

APPLICATION: MA/10/0943 Date: 28 May 2010 Received: 28 May 2010

APPLICANT: Mr T Chapman

LOCATION: EAST COURT, THE STREET, DETLING, MAIDSTONE, KENT, ME14 3JX

PARISH: Detling

PROPOSAL: Demolition of pre-fabricated garages and erection of three dwellings (one semi-detached pair and one detached) with associated garages, parking, landscaping, new entrance and access as shown on drawing numbers 09/534/01B, 09/534/03A, 09.534/04, 09/534/05, 09/534/06, 09/534/07, 09/534/08, 09/534/09, 09/534/10 and noise survey and assessment, Code for Sustainable Homes calculation and design and access statement received on 28/5/10.

AGENDA DATE: 14th October 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 Detling Parish Council
- Councillor Horne has requested it be reported for the reason set out in the report

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV31, ENV33, ENV34, H27, T13
Government Policy: PPS1, PPS3, PPS5, PPS7, PPS9, PPG24

2. HISTORY

- MA/08/0083: Erection of three dwellings with associated garaging, new access and on site access road, landscaping, noise barrier and other associated works: REFUSED 19/03/2008: APPEAL DISMISSED 27/01/2009.
- MA/07/1932: Sub division of property to form four apartments: APPROVED 13/12/2007
- MA/07/1231: Erection of three residential properties: WITHDRAWN 07/08/2007
- MA/06/2242: Erection of three detached properties: REFUSED 01/02/2007
- MA/89/1262: Change of use to residential home: APPROVED 16/10/1989

- MA/88/2230: Sub-division of dwelling to form two semi-detached dwellings: APPROVED 04/05/1989
- MA/88/2229: Outline application for one detached dwelling: REFUSED 04/05/1989
- MA/88/2228: Outline application for one detached dwelling: REFUSED 04/05/1989
- MA/88/2227: Outline application for one detached dwelling: REFUSED 04/05/1989
- MA/88/1775: One detached house: Appeal against non-determination: Dismissed 02/05/1989
- MA/88/1774: One detached house: Appeal against non-determination: Dismissed 02/05/1989
- MA/88/1773: One detached house: Appeal against non-determination: Dismissed 02/05/1989
- MA/88/1772: Sub-division of existing dwelling to form two semi-detached houses: Appeal against non-determination: ALLOWED 02/05/1989

History considerations

Members will have noted that the appeal in relation to planning application reference MA/08/0083 was dismissed on 27 January 2009. (A copy is attached at Appendix One).

The Inspector considered there were two main issues in the appeal.

1: The effect on the character and appearance of the locality including the Detling Conservation Area, The Kent Downs AONB and the North Downs SLA and the setting of East Court

2: The effect on the living conditions of occupants of The Stables through potential dominance, overlooking and loss of daylight and sunlight and on the living conditions of future occupants of the proposed dwellings through potential noise.

The Inspector dismissed the appeal on the basis that modern form, design and appearance of the proposed detached dwellings would not relate well to the more traditional form and appearance of dwellings in proximity to the site and the main part of the village.

He did not find that the development would harm the AONB, SLA, the Conservation Area or the setting of East Court.

On the second issue the Inspector find that Plot1 would dominate The Stables due to the height difference between the two buildings and also result in unacceptable overlooking. He concluded that there would be no unacceptable loss of daylight or sunlight.

He did not consider that the occupiers of the proposed dwellings would be unacceptably harmed by traffic noise.

This decision and the conclusions of the Inspector are a strong material consideration in relation to the consideration of this application.

3. CONSULTATIONS

Detling Parish Council wishes to see the application REFUSED on the following grounds:-

- "The area falls within the Kent Downs AONB and Special Landscape Area, in addition, the Detling Conservation Area Management Plan recommends that this site is included within the Conservation Area.
- These proposals are contrary to the recent changes in government planning policy, Planning Policy Statement 3 (PPS3) guidance relating to 'garden grabbing'.
- East Court is a prominent feature within the Parish of Detling and as such we feel that this site should be preserved and protected from further development.
- The Parish Council is aware of the opposition to this planning application from local residents and it shares their concerns and reasons for objecting to the proposals."

