

APPLICATION: MA/09/0996 Date: 1 June 2009 Received: 10 June 2009
APPLICANT: Monro Homes
LOCATION: 58-62, SITTINGBOURNE ROAD, MAIDSTONE, KENT, ME14 5HZ
PARISH: Maidstone
PROPOSAL: Demolition of Numbers 58 and 60 Sittingbourne Road and erection of thirteen dwellings with associated car parking and landscaping. Demolition and replacement of garage serving Number 62 Sittingbourne Road. (Resubmission of MA/08/1329) in accordance with plans numbered P08/13/01 REV A; P08/13/02 REV B; P08/6/01 REV C; P08/6/02 REV C; P08/11/01 REV A; P08/11/02 REV A; P08/L/01 REV C received on the 6 November 2009; plan booklet and design and access statement received on the 11 June 2009 and draft heads of terms received on the 15 October 2009.

AGENDA DATE: Chris Hawkins

CASE OFFICER:

The recommendation for this application is being reported to Committee for decision because:

- Councillor Naghi has requested it be reported for the reason set out in the report

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1
South East Plan 2009: CC4, NRM11, T4, CC1, T4, H5, W1, W6, BE1
Government Policy: PPS1, PPS3, PPS9, PPG13, PPG24

HISTORY

MA/08/1329 58-60 Sittingbourne Road, Maidstone. Demolition of Numbers 58 and 60 Sittingbourne Road and erection of thirteen dwellings with associated car parking and landscaping. Demolition and replacement of garage serving Number 62 Sittingbourne Road. Withdrawn.

There is no other planning history relevant to this application.

1.0 CONSULTATIONS

- 1.1 **Kent County Council Highways Authority** were consulted and raised no objections to this proposal on the basis that the proposal would not give rise to any highway safety concerns. Conditions are suggested that are set out at the rear of this report.
- 1.2 **Southern Water** were consulted and raised no objections to this proposal.
- 1.3 **EDF Energy** were consulted and raised no objections to this proposal.
- 1.4 **West Kent PCT** were consulted and raised no objections to the proposal subject to the receipt of contributions totalling 12,312 for the provision and improvement of the health care facilities within the locality of the site.
- 1.5 **Mouchel (on behalf of KCC)** were consulted and raised no objection to the proposal on the basis that contributions were made to the improvement of the local library, adult education, and youth and community facilities within the area. These requirements are set out within the heads of terms as set out within the main body of the report.

2.0 Internal Consultations

- 2.1 **Maidstone Borough Council Landscape Officer** was consulted and raised no objections to this proposal: -
 - 2.1.1 'This is the second arboricultural survey undertaken of this site, the first was carried out in 2008 (08/1329). Both surveys were carried out in accordance with BS 5837:2005 Trees in relation to construction.
 - 2.1.2 In the rear of this site are a number of trees of varying species both surveys classed the majority of trees C grade ('low quality and value'). Both reports recommend 50-60 trees be removed to accommodate the development. The removal of so many trees will not have a detrimental effect on the amenity value. In fact it will be a good opportunity for the new landscaping scheme to introduce a wide selection tree species which will enhance the new development.
 - 2.1.3 To the front of the site is a line of mature Pines, Beech and Yews which are subject to TPO No 8 of 2005 and are significant to Sittingbourne Road in terms of visual appearance and amenity value.
 - 2.1.4 Referring to ArborEcology report(ref AE08_095_AMS_JC_01) indicates that 3 Pine trees (T54, 56 and 70) which are subject to TPO are to be removed to

facilitate the entrance drive to the site, however the remaining trees which are subject to the same TPO are to be retained.

- 2.1.5 Due to the significant earth bund at the front which acts a screen it is essential that care is taken to ensure that the retained trees are protected throughout the course of the development. This has been identified in ArborEcology report under the title Developmet Implementation Phases; Phase 1 - Site Preperition; Phase 2 Demolition and Phase 3- Construction. It is essential that these works and methodology statements are adhered to at all times, failure to do so may well result in the premature loss of the protected trees. The relevant Tree Protection Plans can be found in Appendix 1. In paticular it is the ground level that will be reduced to install a sub base within the root protection area (RPA) of trees 43, 44, 50, 51 and 53. This will have to be carried out under the supervision of the Arboricultural Clerk of works.
- 2.1.6 It is important to note that the Arboricultural method statements (AMS) provided so far are 'Skeleton Arboricultural Method Statements and if planning permission is granted full AMS will be produced.
- 2.1.7 Approval is recommended subject to the imposition of suitable safeguarding conditions'
- 2.1.8 ***Officer Comment:** These conditions are set out at the end of this report.
- 2.2 **Maidstone Borough Council Parks and Open Space Officer** was consulted and raised no objection to this proposal subject to the receipt of a sum of 17,325 for the provision and improvement of Parks and Open Space within the locality.
- 2.3 **Maidstone Borough Council Environmental Health Officer** was consulted due to road noise and made the following comments: -
 - 2.3.1 'The site is located within 250 metres of a former quarry (Vinters Quarry). However, the quarry is known to have been filled with subsoil during the late 1960's and early 70's. There is no evidence of the area having been used to tip domestic rubbish and therefore we do not feel that this development requires a landfill gas condition.
 - 2.1.2 The applicant has an opportunity to separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.
 - 2.1.3 Providing the development complies with current Building Regulations and the proposed insulation is used, noise nuisance to the new (and existing) residents should be abated.'

