

APPLICATION: MA/09/1144 Date: 2 July 2009 Received: 6 July 2009

APPLICANT: Ward Homes Ltd.

LOCATION: THREEWAYS DEPOT, SHERWAY CLOSE, HEADCORN, TONBRIDGE, KENT, TN27 9SP

PROPOSAL: Approval of reserved matters following outline approval under MA/06/0389 (Outline application for residential development with means of access to be considered at this stage and all other matters reserved for future consideration) being siting, design, external appearance and landscaping for the erection of 44 residential dwellings in accordance with plans numbered: WARD 1702011; 5918/BAR-K/01; 5918/BAR-K/APT/E1; 5918/BAR-K/SH31SP/P1; 5918/BAR-K/SH31SP/E1; 5918/BAR-K/SH31/P1; 5918/BAR-K/T382/P1; 5918/BAR-K/AR/E1; 5918/BAR-K/ASC/E2; 5918/BAR-K/ASC/E1; 5918/BAR-K/T382/E1; 5918/BAR-K/AR/P1; 5918/BAR-K/1155/P1; 5918/BAR-K/APT/E4; 5918/BAR-K/APT/E3; 5918/BAR-K/APT/E2; 5918/BAR-K/APT/P2; 5919/BAR-K/G3; 5918/BAR-K/G2; 5918/BAR-K/G1; 5918/BAR-K/CS; 5918/BAR-K/APT/P4; 5918/BAR-K/APT/P3; 5918/BAR-K/G4; 5918/BAR-K/SH31/E1; 5918/BAR-K/APT/P1; 5918/BAR-K/P406/E1; 5918/BAR-K/T382/1155/E2; 5918/BAR-K/T382/1155/E1; 5918/BAR-K/P206/P1; 5918/BAR-K/P206/E1; 5918/BAR-K/P406/P1; 5918/BAR-K/P406/E2; 5918/BAR-K/T382/1155/E3; 5918/BAR-K/02; 5918/AR-K/0; and flood risk assessment, planning statement, design and access statement and landscape management and maintenance report as received by the Local Planning Authority on the 2 July 2009.

AGENDA DATE: 24th September 2009

CASE OFFICER: Chris Hawkins

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

- It is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1
South East Plan 2009: CC1, CC4, T4, H2, H3, H4, H5, W1, W6, BE1, AOSR7
Village Design Statement: N/A

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

HISTORY

- MA/06/0389 Threeways Depot, Sherway Close, Headcorn, Ashford, Kent. Outline application for residential development with means of access to be considered at this stage and all other matters reserved for future consideration. Approved.
- MA/09/0908 Threeways Depot, Sherway Close, Headcorn, Ashford, Kent. Application for the removal of condition 9 of MA/06/0389 (In submitting details pursuant to condition 1 of this permission the scheme shall include the provision of floodable voids within the buildings and the use of flood resistant materials) as considered unnecessary as described in application MA/09/0908. Approved.

As can be seen from the above, outline planning permission was granted in 2006 for the use of the site for residential purposes. No details were submitted with this application, and all matters (with the exception of access) were reserved for future consideration. This application seeks to determine all remaining reserved matters. The other planning permission shown above, is discussed at greater length within the main body of the report – as this relates to the flood risk within the site.

CONSULTATIONS

Headcorn Parish Council were consulted and objected to this proposal on the following grounds: -

'Please be advised that my Council wishes to see this application Refused on the grounds that plots 31-42 are too high in design and would be out of keeping with the village character and street scene, it is felt that the design was more suitable for urban areas. My Council also wishes for it to be noted that Headcorn should not be classed as a town as indicated in the design and access statement, and that the development does not form part of an established suburban area. The buildings should be designed to integrate into the existing rural building practices in the village which has no 4 storey high buildings.

It is noted that a registered social landlord is proposed for the affordable housing on this development, do you have any information on whether a s106 is possible to ensure that the affordable housing element is administered to ensure that these are available to local persons in need?'

Maidstone Borough Council Landscape Officer was consulted on this application and made the following comments:

The proposed access is via an existing road, Sherway Close and the accompanying drawing (ward 17020 11) indicates that no trees would be removed. The same drawing includes the proposed planting scheme which in its current form appears adequate.

However there is no indication of the location of the temporary protection as quoted on the drawing. Therefore if you are minded to approve this application a condition should be attached requesting this information.'

Maidstone Borough Council Parks and Open Space Officer was consulted and raised no objection to this proposal, on the basis that the matter of public open space was dealt with at outline stage.