Natural England raises no objections to the application stating:-

"We can confirm that the application site lies close to habitats which form part of the Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI). This SSSI is part of the North Downs Woodland Special Area of Conservation (SAC).

Natural England has no objection to the proposed development. It is our view that, either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the above site(s) and the permission may be granted (subject to other planning considerations) under the terms of the Conservation of Habitats and Species Regulations."

An informative with regard to bats is recommended.

English Heritage have no comments to make on the application.

Kent Highway Services raise no objections to the application.

MBC Conservation Officer wishes to see the application REFUSED on the following ground:-

"The site currently forms an open and attractive landscaped area and setting for the existing dwelling East Court (a non-designated heritage asset identified in the approved Detling Conservation Area Management Plan) as well as the adjacent Detling Conservation Area (a designated heritage asset); the site is

identified in the Detling Conservation Area Management Plan as open land making a positive contribution to character, and development in the manner proposed would result in the unacceptable further erosion and loss of this open land and visual intrusion into the setting of both the Detling Conservation Area and of East Court, causing unjustified harm to the significance of both of these heritage assets contrary to advice given by PPS5 Planning for the Historic Environment.”

MBC Landscape Officer raises no objections to the application stating:-

“The trees within the curtilage of East Court are subject to TPO No 10 of 1975. However I note the comments from appeal decision (App/u2235/A/08/2085803/WF) for the previous application, MA/08/0083 in which it was agreed that the majority of the trees were felled either during the 1987 or more recently in the case of five Horse Chestnuts were felled due to their dangerous condition.

It was agreed that no other trees which were protected by the TPO would be affected by the development.”

The Landscape Officer requires conditions requiring a tree survey, tree constraints plan, tree protection plan and arboricultural method statement in accordance with BS 5837: ‘Trees in Relation to Construction’ and a landscape scheme to be submitted are recommended.

MBC Environmental Health Manager raises no objections subject to the imposition of a condition with regard to traffic noise mitigation.

4. REPRESENTATIONS

Cllr John Horne wishes to see the application REFUSED on the following summarised grounds:-

- The impact on the character and appearance of the adjacent Conservation Area and its potential extension.
- The impact on the local buildings, landscape and the heights of the dwellings in relation to East Court.

9 letters of objection have been received from residents on the following grounds:-

- The development is contrary to the revised PPS3 with regard to development on garden land.
- The impact on the character and appearance of the Conservation Area and that the site is to be incorporated into the Conservation Area.
- Erosion of and loss of open and landscaped area.
- Visual impact from long distance views.
- Impact on residential amenity of adjacent occupiers with regard to privacy, outlook and loss of light.

- Inadequate access for the increase in car movements when combined with the conversion of the house to apartments and would be a safety risk to existing residents at peak times.
- Inadequate remaining amenity for residents of East Court.
- Impact on the AONB and SLA.
- Light pollution from houses and vehicles.
- The development is not infilling.
- Loss of trees and the impact on wildlife.
- The development is out of keeping with the area and would be visible from long distance views.
- The site is close to an ancient ruin.
- Impact on listed buildings.
- Surface water run off.

A petition signed by 121 people has been submitted against the development on the following grounds:-

- The development is contrary to the revised PPS3 with regard to development on garden land.
- The impact on the character and appearance of the Conservation Area and that the site is to be incorporated into the Conservation Area.
- Loss of trees and the impact on wildlife.
- Impact on residential amenity of adjacent occupiers with regard to privacy, outlook and loss of light.
- The development is out of keeping with the area and would be visible from long distance views.
- The previous appeal was dismissed.
- There has already been sufficient development in Detling.

