
Report of 9 October 2014

Ditton Ditton	570674 159323	20 May 2014	TM/13/03692/FL
Proposal:	Erection 32no. dwellings (35% affordable), access road, car parking and landscaping at Bellingham Way, Aylesford, Kent (includes demolition of existing structures)		
Location:	Ferns Surfacing Ltd, Larkfield Depot Bellingham Way Larkfield Aylesford Kent		
Applicant:	Ferns Surfacing Ltd		

1. Description:

- 1.1 Full planning permission is sought for the erection of 32 dwellings including 5 x 1 bedroom flats, 24 x 2 bedroom flats, 3 x 3 bedroom houses and 50 car parking spaces. The development is proposed to be laid out in a number of blocks, ranging from three to four storey blocks on the frontage with Bellingham Way, to two storey dwellings to the rear. The two central blocks of units are shown as affordable housing units to be made available at social rent levels. Car parking would largely be provided in car parking courts which are proposed to sit in relatively close proximity to the buildings. The site would be accessed from a new access road which would run through the centre of the site and join to Bellingham Way.

2. Reason for reporting to Committee:

- 2.1 The application is being reported to the Planning Committee as it is a departure from the development plan.

3. The Site:

- 3.1 The application site is an existing commercial site with a lawful use as a lorry park/transport yard and is currently in use for lorry vehicle sales and situated within the New Hythe Business Park. The site area measures approximately 0.5 hectares and is largely laid to hardstanding, there is an office building on the site which is proposed to remain as part of the development.
- 3.2 The site fronts onto Bellingham Way which is situated to the east of the site and raised slightly above road level. To the west of the site are the rear gardens of residential dwellings which front onto New Hythe Lane. These properties are situated at an elevated ground level from the application site, sitting atop a steep vegetated bank. To the north of the site are residential dwellings and a car parking area at Mercer Close. These neighbouring properties are separated from the site by metal palisade fencing. To the south of the site is the remainder of Ferns Surfacing yard which is proposed to remain in a commercial use.

3.3 The application site is situated on the border between the industrial/commercial land to the south and residential development to the north and west. This creates a generally mixed character to the local area. The residential dwellings to the north east and north are of a relatively modern age and are situated on land which previously formed commercial sites.

3.4 The local area is of no special landscape designations.

4. Planning History:

None directly relevant to this case.

5. Consultees:

5.1 East Malling and Larkfield PC:

- Accept in principle this particular site is acceptable for residential development
- Other sites should be considered as part of the local plan review process with regard to the availability of employment land
- Request conditions be imposed relating to landscaping, archaeology, affordable housing, parking, construction hours, contamination and dropped kerbs for pedestrians.
- Request the Parish Council are consulted on the new road name
- Seek sufficient visitor car parking provision

Ditton PC:

- Originally raised no objections to the application but following re-consultation after the number of car parking spaces were reduced, sought the number of car parking spaces be increased to 60.

5.2 KCC Highways and Transportation: Raises no objection subject to conditions.

5.3 KCC Heritage: State that the site lies in an area which has some potential for prehistoric remains. About 300m to the south some Palaeolithic flints were located in the New Hythe Pits. Similar remains may survive on the application site. On the basis of the 4th ed OS Map and 1940's aerial photographs part of the site appears to have been subject to historic quarrying. But any area which has not been quarried has potential for archaeology and it is therefore recommended that a condition is imposed on any planning permission requiring an archaeological watching brief.

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- 5.4 Kent Police: Request that the applicant's attention is drawn to the Kent Design Initiative Design Out Crime Prevention document to assist them in designing out crime.
- 5.5 KCC Economic Development: Have requested commuted payments for the amount of £31,654.96 towards the provision of primary education, community learning, youth services, libraries and adult social care.
- 5.6 Private Reps: 41/0S/1X/0R + site and press advert

1 letter of objection received raising concern that trees on the site had been removed before development had commenced and that these trees offered environmental protection from factory noise and lights which now shine into the bedroom window.

