

APPLICATION: MA/11/0205 Date: 11 February 2011 Received: 14 February 2011

APPLICANT: Mr K Mandy, Golding Homes

LOCATION: FINCH COURT, DICKENS ROAD, MAIDSTONE, KENT, ME14 2QX

PARISH: Maidstone

PROPOSAL: Demolition of flats and common room and construction of 20 three bedroom houses with associated parking and landscaping in accordance with the plans numbered PL 100; PL 103; PL 105; PL 106; PL 107; PL 108; PL 110; PL 111; PL 112; PL 113; PL 114; PL 115; PL 116; PL 117; PL 118; arboricultural implications assessment; design and access statement; and code for sustainable homes pre-assessment received on the 14 February 2011, and plans numbered PL 102 and PL 120 received on the 31 May 2011, and financial appraisal submitted on 7 July 2011.

AGENDA DATE: 22nd September 2011

CASE OFFICER: Chris Hawkins

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

- Councillor Patterson 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, NRM11, T4, CC1, T4, H5, W1, W6, BE1
- Government Policy: PPS1, PPS3, PPS9, PPG13

2. HISTORY

2.1 There is no planning history relevant to this application.

3. CONSULTATIONS

3.1 **Maidstone Borough Council Landscape Officer** was consulted (on 22 February 2011) and raises no objections subject to the imposition suitable conditions, as set out below. The comments are as follows:

'The arboricultural implications assessment identifies a number of trees to be removed, although it appears to have been commissioned following the

development of a site layout, rather than the site layout being developed following a tree survey, in accordance with the recommendations of BS5837(2005). This means that the reason for some of the tree removals proposed is because the trees are 'incompatible with development' rather than the recommendation relating to their condition or whether the trees have any value.

However, although the proposal includes the removal of a number of medium to large size trees, I do not consider that any of them have any significant amenity value, being largely hidden or partially obscured from public view by the surrounding houses. Of those proposed for removal, none are outstanding specimens or particularly suited to the character of the area. None of the trees are currently subject to a Tree Preservation Order. I do not consider that a refusal of the application on the grounds of the proposed tree removals would be sustained at appeal and raise no objection to the proposal on arboricultural grounds, subject to the submission of an arboricultural method statement being required by condition, to ensure that retained trees are not harmed during construction operations. I also recommend the use of a condition requiring compliance with the tree protection details contained within the submitted arboricultural implications assessment.

The application lacks a fully detailed landscaping scheme and I recommend the use of a standard condition requiring that one be submitted for approval, together with implementation and long term management details and replacement of failures within the first five years following completion of the development.

It is, therefore, recommended that on landscape and arboricultural grounds the application should be **APPROVED** with conditions as detailed above.'

- 3.2 **Maidstone Borough Council Environmental Health Officer** was consulted (on 22 February 2011) and raised no objections as they were content that there no noise, or contamination concerns at this application site.
- 3.3 **Maidstone Borough Council Parks and Open Space** were consulted (on 22 February 2011) and raised no objections to the proposal subject to contributions being made to address the additional strain placed upon the parks and open space within the locality. The sum requested is £31,500, and would be spent within Whatman Park, Midley Close play area and/or Dickens Road play area. At present it is indicated that the money would be spent on re-painting, and providing new additional play equipment.
- 3.4 **Southern Water** were consulted (on 22 February 2011) and raised no objection to this proposal in terms of drainage or capacity.