Maidstone Borough Council Housing Officer was consulted and

Maidstone Borough Council Environmental Health Officer was consulted and made the following comments: -

'With regard to the previous application MA/06/0389 my colleague raised concerns over air conditioning noise from an adjoining industrial unit, and recommended that a noise assessment be carried out consistent with the method described in BS4142 1997 "The method for rating industrial noise affecting mixed residential and industrial areas". However, no such condition or assessment appears to have been set or carried out.

Previously a land contamination condition was set and a phase I desktop study report submitted, which suggested that further work should be carried out. A closure report is therefore required.

A foul water drainage strategy has been developed and set out in a report by Ardent, report reference E1100-03; and it is anticipated that the foul water network will be offered for adoption to the Drainage authority.

No objections subject to the safeguarding conditions'

*Officer comment: These conditions are set out at the rear of the report.

West Kent PCT were consulted and made no comment. It is noted however that contributions were requested in 2006, and these have been addressed within a S106 agreement attached to that permission.

Kent County Council (Mouchel) were consulted and made no comment. It is noted however that contributions were requested in 2006, and these have been addressed within a S106 agreement attached to that permission.

Kent Highways Authority were consulted and no comments have been received to date. As such, I will address the highway safety, and parking matters in the main body

of the report, set out below. It should also be noted that access was agreed at the outline planning application stage.

Kent County Council Archaeology were consulted and no comments have been received to date.

EDF Energy were consulted and raised no objections to this proposal.

Southern Gas Networks were consulted and raised no objections to this proposal.

Southern Water (Ltd) were consulted and raised no objections to this proposal subject to the imposition of a suitable safeguarding condition. This condition is set out at the rear of the report.

The Environment Agency were consulted and made the following comments: -

'Flood Compensation: We are satisfied with the flood compensation calculations provided and that these indicate any land raising in the residential areas has been adequately compensated on a level for level basis in other areas of the development which are used for non-residential use. The flood compensation areas have been situated in locations that are linked to the existing flood risk areas and are therefore contiguous.

We are pleased to note that all living accommodation is above 22.3m ODN and any ground floor sleeping accommodation is at 22.6mODN or higher in line with the Agency's requirements.

Surface Water Strategy: The Agency has some queries relating to the surface water strategy which require clarification before approval can be given:

The consultant has suggested the existing flows to the two outfalls are 28 l/s and 35 l/s respectively for the 1 in 1 year rainfall event. It is not clear what intensity event has been used, the 15 minute rainfall event will result in a much higher discharge rate than the 1 in 60 minute or 1 in 120 minute event.

It is suggested that the discharge rate for the 1 in 1 year, 60 minute storm should be used as a reasonably representative estimate for the discharge rate. This will be slightly lower than the more intense shorter duration storms but greater than the less intense but longer duration storms. Storage will tend to be driven by the longer duration storms so the Agency believes this would be reasonable compromise.

The report indicates that underground storage will be provided as otherwise flooding would occur for the extreme flood events (1 in 100 year plus climate change) due to the restricted discharges. The Agency notes that storage has been provided for system 1, approximately 97 cubic metres, but there does not appear to be any storage

provided for system 2 or for the road drainage. There is limited scope to incorporate underground storage and the Agency needs to be satisfied that this can be provided. The total impermeable area for system 1 is 0.264 hectares and the storage is 170 sq metres by 0.6m deep. System 2 has an impermeable area of 0.077 hectares so we would expect a storage tank in the order of about 50 sq metres by 0.6m deep will be required. The Agency requires clarification as to why no storage has been included for system 2.

No impermeable area for the road has been provided but the discharge rate is limited to only 10 l/s so we would expect some storage will be required. The consultants will need to provide the calculations relating to the road drainage and any storage that is required.

The Agency also has concerns about the small impermeable area that has been used in the calculations provided in the report. The total site area is 0.9 hectares and the impermeable area for the surface water design, excluding the road, is only 0.34 hectares. This is a high density development and yet the impermeable area is just over 33%. There are obviously large areas of external car parking provided but it is not clear how these will be drained and if they are connected to the surface water outfalls, then more storage will be required.

Surface water strategy summary: A positive surface water drainage system has been proposed but the Agency is not confident that the storage provided is adequate when the impermeable area and flow constraints are taken into account.

The strategy does not make clear how the discharge rate has been determined and the Agency suggests that the 1 in 1 year 60 minute storm should be used as the basis for this calculation.

Road drainage is to be provided with a controlled discharge but no storage appears to have been identified. It is also unclear how the car parking areas will be drained and this needs to be clarified.

Sustainable Drainage: The surface water strategy relies on underground storage which the report states is the most appropriate solution as there is no space for attenuation basins and the shallow depths of the existing outfalls means that swales are not practical. The report does not mention any issues relating to ground contamination or the existing ground water levels but we would want to know why all infiltration methods have not been considered. Drainage to the ground would in most cases be the cheapest and most sustainable solution, if this is feasible but any such solutions appear not to have been considered.'

