July 2007 when it was resolved to grant outline planning permission subject to the applicant entering into a Section 106 Legal Agreement to secure a maximum 30% affordable housing. A copy of my previous report is annexed to this report.
- 1.2 Following discussions with the applicants' agent and the submission of a detailed financial appraisal of the development there is a need to amend the nature of the affordable housing contribution. The applicant is now proposing to enter into an agreement to provide commuted payments towards affordable housing provision if the sale price of the individual units exceeds a certain threshold.
- 1.3 The agent has also submitted amended layout plans of the development indicating a revision to the position of the access, with this being moved approximately 17m to the south along Beaver Road, and a change in the orientation of the proposed building to run parallel with the road to move the development away from a main water main that runs across the site.
- 1.4 Given the nature of these changes it is considered necessary to report the application back to seek a new resolution.

## **2. Consultees:**

- 2.1 PC: Comments awaited on revised plans.
- 2.2 KCC (Highways): Comments awaited on revised plans.
- 2.3 DHH: Comments awaited on revised plans.
- 2.4 MBC: Comments awaited on revised plans.
- 2.5 Private Reps: Comments awaited on revised plans.

## **3. Determining Issues:**

- 3.1 Given the nature of the previous resolution on this application it is considered that the matters for consideration in this report are the revisions to the siting and the access point and the means of providing the affordable housing.

- 3.2 The revised siting of the building does not raise any significant additional considerations compared to the previous layout. The development would still be screened in the street scene and the surroundings by the existing mature vegetation surrounding the site and the general topography of the area. The revised access point would not lead to any highways issues that were not considered under the original submission.
- 3.3 The provision of a commuted sum in place of on-site affordable housing provision in this instance is considered to be acceptable. The nature of the existing site is such that it requires considerable decontamination and remedial work to be undertaken and, given the costs of this an on-site provision would make the development unviable. This position has been independently verified by consultants acting on behalf of the Borough Council. Given the betterment to the local environment from the removal of the existing non-conforming use it is considered that a legal agreement seeking contributions towards off-site provision of affordable housing if the sale price of the individual unit exceeds a certain threshold is more appropriate in this instance. This type of arrangement enables the development to progress but at the same time ensuring that if the housing market picks up there is scope to receive some contributions.
- 3.4 Overall the revised proposal is considered to be acceptable.

#### **4. Recommendation:**

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 04.12.2006, Letter dated 24.11.2006, Letter dated 24.11.2006, Design and Access Statement dated 24.11.2006, Report VISUAL SURVEY dated 24.11.2006, Drawing 0648/05/2 F dated 24.11.2006, Floor Plan dated 04.12.2006, Drawing 0648/06/1 B dated 24.11.2006, Transport Assessment dated 24.11.2006, Report NOISE IMPACT dated 24.11.2006, Contaminated Land Assessment dated 23.02.2007, Letter dated 22.06.2010, Letter dated 12.07.2010, Site Plan 0648/06/5 A dated 22.06.2010, Drawing 0648/06/6 E dated 22.06.2010, Elevations dated 12.07.2010 and subject to:-

- The applicant entering into a Section 106 Legal Agreement to seek commuted payments towards affordable housing provision, the scale of such payment to be calculated by reference to the sale price of the dwellings hereby permitted.
- The following conditions
  1. Approval of the details of the landscaping of the site and appearance of the building(s) (hereinafter called the “reserved matters” shall be obtained from the Local Planning Authority.

Reason: No such approval is given

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. The details submitted in pursuance of condition 1 shall indicate a building of a maximum size of 52 metres in length, 13 metres in width and 6.5 metres in height.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to ensure compliance with the outline approval

5. 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.

6. 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.

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. The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction 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. The building shall not be occupied nor the use commenced until the area shown as parking space on the approved plans has been drained and surfaced and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

11. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others 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.

12. 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 or railway noise in Noise Exposure Category B, as set out in Policy SQ6 of the Tonbridge and Malling Local Development Framework 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. If, with one window open in any room, predicted noise levels exceed LAeq 48dB in living rooms during the day, or LAeq 40dB 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 or railway 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 shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) hereby approved.

13. 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.

14. The area shown on the approved plan as private open space shall be laid out and made available for use within three months of the completion of the development and be permanently retained thereafter.

Reason: To ensure the availability of private open space for the recreational needs of the residents.

15. No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

16. No development shall take place until details of the slab levels of the building and section drawings through the site 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 or visual amenity of the locality.

17. Prior to the commencement of the development hereby approved the existing commercial use of the site will cease with no commercial uses or operations being undertaken from any part of the site in perpetuity.

Reason: To avoid an overintensive use of the site and to protect and enhance the locality.

### **Informatives**

1. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highway Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
2. Surface water disposal to be dealt with on site
3. The applicant is also advised to take particular account of the climate the development is likely to experience over its expected lifetime and consider the scope for maximising cooling and avoiding solar gain in the summer through, for example, the layout and orientation of the buildings and landscaping. The applicant is urged to have regard to the Government's 'Code for Sustainable Homes' and Kent County Council's 'Kent Design Guide' for further details on the range of measures that could be considered.
4. 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.
5. The applicant is encouraged, through the design of the development, to minimise the future energy consumption of the proposal. Where practicable, consideration should be given to measures including the installation of photovoltaic cells and the appropriate use of Sustainable Urban Drainage Systems (SUDS).
6. 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 Legal Services Partnership Manager, 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](mailto: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: Robin Gilbert