

APPLICATION: MA/08/1733 Date: 26 August 2008 Received: 17 November 2009

APPLICANT: Da Vinci Properties Ltd

LOCATION: LAND AT, FOREST HILL, TOVIL, KENT

PARISH: Tovil

PROPOSAL: Outline planning permission for the erection of fourteen zero Carbon Houses with access, layout, scale and appearance to be considered at this stage and all other matters reserved for future consideration as shown on drawing numbers 08-15-01 Rev C and 08-15-02 Rev C received on 23/12/08 and design stage pre-assessment and contamination report received on 27/8/08 and as amended by additional documents being letters received on 23/12/08 and 12/1/09, Ecological Scoping Survey received on 23/12/08, Reptile Survey and Bat and Invertebrate Survey received on 20/7/09 and financial appraisal and supporting information received on 21/10/09 and 17/11/09.

AGENDA DATE: 25th February 2010

CASE OFFICER: Peter Hockney

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

- it is contrary to views expressed by the Parish Council
- Councillor Ian Chittenden has requested it be reported for the reason set out in the report

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1

South East Plan 2009: CC4, NRM2, NRM4, NRM11, T4, CC1, T4, H4, H5, W1, W6, BE1

Village Design Statement: N/A

Government Policy: PPS1, PPS3, PPS9, PPG13, PPS23, PPS25

1. HISTORY

MA/05/1243 – A consultation with Maidstone Borough Council by Kent County Council for the demolition of existing building and erection of new buildings to accommodate 40 number extra care homes and commercial facilities for the elderly and 6 number supported apartments and commercial facilities for those with learning difficulties, associated car parking is to be provided – WITHDRAWN.

MA/82/0906 – New hard court play area, erection of chain link fence, erection of flood light posts, re-erection of high voltage cable and post – APPROVED.

MA/77/1596 – Cement slope/trough to form slalom run for skateboarding – APPROVED WITH CONDITIONS.

2. CONSULTATIONS

3.1 Tovil Parish Council wishes to see the application REFUSED stating:-

- "There is concern about the noise made by the proposed wind turbines in this residential location.
- Siting of the wind turbines on the chimneys is inappropriate in this location and is not appropriate to this street scene.
- A Management Plan should be submitted for both the wooded area and growing area.
- Growing plots: is one per dwelling to be allocated or is there to be one communal area.
- A Management Plan for the whole site should be submitted."

3.2 Southern Water raise no objections to the application and request a condition requiring details of the surface water drainage to be submitted to ensure that the SUDS scheme would have no impact on the surrounding sewerage network. An informative is also recommended for imposition.

3.3 Southern Gas Networks raise no objections to the development.

3.4 Kent Highway Services raise no objections to the application with regard to highway safety matters.

3.5 Kent Police originally an objection based on the fact that the Design and Access Statement did not address how the development would design out crime. However, that objection was overcome by the applicant.

3.6 West Kent PCT wish a healthcare contribution of £11,880 to be provided for the additional needs and demand caused by the development.

3.7 Mouchel (on behalf of KCC) have requested the following contributions:-
Libraries (£227/dwelling) - £3178.
Adult Education (£180/dwelling) - £2520.
Youth & Community (£827/applicable house) - £11578.
Adult Social Services (£1201/dwelling) - £16814.

3.8 MBC Public Open Space require a contribution of £1575/dwelling equal to £22,050.

3.9 MBC Landscape Officer wishes to see the application APPROVED stating:-
"The tree protection plan (drawing 08-15-01 rev-C) shows the location of the trees within the site and it would indicate none are to be lost. In addition the tree protection method, hard surfacing and site work notes provides basic information to ensure no damage occurs to the trees during the construction."

3.10 MBC Environmental Health Manager is satisfied with the Phase I and Phase II contamination report and raises no objections. A condition to ensure further contamination reports is required and informatives are recommended.