- 3.5 **The Environment Agency** were consulted (on 22 February 2011) and raised no objections to this proposal subject to the imposition of conditions relating to contamination within the site in order to safeguard water quality. No flooding issues were identified.
- 3.6 **Kent County Council Archaeology** were consulted (on 22 February 2011) and raised no objections subject to the imposition of a suitable safeguarding condition.
- 3.7 **Kent County Council Highway Services** were consulted (on 22 February 2011) and raised no objections to this proposal subject to the imposition of conditions and informatives covering the visibility splays, construction traffic, and the removal of pd rights. These matters are considered within the main body of the report.
- 3.8 **Kent County Council Education (Mouchel)** were consulted (on 22 February 2011) and raised no objections to this proposal. They have sought no contributions for this site as this is an affordable housing development.
- 3.9 **Kent Police** were consulted (on 22 February 2011) and made no comment on this application.
- 3.10 **UK Power Networks** were consulted (on 22 February 2011) and raised no objections to the proposal.
- 3.11 **Scottish Gas** were consulted (on 22 February 2011) and raised no objections to the proposal.
- 3.12 **West Kent Primary Care Trust (PCT)** were consulted (on 22 February 2011) and raised no objections to the proposal subject to contributions being made to address the additional strain being placed upon the health care provision within the locality. This request is for a sum of £12,096.00 to be spent at the Marsham Street surgery, which is the surgery closest to the application site, and would be likely to be used by the residents of this development. It should be noted that the previous residents of the site would have been registered at local GPs.

4. REPRESENTATIONS

- 4.1 Neighbouring properties were notified and 3 letters of objection have been received. A summary of these letters is set out below:
- The loss of light to neighbouring properties;
 - Loss of privacy;
 - Overshadowing of neighbouring properties;
 - Impact upon the existing residents;
 - Additional vehicle movements;

- Only one escape route in an emergency;
- The properties should have been refurbished rather than replaced.

4.2 **Councillor Patterson** requested that the application be brought before Members as it is of local significance, and would have an impact upon the existing local residents.

4.3 Pre-application discussions were held with Ward Members prior to the submission of the application, with the main issues covered being the design of the proposal, and the sustainability of the development.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is location within Ringlestone estate, sited within the urban confines of Maidstone, and is not identified for any specific allocations within the Maidstone Borough Wide Local Plan (2000). The central part of the site formerly contained residential units provided by Golding Homes (or Maidstone Housing Trust as they were previously known). This part of the site has now been demolished aside from the community hall that remains on site. The front part of the site currently contains properties that would be demolished as part of this proposal.

5.1.2 The land level changes significantly within the application site by approximately 3metres, with the land falling rapidly from east to west as one enters the site. At present much of the site is boarded up, so views in are restricted from the public domain.

5.1.3 The site contains the footings of the previous development, surrounded by grass. The trees around the boundaries of the application site have all been retained, and these are of varying species and quality. There is an area of hardstanding that is used for car parking to the south of the community hall, which remained in use at the time of my site visit.

5.1.4 The site is surrounded by residential properties within Calder Road, and Egerton Road, many of which remain within the ownership of Golding Homes. These properties are two storey, and are provided within good sized rear gardens (approximately 15-20metres in length). The properties within western part of Egerton Road are at a significantly lower level than those within Calder Road.

5.1.5 The site lies approximately 1km from the town centre of Maidstone, with the urban boundary some 30metres to the west (with an area of Local Landscape Importance beyond).