6. Determining Issues:

- 6.1 The NPPF, along with policy CP1 of the TMBCS (2007) and policy CC1 of the MDE DPD (2010), places sustainability at the heart of decision making, ensuring that new development does not cause irrevocable harm to the environment and balancing this against the need to support a strong, competitive economy and protect the social welfare of existing and future residents.
- 6.2 The core planning principles contained within paragraph 17 of the NPPF outline the key objectives that the government consider should be fulfilled by the planning system. These include the encouragement of the effective use of land by reusing land that has been previously developed (brownfield land); and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.
- 6.3 Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their own merits having regard to the relative need for different land uses to support sustainable local communities.
- 6.4 Policy CP11 of the TMBCS requires that new development is concentrated within the urban areas of the Medway Gap (which includes Larkfield). CP15 states that housing will be permitted which accord with the principles of sustainability and which maintain and respect the settlement hierarchy.
- 6.5 The application site is located on land which is safeguarded for employment uses by policy E1 of the DLADPD. This policy states that proposals for non-employment uses (i.e. uses other than B1/B2/B8) would not be permitted.

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- 6.6 The existing site has permission to be used as a lorry park/transport yard and is currently being used for lorry sales. The lawful employment use has been present at the site since at least the 1970's when planning permission was granted for portable office buildings. The applicant has not provided any supporting evidence to demonstrate that the site is no longer viable for employment purposes; indeed, the site is currently in use for lorry sales (although this does not appear to be a lawful use). However, the owner of the land has moved a proportion of their business to London which has meant that they no longer require the whole site for the transport yard purposes. It is also stated that they do not intend to invest further in the employment site due to the potential noise and disturbance which may be caused to residential neighbours.
- 6.7 Since the commencement of the commercial use of the site the character of the local area has significantly changed, with many of the former employment sites such as the Kent Messenger and Leybourne Park now having been developed for residential purposes. It is also important to note that the Council's policy documents contained within the LDF were formulated prior to the publication of the NPPF. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up to date Local Plan should be approved and conversely proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration in determining applications as it constitutes guidance issued by the Secretary of State for decision takers. Weight must be placed upon the guidance contained within the NPPF in the consideration of the application for the re-development of the land.
- 6.8 Although the applicant has not sought to demonstrate that the application site is no longer commercially viable, there would be other benefits to the redevelopment of the site for residential purposes. The site has an unfettered commercial use as a transport yard. If used to its full potential this could cause significant noise and disturbance to residential neighbours directly adjacent to the site. The redevelopment of the site would provide some environmental benefits to the local area as a result.
- 6.9 It is also advised that any profits from the sale or development of the land would be re-invested in the neighbouring site which would provide some economic benefit to the local area. No details of this re-investment have been provided and the Council has no mechanism to ensure that the neighbouring site is enhanced by profits from the land sale or redevelopment. So, only limited weight can be attributed to this in the consideration of the application.
- 6.10 Finally, the residential development would include the provision of social rented affordable units of accommodation. This would represent at least 20% of the total residential accommodation on the site. This particular tenure of affordable accommodation is in short supply locally and the Council has a significant under

provision of such accommodation. In light of this, the proposed development offers wider benefits to the local community and this has been afforded considerable weight in the consideration of the principle of the development.