CPRE raises objections to the application stating that the dwellings would impact on the AONB and SLA and the nearby Conservation Area and the environment of Detling in general. There would be an adverse impact on the quality of life of the nearby residents.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site lies on the northern side of the main part of Detling village immediately to the south of the A249 Detling Hill. The site forms part of the existing curtilage of East Court, which is an unlisted detached property. East Court is located within the defined settlement boundary of Detling as indicated on the Maidstone Borough-Wide Local Plan Proposals Map (2000). The property is located on the east side of The Street, approximately 90m north of its junction with the Pilgrims Way. It is a large Victorian House dating from around 1850 and is a replacement for one of the manor houses of Detling. The house is set

approximately 75m east of the access point from The Street. All of Detling is in the Kent Downs Area of Outstanding Natural Beauty.

- 5.1.2 The site itself amounts to approximately 0.19ha in area and is roughly triangular in shape. Between the access point and The Street, there is an open, grassed and steeply sloping bank which forms part of the scarp slope of the North Downs escarpment over which the driveway to the existing house has been formed (on the southern side). The drop in level from north to south ranges from approximately 2m to approximately 10m and from east to west diagonally through the site in the order of 2.5m to 3m.
- 5.1.3 There are dwellings to the south of the site, some of which have been formed from conversions of buildings that were linked to the manor house that East Court replaced. To the north, the A249 Detling Hill bounds the site. The site is well contained with limited viewpoints from outside the site itself.
- 5.1.4 The section of the site adjacent to the access point lies within the Detling Conservation Area. The site is also subject to Tree Preservation order no. 10 of 1975. This is predominantly a Woodland Order protecting Beech, Pine, Ash and Lime trees.
- 5.1.5 In addition, the North Downs Special Landscape Area and the Maidstone/Medway Strategic Gap.

5.2 Proposal

- 5.2.1 The application is for the erection of three detached dwellings in the area between the access point and East Court itself. There would be a new/relocated access road to the north to allow the development of the southern part of the site.
- 5.2.2 The dwellings would be four bedroom two storey properties laid out as a pair of semi detached properties and a detached house. The dwellings would face north with the private rear gardens to the south. There would be two garage buildings proposed, a single garage towards the western end of the site to serve plot 1 (the detached property) and a double garage in the south east corner adjacent to the drive to East Court to serve plots 2 and 3 (the semi detached properties).
- 5.2.3 The ridge height of the proposed pair of semis would be approximately 8.2 metres with the eaves height approximately 4 metres. The detached property would have a ridge height of approximately 8.2 metres and the highest point of the eaves of 4.5 metres.
- 5.2.4 The materials proposed would be reproduction 'Kent peg' tiles for the roof, with plain tile hanging and facing brickwork for the walls.
- 5.2.5 A total of two parking spaces per dwelling are proposed in the form of one garage space and one open parking space per unit.

- 5.2.6 A pre-assessment estimator has been submitted with the application that demonstrates that the scheme is capable of achieving Level 3 within the Code for Sustainable Homes.
- 5.2.7 The proposal is a resubmission of MA/08/0083, which was for three substantial detached dwellings. This application was refused and the appeal was dismissed in January 2009. As stated earlier, the Inspector's decision, which is appended to this report, is an important material consideration in the determination of this application.

5.3 Principle of Development

- 5.3.1 The application site is within the village of Detling and is subject to saved (September 2007) policy H27 of the Maidstone Borough-Wide Local Plan (2000). This policy allows for the principle of new minor residential development. Whilst the pre-ambule to the policy states that minor development includes infill development it is not restricted to infill development. The pre-ambule also indicates that each case will be considered in the context of the settlement concerned.
- 5.3.2 It is my view that 3 new houses in the context of the village of Detling does constitute minor development. Therefore the principle of the proposal accords with policy H27.
- 5.3.3 There have been a number of applications on the site, these being 08/0083 (Refused/dismissed at appeal), 07/1231(Withdrawn), 06/2242 (Refused). Of these applications, none of them were refused on the principle of the development being unacceptable.
- 5.3.4 Since the appeal decision there have been changes in Government policy, in particular *PPS3: Housing* where residential garden land has been removed from the definition of previously developed land. Whilst the site is now greenfield land it is clear that neither PPS3 or indeed the Council's own policy H27 preclude residential development on existing gardens. What is clear is from these policies is that the impact of the development on the character and appearance of the area and the amenity of neighbouring residents needs to be examined.
- 5.3.5 The Council refused the recent applications (refs. MA/06/2242 & MA/08/0083) on the impact of the development on the character and appearance of the area and the impact on the residential amenity of adjacent occupiers. I consider that these matters remain the determining factors in this application.