3.0 REPRESENTATIONS

- 3.1 **Cllr Naghi** has called in this application on the basis that it is a major application that would have an impact upon the existing residents and the character and appearance of the area.
- 3.2 Neighbouring occupiers were notified and 7 letters of objection have been received. The concerns raised within these letters can be summarised as: -
- The impact of the proposal upon the existing highway network;
 - The impact upon the amenities of the neighbouring occupiers (loss of light and overlooking);
 - There would be a loss of existing trees within the site;
 - The proposal would be out of character with the locality.

4.0 CONSIDERATIONS

4.1 Site Description

- 4.1.1 The application site is upon the eastern side of Sittingbourne Road (A249), within a residential area, and has an area of 0.56 hectares. The site has a width of 55metres at the road frontage, and a maximum depth of 103metres (the site is wider to the rear, with a maximum width of 67metres). To the north of the application site is a recently completed residential development (Abberley Park). This development contains two storey dwellings of a similar design and scale as proposed on this site.
- 4.1.2 The application plot contains two detached properties (being numbers 58 and 60 Sittingbourne Road) which are both set within large grounds, with gardens extending approximately 72 metres to the rear. These contain a number of trees and shrubs, as well as a large greenhouse within the north-eastern corner of the site. There is an existing access into the site which would be closed up by this proposal, which is sited to the front of 62 and 64 Sittingbourne Road. The proposal would also impact upon 62 Sittingbourne Road, by virtue of the removal of their existing garage (which is to be replaced as part of this application).
- 4.1.3 To the east of the site are properties within Matfield Crescent and Marston Drive. These are modern, two storey dwellings. The gardens of these properties vary in length from 14metres in depth to 36metres. The land does fall to the rear, with the gradient more pronounced once beyond the application site.
- 4.1.4 To the south of the application site are the properties within Sittingbourne Road (large properties fronting the street) and also properties within Sportsfield, a collection of bungalows built to the rear of the aforementioned properties. The

two end bungalows within this development are side on to the application site, with their rear gardens facing east and west respectively.

- 4.1.5 To the west of the application is Sittingbourne Road, and beyond, a narrow group of trees with residential properties hidden behind. These properties are single storey, flat roof dwellings that are not highly visible from the road frontage.
- 4.1.6 Sittingbourne Road has a strong sylvan character, with a large number of trees directly upon the road frontage, together with properties set back from the road, with good sized gardens. Furthermore, there are a mixture of properties types, both in terms of ages and also in design. As previously stated, most properties are set back from the main road, which allows for a good level of landscaping to be provided to the front of these dwellings.

4.2 **Proposal**

- 4.2.1 The application is for the erection of 13 new dwellings following the demolition of numbers 58 and 60 Sittingbourne Road. This would be at a density of 23 dwellings per hectare across the site. The development would comprise of four semi-detached properties (two pairs) with an access created to the north of these units. Five detached properties would then be located on the southern side of the access road at equal distances apart (2metres). There would be one distinct property at the rear of the site, with three further detached dwellings within the northern portion. It is proposed that timber clad garages be provided on the frontage of Sittingbourne Road, although these are to be screened by the retained trees. A new garage is proposed to be sited to the front of 62 Sittingbourne Road, which would be served off the new access point.
- 4.2.2 The proposed units would be predominantly two storey (with a one and a half storey unit), although they would be of varying design. The properties along the front of the site would be two storey semi-detached dwellings, set back from the main Sittingbourne Road by approximately 20metres. These dwellings would be slightly staggered.
- 4.2.3 As the access runs from west to east through the site, there would be five, two storey detached dwellings sited on its southern side. These would all have front projections, but would be set back from the access road by approximately 6metres. These would have a minimum rear garden depth of 12metres. These units would have a maximum height of 8.7metres.
- 4.2.4 On either side of the access 15 new trees would be planted, to create the effect of a 'tree lined avenue'. These are not set out in a formal manner, i.e. within a regimented pattern, or within straight lines (as the scale of the development does not lend itself to such a layout) but would provide a well landscaped