5.2 Proposal

- 5.2.1 This proposal is for the erection of 20 new terraced houses within the area previously accommodating Finch Court – which was a block of 37 flats, which has already been demolished, as well as existing properties (in a relatively poor state of repair) in Calder Road. Five new properties would be erected along the Calder Road frontage, with the remaining fifteen located internally, within the application site. Of the twenty houses, eight are to be provided for affordable housing.
- 5.2.2 The five properties facing on to Calder Road would be a terrace of two storey dwellings, which would be set back from the highway by approximately 7metres. These properties would have a width of approximately 6metres, and a depth of 11metres. The properties would have a maximum height of 8.8metres. The back gardens of these properties would be approximately 10metre in length, and would be supported by a retaining wall at their western most point (with 1.1metre fence above). The properties would be constructed of brick, with render at first floor level. Roofs are shown to be constructed of tiles and slate.
- 5.2.3 Access into the site would be through a new point of entry (that has been repositioned approximately 2metres further north) which is served off Calder Road. This access point has a steep gradient that falls approximately 2.5metres as one enters into the site. It is proposed that parking spaces be provided on the northern side of this access (with tree planting) and a hedge with tree planting on the southern side.
- 5.2.4 Within the site, it is proposed that 15 dwellings be erected, built in three rows of five. These are all of a similar form and design. The three rows would be positioned effectively at right angles to one another, with the access road the main focal point.
- 5.2.5 As one enters the site, there would be a terrace of five immediately opposite, creating an end-stop. Each property here would be provided with a single parking space. Four trees are planted in front of these five houses, between these parking spaces. The properties would be of a similar design/scale to those described along the Calder Road frontage. Three of the units within this terrace would be made available for affordable housing.
- 5.2.6 To the south of these units would be a further terrace of five, with the two end units projecting forward. These units would be for private sale. Again, each unit would be provided with a minimum of 1 parking space (the two end units having two spaces each). The design and form (height, width and depth) of these units are identical to those fronting Calder Road. To the front of these properties would be a shared surface private drive, with two trees planted at either end of

the terrace. To the rear of these units, the gardens would have a depth of at least 13metres.

- 5.2.7 Within the northern portion of the site would be the remaining terrace of five. These would be for private sale. The terrace is staggered at this point to ensure that each property has a decent size garden, and also to provide a further visual 'end stop' from within the turning circle. The properties would have a garden depth of between 13metres and 23metres.
- 5.2.8 The applicant has submitted an arboricultural report identifying that the majority of the trees are to be retained within the development. Specific details of the tree planting has been submitted, and is addressed within the 'landscaping' section of the report.
- 5.2.9 Whilst this is an application submitted by Golding Homes, who are a provider of affordable housing, the application is for both private sale and affordable provision. They have also identified that a minimum of 40% of the units would be provided for affordable housing. Whilst the previous site was owned by the operator, and was for wholly 100% affordable provision, there is no policy requirement to retain this percentage, as long as the development achieves a minimum of 40% - as per the Council's adopted DPD.
- 5.2.10 There would be a total of 28 parking spaces within the development, with each property provided with an off-street parking space, and visitor parking also provided. Each property would also be provided with a bin storage area to the front, which would be screened from view by soft planting (a hedge). The applicant has also demonstrated that the development would achieve level 4 of the code for sustainable homes. Southern Water raise no objections to the development being connected to the existing drainage network - that was previously utilised by the flats.

5.3 Principle of Development

- 5.3.1 The site is previously developed land, and is within the urban area. There was previously a block of 37 flats on the site, which have now been demolished - hoardings surround the site. The site is however, previously developed land, and is within a sustainable location. The density of the proposal would be 38 dwellings per hectare, which whilst quite high, is a reduction on the previous levels of accommodation provided, and would not appear as cramped within the site, due to the layout proposed. The town centre can be reached on foot, and there is a good bus service that runs along Royal Engineers Road/Sandling Road into and out of Maidstone and the Medway Towns (approximately every 15minutes). I therefore consider that this site accords with the guidance set out within PPS3: Housing.

5.3.2 The site is not allocated for any specific purpose within the Maidstone Borough Wide Local Plan 2000.

5.3.3 I am therefore satisfied that the principle of residential development on the site is acceptable.

5.4 Visual Impact

5.4.1 The proposal has been the subject of pre-application discussions with Officers and Members prior to its submission. Much of the proposal would be set behind existing properties within Calder Close and Egerton Road, with significant soft landscaping provided around the boundaries of the site – there is significant tree planting, and beneath this low level shrubs long grass has developed. As such, the visual impact of the proposal is somewhat limited from the public domain. The six properties to the fronting Calder Road are particularly visible. These have been designed in such a way as to reflect the form of the existing properties, in a relatively contemporary manner.

5.4.2 The properties would have three strong gable projections, which reflect the gables within the vicinity. Each property would also have a recessed element, which would ensure that the buildings are layered, and also create a strong rhythm, as one would expect within a row of terraced properties. This rhythm is further enhanced with the provision of tree planting to the front of each property. This also provides further vertical emphasis that contrasts with the horizontal nature of the terrace.