3.11 MBC Property Surveyor has examined the financial appraisal and based on the agreed purchase price and the development costs there would be no scope for additional S106 contributions.

"I will temper this by stating that development costs are high because of the code 6 sustainability the developer is aspiring to. DCLG estimate that these costs are 20%-30% higher than the current requirements under Building Regulations.

The developer is choosing to build out at Code 6, it would therefore be a matter of judgement by the Committee to decide whether this is a greater priority than any 106 requirements, which obviously have wider community benefits. Purely based upon the figures, there is no spare cash for additional 106."

3. REPRESENTATIONS

4.1 Cllr Ian Chittenden has requested the application be reported to Planning Committee stating:-

"I would be grateful if you could report this application to the Planning Committee because of its unusual and unique design.

I would record that I have not pre-determined on this application."

4.2 CPRE Maidstone supports the concept of zero rated Carbon Houses but has concerns with regard to how this can be enforced.

4.3 Three letters have been received raising no objections subject to surface water drainage being adequate.

4.4 Four letters have been received raising the following concerns:-

- Surface water drainage.
- The ability to adequately screen the properties from the east and loss of privacy.
- Loss of trees.

- Concern regarding construction times.
- Loss of wildlife habitat.
- The development would be out of character in the area and would be overbearing.

4. CONSIDERATIONS

5.1 Background and History

- 5.1.1 Initially, I would like to provide Members with a brief chronology to explain the consideration of this application and why it has taken so long since its original receipt.
- 5.1.2 The application was originally made in August 2008. Following consideration of the application and the receipt of consultation responses, further details were requested including arboricultural survey and report, ecological scoping survey and all further surveys that were necessary, assessment of the loss of the MUGA facility and clarification of anomalies within the scheme. This requested information was submitted over a period of time from December 2008, with the last items, being the ecological reports for bats and reptiles, in July 2009.
- 5.1.3 Following the last submission the application was again re-consulted on, responses considered and then S106 contributions were explored with the applicant. In October 2009 the applicant indicated the construction costs being prohibitive to making the full S106 contributions. Following a request for evidence a full financial appraisal of the scheme was submitted in November 2009 and was considered.
- 5.1.4 The application is now complete and accompanied by all the necessary information to enable Members to assess and make a resolution on this development.

5.2 Site Location and Description

- 5.2.1 The application site relates to an area of land on the west side of Forest Hill with access onto Barfreton Close to the north. To the south of the site are the backs of the rear gardens of Postmill Drive. The site is approximately 0.5ha in area and within the urban area of Maidstone and within the Parish of Tovil.
- 5.2.2 There is an existing hard surface 5-a-side pitch/MUGA located on part of the site parallel with Forest Hill. This 5-a-side court is currently unused. Much of the site area is overgrown, although there are some established trees and hedgerows along the margins of the site, although these are not protected by TPOs. There is

approximately a 10 metre drop from the eastern edge of the site at the boundary with Forest Hill and the western boundary with the properties in Postmill Drive. The site also slopes from north to south with a drop of approximately 3 metres.

5.2.3 The surrounding area is predominantly residential with a mix of property styles incorporating detached, semi-detached and terraced properties.

5.2.4 The site is contained within the Strategic Housing Land Availability Assessment (SHLAA) that was undertaken by Baker Associates consultants on behalf of Maidstone Borough Council. The SHLAA is a recent document and was published in May 2009. The document forms part of the evidence base for the Planning Policy Section and its identification within this document is a material consideration. The anticipated yield of the site contained within the SHLAA is 14 units.

5.3 Proposed Development

5.3.1 The application is in outline form and is for the erection of fourteen dwellings that would achieve level 6 on the Code for Sustainable Homes. Details of access, layout, scale and appearance have been submitted with landscaping reserved for future consideration.

