



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

26 September 2018

To: MEMBERS OF THE AREA 3 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 4th October, 2018 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
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To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 1 February 2018

Decisions to be taken by the Committee

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

PART 2 - PRIVATE

7. Exclusion of Press and Public 25 - 26

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

8. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr M Parry-Waller (Chairman)

Cllr M C Base (Vice-Chairman)

Cllr Mrs S Bell

Cllr T Bishop

Cllr Mrs B A Brown

Cllr T I B Cannon

Cllr R W Dalton

Cllr D A S Davis

Cllr Mrs T Dean

Cllr S M Hammond

Cllr D Keeley

Cllr D Keers

Cllr S M King

Cllr D Lettington

Cllr D Markham

Cllr Mrs A S Oakley

Cllr R V Roud

Cllr A K Sullivan

Cllr B W Walker

Cllr T C Walker

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 1st February, 2018

Present: Cllr M Parry-Waller (Chairman), Cllr D Markham (Vice-Chairman), Cllr M C Base, Cllr Mrs S Bell, Cllr T Bishop, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr D Keeley, Cllr S M King, Cllr Mrs A S Oakley, Cllr R V Roud and Cllr T C Walker

Councillors N J Heslop and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S M Hammond, D Keers, D Lettington, A K Sullivan and B W Walker

PART 1 - PUBLIC

AP3 18/8 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP3 18/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 4 January 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP3 18/10 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP3 18/11 TM/17/02655/FL - LAND WEST OF ROCHESTER ROAD, ROCHESTER

Hybrid planning application (land west of Rochester Road, Rochester):

- (A) Full planning application for the creation of a new vehicular access to Rochester Road, the erection of buildings with up to 2,226sqm of floor space for storage, distribution use and wholesale trade distribution (Class B8) and/or use for general industry (Class B2) including layout of internal road and hardstanding with the installation of services (Phase 1)
- (B) Outline planning application with all matters except access reserved, for the erection of buildings with up to 2,021sqm of floor space for use with storage, distribution, wholesale trade distribution (Class B8), general industry (Class B2) and/or offices (Class B1) including the change of use of up to 1,470sqm of open land to storage and distribution (Class B8) and the layout of internal roads and hardstanding with the installation of services (Phase 2)

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to

(1) Additional Condition:

22. No development in any phase shall commence until a construction management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The construction of the development of the relevant phase shall thereafter take place in strict accordance with the plan approved for that phase.

Reason: To ensure the safe and free flow of traffic

(2) Amended Conditions:

5. No development of any phase of the development shall take place above ground level, until such time that a scheme of hard and soft landscaping and boundary treatment in that phase including a scheme for the future management of the communal open spaces has been submitted to and approved by the Local Planning Authority. The scheme of soft landscaping shall be designed to enhance the existing boundary screening of the site wherever possible, particularly the northern site boundary. 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 comprised in the relevant phase 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

6. No development in any phase of development, other than that expressly required in compliance with conditions 19 and 22, shall commence on site until such time as the design, materials and construction methods to be adopted for the proposed works (hardstanding, drainage, safety and other boundary treatment) in the vicinity of the site boundary with the M2 have been submitted to, and agreed in writing by, the Local Planning Authority. All works shall be compliant with the Design Manual for Roads and Bridges.

Reason: To ensure that the M2 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

14. No development in any phase of development, other than that expressly required in compliance with conditions 19 and 22, shall commence until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the proposals documented in the Flood Risk Assessment, prepared by The Civil Engineering Practice, Sept. 2017, and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

19. No development of any phase of the development (or part thereof) shall take place other than as required as part of the cut and fill re-profiling and site, below ground works and investigation works until the following have been submitted to and approved by the Local Planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the particular phase of development (or part thereof) will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the particular phase of development (or part thereof) cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of each phase of the development (or part thereof) the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

PART 2 - PRIVATE

AP3 18/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.40 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 23 September 2015

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

Ditton
Ditton

15 June 2018

TM/18/01394/FL

Proposal: Erection of two, 2 bedroom dwellings with associated parking and access
Location: 4 - 6 New Road Ditton Aylesford Kent ME20 6AD
Go to: [Recommendation](#)

1. Description:

1.1 Planning permission is sought for the erection of a pair of semi-detached dwellings. The intention is to utilise the existing access onto New Road, and to provide two parking spaces for each dwelling and retain the existing parking bays which serve 2 – 10 New Road. The proposed dwellings have been designed with a gabled roof to the south and sloping pitch to the north. The proposed dwellings are orientated to the east with private garden space to the rear (west).

