

Aylesford
Aylesford North And
Walderslade

11 August 2017

TM/17/02248/OA

Proposal: Outline Application for the erection of 5 dwelling houses and 5 detached garages with associated parking, turning areas and landscaping
Location: Taddington Wood North Of Robin Hood Lane Blue Bell Hill Chatham Kent
Applicant: Mr J Greenfield
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1. Description:

- 1.1 Outline planning permission is sought to erect five detached houses and five detached garages with associated access, parking areas and landscaping. The proposed houses would be reached via an existing vehicle access at the eastern end of Robin Hood Lane which would lead to a shared private driveway. This would terminate in a turning head at the rear of number 254 Robin Hood Lane.
- 1.2 All matters are reserved for future consideration, although the application is accompanied by drawings for illustrative purposes only. It is also supported by an updated road traffic noise survey and an ecological scoping survey, reptile survey and tree report.
- 1.3 It has also been indicated within the submission that a noise attenuating fence would be erected around the rear boundary of the dwellings and that new tree planting would be carried out to enhance screening and natural habitat.
- 1.4 This submission follows the refusal of outline planning permission back in July 2016. The Council refused planning permission for the following reasons:

The site lies within the designated countryside outside the confines of the urban and rural settlements identified in policies CP11, CP12 and CP13 of the Tonbridge and Malling Borough Core Strategy 2007. The proposal comprises residential development in the countryside, being contrary to policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007. The Local Planning Authority therefore considers that there is an overriding principle objection to the proposed development and that no other material considerations exist in this case that overrides the policy objection.

The development, by reason of its proposed location would fail to integrate with or respect the prevailing pattern of development in the locality. The proposed development would, therefore, fail to respect the character and distinctiveness of the local area, contrary to the requirements set out in policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment Development Plan Document 2010.”

1.5 The decision to refuse planning permission was the subject of an appeal to the Planning Inspectorate and whilst that appeal was dismissed, this was based solely on matters pertaining to potential impacts on protected species rather than for the reasons set out above.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Sullivan given the planning history of the site, in particular the outcomes of the previous appeal decision

3. The Site:

3.1 The application site, with the exception of the strip of land which runs between Nos. 232 and 238 Robin Hood Lane, is located outside the settlement confines of Blue Bell Hill village (albeit immediately adjacent to the confines) and therefore in the countryside for development plan purposes.

3.2 The application site comprises an irregularly shaped piece of land situated to the rear of properties on the north side of the eastern end of Robin Hood Lane (Upper). The site is reached via an existing access between numbers 232 and 238 Robin Hood Lane.

3.3 It is also adjacent to Taddington Wood (Ancient Woodland) which lies to the west.

3.4 The site has an area of 0.57 hectare. The approach to the site is framed by mature deciduous trees growing in the rear gardens of the adjacent houses. The site is now overgrown with long grass and brambles. There is some variation in ground level across the land.

3.5 It is stated that the land was previously developed with buildings and structures and a shooting range. Part of the site is covered by blanket Tree Preservation Orders in addition to individual TPO's. The larger blanket TPO covers the northern part of the site area. The applicant also owns a further larger area of land that extends to the west and north of the application site.

3.6 The application site is located in the north eastern corner of the borough, close to the boundary with Medway Unitary Authority. The land is bounded by the A2045 to the east and its intersection with the M2, that comprises junction 3, to the north. At the eastern side of the site the land falls away down a steep embankment to the A2045 road.

3.7 Robin Hood Lane comprises a mix of individually designed two storey houses, chalet houses and bungalows.

tracking diagrams will also be required to indicate that the fire appliance, deliveries and refuse collection vehicles are able to turn around and leave in a forward gear. Subject to this the shared surface access road is acceptable for this development of five dwellings. The traffic generation associated with five dwellings will not be significant and will not have an adverse impact on the highway network. Each property has two independently accessible parking spaces and garages and this complies with parking document IGN3. Subject to the above I feel this application would not be detrimental to highway safety and therefore raise no objection on behalf of the local Highway Authority.