*Officer Comment: Following further discussions with the Environment Agency, it has been agreed that these outstanding matters can be dealt with by way of a condition. These suggested conditions are set out within the recommendation at the rear of this

report, and relate to internal floor levels and flood prevention measures to be incorporated within the design.

Kent Police were consulted on this application and have made no comment, as they considered that there was insufficient information for them to make any recommendation.

*Officer comment: Whilst the views of Kent Police would be welcomed, it is not considered appropriate to seek further information from the applicants to satisfy their needs. The applicant has submitted all relevant information, as per the validation checklist, and as such, it would be inappropriate for us to invalidate the application at this stage.

Headcorn Airfield were consulted and have raised no objections to the proposal, on the basis that the applicant is made aware that the development is very close to the airfield, and within the area covered by the safeguarding map. The applicant should be made aware that there will of course, be some noise generated by the airfield that any prospective owners should be made aware of.

Upper Medway Internal Drainage Board were consulted and raised no objection to the proposal subject to the application meeting with the requirements of the Environment Agency.

REPRESENTATIONS

Neighbouring properties were notified of this application, and 4 letters of objection have been received and one letter has been received, which whilst not objecting, does request a limit on hours of construction. The main concerns within these letters are: -

- The drainage line is different to that shown on the outline planning application;
- Loss of sunlight and daylight to existing properties;
- Who will look after the existing trees?
- The increase in population will have a detrimental impact upon the amenities within the village;
- The water supply will be affected by this proposal;
- The impact upon highway safety by virtue of additional traffic at a busy junction.

CONSIDERATIONS

Site Description

The application site is located to the north-east of Sherway Close, and to the north-west of the nearby commercial property. The site is approximately 500metres from the village centre. The site is a disused transportation depot, which at present is covered

with hardstanding, and one large detached building. The site area measures some 0.96 hectares, and is of a relatively regular shape.

The site was previously occupied by Lock Transport, although, as stated, the site is now currently vacant. The site is access through Sherway Close (access was previously agreed at the outline planning permission stage) which itself leads to the A274, which is the main artery between Maidstone and Hastings (and runs centrally through Headcorn).

The site is bounded to the north-east by open fields, and to the north-west by residential properties within Downs Close and Gibbs Hill. These properties are predominantly two storey dwellings. The back gardens of the properties within back onto the application site – the average length of this rear amenity space being approximately 8metres in depth. There is a well established hedge (with small trees and shrubs within) which runs along the rear boundary of these properties, creating a buffer along this part of the application site.

To the south-east of the application site is a row of established trees, which whilst not protected by any Order, are considered to be of some amenity value. These trees are substantial in size, being more than 5metres in height.

To the south of the application site is a construction site which would accommodate twelve dwellings and two flats (which was permitted under planning application MA/06/1940/01). These units will face onto Sherway Close, and turn the corner onto Wheeler Street. These units would be two storey in height.

Proposal

This application is to discharge the reserved matters of the outline planning application MA/06/0389, which was granted on 27 September 2006. These matters are as follows: siting, design, external appearance and landscaping. Access had been previously agreed at outline application stage.

The proposal would see the formation of a new housing estate containing 44 residential units (the breakdown of which is set out later within the report). A total of 11 units would be for the provision of affordable housing (which is in accordance with the outline planning permission).

The network of streets proposed is relatively straightforward, in that they have been designed with a specific hierarchy in mind. This sees the creation of a main street running through the development, which splays out in two directions at the end – opening out to the fields beyond. This would also have two defined streets running off (in a westerly direction) with an undercroft beneath the flats running south-easterly, and serving three residential properties and parking areas beyond.

The buildings proposed within the development are of a varied style and form. The largest being the flat block within the centre of the site, which is four storeys in height (a maximum height of 13.7metres to ridge), with the dwellings being mainly two storey, although many with dormer windows within the roofs, creating an additional storey internally. These buildings would have a maximum ridge height of approximately 9.3metres. It is considered however, that the design of these properties is of a good standard with the eaves height of the dwellings just above the windows, and the detailing of a sufficient standard. It is proposed that the matters of fenestration details be submitted to this Authority for approval prior to the commencement of works on site to ensure a high quality finish to the scheme.

The scheme can be broken down into three district parts – the main street; the land fronting the fields and the development set back from the main street. I will therefore set out each element of this scheme below.