2. Reason for reporting to Committee:

2.1 At the request of Cllr Cannon owing to concerns regarding air quality, residential amenity and highway safety.

3. The Site:

3.1 The site lies within the confines of Ditton. The site comprises land to the west of New Road and to the rear of dwellings fronting London Road. The site slopes downward from north to south.

3.2 The site is currently used as a car park with a former garden to the rear (west) and single storey garage/outbuilding. It appears the site was formerly occupied by an animal charity and used primarily as a B1 (business) use.

4. Planning History (relevant):

TM/82/10555/FUL Grant With Conditions 15 November 1982

Change of use of part of ground floor of dwelling to form office for Pro Dogs Charity.

TM/83/11135/FUL Grant With Conditions 2 June 1983

Erection of garage and provision of car parking area.

TM/93/00330/FL Grant 7 July 1993

Application under Section 73A for the variation of condition (viii) of permission TM/82/806 for the use of the flat not to be restricted to use by Pro Dogs charity only

5. Consultees:

5.1 PC: Objection - The access to the site is too tight and the access route is too close to the traffic lights at the junction with the A20 and this junction is already very congested and very few cars adhere to the keep clear box. This development would also lead to an increase in traffic on the London Road. Finally this Council would ask if all neighbouring properties have been consulted as there were no neighbour comments on the planning portal.

5.2 KCC (H+T): (18 July 2018) Access and traffic generation. It is proposed to access the development via the existing access onto New Road, Ditton. Having checked the personal injury collision record at the access via crash map, www.crashmap.co.uk, for the last 5 years up to September 2017, I can confirm no collisions have been recorded. As a result, the access is considered to have a good personal injury collision record.

5.2.1 Having reviewed the drawings submitted by the applicant in conjunction with aerial photography from Google Earth I note that the access, which is 2.6 metres at its narrowest point, runs for a total length of approximately 16 metres and serves 7 existing car parking spaces will generate several traffic movements. It is not considered that the additional amount of traffic likely to be generated by the proposals could be described as 'severe' in accordance with paragraph 32 of the National Planning Policy Framework (NPPF).

5.2.2 Parking - IGN3 advises that 2-bedroom dwellings in a suburban location should be provided with a minimum of 1 space per unit, with visitor parking provided at a rate of 0.2 spaces per unit. Therefore, based on the applicant's housing schedule 3 spaces should be provided. Consequently, a provision of 4 spaces is more than recommended in IGN3.

5.2.3 Turning and servicing - A clear space area of approximately 14 square meters will be provided between the existing and proposed car parking spaces. This area is sufficient for private vehicles to turn and egress onto the public highway in a forward manner. However, it is accepted there is insufficient turning space for larger vehicles such as a refuse freighter. A road side collection strategy is acceptable in this instance due to the infrequent and short stay nature of refuse vehicles, as well as the fact a similar strategy is employed by the properties neighbouring the proposals.

5.2.4 Construction management - Should the proposals obtain permission then it is important the construction phase is properly managed. It is therefore recommended that the standard conditions i.e. wheel washing, provision of car parking for site personal and provision of a loading/unloading area are applied to any subsequent decision notice.

5.2.5 KCC (H+T): (27 August 2018) Prior to the VISUM modelling process, which was commissioned by Kent County Council Highways and Transportation (KCC H and

T) a number of traffic surveys were completed to understand the existing traffic conditions along the A20. This included automatic number plate recognition surveys (ANPR), junction turning counts and queue length surveys. This information was used as a basis for the 'A20 Corridor Study' which provides evidence of the baseline conditions along the A20 corridor, including the A20/New Road, Ditton junction.