entrance and passage through the site. In addition, the access road would be constructed of block pavers (with details to be submitted prior to construction) which would create a more informal appearance to the development (although Members should be aware that the first 20metres would be of tarmac, as per other developments within the locality). A pavement is proposed to run into the site until it reaches plot 5, and at this point, the access becomes a shared surface, with grass verges on either side. The rear of the site would see a turning area provided with dwellings located on each of its side. It is at this point that the form and style of the dwellings change once more.

- 4.2.5 Plot 10, to the rear of the site, at the end of the access road, is proposed to be a part two, and part single storey dwelling. This would have an eaves height of 3metres at the rear, to ensure that it does not appear as dominant to the properties located to the east of the site. However, the elevation facing into the site has an eaves height of 5metres, with a height to ridge of 7.4metres. This then provides the development with a defined end point, which draws the eye as one moves through the site.
- 4.2.6 Plot 11, on the northern side of the access road, would be a traditional two storey dwelling, with an attached garage. This property would have a maximum height of 7.9metres, a depth of 8.2metres, and a width of 9.5metres. This would have a driveway served of the northern side of the access – as would both plots 12 and 13 (both located to the north of the application site). Plot 12 is of the same form as plot 10 – again to ensure that there would be no detrimental impact upon the neighbouring occupiers, and plot 13 would be a chalet bungalow form of development, which would address its position within the corner of the site. All of these properties would have good sized rear gardens, of varying size.
- 4.2.7 There are a large number of trees within the existing site, many of which are to be retained, although a significant number are also to be removed (approx 50), this is discussed in greater length later in the report.

4.3 **Principle of Development**

- 4.3.1 The application site is within the urban area of Maidstone, upon land not identified for any specific use. In addition, it constitutes previously developed land, in accordance with Annex B of PPS3, as the land is the garden areas of a number of the existing dwellings. The site is within a sustainable location, adjacent to the main thoroughfare into the town, and approximately 1km from the centre of the town. It is therefore considered that the principle of development within this locality is acceptable subject to all other material considerations being met.

4.4 **Layout**

- 4.4.1 Discussions have been held between the applicant and this Authority with regards to the proposed layout of the development. The applicant was advised that it was of the utmost importance to retain the protected trees along the Sittingbourne Road frontage, as these formed an integral part of the strong sylvan characteristic of the locality. As can be seen from the above, a previous application was submitted and was withdrawn (the applicant was advised that it would otherwise be refused) as a number of the trees would have been lost from this frontage. This proposal now sees the retention (with the exception of the point of access) of the existing trees along this frontage, together with the substantial bank of earth in which they sit. In all there are approximately 30 trees, of a mixture of species that will be retained within this front elevation, with only two removed. All development has been pushed back into the site to ensure that these trees can be retained.
- 4.4.2 As one enters the site, the first dwellings would be those to the south of the access road, and would front Sittingbourne Road. It is considered that this is an appropriate form of development, as it would respond positively to the existing character and appearance of the surrounding dwellings, which also front this street, with a generous set back from the highway edge. These proposed plots are considered to be of a suitable form and scale, and would not appear incongruous within the street scene (although in truth, they would be well screened from view from the A249). These are proposed to be of brick construction, reflecting the character of the properties both to the north and to the south of the site.
- 4.4.3 The use of a single spine road through the site is perhaps the only logical approach for an site of this size and form. With dwellings located to the south, set at regular intervals, this would follow a distinct pattern, which is considered acceptable in this location. It is considered acceptable on the basis that there would be an area of landscaping provided, which would soften the appearance of the dwellings, and also, the design of the properties – which have front projecting gables – would add interest to this street scene. These units would also have a mixture of materials used, i.e. bricks and tile hanging which would further soften their appearance. As this element of the development is relatively regimented, it is important that the landscaping be of a particularly high standard here, reflecting the Councils adopted guidelines, in order that it does not appear monotonous.
- 4.4.4 At the eastern end of the application site, the land opens up, and at this point the access becomes a turning head. It is at this point that the form of the properties alters, with larger detached properties creating an 'end stop' for the development. It is demonstrated again here, that there be a good level of landscaping provision, with hedges used for boundary treatments, and again,

the planting of a number of additional trees within the area. It is considered that the provision of this hedge to the northern side of the development would give a high quality appearance to this development and would also soften the appearance, to ensure that it does not appear too cramped, or over-developed (for example if there were fences/walls as opposed to the hedges, the character would appear much more harsh).