5.4.3 The materials used would be required to be of a high standard, with the use of natural slates for example, to ensure a good finish to the development. Materials are given within the planning application form, and consist of brick, natural slate, tile and render. I am satisfied with these materials, but nonetheless will require samples to be submitted prior to the development taking place. I consider these properties to be well designed, and to enhance the character and appearance of the street.

5.4.4 The properties are of the same form and design within the centre of the application site. Again, I consider these to be of a high standard, and to respond positively to the character and appearance of the locality. I therefore raise no objection to these properties. Whilst this is a backland development, I do not consider that this would run against the grain of development within the locality – and it must be borne in mind that there was previously a block of flats positioned to the rear, and as such, the principle of developing such land has previously been agreed.

5.4.5 With regards to the layout of the proposal the dwellings have been positioned in such a way as to be set off the boundary of the site – which allows for the retention of the majority of the existing trees. I am satisfied that this layout is

of a good standard, providing a good level of accommodation for any future residents. There would be a clear distinction between the public and private space within the site, and there would be a good level of soft landscaping. The properties would face onto the highway, with the rear of each property facing onto the boundary, and would therefore provide an active frontage to the development. There is sufficient distance from the front of the properties to the highway to ensure that a car can be parked, and bin storage provided, which would also ensure that there would also be a clear distinction between public and private space. Where there is a side facing elevation, care has been taken to ensure that there is a good level of detailing – i.e. the provision of fenestration/use of different materials – to ensure that there is some visual interest.

- 5.4.6 I am therefore of the opinion that the layout of the proposal would integrate well within the locality, with good spaces provided between the terraces, and a suitable level of landscaping provided. The car parking within the development would not dominate the layout, but would be well related to each property, and therefore would be likely to be used. I consider the design of the buildings to be of a high standard, for the reasons set out above. I therefore consider that the proposal would represent a high standard of design, and therefore meets the criteria of PPS1.
- 5.4.7 The applicant is proposing that the development achieve level 4 of the Code for Sustainable Homes (CSH), which I consider to be a high standard when compared with a number of other similar developments within the Borough. A strategy has been submitted with the application that would see the provision of features such as solar thermal water heating, SUDS, lifetime homes standards, and ecological enhancement of the locality. The applicant has demonstrated that PV cells would be provided on the south/west facing roofs of each property. I am satisfied that achieving level 4 of the CSH accords with the requirements of PPS1 to achieve a high standard of design.

5.5 Residential Amenity

- 5.5.1 The proposal would be set behind a number of two storey residential properties, that front on to Calder Road and Egerton Road. These properties are all terraced or semi-detached, with gardens that range in length from approximately 10metres to 18metres. There is also a significant level of soft landscaping to the boundaries of the site – in particular the western boundary – much of which would be retained.
- 5.5.2 The proposal has been designed in such a way as to ensure that the back to back distances between the existing and proposed properties is no less than 22metres, and with many preserving a significantly greater distance. Whilst six of the properties proposed would face towards the rear of 64-70 Calder Road, due to the distance between the properties (approximately 30metres) and the

significant change in levels (approximately 3metres), I am satisfied that these properties would not directly overlook the rear gardens of the existing dwellings. I therefore consider that there is sufficient distance between the properties to ensure that there would be no significant overlooking, or the creation of overshadowing.

5.5.3 The new housing proposed facing on to Calder Road would be positioned in a similar manner to the existing housing that is to be demolished. I consider that these properties would give rise to any significant overshadowing of overlooking of the existing properties located side on to these due to the distances involved.