5.2.1 No further comments made in relation to the current application.

5.3 Kent Wildlife Trust: Initially raised no objection subject to planning conditions being imposed to secure the ecological enhancements recommended in the Ecological & Reptile Survey reports submitted in support of the application. Secondly, to secure the submission of a management plan for the “woodland country park” indicating how the habitat will be enhanced to support reptiles and other wildlife displaced there from developed parts of the site.

5.3.1 Further feedback has been received stating that they were unable to endorse the woodland management plan as it suffers from a lack of information in a few key areas, for example which features of the woodland are to be preserved, controlled or enhanced and which opportunities exist for creating greater diversity.

5.3.2 DPHEH: KWT has now confirmed that a woodland management plan would not strictly be required given that the application has been amended to show that the adjacent woodland would not be accessible by the public.

5.4 Natural England: Noted that the proposal was unlikely to result in significant impacts on statutory designated conservation sites or landscapes, although recognised that the proposal has the potential to adversely affect woodland on the classified ancient woodland inventory. The determination of the application should be guided by paragraph 115 of the NPPF which gives the highest status of protection for the landscape and scenic beauty. The presence of protected species at the site is also a material consideration.

5.5 Private Reps: 15 + site and press notice: 0X/19R/0S. Objections can be summarised as follows:

- The proposal would lead to an increase in the level of traffic in the village. There is already severe congestion from the northern exit from the village;
- The peak filtering system of the traffic light junction should be removed;
- Robin Hood Lane already has traffic problems associated with visits to the crematorium. The proposed entrance to the site should be moved to Walderslade Woods Road to alleviate further traffic congestion;

- An outline application is not specific and only a full application should be considered. This application may be a precursor to a more intensive form of development on the remaining adjacent land under the applicants' ownership;
- The proposal will add to existing noise and air pollution problems;
- The height of the proposed buildings would compromise privacy. The access road would affect security of existing houses, possible anti-social behaviour problems in the woodland area;
- There has already been some illegal removal of protected trees from this site and the proposed removal of further trees and the associated development will damage the wildlife habitat;
- The development would erode the character of the village and AONB; [DPHEH: The site does not lie within the AONB. The boundary of the AONB, which lies to the west, is defined by the intervening M2 motorway];
- Loss of green space. The remainder of the site should be gifted to the Kent Wildlife Trust. The land should be used for amenity purposes not residential development;
- BBH village lacks amenities and infrastructure to support further development;
- A neighbourhood plan approach is needed to reflect what local people want.

5.5.2 In addition, a number of other matters have been raised but which are not material planning considerations. These are summarised as follows:

- The site is covered by a restrictive covenant;
- The development would result in financial gain;
- Proposal would result in a loss of a view;
- Water supply problems exist in the area;
- Noise and inconvenience during construction works.

6. Determining Issues:

Principle of development:

6.1 It has been established that TMBC can no longer demonstrate a five year supply of housing when measured against its objectively assessed need. This is a key change in circumstance since the previous planning decision in respect of the development of this site.

6.2 Whilst housing supply will be addressed through the emerging Local Plan, it has clear implications for decision making in the immediate term. In this respect paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

6.3 Paragraph 14 of the NPPF sets out the presumption to be applied as follows:

6.4 *“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.”*

In terms of decision taking this means approving development proposals that accord with the development plan without delay. Where relevant policies are out of date:

“Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.”

6.5 Policy CP13 of the TMBCS states that new development within the confines of the rural settlements including Bluebell Hill will be restricted to minor development appropriate to the scale and character of the settlement. In addition policy CP14 states that development in the countryside will be restricted to certain categories. This site lies within the countryside, outside the settlement confines meaning that CP14 is the policy within the development plan governing principle of development and that formed one of the reasons for refusal in 2016.