The Main Street – Entering the site, there would be two detached two storey (with one dormer window within each roof slope, facing the street) properties upon the right hand side, which would be set approximately 4-5metres from the highway. These properties would each have an attached garage set back to the side. On the left hand side at this point would be a side street which runs at 90° to the main street. Adjacent to these two dwellings would be a significant apartment block, which would be of between three and four storeys in height. The apartment block would be constructed of red bricks, although the central section (which rises to four storeys) would be timber clad (white). This central, and tallest element of this proposal would have the appearance of being a large house, with a central door, and windows equally spaced on either side. This introduces features of a more historical form, such as the decrease in depth of the windows the further up the building they are installed (as was common within buildings up until the Victorian period). A large bicycle store is proposed to the south-west of these flats.

Beyond this timber clad section would be the undercroft, into the parking area, with a two-storey (first and second floor) apartment block above. This element would be set back significantly from the front of the aforementioned section. To the side of this apartment block would be a row of three timber clad dwellings (which stand slightly proud of the apartments). The orientation of the apartment block relates to the creation of a square within the main street. This would be tree lined, and would form the focal point of the development. This square would be formed of block pavers, giving a high quality shared surface, demarcating it from the remainder of the main street.

On the opposite side of the main street, it is proposed that two large dwellings be erected, one of which would directly overlook the square. These two properties would be of an identical design, being two storey dwellings with rooms within the roof. Again, these properties are set away from the main highway, with an area of soft landscaping to the front.

At the point of the central square, the road kinks, although the building line remains relatively consistent. This allows for parking spaces to be provided in front of the remaining properties along this frontage. The properties are again two storey with rooms within the roofs. There are a total of four terraced units along this stretch, with the first addressing the corner with a double frontage. This part of the street is lined by three trees (silver birch and hornbeam). Beyond these units the site splays out into the properties that front the open fields.

The Land Fronting the Fields – This part of the development takes on a more suburban feel that the development along the main street. On either side of the 'split' in the road, there would be terraced properties that address the corner, with a staggered turn. These two storey properties would be constructed of brick with tile hanging, and would also incorporate gable features, with traditional timber detailing. On the more south-easterly side of the site, the properties would have parking spaces provided to the front.

There would be two large detached properties sited to the north of the 'split' in the road, both of two storey, although incorporating a catslide roof and dormer windows. The first of these two properties being of brick construction, and the second being clad in timber boarding. Both properties would be provided with integral garages.

There would be one large detached property to the south of the 'split' in the road, again of the same design as those set out above (but of brick construction). The road to the front of these properties would be of a permeable construction, and reflecting the more rural character of the landscape beyond.

Development off the Main Street – It is proposed that there be three short streets created off the main street itself. The first being on the left hand side of the access into the site, which runs approximately 26metres back into a parking area, which has 5 dwellings served off it. These properties consist of a pair of semi-detached properties on the western side of the road, and three terraced properties on the eastern side. Again, these are two storey dwellings with rooms within the roof. All properties have good size gardens (of between 18metre and 11 metres in depth). A double garage is proposed to be erected at the end of the access road, with parking spaces in front – serving the aforementioned properties.

Approximately 50metres into the application site is a further access road running to the north of the main street. It is proposed that this run approximately 40metres to the north, and there would be a pair of semi-detached properties on the eastern side, and a three bay garage on the western side of the access. This pair of semi-detached properties would have a pair of attached garages on their southern side.

On the southern side of the main street, the block of flats are punctured by an access (at ground floor level) which would serve the parking area for the flats, as well as three

residential units. These would consist of one detached two storey dwelling (three bedroom) and a pair of semi-detached properties. There would be a significant parking area located to the front of these properties.

History

As can be seen from the planning history above, this is a reserved matters application that follows on from an outline consent granted in 2006, for the change of use of the land to allow for residential development upon the site. This outline permission contained a number of conditions which set out certain parameters for any subsequent detailed submission. The outline permission left the following matters reserved for future consideration: siting, design, external appearance, and landscaping.

This outline permission also requires that the applicant enter into a legal agreement to ensure that contributions are provided for the Primary Care Trust, KCC primary education, and an affordable housing provision of a minimum of 25% throughout the whole development. A unilateral undertaking has now been submitted, which sets out the provision of this housing throughout this development. This is discussed within the main body of the report below.

Principle of Development

As set out above, this application is for the reserved matters of the outline permission granted in 2006, and as such, the principle of developing this land has already been agreed. This is a brownfield site, as defined by Annex B of PPS3, upon land that has no specific designation within the Local Plan, and is sited within the village confines. It is therefore acceptable for residential development (subject to all other material considerations being met).

In accordance with both national guidance the Regional Spatial Strategy, South East Plan and the Maidstone Borough-Wide Local Plan, any development of this nature must strike the balance between providing efficient use of the land in terms of the density of the development, whilst reflecting the pattern, character and grain of the surrounding development.