- 6.11 The site is located in a sustainable location in that it has both footpath and public transport links to local amenities as well as the wider urban area. It is surrounded by other residential development which means that a more intensive employment use may now cause significant noise and disturbance to residential neighbours. The site is brownfield and would allow for the provision of affordable homes which would seek to meet the needs of customers on the housing waiting list. These factors all weigh in favour of the development and represent material considerations in the determination of the application.
- 6.12 In light of the above, on balance although the development would represent a departure from the development plan in that it would result in the loss of employment land, the NPPF is supportive of the principle of the re-use of brownfield land. The material considerations outlined above weigh in favour of the development and offer considerable benefits to the local community and as such it is considered that the development is acceptable in principle.
- 6.13 The NPPF emphasises the need for good design in new development and identifies this as a key aspect of sustainable development, positively contributing to making places better for people. Paragraph 57 highlights the importance of a development establishing and maintaining a strong sense of place, creating attractive and comfortable places to live, which respond to local character and are visually attractive.
- 6.14 This is reflected in policies CP24 of the TMBCS and SQ1 of the MDEDPD which seek to ensure that all development is of a high quality design, and to protect, conserve and where possible enhance the character and distinctiveness of the local area. This includes the distinctive setting of and relationship between the pattern of the settlement, roads and the landscape, urban form and important views.
- 6.15 During the course of the application negotiations have taken place with regard to design in order to provide an appropriate balance between the need to ensure the development is viable whilst at the same time ensuring that the site sits comfortably in its surroundings. The site has been designed with buildings at the entrance turning around the corner between Bellingham Way and the new site entrance. The scale of the buildings reduces from the front (road edge) of the site to the back and all have been designed to have a road frontage directly onto the access road.
- 6.16 The buildings themselves have Juliet balconies in order to provide a suitable window to wall ratio, breaking the massing of the buildings and providing articulation to the frontages. Ground floor apartments have also been designed with patio doors in order to provide independent access without the need to use

the communal entrance if desired. This, combined with the variations to the building frontages, allows the buildings to visually reach out to the street and prevent the creation of a bland road frontage.

- 6.17 The variation in design of the blocks would create visual interest and the overall site layout draws the eye along the access road into the site. The end point of the road is proposed to be landscaped and part of the access road has been designed with street trees. These factors soften the building line and positively contribute to the verdant appearance of the development. The street trees would allow for vehicles to park on the highway but would provide designated spaces for doing so, which would improve the appearance of the street scene.
- 6.18 The character of the local area is mixed, with three to four storey apartment blocks to the north east of the site, apartments of a similar scale to the north and large commercial buildings to the south. The development would not detract from the overall character of the locality as it would reflect the scale of other residential development in Bellingham Way and would not be overwhelmed by the large scale commercial buildings to the south. The specific design of the development would allow the development to sit comfortably within its setting and no harm would be caused to the visual amenity of the locality.
- 6.19 The NPPF sets out the need to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings as one of the core planning principles in paragraph 17. This amenity is affected by the quality and standards of both internal and external accommodation.
- 6.20 The proposed residential units would have good sized floor areas with the one bedroom units having floor areas of approximately 50m² on average and the two bedroom units with an average floor area of 65m². This would provide adequate internal accommodation for future residents without causing harm to their residential amenity. None of the dwellings are single aspect, the majority being triple aspect which would allow natural ventilation and heating throughout the day. All of the blocks of apartments and the dwelling houses have access to external amenity space, the majority of which is communal. The space is adequately sized in order to provide space for residents to sit outside and for children to play. This would positively contribute to the residential amenity of future occupants.
- 6.21 The application site is located in a commercial area and is affected by noise, mainly from road noise on Bellingham Way. Policy SQ6 of the MDE DPD (adopted 2010) needs to be applied in the context of both the NPPF and NPPG which are now “material considerations” for this purpose. This is a clear steer away from using measures such as the NECs in SQ8 as a means of calculating noise impact.
- 6.22 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new development from being put at unacceptable risk from or being adversely affected by unacceptable levels of noise pollution. Paragraph 123 continues that planning

decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

- 6.23 The Noise Policy Statement for England (2010), which is cited in NPPF, sets out a series of aims which include the avoidance of significant adverse impacts on health and quality of life. The explanatory note to the policy seeks to explain what is meant by significantly adverse and adverse impacts by reference to two concepts established by the World Health Organisation: “No Observed Effect Level” (NOEL) and “Lowest Observed Effect Level” (LOAEL) (the level above which adverse effects can be detected), and extends that concept to include a “Significant Observed Adverse Effect Level” (SOAEL). SOAEL is described as the level above which significant adverse effects on health and quality of life occur. These considerations do not set specific noise levels unlike earlier standards.
- 6.24 The NPPF states that in decision making account should be taken of the acoustic environment and in doing so to consider whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. As part of this exercise it would include identifying whether the overall effect of the noise exposure is or would be above or below the SOAEL and LOAEL levels.
- 6.25 At the front of the site the measurements taken demonstrate that the L_{Amax} measured never drops below 75dB throughout the night time periods and is more often than not in excess of 80dB.
- 6.26 The report does include a range of attenuation measures to achieve a satisfactory internal climate and these do appear to achieve the desired levels of BS8233:2014. This includes the provision of acoustically screened mechanical ventilation. These ventilation systems would be required where the internal noise levels will exceed 40 LA_{eq} dB in bedrooms or 48 LA_{eq} dB in living rooms with windows open and to bedrooms having openings into facades that will be exposed to a level of road traffic noise in excess of 78dB L_{Amax} (slow time weighting). This can be controlled by way of planning condition on any approval.
- 6.27 The application site sits opposite a commercial site entrance where HGV vehicle movements occur on a regular basis – not unlike the adjoining dwellings recently developed. The dwellings on the forward-most part of the site could therefore be subjected to sweeping of the vehicle headlights from the units opposite. The dwellings on the front of the site would be situated approximately 1 metre above road level due to the levels change across the site. The cill height of the windows would subsequently be a further 1.1 metres above ground level. The dwellings have living room/kitchen windows facing onto the road rather than bedrooms and therefore disturbance would be further limited. In light of the height above road level and the nature of the rooms facing onto the road, no detriment would be caused to the residential amenity of future occupants through headlight sweep.

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- 6.28 There are residential neighbours in close proximity to the site, to the north are dwellings fronting onto Mercer Close, and to the west are dwellings which front New Hythe Lane. The dwellings to the west are situated at a higher ground level and approximately 33 metres from the boundary of the application site. These factors would prevent an adverse impact from occurring due to overlooking or by the development being overbearing to them.
- 6.29 Dwellings to the north are situated in closer proximity to the site; however they are not directly in line with any of the windows in the residential blocks proposed. There is the potential for some overlooking to occur from the first and second floor bedroom and bathroom windows of the block containing units 19-24. It is therefore considered reasonable and necessary to require these windows to be obscure glazed and non-opening to 1.7 metres above internal floor level. However, the bedrooms all have secondary windows facing to the west providing the occupants with an outlook mitigating the impact of the obscure glazing. The blocks themselves are relatively high, however the position of the block containing units 19-24 in relation to 39 Mercer Close would prevent it from being unacceptably overbearing. No detriment would therefore be caused to the residential amenity of the closest residential neighbours as a result of the proposed development.
- 6.30 In considering new development the NPPF advises that decisions should take account of whether the site provides a safe and suitable access for all people and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Policy SQ8 of the MDE DPD states that development will only be permitted where it would not significantly harm highway safety and where there would be sufficient off road car parking provision in line with the Council's adopted parking standards.
- 6.31 The development proposes the provision of 50 car parking spaces to serve 32 residential units which comprises 3 visitor car parking spaces and 47 car parking spaces to serve the dwellings. The majority of the parking would be provided in parking courts which would be overlooked by the neighbouring residential buildings. This would provide passive overlooking which would improve safety for occupants and users of the car park. The level of car parking would exceed those required by IGN3 which seeks a provision of 1 space per 1 or 2 bedroom apartment and two spaces per three bedroom dwellinghouse (a total of 35 spaces). The proposed access road would also provide opportunity for some car parking in bays distinguished by the street trees. This would allow for sufficient off road car parking to serve the development.
- 6.32 KCC Highways has raised concern that details have not been provided with regard to parking for the retained office. This office would be accessed through the site to the south which remains in the ownership of the applicants. This site is an open yard with space for parking vehicles and would have sufficient space to serve the office use.