6.6 However, in the absence of an up to date five year housing supply, it is now necessary to establish the weight to be afforded to CP14 in this case particularly given the commentary made by the Inspector previously, which is an important material consideration. In this respect, the Inspector made reference to the fact that the site is located immediately adjacent to the boundary of the village and that it is “effectively sandwiched” between the existing village to the south and a major road network to the north and east, with the road network effectively forming a finite boundary. This, the Inspector concluded, meant that the development of this site for residential purposes (5 units) would not give rise to any significant harm to the countryside. Furthermore, the Inspector commented on the fact that the site is conveniently located and overall that the principle of residential development was acceptable. In concluding, the Inspector afforded CP14 limited weight, even at time when a five year supply could still be demonstrated.

6.7 In light of these considerations, I can conclude that substantially less weight should be afforded to CP14. In applying the presumption in favour of sustainable

development, it is necessary to determine the application against the policies contained within the NPPF as a whole. In terms of broad principles, this means applying the requirements of paragraph 55 which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

6.8 In this case, this means that consideration must be given to whether the scheme would provide isolated new homes (and thus whether special circumstances are needed). I do not consider that the site is physically isolated. Indeed, it is located immediately adjacent to the existing village boundary and there is access to the services and amenities available within the wider area; a matter which was also previously identified by the Planning Inspector.

6.9 In light of the above, I consider that the principle of the development of this site for five houses is acceptable.

Pattern of development within the locality:

6.10 The second reason for refusal in connection with application TM/16/00797/OA centred on the conclusion that the proposal would fail to integrate with the prevailing pattern of development in the area and respect the character and distinctiveness of the local area, contrary to policy CP24 of the TMBCS. Again, the previous Inspector concluded that the development would not cause such harm and this is an important material consideration.

6.11 Specifically, the Inspector was “satisfied that the proposal would maintain the spacious sylvan character of the locality and be appropriate in scale and character to Bluebell Hill village.” It was concluded that the proposal would maintain the distinctive character of this part of Robin Hood Lane and would integrate with the surrounding dwellings.

6.12 The circumstances at the site have not materially altered since the previous appeal decision and the character of the area remains largely unchanged. Given the Inspector’s views on the lack of harmful impact of the proposal on the character of the area, the second reason for refusal as outlined under TM/16/00797/OA can no longer be given weight. The proposal would integrate with the prevailing pattern of development in the area and would be in accordance with Core Strategy policy CP24.

Ecological considerations:

6.13 An ecological survey was submitted with the previous 2016 outline planning application, although a more specific reptile survey was not included. Whilst the applicants’ agents had been made aware of the need for a further reptile scoping survey they considered that this matter could be addressed by way of a condition,

given that the application was in outline form only. In this respect, whilst the Inspector had concluded in favour of the previous scheme in terms of the principle of development and impact on the character of the area, he did not agree that matters pertaining to ecological impact could be satisfactorily addressed through planning condition in the absence of more detailed survey work at the submission stage.

- 6.14 Policy NE2 of the MDE DPD states that the biodiversity of the Borough and in particular priority habitats, species and features will be protected, conserved and enhanced. Policy NE3 goes on to state that development that would adversely affect biodiversity will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement.
- 6.15 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying various principles, including where significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.16 In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
- 6.17 The current application is supported by an Ecological Scoping Survey which includes a desk study and walkover report. This report again concluded that the site offered no potential to support amphibians, dormice, bats or badgers, although reptiles may be present at the site. The report recommends that if a protected species is found on site at any time work should stop and advice should be sought from an Ecologist. Wildlife enhancements such as bird nesting and bat boxes are also recommended.
- 6.18 As a consequence of the findings of the Ecological Survey, and the conclusions drawn from the Inspector in this respect, a Reptile Survey has now been carried out and the results submitted with the application. This recorded slow worms and adders (both protected species) present at the site in the area of the proposed housing. The Reptile Survey also provides a suggested mitigation strategy to minimise disturbance to reptiles. It is suggested that the woodland part of the site is managed for the benefit of reptiles by creating glades in sunny places and installing a reptile-proof fence. The mitigation measures as set out within this survey can be adequately secured by condition to ensure that the works are undertaken prior to any development on the site. In terms of ongoing management of that area in the interests of those species to be translocated, now that there will

be no public access and KWT have confirmed they are agreeable to such an approach, a detailed management plan can also be addressed in this way.