5.4 Visual Impact on the Character and Appearance of the Area

- 5.4.1 The site lies predominantly outside the confines of Detling Conservation Area with the western end of the site, including the access onto The Street within the Conservation Area. The Conservation Officer has referred to the Conservation Area Management Plan and the proposal that the Conservation Area be extended

eastwards to include East Court. He states that the consideration of the designation of this extension would take place this financial year. However, this consideration has not been undertaken and the extension of the Conservation Area has not taken place and as such I give the possible future extension to the Conservation Area limited weight in the determination of this application.

- 5.4.2 The site is within the nationally designated Kent Downs Area of Outstanding Natural Beauty and the locally designated North Downs Special Landscape Area. In these areas particular consideration should be given to the character and appearance of the landscape and its protection.
- 5.4.3 The previous scheme proposed three substantial detached dwellings with a ridge height of approximately 9.1 metres and a single eaves height of approximately 5 metres. They were large modern houses which appeared like many new estate houses.
- 5.4.4 Following the dismissal of the appeal and prior to the submission of this application the scheme has been redesigned and has resulted in dwellings of a reduced scale with a more traditional form.
- 5.4.5 The architect has designed the dwellings following examination of the Conservation Area Appraisal with plot 1 being designed as an interpretation of a Victorian gate lodge and plots 2 and 3 being based on interpretations of a Victorian estate building. The resultant development is a detached property for plot 1 with a ridge height of approximately 8.2 metres and eaves heights ranging from approximately 2.9 metres to 4.5 metres. The pair of semi detached dwellings would be approximately 8.2 metres in height to ridge and between approximately 2.4 metres to 4 metres to eaves.
- 5.4.6 It is important to refer to the Inspector's conclusions relating to the impact of the development on the AONB, SLA and the Conservation Area. He considered the impact on the character and appearance of the area extensively. It is clear from paragraph 5 (i) of the decision that the impact on the Detling Conservation Area, the Kent Downs Area of Outstanding Natural Beauty, the North Downs, Special Landscape Area and the setting of East Court were all considered as part of the impact on the character and appearance of the area. It states:-
- "(i) the effect on the character and appearance of the locality including the Detling Conservation Area (CA), part of which lies within the appeal site, the Kent Downs Area of Outstanding Natural Beauty (AONB), the North Downs Special Landscape Area (SLA) and the setting of East Court; and"*
- 5.4.7 The Inspector considered (paragraph 8) that the development of the southern part of the site would, if all other matters were acceptable, still retain an open area allowing a "soft" edge to the village. He continues by stating that the site is well contained. The Inspector also concluded that the site is not prominent in the wider landscape and concludes on this matter that the development of this area of the site would not have a harmful effect on the setting of the northern part of the village and not materially harm the natural beauty of the landscape of the

AONB or the scenic quality of the landscape. I have considered these issues and am of the view that due to the site's location and planting within and adjoining the site and the juxtaposition with adjacent development it still retains the characteristics described by the inspector. The currently proposed development remains restricted to the southern part of the site, the "soft" edge to the village is maintained and the prominence of the site has not changed significantly since the Inspector's decision in January 2009. As such I consider that the impact of the development on the setting of the northern part of the village and not materially harm the natural beauty of the landscape of the AONB or the scenic quality of the landscape.