5.3.2 The proposed dwellings would be contained within a terrace of 14 units on an east to west axis orientated so they would be facing north. The accommodation would be arranged over three floors with an additional basement that would include a heat store/drying area. There would be a balcony on the northern elevation at second floor level. The proposed dwellings would be externally clad with timber using two different finishes with slate tiles to the roofs. A vehicular access would be created onto Forest Hill to the west.

5.3.3 The dwellings would have a maximum ridge height of 10.5 metres but would be narrow, 4.3 metres in width. The eaves heights of the properties would vary with 7.7 metres on the north elevation and 3.7 metres on the south elevation.

5.3.4 The design of the dwellings is very much to achieve level 6 on the Code for Sustainable Homes. The large roof slope from the northern ridge to the south would accommodate the photovoltaic cells, solar water heater tubes and rooflights. The tall, narrow design is to utilise the solar heated air that would be pumped down to the basement and would rise and be distributed through the house.

5.3.5 There would be an open wooden car port area in the northern part of the site that would accommodate 14 car parking spaces and a wood store. A bin store and cycle store that would accommodate 18 bicycle spaces would be proposed.

The store buildings would have a maximum height of 4.1 metres with an eaves height of 2.4 metres. There would be a retained mound adjacent to the boundary with Forest Hill and this would ensure the building would be set approximately 1 metre below this level and the majority of it would be screened from the road.

5.3.6 The trees around the margins of the site would be retained and tree protection measures have been indicated to achieve this. There is an area of mixed woodland proposed with areas planted for biomass production and edible produce. These aspects would form part of the landscaping details to be submitted as a reserved matter.

5.3.7 The wind turbines referred to in Tovil Parish Council's objections have been removed from the scheme. These were optional aspects to the development and the removal would not impact on the level achieved on the Code for Sustainable Homes.

5.4 Principle of Development

5.4.1 The site is previously developed land and within the urban boundary of Maidstone. Therefore the development of the site for housing would comply with national and local policies for new residential development, particularly *PPS3: Housing*.

5.4.2 Furthermore, the site has been listed in the Council's accepted list of sites for residential development in the SHLAA. As previously stated, whilst the SHLAA is not a policy document it does form part of the Council's recently published (May 2009) evidence base and although not the result of a search of sites by the Council it is a reaction to sites suggested to the Council. The site has been identified in the SHLAA as having the potential for 14 residential units. Therefore it is considered that there is a broad acceptance of this site for development of 14 residential units.

5.4.3 The minimum density set out in PPS3 is 30 dwellings per hectare. This site is approximately 0.5 hectares in area and therefore the minimum density would equate to 15 dwellings. Due to the sloping nature of the site and the retention of the trees within the site margins this reduces the developable area of the site and as such 14 dwellings is acceptable.

5.5 Design and Visual Impact

5.5.1 The design of the properties has been significantly influenced by the achievement of level 6 on the Code for Sustainable Homes. The tall, narrow nature of the properties are required to allow the circulation of the solar heated

warm air and the layout of the properties within a single terrace would allow for heat saving.