5.5.4 One of the concerns raised by a neighbouring occupier was the impact that the proximity of the access would have upon his private amenity space – in terms of noise and disturbance. It is acknowledged that the access road is in relatively close proximity to the boundary of 64 Calder Road, being 3metres to the north. However, this is further from the boundary than the existing access point (which is approximately 500mm from the boundary), and this proposal would also see the introduction of soft planting between the road and the boundary. It should also be noted that there would be no pedestrian footpath adjacent to this property. It is suggested by the objector, that this development would give rise to more vehicle movements than the previous residential use. Whilst this may be the case (and no evidence has been submitted to demonstrate either way), it is also acknowledged that the community facility within the site is also being lost – which itself would have generate some traffic. I do not consider that this proposal would result in a significant increase in vehicle movements. Any slight increase is mitigated by the repositioning of the access, and the additional landscaping provided.

5.5.5 I am therefore satisfied that the proposal has been designed in such a way as to ensure that there would be no detrimental impact upon the residential amenity that the existing occupiers currently enjoy.

5.6 Highways

5.6.1 Kent Highway Services have raised no objections to this proposal. The properties facing on to Calder Road would all be provided with one off street parking space. Whilst it is acknowledged that these are family homes that might generate a requirement for more than one space, I am satisfied that there is sufficient on street parking space within the locality, to ensure that residents could park safely without impacting upon highway safety. At the time of my visit, the majority of the street was available for parking, and whilst this is likely to be more heavily parked at evening times, I am satisfied that there would continue to be space available. Moreover, PPG13 places the onus to set the level of parking that they wish, unless it can be demonstrated that there would be a detrimental impact upon highway safety.

- 5.6.2 With regards to the access point into the site, whilst this is to be slightly re-positioned, this would actually allow for better visibility splays to be provided to the south. The access would be constructed of permeable block paving and would be provided with a suitable turning head for refuse trucks/fire appliances.
- 5.6.3 Within the site, each property would be provided with a minimum of one car parking space. Visitor parking spaces are to be provided along this access road (six in total). Again, I am satisfied that this parking provision is sufficient, although it should be noted that there would be provision for parking within the shared surface area, without interfering with the turning head requested by the Highways Authority. I am therefore satisfied that there is no reason to object to this on highway safety grounds.
- 5.6.4 The Highways Authority requested that a sum of £3200 be contributed by the applicant to provide two new bus shelters and bus boarders/raised kerbs (a cost of £1000 per bus boarder and £600 per shelter). The Highways Authority was then requested to identify where these would be located, and to demonstrate that they were necessary in order for this application to be deemed acceptable. Both the 155 and 101 buses run along the Chatham Road – a service every 15-20 minutes, and these were the identified places for improvements.

5.7 Landscaping

- 5.7.1 The applicant has submitted an arboricultural implications statement with the application. This identifies the trees that would be lost as a result of this proposal. A specific landscaping scheme has also been submitted.
- 5.7.2 Additional tree planting (7 trees) is to be provided along the Calder Road frontage which would replace the hedge that is to be removed. Whilst the loss of the hedge is regrettable, this would, in part be replaced, and I am of the opinion that the planting of additional trees would enhance the character of the area, which at present does not contain a significant volume of tree planting. The species proposed along this road frontage is *Sorbus Aucuparia* 'Streetwise' – a small flowering tree. I consider this a suitable species for this relatively constrained part of the application site, which would provide colour into the autumn. I consider it appropriate to request that a hedge be re-introduced along the Calder Road frontage to screen the bin stores from view, and also to retain some of the existing character of the area.
- 5.7.3 On either side of the access road would be additional planting – with a new hedge and shrub planted on either side, and with two trees on the northern side, and three on the southern. These trees are proposed to be *Prunus Calleryana* Chanticlear – ornamental pear trees. I am of the opinion that this not only improves the appearance of the access, but also makes it more visible, by creating a more formal, and wide entrance.