5.4.8 In relation to the impact of the development on the Conservation Area and the setting of East Court, the Inspector considered this issue in paragraph 9 of his decision. He states:-

"The minor works required to the site entrance would not have a harmful effect on the character or appearance of the part of the site within the CA. Views of the side elevation of East Court would be retained and whilst there would be a reduction in the spaciousness of this area I do not consider that would be harmful either to the setting of East Court or to views into the CA from the site."

The spaciousness of the current scheme and the minor alterations to the access are very similar to the appeal scheme. The scheme maintains the view of the side elevation of East Court from the entrance from The Street. As such I do not consider that the development would cause harm to the Conservation Area or the setting of East Court.

5.4.9 I note the Conservation Officer's comments and objections to the scheme on both the impact on the Conservation Area and the impact on the setting of East Court, especially in combination with other residential development that has eroded the historic curtilage of East Court. It is also of importance that whilst the Detling Conservation Area Appraisal had been adopted at the time of the appeal the Conservation Area Management Plan has since been adopted and PPS5 has been published. PPS5 does give weight to non-designated heritage assets, such as East Court, however, it is clear that the Inspector considered the impact on the setting of East Court and found there to be no harm due to the site retaining sufficient spaciousness and view from within the Conservation Area of the side elevation of East Court. Therefore I do not consider that the introduction of PPS5 or the Conservation Area Management Plan changes the assessment to such a degree to warrant a refusal.

5.4.10 The Inspector previously found that the modern form, design and appearance of the proposed detached dwellings would appear as a suburban addition to the edge of village. This was found to be unacceptable and in conflict with criterion 4 of ENV33 of the Maidstone Borough-Wide Local Plan (2000) in that the buildings would not reflect the traditional character of buildings in the area. Paragraph 11 stating:-

"The modern form, design and appearance of the proposed detached dwellings would appear as a suburban addition to the edge of the village. In my opinion the proposed dwellings would not relate well to the more traditional form and appearance of dwellings in proximity to the site and in the main part of the village in conflict with LP policy ENV33(4) in that regard which requires new buildings in the AONB to reflect the traditional character of buildings in the area. In addition I consider that there is conflict with the aims of SP policy QL1 and design advice contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and PPS3 which, taken together, require good design which contributes positively to making places better for people and design which should be appropriate to its context."

- 5.4.11 The previous scheme was also criticised by the Inspector in terms of its general design in that it failed to relate well to the more traditional form and appearance of dwellings in proximity to the site.
- 5.4.12 The currently proposed dwellings have been considerably scaled down from the previous scheme and with the significant reduction in height, particularly at eaves level, the form and appearance of the dwellings would no longer appear as a suburban addition to the edge of the village. In this regard I believe the scheme has overcome the Inspector's concerns on the scheme.
- 5.4.13 The design has been developed following an examination of the Conservation Area appraisal and stemmed from an interpretation of a Victorian gate lodge and estate building. The detailing includes overhanging eaves, timber windows and doors, timber shutters to the living room doors, intricate detailing on the gables and dormer windows. All these detailed changes and the design concept of following examples from within the village and identified in the Conservation Area Appraisal has led to a design of dwellings that relates well to the more traditional form and appearance of dwellings in proximity of the site and is an example of good design which contributes positively to making places better for people and design which should be appropriate to its context, thus complying with guidance in PPS1 and PPS3.
- 5.4.14 Overall, I consider that the reduced scale of the development, the design and the materials would result in a more traditional form of development that would not cause harm to the Kent Downs Area of Outstanding Natural Beauty and would comply with criterion 4 of ENV33 which requires development to reflect the traditional character of buildings in the area. Therefore I consider that this reason that the Inspector dismissed the appeal has been overcome.

5.5 Residential Amenity

- 5.5.1 The Inspector considered the matter of the impact on the residential amenity of the occupiers of the adjacent property 'The Stables', which is on lower ground than the appeal site. He concluded that the proposed dwelling at plot 1 would result in overlooking that would be intrusive and harmful to the living conditions of the occupiers of 'The Stables' and it would appear as a dominant building. It

was sited approximately 4m from the common boundary with The Stables the principle rear elevation of which was a further 15m back from the boundary. There was some concern with regard to a loss of outlook although it was stated that on its own that would not lead the Inspector to dismiss the appeal. It was concluded that there would be no material loss of sunlight or daylight. The key consideration is whether the scheme has altered sufficiently to overcome the overlooking and the intrusive nature of the building that caused the Inspector to dismiss the appeal.