This advice is further reflected within PPS1, and the Kent Design Guide which seeks to ensure that development is of a good standard of design, and reflects the local character.

In terms of the guidance set out within PPS3, the proposed density of the development at 46 units per hectare exceeds the requirement of this Policy Statement, and accords with the terms of the outline permission which specified a maximum density of 50 dwellings per hectare. This restriction was to ensure that the development would not be of a scale that would be out of character with the locality, reflecting the village setting. The density proposed is 46 units per hectare (which is actually increased by the inclusion of flats within the centre of the site), which is below this threshold, and as

such, is in accordance with the principle of development as agreed at the outline planning permission stage.

In addition, the site is close to the nearby services and amenities, being within a walking distance of the shops, and the train station. It is considered that this is a sustainable site.

It is therefore considered that the principle of development, on this scale within the site is acceptable and that it complies with Development Plan policy and national guidance.

Layout

Prior to the submission of this proposal, pre-application discussions were held between this Authority and the applicant, to discuss, amongst other things, the layout of the proposed development.

This proposal intends to provide a 'green lung' through the centre of the site, which opens up towards to the fields to the rear. The development would 'open out' onto these fields by ensuring that the properties splay out, and create vistas over these nearby fields. In addition, there would be the inclusion of areas of soft landscaping, within the application site, and adjacent to the boundary, which would enable the development to 'merge' in with the more rural context beyond. This addresses the context of the site rather well, moving from the more developed land within the village to the more rural on its periphery. The Kent Design Guide emphasises that layouts should be designed to address the context of the site, and in doing so draw reference from the surrounding grain, massing and landscaping. It is considered that this layout achieves this successfully, with the majority of the bulk located within the centre of the site, and the density falling away towards the edge of the rural area. The proposal also allows for vistas of existing features of the landscape.

In addition, through pre-application discussions with this Authority (plans of which were sent to the Parish Council, and Local Members to comment on – no comments were received) it was agreed that it would be appropriate to have a good mixture of materials, and from throughout the development. This includes variation in the heights of the buildings, and the use of suitable, local materials within the built form. The layout needs to be legible, and have a clear hierarchy, which should include distinctive buildings. It is for this reason that the applicant was advised to incorporate buildings with height, and presence within the centre of the development. This was for two distinct reasons, firstly, to create a sense of place within the centre, by creating such prominent structures, but also to ensure that they did not impact upon the amenities of the existing neighbouring occupiers, nor upon the character of the wider area (the more centrally located these are, the less dominant they appear from outside the site).

Another key element of ensuring that a development has a good layout, is to ensure that all frontages are active. As this is a purely residential scheme, this has been

achieved by ensuring that all elevations facing upon a highway, or public space have doors/windows which give a good level of natural surveillance, and detail, and avoids the provision of bland, blank elevations. All corner properties are double fronted, and many of the properties address the curves within the streets, which ensure that there is no 'dead space' within the development.

It is also important that the development has a human scale, and that the sizes of the spaces is related to the number of people likely to use them, and to ensure that walking distances to nearby services and amenities are kept to a minimum. The creation of a street running centrally through the development, with short spur roads is considered an appropriate approach to take to address this matter. The walking distances out of Sherway Close, and into the village are therefore kept to a minimum. In addition, all dwellings have a good size rear garden, and a public play area is also proposed (which is well overlooked, and reasonably central within the development). The buildings within the site are also of a relatively modest scale, and positioned so as not to appear overbearing to those both walking and driving through the site.

It is therefore considered that this proposal is of a high quality layout, which both reflects the grain of the existing built form, and also respects and addresses the character and appearance of the open countryside adjacent to the application site. The proposal therefore accords with the advice given in PPS1 and that within the Kent Design Guide.

Visual Amenity

The proposal would not have a significant impact upon the character and appearance of the wider area. Views through from the village would be limited by the existing built form between the main through road into the site, and the remainder of the site is well screened by existing development – including a large commercial building to the south. The view through from the open, rural area to the east is considered acceptable.

As stated above, the application site consists mainly of dwellings, however, it is also proposed that a flat block be provided within the centre of the site. The inclusion of this block would increase the overall density of the site (46 dwellings per hectare), i.e. the dwellings would not actually be at this density, rather the whole site. This block is to be up to four storeys in height, with part having an undercroft for vehicles to reach the parking area to the rear. That flat development is has been designed so as to give the development a varied roofscape through the increase in height, and a centre, or focal point within the middle of the development. The site is flat, and therefore no changes in topography that the development can utilise to create features of interest. Therefore, this needs to be created through the buildings, and the spaces formed by this proposal. This matter was discussed with Officers at the pre-application stage, with the advice given that such an increase in height, at this central point would give the proposed development more interest, and character, subject to a careful design, and the use of appropriate materials.