- 5.7.4 Within the centre of the site, there would be a number of trees removed as a result of the proposal. However, the arboricultural report does identify that there would only be only one mature tree of a good standard to be lost as a result of this development. I am satisfied however, that of the trees lost, suitable mitigation can be provided within the development. The majority of the trees on or around the boundary of the site are to be retained, and those to be lost are generally set in from these boundaries – therefore the loss of these trees would not impact significantly upon residential amenity. Additional tree planting would also be provided around the boundary, three *Acer Campestre* (field maples), four *Betula Pendula Fastigiata* (birch) and two *Fraxinus Excelsior Aligold* (ash) and one *Quercus Robur Fastigiata* (Cypress Oak). I consider that these species are suitable for this application site, and would provide variation in form and colour within.
- 5.7.5 I do consider it appropriate to impose a condition requiring the wood from the felled trees to be retained on site, and positioned in suitable locations.
- 5.7.6 Whilst regrettable that a hedge to the front of the site, and trees within the site would be lost, I am of the opinion that the plans submitted demonstrate that the proposal would provide sufficient space to allow for additional planting to be provided that could more than mitigate for this loss. Furthermore, the majority of the trees that are sited on the boundary of the application site are to be retained. I am therefore satisfied that the proposal has the potential to improve the soft landscaping provision within the locality, and as such, the proposal complies with the Development Plan.

5.8 Heads of Terms

- 5.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -
- It is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 5.8.2 Both central government, and subsequently this Authority has agreed that the provision of affordable housing is a priority. Indeed Maidstone has identified affordable housing and parks and open space as its joint number one priority. This proposal would see 40% of the residential units provided as affordable (social rented), with the other 60% for private sale. The Council's adopted DPD requires a minimum of 40% to be provided, and as such, this proposal accords with the Development Plan (whilst some concern has been raised that this proposal resulting in market housing where there was once housing associating

properties, there are no planning policy grounds to refuse an application on this basis). I am therefore satisfied that this proposal would meet the requirements of the

- 5.8.3 The Primary Care Trust (PCT) has requested that a contribution of £12,096 be made to provide suitable enhancements of the Marsham Street surgery. This surgery is within the town centre, but is one of the closest to the application site. The PCT have submitted detailed calculations as to how they have arrived at this figure. I consider that it is necessary to ensure that the development does address the additional strains placed upon the health service, and that the request is related to the development. I consider the request to be of a reasonable scale. However, the applicant has submitted a full financial appraisal of the development that demonstrates that the development would not be viable should such contributions be sought. The applicant has identified in particular that the construction costs of completing the development to level 4 of the Code for Sustainable Homes has effectively 'tipped the balance,' and that the development would not be profitable should any additional contributions be sought. Whilst this is unfortunate, Members should be reminded that up until recently, the application site did contain 37 residential units. The loss of these units has resulted in a short term decrease in demand for doctors surgeries, libraries etc. I therefore consider this very much a balancing exercise, in terms of providing a high quality development that would ensure long term sustainability, or providing contributions. In this case, because there was previously a large residential development that would have had a significant resource implication for the PCT, I consider the provision of a more sustainable form of development to be appropriate, and therefore to agree to there being no provision of financial contributions.
- 5.8.4 Maidstone Borough Council Parks and Open Space Department have requested that a sum of £31,500 be provided to address the impact that the proposal would have upon the nearby parks and open space. It has been identified that the money would be spent within three parks within the vicinity of the application site - Whatman Park, Midley Close play area and/or Dickens Road play area. At present it is indicated that the money would be spent on re-painting, and providing new play equipment. The Council's adopted Development Plan Document relating to parks and open space refers to contributions being made, where no open space is provided within the development. However, as above, the applicant has identified that there would be no funds available to provide such a contribution. For the reasons set out above, I am satisfied that no contributions in this instance should be sought.
- 5.8.5 Kent County Council Highways Authority have requested that a contribution of £3,200 be made to improve the bus stops within the locality, to encourage the residents to use of public transport, and to improve access to the buses for any mobility impaired residents. Whilst it would be beneficial to provide these improved bus stop facilities, I do not consider them to be completely *necessary*

to make this development acceptable. As this fails the first test of the regulations, I do not consider it appropriate to request that this contribution be made.