4.4.5 It is not considered that the proposal would result in the overprovision of areas of hardstanding. All properties would be served by a driveway, although most plots would only have space for one car upon this drive (the other being within the garage) and as such, sufficient space is given over for soft landscaping. Plots 12 and 13 do have more substantial areas of hardstanding, however, these are tucked away within the northern section of the site, and by virtue of their orientation, form an informal courtyard, and as such, this would not appear out of context.

4.4.6 All properties within the development would have good sized gardens. The plots have been orientated to ensure that wherever possible mature trees are retained within garden areas, retaining the character of the locality. The provision of such good sized gardens is important on a site of this nature, as these are likely to be used as family housing. It is partly due to the size of the gardens that the density of this development is relatively low. As Members are aware, whilst government policy pushes for the efficient use of previously developed land, it is always important to ensure that the patterns and grain of a locality be respected. In this instance, it is considered that to further increase the density would have failed to have responded positively to the character of the locality, which consists of larger properties within good sized grounds. Furthermore, to increase the density may well have had a significant impact upon the trees within the site. It is on this basis that I feel the density appropriate for this locality.

4.4.7 It is therefore considered that the proposal would provide a good quality of layout, and would not be at odds with the pattern and grain of the existing development within the locality. It is on this basis that I consider the development to comply with the broad principle of the Kent Design Guide, and the policies within the Development Plan.

4.5 **Visual Impact**

4.5.1 It is considered that the proposal would not have a detrimental impact upon the character and appearance of the surrounding area. As set out above, the proposal would see the retention of the majority of trees along the Sittingbourne Road frontage, as well as the substantial bank in which they sit. As such, much of the development would be well screened from this public vantage point, with only glimpses of buildings seen through the trees, and through the access point.

In any event, it is considered that the proposal is of a form that would be in keeping with the existing development, and would respect the materials, and grain of surrounding properties. For example, the properties fronting Sittingbourne Road (which would be the most visible from a public vantage point) would be of brick construction, two storey, and of a scale that would not appear at odds with the properties within the locality.

- 4.5.2 It is acknowledged that three garages would be erected within the front area (behind the tree-lined bank) however, these would not be highly visible due to the level of vegetation, and also the changes in levels. Due to the changes in level these garages would sit behind the bank at the front (albeit at a higher level than Sittingbourne Road), and this, together with the trees and shrubs, would restrict views of them. In addition, landscaping is proposed on the flanks of these garages that would further reduce the impact of these garages.
- 4.5.3 Whilst a new access is to be punctured through into the site, which would be of a relatively substantial scale, being 9metres at its widest point, (it would need to be in order to have suitable visibility on either side of the access, and to ensure there would be no highway safety implications raised) it is not considered that this would be significantly detrimental to the character and appearance of the area. There are a number of accesses of this scale along this stretch of road, and as such, it is not considered that it would appear incongruous within the locality. In addition, a new footpath is proposed to be provided only the northern section of the Sittingbourne Road frontage. This can be provided here without the loss of any of the existing trees, and would link into the recently completed footpath (provided by virtue of the other aforementioned residential development). It is not considered that the provision of such a footpath would detract from the character and appearance of the locality.
- 4.5.4 The remainder of the site would not be visible from a public vantage point, and as such would not significantly impact upon the visual amenity of the area. However, as glimpses through into the site would be afforded from Sittingbourne Road, it is important to ensure that the materials of the proposed dwellings be of a sufficient standard, and reflect the local vernacular. Details within the plans do show the use of red brick, and tile hanging, as well as tiled roofs, however, in order to ensure that this is finished to a high standard, a condition requiring the submission of details is suggested.
- 4.5.5 The house types proposed through the development at of a relatively traditional design, being of brick built construction, with elements of tile hanging. The properties have been designed to have a good level of articulation, i.e. they incorporate projections, and recesses, and it is proposed to condition the fenestration in order that the detailing of the properties be of an appropriate standard (the applicant has demonstrated within the plans that the windows will be recessed, but the condition would be imposed to ensure full control of this

matter). All houses would sit within their plots comfortably, and would not appear cramped. The detailing upon the properties, would also ensure that there would not be any overbearing, or bland elevation treatments, that would be to the detriment of the overall character of the development.

4.5.5 It is therefore considered that the proposal would not have a detrimental impact upon the character and appearance of the locality, and as such, would comply with the policies within the Development Plan.

