

APPLICATION: MA/11/2068 Date: 1 December 2011 Received: 2 December 2011
APPLICANT: Paynes Stores Ltd
LOCATION: HARRIETSHAM HIGHWAYS DEPOT, MARLEY ROAD, HARRIETSHAM,
KENT
PARISH: Harrietsham
PROPOSAL: Renewal of permission MA/09/0351 for the erection of nine, one,
two and three bedroom dwellings with amenity space, parking,
access and landscaping.
AGENDA DATE: 26th January 2012
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

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, H27
- South East Plan 2009: CC1, CC4, CC6, H1, H2, H4, H5, T4, NRM4, NRM5, NRM11, M1, BE5
- Government Policy: PPS1, PPS3, PPS9, PPG13, PPG23, PPS25

2. HISTORY

- MA/09/0351 – Erection of nine, one, two and three bedroom dwellings with amenity space, parking, access and landscaping (Resubmission of MA/07/2389) – APPROVED WITH CONDITIONS.
- MA/07/2389 – Erection of nine, one, two and three bedroom dwellings – REFUSED.

3. CONSULTATIONS

Harrietsham Parish Council wish to see the above application REFUSED for reasons given on the original application:

- "There is insufficient refuse bin capacity

- Having paths leading up to the development will encourage parking along Marley Road
- Emergency vehicles will have difficulty turning in the area provided
- The height of the dwellings is still of concern for the location
- Inappropriate size and density
- Width of site entrance prevents 2 way traffic
- There is concern over access to the sub station
- There is no apparent sound audit
- No schedule for services
- The proposed development by virtue of the amount of hard standing would result in an incongruous form of urban development for this part of Harrietsham

The Parish Council would ask that the Planning Officer revisits this application and that, if their view differs to the Parish Council's, the application be reported to the Planning Committee."

Kent Highway Services raise no objections to the application stating:-

"The current planning application for this site is for a renewal of a previously approved scheme and no changes are proposed. Kent County Council Highways raised no objection to the previous scheme and there have been no material changes which would lead to a recommendation of refusal to the current application."

4. REPRESENTATIONS

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

- The development is out of character with the area.
- Inadequate parking and turning facilities including garages.
- Inadequate access for emergency vehicles.
- Loss of privacy.
- Concern regarding access to substation.
- Concern regarding drainage.
- Future preservation of landscaping.
- Inadequate space to store waste and recycling bins.
- Surface water flooding.

5. BACKGROUND

- 5.1 This application is a renewal of permission ref. MA/09/0351, which was for nine residential units. Members approved the previous application on 21 May 2009

and the permission remains extant until May 2012 and therefore the permission could be implemented. There are no changes proposed to the previously approved scheme.

- 5.2 The application site is the same as it was when the application was considered in 2009. The dwellings in Mercer Drive have not altered significantly and the dwellings in Marley Road have also not altered significantly.

6. CONSIDERATIONS

- 6.1 The Development Plan is the saved policies of the Maidstone Borough-Wide Local Plan (2000) and the South East Plan (2009). This is the same as when the application was considered in 2009.
- 6.2 I attach the previous report at Appendix 1 for the main considerations of this application as the determining issues have not changed.

7. CONCLUSION

- 7.1 The application is a renewal of MA/09/0351 for 9 residential units. This permission remains extant and the fallback position is that development could be commenced prior to 20 May 2012, subject to the discharge of conditions.
- 7.2 The characteristics of the site and surrounding area are as before and the South East Plan (2009) and Maidstone Borough-Wide Local Plan (2000) form the Development Plan and do not indicate refusal for this application.
- 7.3 The objections raised by neighbours and the Parish are the same as those previously considered when permission was granted and I consider the development to remain to be acceptable and recommend permission subject to the same conditions imposed previously.

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 development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings

hereby permitted including plain clay roof tiles to plots 1-6 and 8 and natural slate for the roofs to plots 7 and 9 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 Policy BE5 of the South East Plan (2009).

3. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping including a double staggered hedgerow to the Marley Road frontage, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained including detailed tree protection plans, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE5 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 building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE5 of the South East Plan (2009).

5. The recommendations and protection measures contained within the Tree Survey carried out by Philip Wilson Arboriculture dated 18 February 2009 shall be fully adhered to prior to any machinery being brought onto the site or the commencement of any works on the site, including clearance, and shall be kept in place until the completion of the development;

Reason: To safeguard existing trees on the site and maintain the character and

appearance of the area in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan (2000) and BE5 of the South East Plan (2009).

6. The dwelling shall achieve Level 2 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 2 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B and C and Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area in accordance with policies H27 in Maidstone Borough-Wide Local Plan (2000) and BE5 of the South East Plan (2009).

8. No development shall commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.
2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.
3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

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

Reason: To prevent harm to human health and pollution of the environment pursuant to guidance contained in PPG23: Planning and Pollution Control.

9. There shall be a minimum distance of 21 metres maintained between habitable room window and habitable room window from any dwelling hereby permitted to any existing dwelling;

Reason: To maintain the existing levels of privacy for neighbouring occupiers in accordance with Policy BE5 of the South East Plan (2009).

10. In conjunction with the details submitted pursuant to condition 2 above details in the form of large-scale drawings (Scale 1:20 or 1:50) of the following matters shall be submitted to and approved by the local planning authority
 - i) Details showing the extent of the projection of the oversailing roofs and eaves
 - ii) Details showing the doors and windows to be recessed
 - iii) Details of the junction between the areas of render and brickwork
 - iv) Details of the dwarf wall adjacent to plot 1 parking spaceThe development shall thereafter be completed in accordance with the subsequently approved details;

Reason: To ensure a satisfactory appearance to the development pursuant to policy BE5 of the South East Plan (2009).

11. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an arboricultural method statement to ensure that the trees are not affected during the regarding of the bank, this will include reference to what action will be undertaken if roots are encountered;

Reason: To ensure the protection of surrounding trees and to safeguard the character and appearance of the area in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and BE5 of the South East Plan (2009).

12. All site clearance works shall take place outside of the bird-breeding season (generally March to August);

Reason: To ensure that nesting birds are not disturbed in accordance with Policy NRM5 of the South East Plan (2009).

13. The development shall not be commenced until details of a scheme of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure satisfactory drainage arrangements and prevent flooding pursuant to policy NRM4 of the South East Plan (2009) and PPS25 Planning and Flood Risk.

14. Notwithstanding the details of hard landscaping as shown on drawing number DHA/6104/20 rev B received 20th May 2009, the development hereby permitted shall not be commenced until details of the construction and materials of all areas of hardstanding have been submitted to and approved in writing by the Local Planning Authority. The submitted details should include permeable surfaces and sustainable drainage and the development shall thereafter be carried out in accordance with the approved details;

Reason: To ensure satisfactory sustainable drainage arrangements and to reduce flood risk pursuant to policy NRM4 of the South East Plan (2009) and PPS25 Planning and Flood Risk.

Informatives set out below

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

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

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

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

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

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

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

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.

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 is advisable.

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.

It is strongly recommended that building control be consulted about the means necessary to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings in accordance with Approved Document E Building Regulations 2003 'Resistance to the Passage of Sound'. I further recommend you seek building control advice on the Vibration Dose Values (VDV's) as defined in BS 6472.

The developer should advise all future occupants that the Local Planning Authority expects that all landscaping should be maintained and protected.

The Applicant should consult Kent County Council Highways with regard to the footway proposed and its adoption and its maintenance by the Highway Authority. With regard to the extension to the 30 mph speed limit along Marley Road, this will be subject to a Traffic Regulation Order which the applicant will be required to process.

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.