5.2.6 The results indicate that New Road carried approximately 446 2-way traffic movements during the AM peak and 347 during the PM peak at the time of the surveys in 2016. The traffic survey data was used in the VISUM transportation model to predict future traffic conditions in the study area at the end of the emerging Local Plan period, 2031. The VISUM results were fed into detailed junction capacity assessments and this information is reported in the 'Forecast Junction Assessments' report which is being used as evidence for the new Local Plan.

5.2.7 The results of this modelling exercise indicates that 2031 traffic flows along New Road, near to the A20 junction, are likely to increase to approximately 535 2-way during the AM peak and 441 during the PM peak. The addition of the traffic generated by the Local Plan strategy increases the traffic flows to 573 in the AM peak and 397 in the PM peak (2031 2-way flows).

5.2.8 The traffic generated by the development of 2 dwellings can be estimated using the TRICs database. Using this methodology traffic flows of 1 vehicle movement during the AM peak and 1 during the PM peak (2-way) could be expected. Clearly this is a very small increase in traffic on New Road. I have listed below the % increase in traffic flows on New Road resulting from the development of 2 dwellings:

2016 flows: AM 0.002%, PM 0.002%

2031 flows: AM 0.001% PM 0.002%

2031 flows with Local Plan strategy: AM 0.001% PM 0.002%

5.2.9 The junction capacity assessment in respect of the A20/New Road, Ditton does indicate that the junction will be over capacity in 2031 and work is currently underway to design an improvement scheme. Realistically I do not consider that the impact by this development proposal is sufficient to reasonably request a contribution towards that scheme. Additionally, I consider that the marginal increase in traffic generated by the 2 dwellings is well within the daily variation of traffic and it not considered that a highway based objection could be sustained on traffic impact related grounds in accordance with paragraph 109 of the National Planning Policy Framework, published in July 2018.

5.2.10 Secondly, turning my attention to the parking provision proposed. As described in my initial consultation response dated 18th July 2018, the applicant is proposing a

level of parking which is in excess of IGN3 guidance and this is considered acceptable for this location. It is noted that the existing car parking that presumably provides parking for 4-10 New Road will continue to be used, in addition to the development. Although, it is accepted that the access road is only wide enough for the one way flow of vehicles given the low number of properties the car parking area serves and the modest nature of the proposals the risk of conflict between vehicle entering the access, and those exiting the access is low. Again, on this basis it not considered a highway safety objection could be sustained in accordance with paragraph 109 of the National Planning Policy Framework, published in July 2018.

5.3 Private Reps: 19/0X/27R/0S + site notice: 27 objections for the following (summarised) reasons:

- Adverse impact on residential amenity, loss of privacy, loss of light, overlooking and overbearing to adjacent properties, loss of outlook and views, disturbance from future residents, noise and light pollution
- Highways - poor visibility, increase parking and traffic congestion problems at the traffic lights/A20, associated reduction in air quality in a AQMA, insufficient parking, risk to pedestrian and cyclist safety, narrow access roadway, no access for emergency vehicles
- Design out of keeping/character with the existing settlement, insufficient size of site
- The site should be retained as a back garden, application just garden grabbing, previous use of the site as a pet cemetery, consecrated area
- Loss of wildlife and green space, loss of birds and bats, loss of trees, landscaping will not be carried out or removed on completion
- Refuse collection – bins will cause an obstruction on the pavement
- Application does not benefit the local community, just for profit.
- The existing garage has asbestos
- Covenants exist which allow access to the rear car park
- Vandalism to the existing Scout Hut
- Disruption during construction

6. Determining Issues:

Principle of development:

- 6.1 The new NPPF was published in July 2018 and forms a material planning consideration. Overall, the general thrust of government guidance has not altered and the presumption in favour of sustainable development still falls to be applied in the absence of a five year supply of housing. The precise wording is now contained at paragraph 11(d) of the NPPF and sets out that in effect because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing development.
- 6.2 However the development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF. Policy CP11 of the TMBCS seeks to ensure that development is concentrated within the confines of the urban area in order to accord with the principles of sustainability set out in policies CP1 and CP2. However it is necessary to examine whether the development plan in this regard conforms to the policies contained within the NPPF as a whole.
- 6.3 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Continuing to concentrate new housing development within the urban areas, such as the current application, therefore conforms to both the policies within the NPPF and development plan policy CP11. Therefore, in applying the presumption in favour of sustainable development, the scheme proposes two new dwellings within the urban area in accordance with the policies contained within the NPPF and policy CP11 and therefore the principle of the planning application is acceptable.