4.6 **Landscaping**

4.6.1 No specific details of landscaping have been submitted to date, however, the plans submitted to illustrate a good level of planting being introduced throughout the application site, and the applicant has agreed to adhere to the Council's Landscape Guidelines. This would see the planting of at least 35 new trees throughout the site – these will be required to be indigenous – together with new hedgerows, which would be both within the public domain, and also within the rear gardens of the proposed dwellings. This landscape proposal is integral to the character and appearance of the overall scheme, as it would maintain the soft character of the locality throughout the site. Following discussions with the applicant, it was agreed to increase the level of planting throughout the development, both in terms of low level areas, and also trees and hedges, to further improve this character.

4.6.2 All but two of the existing trees along the Sittingbourne Road frontage are to be retained. The Council's Landscape Officer has fully assessed the arboricultural report submitted, and is happy that the two to be lost are not of significant merit. The applicant has also demonstrated that all other will be retained, despite the creation of the access, and subsequent building works. However, it is clearly important to ensure that adequate protection be afforded to these trees, and as such, conditions are suggested at the rear of the report which address this matter.

4.6.3 The provision of 15 new trees on either side of the access road would create a tree lined avenue effect (although as stated before, would not appear overly formal), which would give this street some vertical emphasis, and focal points, and would also help (together with the design and layout) to ensure that the development would not simply appear as a rather monotonous housing estate. Each property along this access would have a good sized front garden, of approximately 4metres (6metres to the edge of the highway – there is a 2 metre wide verge between) with a driveway also provided. This relatively straightforward layout would give a green corridor into the site, again, reflecting the sylvan nature of the Sittingbourne Road frontage.

- 4.6.4 In addition, whilst only one side of this access is proposed to be developed, a significant level of new hedging is proposed along the northern side, which would have a minimum height of 1.5metres. This would ensure a good level of privacy to the existing and proposed units (in particular number 62), and would also continue the green, soft character of the development as a whole.
- 4.6.5 As previously stated, additional planting has been agreed along the southern boundary of the application site, in order to both ensure that there is not significant overlooking of the neighbouring occupiers, and also to guarantee that the development maintains a 'leafy' character throughout, reflecting the existing appearance of the site.
- 4.6.7 It is noted that the Council's Landscape Officer agrees that the loss of a number of trees within the site, does provide a good opportunity to improve the existing landscape as a greater number of species could be planted, with more space to grow, and form a more coherent, and local landscape. It is important, however, to ensure that any landscaping scheme submitted needs to show a good variety of tree species (in accordance with the Council's Landscaping Guidelines) which would enhance the overall character of the locality – not just from when seen from within the site. Trees along the rear boundaries for example, should have both a variety in terms of height, spread and colour, in order to reflect the mixed nature of the existing trees within the locality.
- 4.6.8 It is therefore considered that, subject to the receipt of suitable details, the landscaping would be of a sufficient standard, and would therefore comply with the policies within the Development Plan.

4.7 **Residential Amenity**

- 4.7.1 Objections have been raised by the occupiers of neighbouring properties, with regards to this proposal, and the impact that it would have upon their amenity, in particular as a result of overlooking, and overshadowing of existing properties. It is considered however, that there would be sufficient distance between properties to ensure that this does not arise. For example, the distance from the rear of the proposed units 5-9 to the boundary would be 12metres, and in addition, boundary planting would be provided prior to the occupation of these units. The properties within Sportsfield do not back on to these properties either, but rather face both the east and west, with their side boundary being the boundary with the site. In addition, the applicant has provided additional landscaping along this boundary, which includes 8 new trees (together with the retention of 7 trees), to ensure that any perception of overlooking is also reduced.
- 4.7.2 In addition, the properties to the east of the site (being within Matfield Crescent and Marston Drive) are between 40metres and 15metres away from the

boundary with the application site. To the north of the site, the recently completed properties within Abberley Park are again, some 14metres from the site boundary. These distances would ensure that there would be no loss of light, or the creation of a sense of enclosure to these neighbouring properties.