- 6.33 The residential development would result in vehicular movements to and from the site. The submitted transport assessment uses TRICS data to estimate the number of traffic movements generated by the development and states that the number of two way movements in the AM peak would be 9, with 14 during the PM peak and a total of 125 two way movements throughout the day. However, the site has a lawful B1/B2 use which would generate significant traffic movements of both cars and HGV's. The submitted report states this level to be 39 vehicular movements in the AM peak, 28 in the PM peak and a total of 246 overall. There would therefore not be any significant highway safety implications as a result of the proposed development.
- 6.34 The proposal would require the provision of a new access onto Bellingham Way. At present there is a pedestrian refuge situated almost directly in front of the proposed site access which would be required to be moved in order to provide safe entry and exit. In addition, KCC Highways has raised the issue that the white lining on the road to the front is currently confusing and would need to be altered. These matters could be secured by S.278 agreement with KCC Highways and could be controlled by way of Grampian condition on any planning approval. A condition would also be required to ensure that the gradient of the access was not so steep so as to cause highway safety issues.
- 6.35 Policy CP17 requires the provision affordable housing on all sites of 15 dwellings or above at a level of 40% of the number of dwellings in any scheme. This housing should be provided by way of 70% of the affordable dwellings being socially rented housing and the remainder being intermediate housing. That policy position was established, in 2007, following earlier housing need study work. The development proposes a total of 20% affordable housing (6 of the 32 units) and would be for *social rent*. This specific tenure is in limited supply in new development in the borough due to the under provision in the current market. The level of provision of affordable housing would be acceptable at 20% in order to ensure that all of the units would be for social rent. This would be a preferred tenure of social housing and therefore on balance it is considered that the lesser provision overall would be overcome by the preferential tenure which would meet the needs of those on the housing register. The precise means of ensuring control over this provision is currently anticipated by planning condition – however further consideration is being given as to whether this control may be better achieved by a S106 planning obligation given the market circumstances and the particular nature of the unallocated site.
- 6.36 Commuted sums have been sought from interested parties including Kent County Council Economic Development who seek a contribution of £31,654.96 towards primary education, libraries, social care and youth services and £84,284 towards the provision of open space. The applicants have provided a viability assessment to address the commuted sums which have been requested. This assessment has been reviewed on behalf of the Council and it is considered that the viability report is robust. The desirability of providing social rent affordable housing on the site at

the level proposed means that it would not be reasonable for the Council to also require the payment of commuted sums in this instance as it is the Council's priority to secure properly affordable housing provision – and investigations are in hand to establish if this contribution sum could be more effectively used to bring forward further affordable units.

- 6.37 The application is supported by a desk based archaeological analysis of the site which identifies a low to moderate archaeological potential for early prehistoric periods and the late Iron Age to Roman Period. This is due to its physical position in relation to other archaeological finds in the locality. The report recommends no further mitigation measures are required in this instance. KCC Heritage has requested a condition to require archaeology to be monitored on the site by a qualified person, this would appear to be reasonable in light of the low-to-moderate likelihood of archaeological remains being present.
- 6.38 The site is currently in a commercial use and there is therefore some likelihood of contamination being present on the site. The applicant has not provided a contamination report with the application submission; however a condition requiring contamination surveys to be carried out and necessary remedial works completed before and during development would be sufficient to prevent an adverse impact being caused through contamination, given the particular form of the development.