Design and appearance:

- 6.4 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment. Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires all development to reflect local distinctiveness and to protect, conserve and, where possible enhance the character of the area. This aim is echoed in paragraph 127 of the NPPF which seeks to ensure that development will function well, add to the overall quality of the area, be sympathetic of local character, and create attractive and welcoming places in which to live, work and visit.
- 6.5 The area is described in the Medway Gap Character Area SPD as consisting of a number of Victorian terraces with some modern infill. The scheme proposes the part removal of the existing outbuilding, retention of the existing parking area

serving the dwellings fronting New Road, the introduction of a pair of semi-detached dwellings and creation of associated garden space and car parking area. The dwellings have been designed to reflect the scale and proportions of the existing buildings in the area. Similarly the intention is to use a red facing brick and red roof tile to reflect the character of the existing buildings. The residential plots have been created to mirror the linear character of the existing plots to the south on New Road. Consequently the proposal respects the character and local distinctiveness of the wider area and is acceptable in this regard.

Residential amenity:

- 6.6 The proposed dwellings have been designed to minimise any impact on the residential amenity of the adjacent dwellings. Although the site slopes and the proposed dwellings will be at a higher level than those fronting London Road, the changes in level are not sufficient to cause any unacceptable overlooking from the ground floor windows. The first floor windows to the north and south elevations serve bathrooms only and will be obscure glazed. Therefore the dwellings to the north will experience no unacceptable loss of privacy. First floor windows are proposed to the east (front) and west (rear) elevations to serve the bedrooms. However the east facing windows will overlook the proposed and existing car parking areas only, and the distance between the rear facing windows and the rear garden of the adjacent dwelling is sufficient to ensure no unacceptable loss or privacy, particularly in light of the mature leylandii hedge to the rear boundary which is to be retained.
- 6.7 The proposed dwellings are two storey which reflects the character of the immediate area. The site is of sufficient size to accommodate the dwellings and provide suitable amenity space and adequate levels of on-site parking. The distances between the proposed dwellings and all the adjacent neighbouring dwellings are such that no unacceptable impact will be made in terms of loss of light or outlook.

Air Quality:

- 6.8 Policy SQ4 of the MDE DPD only allows for development where the proposed land use does not result in a significant deterioration in air quality, does not result in the creation of a new Air Quality Management Area (AQMA), is not sited close to an existing harmful source of air pollution or impact on designated sites of nature conservation. In addition, paragraph 181 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of AQMAs. Planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan.
- 6.9 The site is close to (but not within) the Ditton AQMA at the junction of New Road and London Road. However the site has been assessed using the Screening Tool within the Kent & Medway Air Quality Partnership's Planning Guidance document

and found to not require an Air Quality Assessment. This is for a number of reasons. The site lies to the south of the AQMA with the prevailing wind being from the south-east, so the AQMA will be unlikely to affect the proposal; the proposed development is small scale and very unlikely to have a substantive impact upon the AQMA; and the measured levels within the AQMA have reduced over the past five years and are now below the Air Quality Objectives for Nitrogen Dioxide (for which the AQMA was originally declared). The proposal will therefore have no additional impact on the AQMA and similarly the location of the site will ensure adequate air quality for the future occupiers of the proposed dwellings.