- 4.7.3 Furthermore, whilst two of the properties (plots 10 and 12) are in close proximity to the boundary of the site, the proposed units are to have eaves heights of 3metres along these boundaries. This would ensure that only a small portion of the rear flank wall would project above the boundary, and as such, it is not considered that the dwellings would give rise to an unacceptable level of overshadowing, nor the creation of a sense of enclosure to the existing residents.
- 4.7.4 Numbers 62 and 64 Sittingbourne Road would not be adversely affected by this proposal. Again, the level of separation (being between 6.5metres and 17metres) would be sufficient to ensure that there would be no sense of enclosure, or loss of light. In addition, all windows upon the nearest proposed unit (plot 13) would either be at ground floor level, or would face forwards, into the application site, therefore ensuring that no significant overlooking would occur. Whilst the rear garden of number 62 would project to the front of the building line of plot 13, due to the orientation of this property, no significant overlooking would occur, and in any event, this would be at the very end of a long garden, and not within the immediate vicinity of the rear of their property – the area that they would be most likely to utilise. As such, it is not considered that any overlooking of this existing dwelling would result.
- 4.7.5 It is therefore considered that this proposal would not impact upon the residential amenity of the neighbouring occupiers, and as such, the proposal complies with the policies within the Development Plan.

4.8 **Highways**

- 4.8.1 Kent Highways Services have raised no objection on the basis that this proposal would not give rise to any highway safety concerns. The access into the site is considered to have a suitable radius (in accordance with Manual for Streets), allowing for good visibility both to the north and the south of Sittingbourne Road – important due to the heavy traffic loads into and out of the town.
- 4.8.2 It is proposed that each property be provided with at least two parking spaces, which is considered acceptable. All properties would be provided with either an integral, or detached garage space. As Members are aware, this Authority has no minimum parking standards, and whilst this might fall below the maximum, it is still considered to be a suitable provision in this relatively sustainable location. In addition to the off street parking provision, it is opined that there would also

be opportunities for those visiting the site (by car) to park within the internal road layout, without giving rise to any highway safety issue.

4.8.3 Furthermore, the applicant has agreed to provide a pavement to the northern half of Sittingbourne Road frontage. This would see the continuation of the existing pavement to the front of the Abberley Park development, and would also allow for the provision of a tactile crossing onto the western side of Sittingbourne Road (this is required as it is not possible to continue the pavement southwards, as this would result in the loss of a number of important trees). The provision of this pavement would further improve pedestrian links into and out of the town centre along this particularly busy road.

4.8.4 Given the above, it is therefore considered that this proposal would not give rise to any highway safety issue, and would also provide improved pedestrian links into and out of the town centre, and as such it is considered to comply with the policies within the Development Plan.

4.9 **Heads of Terms**

4.9.1 The applicant has submitted details of the heads of terms for this particular development. This includes the following: -

- A contribution of £12,312 (plus any legal costs) to the NHS West Kent Primary Care Trust.
- A contribution of £17,325 for parks and open space, which would be spent within a 2mile radius of the application site.
- A contribution of £26,785 for contributions towards Adult Education, Libraries, and Youth and Community facilities within the locality of the application site.

4.9.2 Due to the fact that 13 dwellings are proposed within this site, there would be no requirement upon the applicant to provide any affordable housing, as this falls beneath the threshold of the set out within the Development Plan.

4.9.3 These Heads of Terms are considered to be in accordance with the Council's Development Plan.

4.10 **Sustainable Construction**

4.10.1 The proposed development would be constructed to achieve Level 3 of the Code for Sustainable Homes. The development will therefore meet a high level sustainability in its construction and future energy/water consumption. It is

considered appropriate to impose a condition to ensure that this is complied with.

4.10.2 In addition, the applicant has agreed to ensure that all paving within the development is permeable, which would reduce the amount of fast flowing run-off into the existing road network, and sewers. To assist further, the applicant is also planting a number of additional trees within the development.

4.10.3 As the applicant is willing to meet a minimum of code level 3 of the CSH, will use permeable paving, and will plant a significant number of new trees and shrubs, it is considered that the development would prove to be of a good quality of sustainable design, and as such would comply with the policies within the Development Plan.

4.11 **Building for Life**

4.11.1 CABE has released guidance for developers and decision makers for developments of this nature, called Buildings for Life. This is effectively a checklist, from which a score can be derived for the overall development. A maximum score of 20 can be achieved (a maximum of 1 point per criterion) for any application. A score of 1 is achieved when *'there is sufficient evidence that the proposed design will meet this criterion.'* A score of 0.5 is achieved when *'there are specific areas where the proposed design performs well against the criterion but there are also others than fail to do so.'* A score of 0 is given *'where it is unclear whether the proposed design will meet the criterion or if you're certain it will fail to meet it.'*

I have completed the assessment and placed it within the following matrix:

Criterion		Score	Justification
1	Does the development provide (or is it close by to) community facilities, such as schools, parks play areas, shops, pubs, or cafes?	0.5	The development is within walking distance of both schools and shops, although these are not within the immediate vicinity of the application site.
2	Is there an accommodation mix that reflects the needs and aspirations of the local community?	0.5	The proposal does provide a range of family housing which is the characteristic of the area, however, there are no units proposed for smaller households.