- 5.5.2 Whilst the site is within an area of other residential properties the site is not directly related to a street scene in terms of a particular house type or design. There are community buildings to the north and small rows of terrace of three properties within Barfreton Close. In the immediate area in Forest Hill and Courtney Road there is a mix of dwellings mostly fronting the street, however, there are some with the backs of rear gardens facing the street. The general area is unremarkable in terms of its architecture and I do not consider that the mimicking of these styles of properties would be a suitable design approach for this site.
- 5.5.3 The long south facing roofslope is required to accommodate the necessary photovoltaic cells and direct solar water heating apparatus to achieve the level 6 on the Code for Sustainable Homes. There is a 3 metre drop in the level of the site from the northern boundary down to the southern boundary and the roofslope would mirror this land form. The roof design would also ensure that the lowest part of the dwellings would be adjacent to the properties in Postmill Drive.
- 5.5.4 I consider that a lot of the design influence has come from the requirement to achieve level 6 of the Code for Sustainable Homes. This approach whilst resulting in a row of dwellings of a functional style it is not unacceptable. The balcony across the north elevation at second floor level adds visual interest to this elevation with the flank elevation facing Forest Hill being articulated with two flank windows flush with the wall and a projecting window at first and second floor. These elements combined with the changes in finish for the timber cladding would ensure that the elevations would be acceptable.
- 5.5.5 The space around the development would allow for a significant amount of proposed landscaping, to be submitted as a reserved matter, as well as allowing for the retention of the significant trees within the margins of the site. This surrounding space and the end on nature of the development to Forest Hill would mean that the height of the dwellings would be acceptable in its context and would not be dominant or intrusive in the street scene.
- 5.5.6 The proposed access point onto Forest Hill would be a new hard surfaced area. However, its location would maintain a significant level of landscaping, including a significant mature tree, along the Forest Hill that would soften the entrance to the development. Furthermore, the access would be relatively narrow at 4.1 metres and the entrance would not appear as a harsh or dominant feature in the area.

5.5.7 The design of the dwellings would be different to other dwellings in the immediate area. However, I do not consider the fact that they are different to mean that they would create visual harm to the area. The finishes, the space surrounding the development and the articulation of the flank elevation facing Forest Hill would result in a development that in design terms would be acceptable.

5.6 Impact on Residential Amenity

5.6.1 The nearest residential property to the proposed development would be 35 Postmill Road to the south of the development. This property would be approximately 37 metres from the proposed development and this distance combined with the low level of the southern elevation of the block would ensure that there would be no adverse impact on residential amenity in terms of privacy, loss of light or an overwhelming impact.

5.6.2 The properties in Forest Hill and Courtney Road are a significant distance away from the development and on the opposite side of Forest Hill. This would ensure that there would be no adverse impact on residential amenity in terms of privacy, loss of light or an overwhelming impact.

5.6.3 The residential properties to the north in Barfreton Close would be approximately 90 metres from the proposed dwellings and this would ensure that even with the higher north elevation of the block and the balcony facing these properties there would be no adverse impact on residential amenity in terms of privacy, loss of light or an overwhelming impact.

5.6.4 The dwelling at 13 Milbrook Close would be the closest dwelling to the development to the west. This property would be approximately 38 metres from the western facing elevation of the terrace and therefore there would be no adverse impact on residential amenity in terms of privacy, loss of light or an overwhelming impact.

5.6.5 Overall I consider that the proposed development has been located and designed in such a way to prevent any harm being caused to the amenity of any neighbouring properties.

5.7 Sustainable Construction Considerations

5.7.1 The purpose of this development is to provide a carbon zero development that would achieve level 6 on the Code for Sustainable Homes. A design stage assessment has been undertaken by a qualified assessor and this confirms that the development would achieve a level 6 on the Code for Sustainable Homes.

5.7.2 The use of the photovoltaic cells, solar water heaters, heat pump heating and building insulation all combine to assist in achieving the level 6.

5.7.3 If permitted this would be the first development within the Borough that would achieve level 6 on the Code for Sustainable Homes and in that respect would be groundbreaking for Maidstone.

5.8 Ecological Considerations

5.8.1 The site is currently overgrown and unkempt and as such there are areas which would not be significantly disturbed as well as significant trees around the site margins and as such would have potential for habitats of protected species.

5.8.2 As a result an ecological scoping report was requested and submitted. This report indicated that the site had potential for reptiles and bats. Following these results and comments from Natural England a presence/absence survey was carried out for both reptiles and bats.

5.8.3 With regard to bats, there were records of moderate foraging during the survey period, however, there was no indication of any roosts on the site. The highest level of foraging activity was observed around the trees on the east and west boundary. These trees are proposed to be retained as part of the scheme and thus the foraging habitat would be relatively undisturbed. The recommendations within the report include that any arboricultural works to mature trees on the site be 'soft felling', this would involve the careful felling and lowering of tree sections to the ground to be inspected by a suitably qualified ecologist. If as a result of this activity bats are found to be present then a European Protected Species licence would be required. A condition should be attached to ensure that the recommendations contained within the submitted report are complied with throughout the development.