The Parish Council have raised concerns about the height of these units, and the fact that there are few buildings of this scale and height within the village. Whilst this is acknowledged, it is considered that as this is located within the centre of the development, and away from the main road (which is the main artery into the village centre) the overall character of the village would not be compromised. Nevertheless, these central buildings are considered to be well designed, and would be constructed of suitable materials for such a location. The development is of a relatively traditional nature, with the use of materials that one would expect to see within a large village within the heart of Kent. The properties proposed within the development are to be constructed mainly of brick, with tile hanging, and with timber cladding. The mixture of designs, and materials, together with the variation in heights, is considered to be appropriate within the location, and the proposal is therefore considered to comply with the policies within the Development Plan.

Landscaping

The submitted application includes a detailed landscaping plan, setting out the planting throughout the whole application site. This scheme shows that *Laburnum alpinum* (Scotch Laburnum); *Carpinus betulus* (Hornbeam); *Betula pendula* (Silver Birch) and *Ligustrum lucidum* (Glossy Privet) is proposed to line either side of the main road through the application site. These are proposed to be planted sporadically along this street, in order that it does not appear as overly formal in what is in essence an edge of village location. These proposed species are considered appropriate to edge this street, being of a type that will not become too dominant (indeed, the hornbeam being the largest), particularly within the constraints of this site, i.e. next to a road.

In addition to the proposed tree planting, it is proposed that low planting be provided along much of the roadside throughout the development. An example of this planting includes *Cornus stolonifera* (dogwood) and *Viburnum tinus* (laurel) which again are considered acceptable for this locality. These are also of a type that would not grow to an excessive level, and restrict visibility splays in the long term (subject to the management of the landscaping).

It is also proposed that a good level of soft landscaping be provided throughout the development, with small trees planted within the rear gardens of properties. These include species such as *Betula perndula* (silver birch) and *Crataegus laevigata* (hawthorn) which are considered to be appropriate within this locality.

Additional planting is also proposed along the southern boundary of the application site, which would help screen the industrial building located beyond. Along this boundary it is proposed to plant *Betula perndula* (silver birch), *Sorbus aria* (whitebeam), and *Acer campestre* (maple trees), which again, are considered to be appropriate for this location. These trees can grow up to a height of 15 -25metres (within the correct environment), and as such, over time, would give a relatively good

level of screening along this boundary, although would not provide appear as a harsh screen as you might expect with a row of conifers for example.

In total, 56 new trees would be planted throughout the development, which is considered to be an appropriate level for a development of this scale, and would ensure that the proposal incorporates has a high quality finish, and setting.

Impact upon Residential Amenity

It is not considered that this proposal would have a detrimental impact upon the residential amenity that the occupiers of the adjacent properties currently enjoy. The proposal would be set within the ground of an existing transport yard, which had been used for a number of years by Lock Transport. This use (which could be reinstated without the need for planning permission) has the potential to be noisy, and disruptive to the neighbouring occupiers. This future use is therefore considered to have the potential to be of benefit to the occupiers of the neighbouring occupiers.

The layout of this proposal sees no dwellings with any rear facing windows that would overlook the properties within Downs Close. All these properties would be side on to the rear gardens of these aforementioned properties, and as such would not give rise to any significant overlooking. In addition, it is proposed that the existing hedge that runs along this boundary be retained, which would ensure that there would also be no direct overlooking from the rear gardens of these proposed dwellings into the existing.

In addition, due to the separation between the properties, it is not considered that there would be any detrimental impact upon the neighbouring occupiers by way of loss of light, or the creation of a sense of enclosure. The nearest distance between existing and proposed properties would be 12metres (excluding those that are side to side), and as all properties along this boundary would have fully hipped roofs, it is considered that this would not impact upon the amenities of the existing occupiers.

It is therefore considered that the proposal would comply with the policies within the Development as there would be no detrimental impact upon the amenities of the neighbouring occupiers.

Highways

As stated above, Kent County Council Highways Authority were consulted and no comments have been received to date. However, detailed comments were received with the outline planning permission, which assessed the highway safety aspect of the access (which was approved at that stage), which I will address, as I will the parking provision within the current proposal.

Condition 10 of the outline planning permission stated that: -

'The development shall include parking provision for the residential units at a ratio of not more than 1.5spaces per dwelling.