3	is there a tenure mix that reflects the needs of the local community?	0	Due to the small number of units proposed, there is no requirement upon the developer to provide such a mix of tenure.
4	Does the development have easy access to public transport?	1	The site is close by to bus stops, is within walking distance the town centre bus station, and within walking distance of the towns railway station.
5	Does the application have any features that reduce its environmental impact?	0.5	The application is to be constructed to level 3 of the code for sustainable homes, and will use permeable paving. However, more could be done to justify scoring the full point.
6	is the design specific to the scheme?	0.5	The layout is driven by the site, and the dwellings are also designed to fit the spaces, however, there are a number of properties of a similar type, that do not appear as ground breaking.
7	Does the scheme exploit existing buildings, landscape or topography?	0.5	The two existing buildings are to be removed, however, all important trees are retained, and the applicant has taken advantage of the changes in levels at the front of the site to place garages, and to reduce the impact of noise to the proposed units.
8	Does the scheme feel like a place with distinctive character?	0.5	The scheme retains the existing trees, and the buildings do relate to the surrounding area. There is a good landscaping scheme that will be indigenous, and the materials used would be traditional to the area (brick and tile hanging). The design of the

			house could be more distinctive.
9	Do the buildings and layout make it easy to find your way around?	1	The layout is simple, with an obvious hierarchy
10	Are the streets defined by well-structured building layout?	1	The building layout is as one would expect within an estate of this nature.
11	Does the building layout take priority over the streets and car parking, so that the highways do not dominate?	0.5	Whilst hardstanding is kept to a minimum, most properties have parking to the front. The development does incorporate shared surfaces.
12	Is the street parking well integrated and situated so it supports the street scene?	0.5	There is a good mix of landscaping and hardstanding, to ensure that the parking is integrated. However, again, perhaps more variation within the development - in terms of set backs/projections of the buildings, would have made an improvement.
13	Are the streets pedestrian, cycle and vehicle friendly?	1	There is a good vehicle access, and pedestrian path created at the point of access. Within the scheme the shared surface gives priority to the pedestrian, whilst still proving navigable to the motorist.
14	Does the scheme integrate with existing streets, paths and surrounding development?	0.5	I would suggest that the development does the best it can bearing mind the constraints at the Sittingbourne Road frontage (i.e. the trees). The development is hampered in this respect. There is however, no permeability to the rear of the site for pedestrians.
15	Are public spaces and pedestrian routes overlooked and do they feel safe?	1	All public areas are overlooked.

16	Is public space well designed and does it have suitable management arrangements in place?	0.5	There are few public spaces (due to the size of the development) however hedges and any other landscaped area (outside of the control of the occupants) will be managed.
17	Do the buildings exhibit architectural quality?	0.5	The proposed units are in many ways unremarkable, however, they do respond to the locality. Their proportions, fenestration details, and materials are all of a good standard.
18	Do internal spaces and layout allow for adaptation, conversion or extension?	0	Unable to judge.
19	Has the scheme made use of advances in construction or technology that enhance its performance, quality and attractiveness?	0.5	The dwellings will be built to level 3 of the CSH, but incorporate no obvious other technology, e.g. PV Cells.
20	Do buildings or spaces outperform statutory minima, such as building regulations?	1	Yes

Overall Score (maximum 19)	12
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4.11.2 The assessment of this development against these criteria, is purely informal, i.e. it has not been checked by an accredited assessor.

4.11.3 As can be seen from the above, this development does score relatively well when judged on the building for life criteria. Clearly the site itself poses significant constraints to meeting all of the targets, for example, the number of units proposed restricts the mix of units, and tenure, and as such the development loses points. However, overall I consider that this development scores well, and as such represents good design in this location.

4.12 Other Matters

4.12.1 No details of lighting have been submitted for this development, and as such, it is considered appropriate to impose a condition to ensure that any street

lighting proposed, does not result in glare or significant light spill into the rear gardens of the neighbouring occupiers.

