

APPLICATION: MA/11/0498 Date: 22 March 2011 Received: 30 March 2011

APPLICANT: Monro Homes

LOCATION: TWO TREES, 25, THE LANDWAY, BEARSTED, MAIDSTONE, KENT,
ME14 4BE

PARISH: Bearsted

PROPOSAL: Erection of 4 dwellings with creation of an access and associated works (amendment to application MA/09/1920) as shown on drawing numbers SP/09/14/P02 Rev A, SP/09/14/P04 Rev A, SP/09/14/P05 Rev A, SP/09/14/P06 Rev A, SP/09/14/P09 received on 30 March 2011.

AGENDA DATE: 11th August 2011

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 Ash has requested it be reported for the reason set out in the report

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- South East Plan 2009: CC4, H4, H5, T4, M1, BE1
- Village Design Statement: N/A
- Government Policy: PPS1, PPS3, PPG13

2. HISTORY

- MA/10/2076 - Application to discharge conditions relating to MA/09/1920 (erection of 4no. dwellings with creation of access and associated works [re-submission of MA/09/0891]) - submission of details received on 29th November 2010 pursuant to conditions 2 - materials and 3 - landscaping - APPROVED.
- MA/09/1920 - Full planning application for the erection of 4 dwellings with creation of access and associated works (re-submission of MA/09/0891) - APPROVED WITH CONDITIONS
- MA/09/0891 - Full planning application for the erection of 5 dwellings with associated works - REFUSED.
- MA/90/0651 - Detached chalet bungalow with attached double garage - APPROVED WITH CONDITIONS.

- MA/84/0830 – Detached chalet dwelling with integral double garage – APPROVED WITH CONDITIONS.

3. BACKGROUND

Planning permission was granted for four new dwellings under MA/09/1920. The development commenced and revisions were made to the scheme during the construction. An application was submitted (MA/10/2076) to discharge details relating to materials and landscaping and this was approved in February 2011. Complaints were received that the development was being undertaken not in accordance with the approved plans and an enforcement investigation was set up (ENF/11539) in February 2011. Following this investigation the current application was submitted in March 2011.

The changes from the previous approval are relatively minor and are briefly set out below:-

- The access road has been realigned and reconfigured to comply with the Kent Design Guide.
- The visitor parking in front of plot 3 has been omitted.
- The garages for plots 3 and 4 are to be redesigned and located further back into the gardens.
- The removal of the turning area from outside plot 3 and its relocation in front of the garages to plots 2 and 3.
- Trees T9 and T10 are accurately plotted with regard to their canopy.
- Slight alteration to the pedestrian access to plot 2.
- Internal alterations to the layout of the dwellings and associated minor alterations to fenestration.

It is clear from the previous approval on this site that the principle of residential development for four houses is acceptable. The design and layout of the properties have also been agreed under the previous application. The only considerations for this application are the impact of the changes to the scheme.

4. CONSULTATIONS

Bearsted Parish Council wishes to see the application REFUSED and reported to Planning Committee on the following grounds:-

“It is out of keeping with the street scene. We support the objections as per Mr Shee’s letter.”

KCC Highways raise objections on the basis that there is inadequate parking. There should be 2 independently accessible parking spaces excluding the garage. Reference is made to Kent Design Guide - Interim Guidance Note 3 Residential Parking.

The Environmental Health Manager raises no objections to the application and recommends the imposition of informatives.

5. REPRESENTATIONS

3 letters of objection have been received on the following grounds:-

- Insufficient car parking and concern with regard to visitor parking on a busy road.
- Concern about future development to the rear of 19, 21 and 23.
- There are errors on the application form.
- The new position of the garages would harm the character of the area and increase the level of hard standing.
- Concern that the garages closer to the boundary would bring vehicle noise and exhaust closer to neighbours.
- The garage building would be too close to the neighbours to the rear.
- There would be too much car parking as a result of the movement of the garage.
- The development would be seen as a continuous roofline when viewed from properties to the rear.

Councillor Richard Ash has requested the application be reported to Planning Committee stating:-

- The development is unauthorised work.
- Possible errors on the application form.

6. CONSIDERATIONS

6.1 Site Description

6.1.1 The application site is located within the urban boundary of Maidstone within Bearsted Parish. It is situated on the north-west side of The Landway. Previously, the site consists of the garden of 25 The Landway, which sloped down from east to west by approximately 1-1.5metres. Following the granting of permission under MA/09/1920 work has commenced on the development of the site.

6.1.2 There are a number of trees within the site, many of which are located along the boundary. The site is surrounded by residential properties, which are varied in character. The neighbouring properties being early twentieth century properties, with those to the rear being from later that century.