Reason: To ensure a satisfactory level of parking in the interests of highway safety and the free flow of traffic in accordance with policies ENV2 and T13 of the Maidstone Borough Wide Local Plan 2000'

The reasoning behind this condition was to ensure that there would be a sufficient parking provision, whilst also preventing an overprovision, which would have had a significantly detrimental impact upon the internal soft landscaping of the site.

The plans show that there would be a total provision of 56 spaces provided within the development, which equates to just under 1.3spaces per unit. As such, it is considered that this accords with this condition. This would ensure that there is not an overprovision of parking, which is a stimulus to reduce the dependence upon the private motor car. As this is a relatively sustainable location, close to a vibrant village centre, and with good public transport links into Maidstone (bus) and Ashford and Tonbridge (train), it is considered that this parking provision is acceptable. In making this assessment on the parking provision, one has to assess whether should there be more cars than spaces, this would give rise to a highway safety issue. In this instance, as this is a relatively well contained development and does not form part of a through road, it is considered that travel speeds are likely to be relatively low through the development, and should residents park within the street, I do not feel that this would give rise to safety issues within the development. Furthermore, central government guidance and regional policy do not refer to minimum parking standards.

As stated, the site is accessed off Sherway Close, which itself is a relatively quiet cul-de-sac (even once the new development is completed), which does have parking controls. Again, there is no evidence to suggest that at present there is a problem with residents contravening the existing parking controls, and there is no reason to assume that this development would give rise to any such problems.

It is considered appropriate however, to remove permitted development rights to ensure that the parking spaces as shown within the application, remain in place – in particular that the garages are not lost to form habitable rooms – unless planning permission is first sought.

It is therefore considered that the proposal would allow for a suitable level of parking provision, and would not give rise to any significant highway safety issues, and as such, is in accordance with PPG13 and the outline permission granted.

Affordable Housing

The applicant has demonstrated that 11 of the units would constitute affordable housing (at the time of granting outline consent, the provision required 25% of units to

be 'affordable'. These units would include 8 two bedroom flats and 3 three bedroom houses. The flats are proposed to be sited centrally within the development, with the houses located to the south-east of the site, behind the flats. Whilst these are not pepper-potted throughout the development, as the flats are located centrally, and there are only three houses, this is not considered to be a significant issue. The Council's Housing Officer was consulted on this application, and, following discussions with the appointed Housing Association (West Kent Housing) raise no objections to this proposal (it is understood that funding has already been agreed on the basis of the submitted layout).

The three houses would all be provided with a good size rear garden, and would be well screened from the commercial premises to the south. As such, it is considered that this is an acceptable provision, and accords with the outline planning permission.

Flooding

As set out above, a recent planning application was submitted to vary the condition (9) originally suggested by the Environment Agency upon outline planning application MA/06/0389. This condition stated that:

'In submitting details pursuant to condition (1) of this permission the scheme shall include the provision of floodable voids within the building and the use of flood resistant materials.

Reason: In order to provide adequate flood water storage within the site and to reduce the risk of damage to buildings in the event of a flood, in accordance with policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy NR10 of the Kent and Medway Structure Plan 2006.'

The application to vary this condition (ref MA/09/0908) considered that this condition was not necessary on the basis that a further condition within the aforementioned outline consent prevents development upon land which falls below 22.0m AOD. The Environment Agency agreed that it would be possible to remove condition 9 of the outline planning permission, on the basis that no development was built upon land which falls below 22.0m AOD.

A detailed topographical survey was undertaken which indicates that the site slopes very slightly from the north at a level of 22.13m AOD, falling to the south to a level of 21.90m AOD (thereby dropping approximately 0.25metres throughout the whole site). As part of the site lies within Flood Risk Zone 3a (high probability of flooding), an exception test was required to be carried out by the applicant. The purpose of such a test is to ensure that where new developments cannot be suitably located in areas of the lowest probability of flooding, then they should provide wider sustainability benefits to the community that outweigh flood risk, be constructed upon previously developed land, and must undertake a specific Flood Risk Assessment (FRA) to demonstrate that

the development would be safe without increasing flood risk elsewhere, and if possible to reduce flood risk elsewhere.

The Environment Agency have raised some concerns with the data submitted to date, and they consider that the flood tanks proposed may not be of a suitable size to accommodate potential flood water. However, following further discussions with the EA, it has been agreed that suitable conditions could be imposed to overcome these concerns. These conditions would set out that no development could take place that would have a finished floor level of under 22.3maODN, and that details of a scheme detailing flood damage prevention shall be submitted prior to the commencement of works on site. This would therefore ensure that there would be no risk to the health and safety of the residents of the future residents, nor to the existing residents of the neighbouring properties, and would also ensure that buildings would be designed in such a way to reduce the risk of flood damage to the fabric of the permitted buildings.