7. Recommendation:

7.1 Approve in accordance with the following submitted details:

Location Plan 9574/01 dated 28.11.2013, Site Plan DHA/9574/03 D dated 28.08.2014, Existing Site Plan DHA/9574/02 dated 28.08.2014, Proposed Plans and Elevations DHA/9574/07 C dated 28.08.2014, Proposed Plans and Elevations DHA/9574/08 C dated 28.08.2014, Proposed Plans and Elevations DHA/9574/09 B dated 28.08.2014, Proposed Plans and Elevations DHA/9574/10 A dated 28.08.2014, Proposed Plans and Elevations DHA/9574/11 C dated 28.08.2014, Proposed Plans and Elevations DHA/9574/12 C dated 28.08.2014, Supporting Information 9574-H-01 P1 dated 28.08.2014, Supporting Information 9574-H-02 P1 dated 28.08.2014, Supporting Information 9574-H-03 P1 dated 28.08.2014, Supporting Information 9574-H-04 P1 dated 28.08.2014, Supporting Information 9574-H-05 P1 dated 28.08.2014, Road Safety Audit dated 28.08.2014,

Conditions / Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle and cycle parking space and turning has been provided, surfaced and drained. Thereafter it 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 parking space.

Reason: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking, in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. 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: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

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5. The bedroom and bathroom windows on the north elevation of the units on the first and second floor to the western side of the block containing units 19-24 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the unit to which the window(s) relate is occupied and shall be retained thereafter in perpetuity.

Reason: To minimise the effect of overlooking onto adjoining property, in accordance with Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 and paragraph 17 of the National Planning Policy Framework.

6. Prior to the first occupation of the units hereby approved details of a scheme of acoustic protection of habitable rooms shall be submitted and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open, and shall include acoustically screened mechanical ventilation to bedrooms having openings into facades that will be exposed to a level of road traffic noise in excess of 78dB L_{Amax} (slow time weighting). The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: In the interests of the residential amenity of future occupants.

7. The access details shown on the approved plans shall be completed prior to the use of the site being commenced at a gradient of no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter and shall be maintained in perpetuity.

Reason: In the interests of highway safety.

8. Prior to the first occupation of the development hereby approved vehicle visibility splays shown on the submitted plan numbers 9574-H-02 rev P1, 9574-H-03 rev P1 and drawing number 9574-H-04 rev P1 received on 28.08.14 with no obstructions over 0.6 metres above carriageway level and 2m x 2m pedestrian visibility splays behind the edge of the shared surface on both sides of the access with no obstructions over 0.6 metres above footway level shall be provided and shall be maintained in perpetuity.

Reason: In the interests of highway safety

9. The development hereby permitted shall not be occupied until the highways improvements as detailed in the Highway Design Drawings dated 28.08.14 have been carried out and brought into use.

Reason: In the interest of highway safety and to ensure compliance with policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

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10. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

11. Prior to the development hereby approved commencing details of the slab levels of the proposed buildings and the finished levels of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In order to secure a satisfactory standard of development and in accordance with paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework.

12. No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works shall be commenced until:

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

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

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

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

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

(d) a Validation Report shall be provided to the Local Planning Authority by a competent person to confirm that the agreed remediation scheme has been completed and the site is suitable for the permitted end use.

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

Reason: In the interests of amenity and public safety.

13. Prior to the commencement of development details of a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall thereafter be provided in accordance with the approved scheme. The scheme shall include:

- i. The numbers, type and location of the site of the affordable housing provision to be made;
- ii. The timing of the construction of the affordable housing;
- iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: To ensure that the housing hereby permitted meets the broad aims of Tonbridge and Malling Borough Core strategy Policy CP17, Affordable Housing Supplementary Planning Document 2008 and paragraphs 50, 54 and 55 of the National Planning Policy Framework 2012.

14. No development shall take place until the applicant, or their agents or successors in title, has secured 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 in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

Informatives

1. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council Highways and Transportation:
www.kent.gov.uk/roads_and_transportation.aspx or telephone:03000 418181 in order to obtain the necessary application pack.
2. 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 in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and

common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement of development.

