

**Ditton**

**15 June 2018**

**TM/18/01394/FL**

Ditton

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

Location: 4 - 6 New Road Ditton Aylesford Kent ME20 6AD

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**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](http://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 18<sup>th</sup> 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](mailto: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