5.9 Other Matters

5.9.1 The applicant has not submitted any details within regards to ecology/biodiversity within the site. However, due to the previous use of the application site for residential, and the amount of hardstanding retained within the centre of the site, I consider it unlikely that there would be a significant level of biodiversity within the centre. As previously state, the planting around the edge of the site, which is more likely to contain habitats of ecological value, is to be retained. As no information about enhancements has been submitted, I would suggest that a condition requiring the following to be provided be imposed:

- Bat boxes and swift bricks;
- Cordwood to be retained within the site;
- Fence panels to be raised 60mm off the ground to allow for movement of species.

Should the above be provided, I am satisfied that steps would have been made to address the requirements of PPS9.

5.9.2 The proposal would result in the loss of an existing 'community facility.' However, having spoken to the operators, and to the local Ward Members, it is apparent that this is only used on an informal basis, and was originally a communal room for the residential development. Its loss is to be absorbed elsewhere within the locality. I therefore raise no objection to its loss.

6. CONCLUSION

6.1 It is therefore concluded that this is a well designed proposal that would respond positively to the character and appearance of the locality. The proposal would not have a significant impact upon the existing residents of the locality, and would not be to the detriment of highway safety. I am also satisfied that the proposal would be constructed in a sustainable manner, and would include features that would ensure that they would be relatively sustainable to operate in the medium/long term.

6.2 I therefore recommend that, subject to the receipt of a suitable S106 agreement, and the conditions set out below, Members should give this application favourable consideration and grant delegated powers to the Head of Development Management to approve.

7. RECOMMENDATION

Subject to a Section 106 legal agreement for the following matters:

- 1) A minimum of 40% affordable housing.

The Head of Development Management be delegated powers to GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces (which shall include a dark stock brick, natural slate and render) of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a high quality of design in accordance with PPS1.

3. 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 high quality appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with PPS1.

4. The development shall not commence until, details of the colour of the render to be used upon the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: To ensure a high quality finish to the development in accordance with PPS1.

5. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as

amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

6. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest pursuant to PPS5.

7. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

8. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

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

i) Details of the roof overhangs and eaves.

ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).

- iii) Details of the soldier courses.
- iv) Details of the balcony railings.

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

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

10. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to PPS23.

11. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted scheme shall include the following;

- i) details of all existing trees and hedgerows on the site clearly indicating those to be removed and those to be retained,;
- ii) details of the retention and location within the site of a proportion of the cordwood arising from the felling of any trees;
- iii) details of the species, size, density and location of all new planting within the site;
- iv) a minimum of six native trees along the Calder Road frontage
- v) a hedge to be provided (where possible) along the Calder Road frontage
- vi) details of the provision of bird and bat boxes and the provision of bat and swift bricks within the development.
- vii) Details of the fence panels to be raised a minimum of 100mm from ground level.

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000 and in the interests of biodiversity and ecology pursuant to PPS9.

12. 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 pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

13. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to PPS1 and PPS9.

14. The dwellings shall achieve a minimum of Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a minimum of Code Level 4 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

15. The development shall be carried out in accordance with the plans numbered PL 100; PL 102; PL 103; PL 105; PL 106; PL 107; PL 108; PL 110; PL 111; PL 112; PL 113; PL 114; PL 115; PL 116; PL 117; PL 118; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a high standard of development in accordance with PPS1.

Informatives set out below

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

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

In order to minimise the threat of dust pollution during site clearance or construction works, the developer shall ensure that all measures are undertaken (including a watering regime during dry weather) under their control. This shall continue until the works have been completed on site.

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

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond and boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

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

The provision of 'swift bricks' on the external faces of the buildings should be employed in the interest of nature conservation and biodiversity enhancement.

There shall be no burning of waste materials on site.

The developers shall provide adequate space within the application site for the parking/turning/unloading of contractors vehicles before any works commence on site. Such space shall thereafter be maintained during the construction process where practicable.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.