Open space provision:

- 6.19 Policy OS3 of the MDE DPD requires the provision of open space as part of a development for five dwellings or more. The policy states that where this cannot be provided on site, a contribution will be sought to enhance existing off site public open space.
- 6.20 Originally, it was proposed that an area of remaining woodland adjacent to the proposed houses would be provided as on site open space in accordance with policy OS3. However, this is also proposed to be the area where any reptiles discovered on the development site would be translocated to, creating a potential conflict. As such, the proposal is now to provide a financial contribution towards off-site provision in accordance with the calculator contained at Annexe D of the MDE DPD. This would be secured through a legal agreement. The woodland would be enclosed and remain in private ownership with no public access.

Noise impact:

- 6.21 It is necessary to consider the acoustic environment in this locality and whether a good standard of amenity for future residents can be achieved. Various factors such as the level and frequency of noise from the nearby road network and the impact on those affected require detailed consideration. The Noise Policy Statement for England identifies several key phases with regard to the impact of noise on proposed developments and the adverse effect levels. Where necessary mitigation measures will need to be identified and controlled through planning conditions.
- 6.22 The applicant has submitted a road traffic noise survey into the effect of noise on the proposed development. This report however made use of noise data acquired in September 2011. Notwithstanding this there do not appear to have been any substantial changes to the road network in that area since the noise data was acquired that would have affected the results and as such it is considered to be fit for purpose in making an informed assessment in this case.
- 6.23 The submitted information demonstrates that with suitable mitigation an adequate noise climate can be provided both inside and outside the proposed dwellings. It is important to note that if the data provided relies upon closed windows to meet the guide values, there needs to be appropriate alternative ventilation that does not compromise the façade insulation or the resulting noise level.
- 6.24 It is noted that this is an outline application and therefore a further noise report would be required to consider the acoustic implications arising from the detailed layout and design of buildings. In this respect, a condition can be imposed upon an outline permission requiring the submission of a further noise report addressing

the final layout and design. The report should consider the levels cited in the BS8233:2014 covering gardens and outdoor spaces. The report should include specific data detailing any mitigation/attenuation measures needed to attain the necessary levels. The information provided at this stage indicates that there is a technical solution to achieving this and there is therefore no problem with addressing this matter by way of condition.

Highway safety and parking provision:

- 6.25 Blue Bell Hill village lies close to a very busy multi-road intersection with access to the motorway network. As a result there is a high level of vehicle activity in the area with traffic flowing between the various nearby settlements on the edge of the Medway towns. This is a situation that has existed for some time and the operation of the traffic lights is regulated by KCC Highways.
- 6.26 It is appreciated that the majority of residents enter and leave the village from Maidstone Road with Warren Road being used much less frequently due to its narrow width and steep gradient. It is also recognised that, due to the siting of the crematorium towards the end of Robin Hood Lane, there is regular and sometimes heavy traffic moving along this road. As a result of the above there is significant vehicle activity in the area.
- 6.27 The application has been considered by KCC (H+T) and the conclusion drawn is that the addition of five houses in this area would not have a severe impact on highway safety (when applying the tests set out in paragraph 32 of the NPPF), subject to an increase in the width of the access road to allow large vehicles to pass cars. This would be a matter for the detailed planning stage and can be controlled by way of planning condition.
- 6.28 The submission indicates that the five detached dwellings would all accommodate 4+ bedrooms. This means that each dwelling would need to be served by two independently accessible car parking spaces in order for the scheme to accord with the requirements of KHS IGN3: Residential Parking. I note that garages are shown on the indicative plans to be provided to serve each of the dwellings but these are not counted as vehicle parking spaces for the purposes of applying the adopted standards. As such, the curtilages serving each of the dwellings will need to accommodate areas of hardstanding to accommodate sufficient open parking bays. The indicative layout plan and the overall size of the site leads me to conclude that this is achievable and can be adequately secured by planning condition. Such space would need to be shown as part of the detailed "reserved matters" submission.