5.8.4 With regard to reptiles one slow worm was discovered during the survey times, which indicates a low to moderate population. The advantage of the site development scheme is the space surrounding the dwellings is significant and the proposals to leave the land as herbaceous scrub and bramble or as mixed woodland and soft landscaping would provide sufficient habitat for the resident reptile population. Recommendations are included to enhance the habitat including the creation of brush piles in areas in the east of the site on the south east slope, not creating any breaks in the habitat with accesses to ensure they remain linked and using reptile inclusion fencing on all areas around the part of the site to be hard developed. These recommendations should be incorporated into a condition to ensure they are followed at all times.

5.8.5 I consider that the development, the retention of the mature trees on the site margins and the extent of land around the development for landscaping (to be

submitted as a reserved matter) would protect the biodiversity on site would in fact provide biodiversity enhancements. Natural England does not raise any objections to the application.

5.9 Highway Safety Considerations

- 5.9.1 There is an existing access to the north onto Barfreton Close and this would be retained in order to maintain access to the community building to the north.
- 5.9.2 The residential development would be accessed separately onto Forest Hill to the east with a significant area of landscaping maintained at the Forest Hill boundary. The access would be onto a straight section of Forest Hill and the required visibility splays would be achieved. Therefore the development would not result in a hazard to highway safety.
- 5.9.3 The development includes a parking ratio of 1:1 along with 18 spaces for cycles. This level of provision is acceptable for this urban location nearby to the facilities and amenities of Tovil and Maidstone with good bus links into the town centre.
- 5.9.4 Kent Highway Services have considered the proposed development with regard to highway safety and raise no objections to the application.

5.10 Planning Obligation Considerations

- 5.10.1 The proposed development is for fourteen units and as such falls below the threshold for affordable housing provision. However, there are still other contributions sought including £22,050 for public open space, £11,880 for healthcare, £3178 for libraries, £2520 for adult education, £11,578 for Youth and Community and £16,814 for Adult Social Services.
- 5.10.2 The applicant has submitted that the cost of constructing the development to a level 6 standard on the Code for Sustainable Homes has impacted on the schemes viability. As a result there would only be £34,090 available for S106 contributions without creating the development unviable. A full financial appraisal has been submitted to the Council outlining the costs and yields. This has been studied by the Council's property surveyor who considers the findings sound and agrees with the conclusion that contributions in excess of the £34,090 would render the scheme unviable.
- 5.10.3 As a result and in accordance with the Council's priorities for S106 contributions the S106 should cover the £22,050 for public open space and the £11,880 for healthcare. These two contributions total £33,930. My recommendation is that the Council grants planning permission subject to a completed S106 for public open space contributions and healthcare contributions.

5.10.4 Without this reduction in S106 requirements, the scheme would not be viable and the development of these groundbreaking level 6 dwellings would not be delivered on a site that is identified as an acceptable housing site in the SHLAA. Importantly, the application is for 14 dwellings that would achieve level 6 on the Code for Sustainable Homes and as such the application has to be dealt with as submitted. There would be no scope for amendments in terms of the reduction of the level to be achieved as it would fundamentally change the nature of the development. For this reason I accept the reduced S106 contributions on this scheme.

5.11 Other Considerations

5.11.1 Concern has been raised by nearby residents regarding the surface water drainage proposals a SUDS system is proposed and this should prevent any problems with localised flooding. Southern Water have requested these full details be submitted to ensure the system has no impact on the sewerage system and I consider this an appropriate condition that would also safeguard the neighbouring properties.

5.11.2 Tovil Parish Council raise issues regarding the growing plots and requiring a management plan for the woodland areas as well as the remainder of the site. These issues would be dealt with in the consideration of the reserved matter of landscaping and would be fully considered at that stage.