Highway safety and parking provision:

- 6.10 Policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety, and paragraph 109 of the NPPF states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the development would be severe.
- 6.11 No alteration is proposed to the existing access onto New Road. The width of the access is noted. However KCC (H+T) has provided detailed comments and concludes that owing to the limited increase in traffic movement the length of the access is considered to be acceptable. KCC (H+T) has also provided technical advice regarding the potential impact of the traffic likely to be generated by the proposal. It is noted that the junction of the A20/New Road Ditton will be over capacity in 2031 but work is currently underway to design an improvement scheme. KCC H+T consider that the marginal increase in traffic generated by the proposed dwellings is well within the daily variation of traffic and therefore a highway based objection within the context of paragraph 32 of the NPPF could not be sustained.
- 6.12 Vehicle parking is to be provided for the proposed dwellings. The scheme will also retain the existing car parking spaces that currently serve the dwellings fronting New Road (nos 2 – 10). The IGN3 recommends 1 space per 2 bed dwellings in urban areas, with visitor parking provided at a rate of 0.2 spaces per unit. The level of provision for the new dwellings exceeds this recommendation. The scheme does not propose any alteration to the existing parking arrangements with 2 – 10 New Road. The level of car parking provision is therefore acceptable.

Other material considerations:

- 6.13 The site comprises a car park and former garden area. The former garden area has been planted with a number of shrubs and trees. The area is attractive, however the existing planting is domestic in character and no element is worthy of specific retention. Notwithstanding this in the interests of residential amenity for both the existing adjacent dwelling to the west and the future occupiers of the proposed dwellings, it is important to retain the mature hedge of leylandii trees to the western site boundary. Similarly, in the interests of residential amenity to the

existing and future occupiers, additional planting, particularly to the northern boundary, is to be welcomed. This can be ensured by planning condition.

- 6.14 The site has previously been used as garden and car parking, and although there are no particular concerns with potential land contamination it remains appropriate to attach a planning condition which would be applicable in the event of any unexpected contamination being discovered.

Conclusion:

- 6.15 In light of the above, I consider that the proposed development accords with the relevant provisions of the development plan and meets the requirements of the NPPF. As a result I recommend that, subject to the imposition of conditions, planning permission be granted.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Location Plan 114-01 dated 15.06.2018, Proposed Elevations 114-02 dated 15.06.2018, Proposed Floor Plans 114-01 dated 15.06.2018, Site Survey 11378/17 dated 15.06.2018, Design and Access Statement dated 15.06.2018, Letter dated 15.06.2018 subject to the following planning conditions:

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 above ground works 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 visual amenity of the locality.

3. No development shall take place until details of levels (slab and finished floor) have been submitted to and agreed in writing by the Local Planning Authority. The details shall include scaled sections which show the proposed dwellings in relation to the adjacent dwellings to the north fronting London Road and the adjacent dwellings to the east fronting New Road. The works shall be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings

4. a) If during development work, significant deposits or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed in writing with the Local Planning Authority and it shall thereafter be implemented by the Developer.
- b) Any soils and other materials taken for disposal should 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 end use.
- c) A closure report shall be submitted by the Developer relating to a) and b) above and any other relevant issues and responses such as any pollution incident during the development.

Reason: To prevent unacceptable risks from pollution.

5. The dwellinghouses hereby permitted shall not be occupied until the area shown on the submitted plan referenced 114-01 received 15 June 2018 as vehicle parking and turning areas has been provided, surfaced and drained. The areas shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site. Thereafter the areas 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. Development without suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto land outside the ownership of the applicant.

6. The dwellinghouses hereby permitted shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. The scheme has include the retention of the existing trees at the western site boundary and additional planting to the northern site boundary. 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

- 7 If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Informatives

1. The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
2. 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 Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@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.
3. In the interests of good neighbourliness all vehicles and machinery associated with construction should be parked within the site and not on the public highway in such a manner as to create an obstruction.
4. In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.
5. The application includes the demolition of a domestic garage. If the garage/property was built before or refurbished before 2000 there is the possibility of asbestos containing materials being present in the structure. Before commencing any works, the applicant is advised to seek further advice to ensure the necessary precautions are implemented for the duration of the demolition. More information can be found <http://www.hse.gov.uk/asbestos/> and <http://www.hse.gov.uk/asbestos/faq.htm#domestic-properties>