3. Prior to the demolition work commencing the dutyholder is required to undertake an asbestos demolition survey as required by the Control of Asbestos Regulations 2012.
4. Tonbridge and Malling Borough Council operates a two wheeled bin and green box refuse recycling collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the boundary of the property at the nearest point to the public highway on the relevant collection day.
5. Collection of bins from individual property boundaries or specified bin storage areas can be achieved where vehicle access is permitted i.e. road constructed to highway standard to allow 32 tonne (GVW) refuse freighter and appropriate turning areas (vehicle 12m x 2.5m, with a 6m wheelbase and 4.5m height).
6. Although advice in accordance with the Local Plan states "no carry distance to exceed 25m from either the bin store or house to refuse vehicle", I wish to emphasise that 25m be used as the maximum and that consideration should always be given to a shorter distance that adheres to the above points.
7. The Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property.
8. On the day of collection, the wheeled bin from each property should be placed on the shared entrance or boundary of the property at the nearest point to the adopted KCC Highway.
9. The Council reserves the right to designate the type of bin/container. The design of the development must have regard to the type of bin/container needed and the collection method.
10. You are advised to contact the Council's Waste Services team directly to discuss matters of refuse vehicle access to the site
11. 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

Contact: Kathryn Holland

AREA 3 PLANNING COMMITTEE

DATED 9 October 2014

Ditton
Ditton

TM/13/03692/FL

Erection 32no. dwellings (35% affordable), access road, car parking and landscaping at Bellingham Way, Aylesford, Kent (includes demolition of existing structures) at Ferns Surfacing Ltd Larkfield Depot Bellingham Way Larkfield for Ferns Surfacing Ltd

DPHEH: There is a typographical error on the application description on the map on page 39. This description should match that on page 23.

A Primary School contribution has been put forward by the applicants. It is however being investigated whether this contribution could be put towards affordable housing as part of a S106 legal agreement. It is therefore considered that any recommendation should be subject to the applicant entering into a S106 legal agreement, the content of which is to be subject to further negotiation.

AMENDED RECOMMENDATION

7.1 Approve subject to the applicant entering into a S106 legal agreement to secure contributions towards affordable housing schemes, and in accordance with the following submitted details:

Location Plan 9574/01 dated 28.11.2013, Site Plan DHA/9574/03 D dated 28.08.2014, Existing Site Plan DHA/9574/02 dated 28.08.2014, Proposed Plans and Elevations DHA/9574/07 C dated 28.08.2014, Proposed Plans and Elevations DHA/9574/08 C dated 28.08.2014, Proposed Plans and Elevations DHA/9574/09 B dated 28.08.2014, Proposed Plans and Elevations DHA/9574/10 A dated 28.08.2014, Proposed Plans and Elevations DHA/9574/11 C dated 28.08.2014, Proposed Plans and Elevations DHA/9574/12 C dated 28.08.2014, Supporting Information 9574-H-01 P1 dated 28.08.2014, Supporting Information 9574-H-02 P1 dated 28.08.2014, Supporting Information 9574-H-03 P1 dated 28.08.2014, Supporting Information 9574-H-04 P1 dated 28.08.2014, Supporting Information 9574-H-05 P1 dated 28.08.2014, Road Safety Audit dated 28.08.2014,

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.

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2. **No development shall take place until written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

3. **The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle and cycle parking space and turning has been provided, surfaced and drained. Thereafter it 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 parking space.**

Reason: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking, in accordance with Section 2 of Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010.

4. **No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. 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: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

5. **The bedroom and bathroom windows on the north elevation of the units on the first and second floor to the western side of the block containing units 19-24 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the unit to which the window(s) relate is occupied and shall be retained thereafter in perpetuity.**

Reason: To minimise the effect of overlooking onto adjoining property, in accordance with Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 and paragraph 17 of the National Planning Policy Framework.