6.2 Proposal

6.2.1 The application is a revision to that previously granted permission under MA/09/1920. It is for the erection of four detached two storey properties within the former garden of 25 The Landway. One property is proposed to front The Landway, with the other three proposed to be positioned within the rear garden area of the site. These three properties would be positioned with two adjacent to each other at the north-westernmost point, and one in front, facing the access road.

6.2.2 These properties would have a maximum height of 9.3metres (to ridge). Although the properties would vary in terms of form, their footprint would be similar in size (generally approximately 10metres x 10metres). These properties would have a brick ground floor, with tile hanging/timber cladding above. All properties are proposed to have hipped roofs, and large chimneys.

6.2.3 There would be an integral garage and drive for plot 1 to the front, a single detached garage and drive for plot 2 and a double garage building with drive in front serving plots 3 and 4.

6.2.4 The proposed access into the site would be 4.1metres wide, with a new entrance created onto The Landway. A turning head would be provided at the rear of the site with the surface material being bonded gravel.

6.2.5 The development is similar to that previously approved under MA/09/1920. The main changes to the development are set out below:-

- The access road has been realigned and reconfigured to comply with the Kent Design Guide.
- The visitor parking in front of plot 3 has been omitted.
- The garages for plots 3 and 4 are to be redesigned and located further back into the gardens.
- The removal of the turning area from outside plot 3 and its relocation in front of the garages to plots 2 and 3.
- Trees T9 and T10 are accurately plotted with regard to their canopy.
- Slight alteration to the pedestrian access to plot 2.
- Internal alterations to the layout of the dwellings and associated minor alterations to fenestration.

6.3 Principle of Development

6.3.1 Planning permission was granted for the four dwellings under MA/09/1920 and the development could be completed in accordance with this permission. The general layout of the site with one property facing The Landway and three in the rear part of the site remains as approved. The density of the development

remains as before at 17dph and remains acceptable. Therefore it is considered that the principle of residential development of this site is acceptable.

6.3.2 The key considerations in this case are the impact of the changes from the approved scheme.

6.4 Visual Impact

6.4.1 In terms of the visual impact of the development, the changes that have the most impact are the alteration to the access road, the changes to the turning area, the redesign and relocation of the proposed double garage to plots 3 and 4 and the deletion of the visitor parking in front of plot 3.

6.4.2 The access road has been altered from the approved scheme with the alteration to the vehicular access to allow pedestrians to cross more easily. This alteration has also increased the space around the False Acacia tree on the northern boundary that is subject to TPO 26 of 2008. The minor changes to the access would have a limited visual impact and the increased space around the protected tree is welcomed.

6.4.3 The proposed changes to the turning area involve the removal of the turning area from the previously approved location in front of the dwelling at plot 4 and its relocation as a more traditional turning head with one spur between plots 2 and 3 and the other between plots 3 and 4. These changes have resulted in the reduction in the level of hardstanding and in particular the loss of the area in front of plot 3 would benefit the scheme in two ways. Firstly, by reducing the area of hardstanding visible from public vantage points on The Landway and secondly by allowing the dwelling at plot 4 to have a larger front garden area typical of the surrounding area.

6.4.4 The redesign of the garage proposes a larger building than previously permitted, 9.8m by 5.8m and 5.2m high (to ridge) as opposed to the approved garage with dimensions of 7.1m by 5.8m and 5.0m high (to ridge). The larger garage building would be located between plots 3 and 4 and would not be readily visible from public vantage points on The Landway. The garage would be set further back than the approved position and would encroach more into the gardens of plots 3 and 4. Whilst this would result in a larger area of hardstanding between these dwellings to accommodate the parking spaces in front of the garage, and the turning area I do not consider this to be visually unacceptable and is not excessive.

6.4.5 As part of the original scheme there were two visitors parking spaces proposed outside plot three. These parking spaces have been deleted and instead part of the area would now form the turning area. This would result in a reduction in the level of hardstanding in this area and increase the space between the

harstanding and the False Acacia tree (the subject of TPO 17 of 2008) and Norway Spruce tree. The minor changes to the access would have a limited visual impact not being visible from The Landway and the increased space around the protected tree is welcomed.

6.4.6 Overall, there would be no significant increase in the visual impact of the development as a result of the proposed amendments.

6.5 Residential Amenity

6.5.1 In terms of residential amenity the impact of the development remains the same as that previously approved. The redesign and relocation of the garage between plots 3 and 4 would bring it closer to the dwellings to the rear in Birling Close.