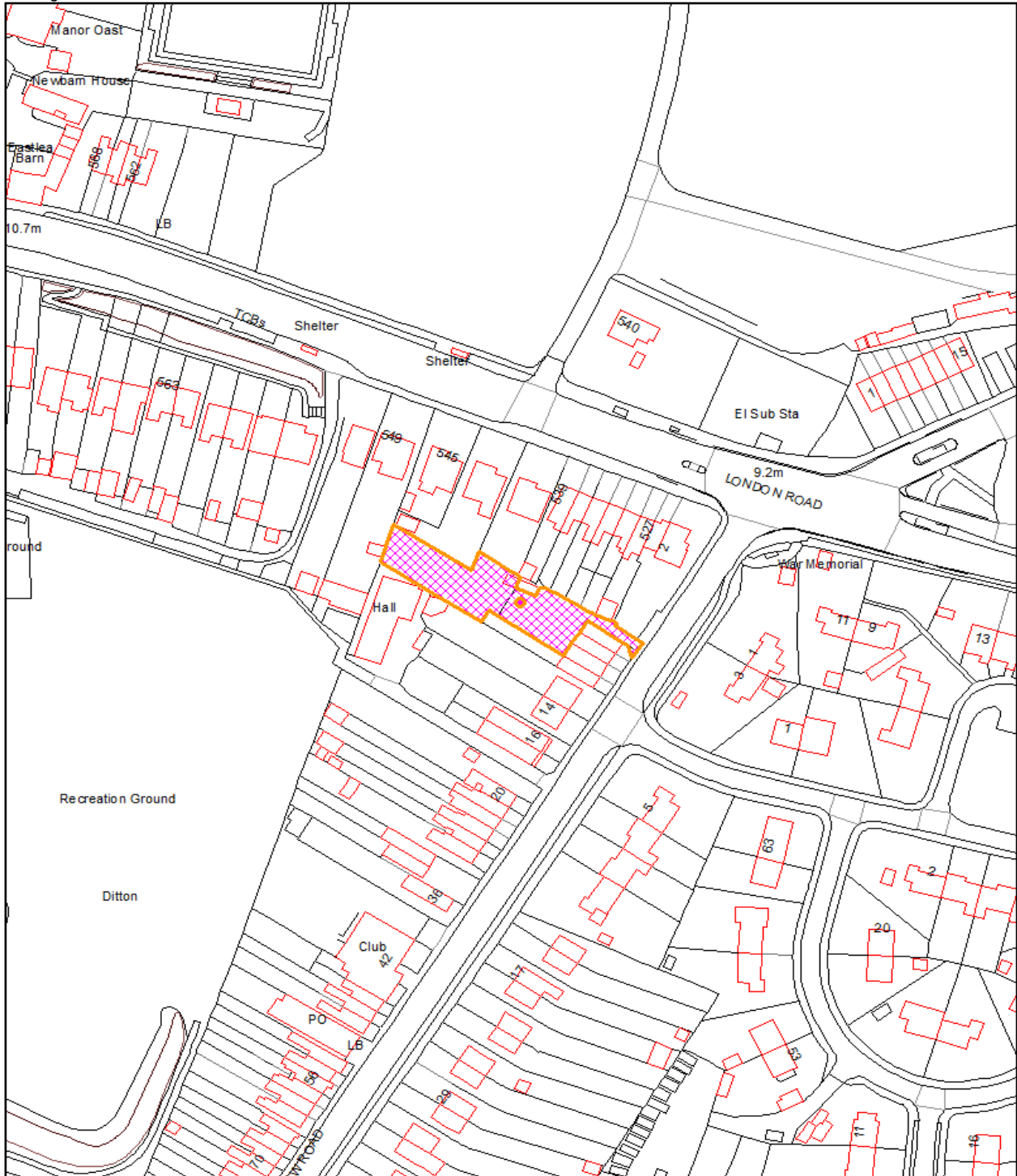
Contact: Maria Brown

TM/18/01394/FL

4 - 6 New Road Ditton Aylesford Kent ME20 6AD

Erection of two, 2 bedroom dwellings with associated parking and access

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Agenda Item 7

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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