Air Quality:

- 6.29 As mentioned above this site is situated on a busy road intersection between the M2 and A2045. The closest property to the A2045 would be around 37m from this road and would not be in an area of poor air quality. It is suggested that any gaps

in the tree planting could be enhanced with further planting to assist in maintaining air quality levels.

- 6.30 Furthermore, on the basis of the proposal only being for five new dwellings, it is not considered that the associated trip generation arising from the development will be significant in air quality terms on the surrounding, existing, receptors.

Contaminated land:

- 6.31 In accordance with paragraph 121 of the NPPF, in the event that outline planning permission is granted, it is recommended that safeguarding conditions are attached requiring the submission of a contaminated land desktop study identifying all previous uses of the site, potential contaminants and any required mitigation measures.

Trees and landscaping:

- 6.32 A tree report has been submitted in support of the application which concludes that the majority of trees at the site are category B, which means they are of moderate quality in arboricultural terms. It has been stated that it would be necessary to remove three oak trees which are subject to a TPO (T22, T23 & T24). These would need to be replaced with three new replacement trees as part of the landscaping scheme.
- 6.33 In the event that outline planning permission was granted, the applicant would be required to submit full landscaping details as part of the “reserved matters”. This would need to include full details of replacement and additional tree planting. Information would also be required to demonstrate how trees to be retained would be protected during construction works.

Affordable housing:

- 6.34 Policy CP17 of the TMBCS requires the provision of affordable housing as part of developments in rural areas for sites which exceed an area of 0.16 hectares. However, the NPPG has recently set out clear guidance stipulating that affordable housing contributions in areas such as this should not be sought from developments of ten units or less (or with a maximum gross floor space of no more than 1,000 square metres). As such, there is no requirement for affordable housing as part of this scheme.

Conclusions:

- 6.35 For the reasons set out in the preceding assessment, in determining this application it is necessary to apply the presumption in favour of sustainable development. The weight to be afforded to CP14 in these circumstances is substantially reduced and the scheme accords with the requirements of paragraph

55 of the NPPF. As such, there is no objection to the principle of the development of five houses in this location.

- 6.36 Equally, the previous Inspector's conclusions concerning character and appearance of the area are an important material consideration and there cannot be any justifiable reason to resist the development on such grounds given the conclusions drawn.
- 6.37 Sufficient evidence has now been forthcoming which gives surety about mitigation in the event that protected species are identified on site and a legal agreement can act as the appropriate mechanism for ensuring translocation and management in the immediate and longer term.
- 6.38 In the light of the above it is recommended that planning permission is granted subject to all necessary safeguarding conditions and subject to the applicant entering into a legal agreement in respect of the provision of an appropriate off-site contribution to public open space in accordance with policy OS3 of the MDE DPD.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 02.10.2017, Letter amended dated 02.10.2017, Proposed Plans and Elevations p02 dated 11.08.2017, Tree Plan G418TCP dated 11.08.2017, Tree Protection Plan G418TPP dated 11.08.2017, Site Plan p01 dated 11.08.2017, Proposed Plans and Elevations p03 dated 11.08.2017, Proposed Plans and Elevations p04 dated 11.08.2017, Proposed Plans and Elevations p05 dated 11.08.2017, Sections p05 dated 11.08.2017, subject to:

- The applicant entering into a Section 106 Agreement relating to a public open space contribution in accordance with policy OS3 of the MDE DPD and;
- The following conditions:

Conditions:

1. Approval of details of the layout and appearance of the development, access to and within the site, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been 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 to Condition 1 shall include details of finished floor levels of all buildings and the development shall be undertaken in strict accordance with the approved details.