- 4.12.2 As Sittingbourne Road is a particularly busy artery into the town, the issue of road noise needs full consideration. The Council's Environmental Health Officer has assessed the proposal on this basis, and concludes that the current building regulations would be sufficient to ensure that future occupiers do not suffer through noise and disturbance from this road. This is on the basis that the dwellings would be set back, on a different ground level, and behind a well established group of trees. In addition, the speed limit at this point is 30mph, which further restricts the possibility of noise generation. As Members may be aware, Abberley Court was designed in such a way as to keep noise and disturbance to a minimum. The properties within this proposed development would actually be set further away from the highway than the nearest property within Abberley Close. Furthermore, all rear gardens of the properties would be set away from Sittingbourne Road, to ensure that the amenity spaces are protected from any such noise.
- 4.12.3 Questions have been raised with regards to the provision of refuse storage on the site. Each property has a rear garden in which to store the necessary bins, with side access to be able to bring these forward. In addition, the applicant has provided a turning head, that would ensure that a refuse truck can enter and leave the site in a forward gear.
- 4.12.4 In addition, many local residents have raised concerns with regards to the drainage of the site. Consultations have been undertaken with Southern Water, who have suggested that a condition be imposed to ensure that the drainage be to an appropriate standard.
- 4.12.5 PPS9 requires that the Local Planning Authority take into account biodiversity when determining planning applications. In this instance no ecological report has been submitted with the application. However, whilst a number of trees are being lost, many are to be retained, with additional trees planted throughout the development. The site is also currently used as back gardens to the existing properties, and are well tended, and maintained, and as such there are not significant areas that would be likely to be inhabited by protected species. In addition, all properties would have good sized rear gardens, and grass verges are to be provided throughout the development which would maintain habitat, or in some instances improve it (I have suggested an informative that asks the developer to provide swift bricks throughout the scheme). It is on this basis that I consider that there would be no detrimental impact upon the ecology within the site.

5.0 Conclusion

5.1 It is therefore concluded that this proposal responds positively to the character and appearance of the surrounding area, and would provide a good quality development upon previously developed land. The proposal would not prove to be detrimental to highway safety, and would not impact upon the residential amenity of the existing neighbouring residents. In addition, the development would be constructed with a good level of sustainable design, and the landscaping proposal sees more trees being planted than being lost. It is on this basis that I recommend that Members give this application favourable consideration, and resolve to grant planning permission subject to the completion of a suitable legal agreement, and the imposition of the conditions and informatives as set out below.

RECOMMENDATION

Subject to:

- i) A contribution of £12,312 (plus any legal costs) to the NHS West Kent Primary Care Trust.
- ii) A contribution of £17,325 for parks and open space, which would be spent within a 2mile radius of the application site.
- iii) A contribution of £26,785 for contributions towards Adult Education, Libraries, and Youth and Community facilities within the locality of the application site.

I be GIVEN DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with PPS1.

3. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

4. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with PPS1 and PPS3.

5. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with PPG13.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees, hedgerows and boundary planted areas on the land, and details of any to be retained, together with

measures for their protection in the course of development in conjunction with the details required pursuant to condition 8, and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted details shall include inter-alia full consideration of the protection of potential slow worm habitats in and around the marginal boundary areas during construction. The approved protection measures shall be implemented before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: No such details have been submitted and in the interests of the visual amenities of the locality, the safeguarding of existing trees, hedgerows, boundary planted areas and potential slow worm habitats to be retained in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000 and PPS1 and PPS9.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000, and PPS1.

8. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction- Recommendations' and as per the recommendations set out within the Quaife Woodlands Arboicultural Survey and Planning Inergration Report AR/1620b/jq. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with

this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with PPS1.

9. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with PPS1.

10. No development shall take place until an independently verified report has been submitted to and approved in writing by the Local Planning Authority showing that the development achieves a minimum score of Level 3 or better for each residential unit under 'The Code for Sustainable Homes'. Each residential unit shall be provided strictly in accordance with the approved report before it is occupied.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

11. No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

12. Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

13.No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

i) Details of the roof overhangs.

ii) Details of windows and doors and recesses/reveals.

iii) Details of the soldier arches.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

14.No development shall take place until a detailed scheme for the creation and retention of areas of cordwood from any tree works within the site have been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interest of biodiversity enhancement in accordance with PPS9.

15.The recommendations of the Arboricultural Method Statement AE08_095_AMS_JC_01 shall be strictly adhered to during the demolition and construction works.

Reason: To ensure the successful long-term retention of the retained trees in the interests of visual amenity of the area in accordance with PPS1.

16.An Arboricultural Method Statement (AMS) should be submitted for approval, to include details of any works or operations in the vicinity of retained trees both on and off site, detailing construction or installation methods to avoid damage to trees. The AMS should be in accordance with the recommendations of BS5837 (2005) and include a schedule of any proposed pruning works to retained trees.

Reason: to ensure the successful long-term retention of retained trees in the interests of the visual amenity of the area in accordance with PPS1.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

Site monitoring is carried out on a regular basis by the Arboricultural Clerk of Works, and record kept of such site visits. Where possible interim reports should be provided to the LPA Tree Officer.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.