5.11.3 The application would result in the loss of MUGA. This is an underused facility that has been closed to the public. There would be no significant impact following the loss of this facility and the S106 agreement to provide open space contributions would provide additional facilities.

5.12 Conclusion

5.12.1 The proposed residential development would be on a site that is acceptable in principle for 14 dwellings in terms of local and national policies and its acceptance within the SHLAA. The design, whilst functional with regard to achieving its aim of level 6 on the Code for Sustainable Homes would not be unacceptable and would not result in visual harm to the character and appearance of the area. The landscaping is a reserved matter, however, there is a significant amount of space surrounding the development that would allow a substantial landscaping scheme that would both soften the development and would provide for enhanced biodiversity and habitat. There would be no significant impact on residential amenity of nearby occupiers.

5.12.2 The development would provide 14 units that would achieve level 6 on the Code for Sustainable Homes and as such would be the first of their kind in the Borough. The cost of achieving this level is 20-30% higher than the cost to meet

current Building Regulations (as estimated by DCLG). For this reason the full S106 contributions cannot be made and only public open space and healthcare contributions are sought. The financial appraisal has been assessed by the Council's Property Surveyor who considers the document to be sound and that any increase in the contributions would make the scheme unviable.

5. RECOMMENDATION

SUBJECT TO:

- a) The prior completion of a legal agreement, in such terms as the Borough Solicitor may advise, to secure a contribution of £22,050 towards public open space provision and a contribution of £11,880 to the NHS West Kent Primary Care Trust towards healthcare;

I BE DELEGATED POWER TO GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- a. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development shall not commence until samples of the materials to be used within the construction of the buildings, and hard-standing hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: In the interests of securing a high quality finish to the development in accordance with PPS1.

3. As part of the landscaping reserved matter a detailed scheme of landscaping that would enhance the biodiversity and habitat of the site in accordance with the ecological recommendations in the submitted reports, using indigenous species

which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development 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;

Reason: No such details have been submitted and in the interests of visual amenity in accordance with PPS1, PPS3 and PPS9.

4. As part of the reserved matter of landscaping a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area in accordance with PPS1.

5. 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 building(s) 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 PPS1, PPS3 and PPS9

6. 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.

7. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If,

during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment pursuant to policy ENV52 of the Maidstone Borough-Wide Local Plan 2000.

8. The recommendations contained within ecological scoping survey undertaken by Lloyd Bore Ecology dated October 2007, the Bat and Invertebrate Survey undertaken by Andrew McCarthy Associates dated 6 January 2009 and the Reptile Survey undertaken by Bramley Associates dated July 2009 shall be strictly adhered to at all times including during site clearance until the completion of the development;

Reason: To prevent harm to protected species and to enhance biodiversity in accordance with PPS9.

9. No development shall take place until details of the proposed foul and surface water drainage works including measures to safeguard the existing public foul sewer within the site during the course of development have been submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the first occupation of any of the dwellings.

Reason: To ensure adequate drainage arrangements pursuant to PPS25.

10. 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 and to prevent impact on protected species in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000 and PPS9.

11. Notwithstanding the provisions of 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), no development within Schedule 2, Part 1, Classes A, B and E, Part 2 Class A shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers in accordance with policies H5 and BE1 of the South East Plan (2009).

12. The approved details of the parking/turning areas including garages 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 (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 policy BE1 of the South East Plan (2009).

13. The dwelling shall achieve Level 6 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 6 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy CC4 of the South East Plan (2009), Kent Design Guide 2000 and PPS1.

Informatives set out below

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, St James House 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688) or www.southernwater.co.uk

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 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 burning of existing woodland or rubbish must be carried 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 outside the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Attention is drawn to Approved Document E Building Regulations 2003 "Resistance to the Passage of Sound". It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

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.