- 5.5.2 The detached dwelling at plot 1 is approximately 19.5 metres from the principle rear elevation of 'The Stables' and is now located approximately 9m from the southern site boundary at the closest point. The dwelling has been designed with no south facing windows at first floor level other than a small dormer window that serves a landing. The landing window would not result in a loss of privacy as it would not be a habitable room, it would be approximately 24 metres away from 'The Stables' and views would be screened by the rear projection of plot 1. Therefore I do not consider that there would be any material overlooking of 'The Stables' and refusal would not be warranted.
- 5.5.3 The distance between the proposed dwellings and 'The Stables' would ensure that there would be no significant loss of outlook or a material loss of sunlight or daylight to the occupiers.
- 5.5.4 A noise survey and report has been submitted that indicates the proposed development could provide acceptable amenity to prospective occupiers of the dwellings. However, the report and recommendations do not relate to the proposed layout of the scheme. As such the Environmental Health Manager has recommended a condition requiring noise mitigation measures to be submitted. I agree that this approach would be appropriate.
- 5.5.5 Each of the proposed dwellings would have a private rear garden commensurate with the needs of a family dwelling in accordance with the guidance contained in PPS3. The garden for Plot 1 would vary from between 10m and 18m in depth and in excess of 22m in width, that of Plot 2 would be approximately 16m in depth and 11m wide. The garden to Plot 3 would be approximately 17m in depth and 9.5m wide.
- 5.5.6 There would be adequate space retained as garden for the residents of East Court, either as a private garden or as a shared garden for the four apartments if that permission is implemented
- 5.5.7 There have been adequate changes to the scheme to prevent the overlooking of 'The Stables' and an imposing development and as such I consider that the development has overcome the Inspectors concerns and is now acceptable with regard to impact on residential amenity.

5.6 Highways

- 5.6.1 The access onto The Street would have adequate visibility onto the end of the dead end road. There would be no impact on highway safety from the use of the access.
- 5.6.2 Each plot would have a single parking space with a second in the garage. This is an appropriate level of provision for these dwellings giving a ratio of 2 spaces/dwelling.
- 5.6.3 Concern has been raised by objectors on the grounds that the increase in traffic from the site would cause highway safety issues. I consider that the additional traffic generated by these three dwellings could be accommodated on the surrounding road network without a detrimental impact on highway safety.
- 5.6.4 There have been no objections received from Kent Highway Services on highway safety grounds.

5.7 Landscaping

- 5.7.1 Concern was expressed in the context of the earlier applications that trees subject to a Tree Preservation Order were removed from the site prior to the submission of that application, and the loss of trees is still a matter of concern to residents. The claims at that time, however, were examined by the Landscape Officer and the remaining trees were inspected. It is considered that in arboricultural terms the remaining trees were not suitable for protection by a further TPO. The views of our landscape officer on the current scheme are given above.
- 5.7.2 Significant proposed planting along the northern boundary to screen the acoustic fence and provide a soft edge to the site is indicated on the site layout plan but no details have been submitted. In addition, there is a need to ensure adequate landscape screening is maintained to the rear of the proposed gardens and towards the entrance onto The Street. A suitable landscaping scheme with replacement trees is recommended by condition. In addition a condition requiring a tree survey, tree constraints plan, tree protection plan and arboricultural method statement in accordance with BS 5837: Trees in Relation to Construction would be appropriate to ensure the existing trees on the site are retained.
- 5.7.3 The additional landscaping proposed will provide enhanced habitat for wildlife in the area.