6. **Prior to the first occupation of the units hereby approved details of a scheme of acoustic protection of habitable rooms shall be submitted and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open, and shall include acoustically screened mechanical ventilation to bedrooms having openings into facades that will be exposed to a level of road traffic noise in excess of 78dB L_{Amax} (slow time weighting). The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.**

Reason: In the interests of the residential amenity of future occupants.

7. **The access details shown on the approved plans shall be completed prior to the use of the site being commenced at a gradient of no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter and shall be maintained in perpetuity.**

Reason: In the interests of highway safety.

8. **Prior to the first occupation of the development hereby approved vehicle visibility splays shown on the submitted plan numbers 9574-H-02 rev P1, 9574-H-03 rev P1 and drawing number 9574-H-04 rev P1 received on 28.08.14 with no obstructions over 0.6 metres above carriageway level and 2m x 2m pedestrian visibility splays behind the edge of the shared surface on both sides of the access with no obstructions over 0.6 metres above footway level shall be provided and shall be maintained in perpetuity.**

Reason: In the interests of highway safety

9. **The development hereby permitted shall not be occupied until the highways improvements as detailed in the Highway Design Drawings dated 28.08.14 have been carried out and brought into use.**

Reason: In the interest of highway safety and to ensure compliance with policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 10. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.**

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

- 11. Prior to the development hereby approved commencing details of the slab levels of the proposed buildings and the finished levels of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.**

Reason: In order to secure a satisfactory standard of development and in accordance with paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework.

- 12. No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works shall be commenced until:**

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

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

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

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

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

(d) a Validation Report shall be provided to the Local Planning Authority by a competent person to confirm that the agreed remediation scheme has been completed and the site is suitable for the permitted end use.

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

Reason: In the interests of amenity and public safety.

- 13. Prior to the commencement of development details of a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall thereafter be provided in accordance with the approved scheme. The scheme shall include:**

- i. The numbers, type and location of the site of the affordable housing provision to be made;**
- ii. The timing of the construction of the affordable housing;**
- iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and**
- iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.**

Reason: To ensure that the housing hereby permitted meets the broad aims of Tonbridge and Malling Borough Core strategy Policy CP17, Affordable Housing Supplementary Planning Document 2008 and paragraphs 50, 54 and 55 of the National Planning Policy Framework 2012.

- 14. No development shall take place until the applicant, or their agents or successors in title, has secured 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 in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.**

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

Informatives

- 1. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council Highways and Transportation:
www.kent.gov.uk/roads_and_transportation.aspx or telephone:03000 418181 in order to obtain the necessary application pack.**

- 2. 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 in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement of development.**
- 3. Prior to the demolition work commencing the dutyholder is required to undertake an asbestos demolition survey as required by the Control of Asbestos Regulations 2012.**
- 4. Tonbridge and Malling Borough Council operates a two wheeled bin and green box refuse recycling collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the boundary of the property at the nearest point to the public highway on the relevant collection day.**
- 5. Collection of bins from individual property boundaries or specified bin storage areas can be achieved where vehicle access is permitted i.e. road constructed to highway standard to allow 32 tonne (GVW) refuse freighter and appropriate turning areas (vehicle 12m x 2.5m, with a 6m wheelbase and 4.5m height).**
- 6. Although advice in accordance with the Local Plan states "no carry distance to exceed 25m from either the bin store or house to refuse vehicle", I wish to emphasise that 25m be used as the maximum and that consideration should always be given to a shorter distance that adheres to the above points.**
- 7. The Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property.**
- 8. On the day of collection, the wheeled bin from each property should be placed on the shared entrance or boundary of the property at the nearest point to the adopted KCC Highway.**
- 9. The Council reserves the right to designate the type of bin/container. The design of the development must have regard to the type of bin/container needed and the collection method.**
- 10. You are advised to contact the Council's Waste Services team directly to discuss matters of refuse vehicle access to the site**
- 11 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**

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