6.5.2 The garage would be no higher than that previously approved; however, it would be wider and closer to the north western boundary of the site and therefore the dwellings of Birling Close. The distance between the garage and the rear of the nearest property in Birling Close, number 3, would be approximately 15 metres. This distance would be sufficient to prevent any unacceptable loss of light and an overbearing impact of the development. Although the garage would be visible from neighbouring properties, the interruption of a view is not a planning consideration.

6.5.3 A minimum gap of 15m between the garage and the nearest neighbouring property would ensure that there would be no significant adverse impact from noise or fumes of vehicles using the garage. In many locations garages are considerably closer to neighbouring properties than 15 metres.

6.5.4 The impact of the revised development on the residential amenity of nearby occupiers would remain acceptable.

6.6 Highway Safety

6.6.1 The access position onto The Landway is in a similar location to that previously approved and has been altered to enable a safer pedestrian crossing location at the entrance.

6.6.2 In terms of the parking available for the dwellings, the dwelling at plot one would have three car parking spaces (two on the drive and one in the integral garage). The dwelling at plot 2 would have two parking spaces (one on the drive and one in the detached garage) plot 3 would have two parking spaces (one on the drive and one in the detached shared double garage) and plot 4 would have two parking spaces (one on the drive and one in the detached shared double garage). This level of car parking would be acceptable for the proposed development. I note the comments of Kent Highway Services and the fact that

they do not count the spaces provided within garages, however, the standards quoted are not adopted by Maidstone Borough Council. In fact there are no standards that have been adopted. The key consideration is whether the parking is sufficient for the development and whether any overspill of parking would cause a highway safety concern.

- 6.6.3 The parking areas available for the development would provide adequate space for at least two cars per property. It is likely that any additional requirement for car parking would result in parking on The Landway. However, this part of The Landway is a straight part of the road and is sufficiently wide to accommodate on street car parking without creating a highway hazard.
- 6.6.4 I note from the objections received that there are conflicting views between neighbours with concerns being raised that there is insufficient car parking and also that the level of car parking is too great. As stated above the level of parking at 2 spaces per dwelling (with 3 spaces for plot 1) is adequate for the development and any on street car parking would not cause a highway hazard.

6.7 Other Matters

- 6.7.1 The conditions previously imposed in relation to materials and landscaping have been discharged under application MA/10/2076. I propose a condition to ensure the implementation of these details unless otherwise agreed in writing by the Local Planning Authority.
- 6.7.2 There are no other significant planning issues to consider as part of this application. In terms of other matters raised by objectors, the application form has been completed adequately to enable a proper assessment of the application. The concern about future development is not an issue for this application and any future application would be judged on its own merits.

7. CONCLUSION

- 7.1 The application is for revisions to a previously approved application for the erection of 4 detached dwellings. The revisions to the scheme are relatively minor and do not result in any significant adverse impacts in terms of the visual appearance of the development or the impact on neighbours. The space between areas of hardstanding and protected trees has increased and as such is an improvement to the scheme. The level of car parking proposed is adequate for this scale of development and any parking on The Landway would not result in a hazard to highway safety.
- 7.2 The application is acceptable in planning terms and as such I recommend permission with the same conditions as previously attached (as modified for those that have already been granted consent for discharge).

8. 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 materials used in the construction of the development shall be those permitted under MA/10/2076 unless otherwise submitted to and approved in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development in accordance with policies H5 and BE1 South East Plan (2009).

3. The landscaping used in the development shall be those permitted under MA/10/2076 unless otherwise submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE1 of the South East Plan (2009).

4. 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 policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE1 of the South East Plan (2009).

5. The dwelling shall achieve 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 Code Level 3 has been achieved;

Reason: To ensure a sustainable and energy efficient form of development in

accordance with Policies CC4 and M1 of the South East Plan (2009), Kent Design Guide 2000 and PPS1.

6. 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 and B 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 policy BE1 of the South East Plan (2009).

7. 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 policies T13 of the Maidstone Borough-Wide Local Plan (2000) and T4 of the South East Plan (2009).

8. The development hereby permitted shall be carried out in accordance with the following approved plans:
SP/09/14/P02 Rev A, SP/09/14/P04 Rev A, SP/09/14/P05 Rev A, SP/09/14/P06 Rev A, SP/09/14/P09;

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 ENV6 of the Maidstone Borough-Wide Local Plan and H5 and BE1 South East Plan (2009).

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.

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.

In order to minimise dust and dirt being blown about and potentially causing a nuisance to occupiers of nearby premises the following precautions should be taken.

- Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down the general site area, using a suitable water or liquid spray system.
- Where practicable, all loose material on the site should be covered during the demolition process.
- During the construction, reconstruction, refurbishment or modification of the building and where practicable the exterior should be sheeted, enclosing openings etc. as necessary.

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.

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.

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