Reason: In the interests of visual amenity.

5. The details submitted in pursuance of Condition 1 shall show land, reserved for parking in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (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 reserved vehicle parking area.

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

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. Details submitted pursuant to condition 1 shall include a scheme of surface and foul water disposal. The development shall be undertaken in full accordance with the approved scheme and retained and maintained at all times thereafter.

Reason: In the interests of pollution prevention.

8. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme

should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

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

9. No development shall take place other than as required as part of any relevant approved site 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 site 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 site 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 the development 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).

10. Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

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

11. Details submitted pursuant to condition 1 shall include an acoustic report that addresses the proposed layout of the development. The report must consider the levels cited in BS8233:2014, namely:

1. For gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq, 1-hr and a maximum upper limit of 55dB LAeq, 1-hr: and

2. To at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16hr (day) in bedrooms, 35dB LAeq, 16hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas(ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 of BS8233:2014 and that these levels need to be achieved with windows at least partially open.

The report must also detail any mitigation/attenuation measures required as part of the development and the development must take place in accordance with any such approved measures and those measures must be retained at all times thereafter.

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

12. The details submitted in pursuance to Condition 1 shall include a tree survey in accordance with BS5837:2012 detailing all trees to be retained, removed and replaced as part of the landscaping scheme for the site for approval by the Local Planning Authority. It shall also include specific measures to protect those trees to be retained during the construction works. Any such approved measures shall be put in place prior to the commencement of the development and retained throughout the construction phase.

Reason: In the interests of good forestry and amenity.

13. The details submitted in pursuance to Condition 1 shall include details for the storage and screening of refuse. 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 details submitted in pursuance to Condition 1 shall include details of all means of boundary treatments including full details of a noise attenuating fence to be erected around the rear of the dwellings. The development shall be undertaken in strict accordance with the approved details and the means of boundary treatment shall be retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory standard of development and to safeguard the aural amenity of the occupants of the dwellings hereby approved.

15. No development shall commence on site until the mitigation measures set out within the Reptile Survey dated 20 July 2017 (Reference 2017/04/05) have been undertaken in full.

Reason: In the interests of nature conservation and biodiversity.

16. Prior to the first occupation of the dwellings hereby approved, a scheme for managing the woodland as identified at Figure 2 of the Reptile Survey dated 20 July 2017 (Reference 2017/04/05), including measures which prevent public access to this area, shall be submitted to and approved by the Local Planning Authority. The details approved shall thereafter be implemented at all times.

Reasons: In the interests of nature conservation and biodiversity.

Informatives

1. During the demolition and cost phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 0730 hours-1830 Hours, Saturdays 0800-1300 hours with no such work on Sundays or Public Holidays.
2. The use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommended that bonfires are not held at the site.
3. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required, are obtained and that the limits of highway boundary are clearly established.
4. The proposed site plan includes a tree line between the proposed noise barrier and the proposed dwellings. It appears that this tree line is existing but any gaps could be enhanced with further planting. This and any intended tree planting should bear in mind air quality potential of the chosen species as well as their biodiversity benefits. This can be viewed through UTAQ scores (Urban Tree Air Quality scores: see Urban Air Quality, Woodland Trust 2012); such trees as silver birch (*Betula Pendula*) have high UTAQ score and have been shown to offer high reduction of air pollution.

5. In considering the details required pursuant to condition 7, in the event that Details of surface and foul water disposal to be submitted. In the event that non mains drainage is proposed, details will be required including size, location and maintenance regimes. Due consideration should be given to the National Planning Policy Guidance, Paragraph: 020 Reference ID:34-020-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H-Drainage and Waste Disposal.
6. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked 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@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.
7. The refuse collection contractor operates a minimal reversing policy for its vehicles. Bins will therefore need to be presented near to the vehicle access road. There is a maximum carry distance of 25m from either the bin store or house to the refuse vehicle and consideration should always be given to a shorter distance.

Contact: Hilary Johnson