5.8 Other Matters

- 5.8.1 The applicants have demonstrated with the submitted pre-assessment indicator report that the dwellings would meet at least a Level 3 on the Code for

Sustainable Homes and a condition should be imposed to ensure that level is secured.

5.8.2 The nearest listed building is a Grade II listed Dove Cot approximately 35 metres south of the proposed dwellings and beyond the dwelling of Medway House. The development would not have a significant impact on the setting of this listed building.

6. CONCLUSION

6.1 The proposed development is a resubmission of MA/08/0083 that was dismissed at appeal on the grounds that the design and scale of the dwellings were too suburban and inappropriate for the site's location in the Kent Downs Area of Outstanding Natural Beauty and the impact on the residential amenity of the neighbours in the adjacent property 'The Stables'.

6.2 The revised scheme has taken into account the Inspectors comments and overcome the reasons for dismissing the appeal. The Conservation Officer objects to the application, predominantly on the erosion of the space its impact on the Conservation Area and the setting of East Court. These matters were considered at the appeal and were not reasons for dismissing the appeal. I have considered the publication of the Conservation Area Management Plan, PPS5 and the revision to PPS3. However, the matters that they raise e.g. the fact that the site is now classified as greenfield, the setting of East Court and the loss of the open area around East Court were either considered in the previous appeal or not significant enough to warrant refusal.

6.3 Therefore, on balance, I recommend approval of this application.

7. RECOMMENDATION

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 hereby permitted shall be carried out in accordance with the following approved plans:
09/534/03A, 09.534/04, 09/534/05, 09/534/06, 09/534/07, 09/534/09 and 09/534/10;

Reason: To ensure the quality of the development is maintained and to prevent

harm to the residential amenity of neighbouring occupiers in accordance with policies ENV33, ENV34 and H27 of the Maidstone Borough-Wide Local Plan (2000) and guidance in PPS1 and PPS3.

3. No development shall take place until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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 policies ENV33, ENV34 and H27 of the Maidstone Borough-Wide Local Plan (2000) and guidance in PPS1 and PPS3.

4. 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 a tree survey, tree constraints plan, tree protection plan and arboricultural method statement in accordance with BS 5837: Trees in Relation to Construction with 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 Councils adopted Landscape Character Assessment and Landscape Guidelines.

Reason: No such details have been submitted and the existing trees represent an important amenity which should be substantially maintained.

5. All planting, seeding or turving 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.

6. The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in accordance with PPS1: Delivering Sustainable Development and PPS3 Housing.

7. To protect residential amenity, an acoustic survey, to identify the Noise exposure category (NEC) of the site in accordance with MBC's Planning Policy Guidance Note No. 11 'Planning and Noise' and PPG24, has to be carried out. The subsequent report should identify any noise mitigation measures that are necessary to meet the following criteria:-
 1. Where habitable rooms will be exposed to noise levels that are in excess of NEC A of Maidstone Borough Council's 'Adopted Noise Exposure Categories', mitigation should include a scheme of acoustic protection sufficient to ensure internal noise levels no greater than 30 LAeq,T dB in bedrooms and living rooms with windows closed. Where the internal noise levels will exceed 35 LAeq,T dB in bedrooms (night-time) and 48 LAeq,T in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.
 2. Within gardens and amenity areas the daytime 0700-23.00 hours level of noise should not exceed 55 dB LAeq free field. This excludes front gardens.
 3. A closure report will be required in order to confirm that the mitigation methods implemented are sufficiently effective.

Reason: to protect residential amenity in accordance with guidance contained within PPG24.

Informatives set out below

Attention is drawn to the COPA 1974 sections 60 & 61. The Council will normally expect contractors to adhere to the Guidance Note for Contractors contained in the Associated British Standard COP BS 5228:2009 for noise control on construction sites which includes such matters as hours of noisy working, working practices and public relation with local residents. 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.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, can not be highly stressed.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

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.

Clearance and 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.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between 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.

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

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

Should any bats or evidence of bats be found prior to or during works, works must stop immediately and a specialist ecological consultant or Natural England contacted for further advice before works can proceed.