The applicant has assessed which form of Sustainable Urban Drainage System (SUDS) would be most suitable for this sensitive site. Results from this assessment identified that attenuation tanks, attenuation basins and swales would be the most suitable form of such a drainage system.

Other Matters

The outline application submitted approved in 2006 set out the requirements upon the applicant for the provision of affordable housing, and contributions. The applicant has demonstrated through the submission of a draft Unilateral Undertaking, which sets out that contributions will be made (this does not form part of this application however, rather the discharge of conditions application).

A LAP play area is proposed to be located at the end of the main street. This is to include the provision of a small wooden play pig sculpture, sensory area planting, and wooden stepping stones. It is proposed that this be enclosed by a small hornbeam hedge and a 1.2metre high wooden fence. A line of birch trees are proposed to be planted to the rear of this play area.

It is considered that this play area is appropriate at this location, as it would allow for good natural surveillance, from the properties opposite, and would also relate to the open fields beyond (in that it is a natural play area).

All dwellings within the proposed development have rear gardens, and as such have scope to provide bin storage, and bicycle storage within these areas, in accordance with policy. The proposal flats within the development are also to have a

Conclusion

It is therefore concluded that this proposal would be of a form and layout in keeping with the character and appearance of the area. There would be no detrimental impact upon the residential amenity of the neighbouring occupiers, nor upon highway safety. The proposal is considered to comply with the policies within the Development Plan, and as such, it is recommended that Members give this application favourable consideration, and grant planning permission subject to the imposition of the conditions set out below.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The allocated garages/carports hereby permitted shall only be used for purposes incidental to each respective dwelling house, and shall not be used for any business or commercial purpose, nor as residential accommodation whether or not required in connection with the use of the respective dwelling house as a single dwelling.

Reason: In order to safeguard the amenities of the adjoining residential properties and in the interests of highway safety in accordance with policy ENV2 of the Maidstone-Wide Local Plan (2000) and PPS3.

2. 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;
 - ii) Details of windows and doors (including garage doors) and recesses/reveals, which shall be a minimum of 100mm;

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.

3. No development shall take place until precise details of bin storage, clothes drying and cycle storage facilities for the flat blocks have been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be available prior to the first occupation of any of the units, and thereafter maintained.

Reason: To secure a satisfactory standard of development and in the interests of

the amenities of the area, in accordance with PPS1.

4. No external meter cupboards, vents, flues or extract grilles shall be installed on any elevation facing a highway without the prior agreement in writing of the Local Planning Authority.

Reason: In the interest of the visual amenity of the area in accordance with PPS1.

5. The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are constructed in a satisfactory manner in accordance with PPS1 and PPG13.

6. The open areas within the residential development site shall remain open and available for public access and no fences gates or other means of enclosure (other than those shown on the approved plans) shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability and to maintain the landscaped parkland setting for the development pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

7. No development shall take place until details of all fenestration details have been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be fully implemented.

In the interest of the visual amenity of the area in accordance with PPS1.

8. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, a replacement tree shall be planted and that tree shall be of such size and species, and shall be planted at such

time and in a position to be agreed with the Local Planning Authority, as may be specified in writing by the Local Planning Authority;

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

9. No development shall take place until a detailed scheme for the retainment of areas of cordwood from any tree works within the site have been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interest of biodiversity enhancement in accordance with PPS9.

10. No development shall take place until a tree constraints plan and tree protection plan along with any method statements necessary have been submitted to, and approved in writing by the Local Planning Authority. These plans must comply with BS5837:2005 Trees in relation to construction.

Reason: In the interests of protecting the trees within the application site, and the visual amenity of the locality, in accordance with PPS1.

11. No development shall take place until details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the LPA and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter.

Reason: No such details have been submitted and in the interest of amenity in accordance with PPS1 and PPS3.

12. No development shall take place until details of a scheme for the insulation of the buildings against the transmission of both airborne and impact sound have been submitted to and approved in writing by the local planning authority. The scheme shall be installed in accordance with the approved details and maintained thereafter and shall have regard to BS 4142 (1997) 'Rating Noise affecting mixed Residential and industrial areas';

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers in accordance with PPS1 and PPS3.

13. The Finished Floor Level for all living and sleeping accommodation shall be at a minimum level of 22.3maODN and 22.6maODN

Reason: To significantly reduce the risk of damage to life and property in accordance with PPS25.

14.No development shall commence on site until a scheme detailing flood damage prevention measures have been submitted to and approved by the LPA. Development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of flood damage to the fabric of the building in accordance with PPS25.

Informatives set out below

The applicants are reminded of their responsibility to ensure that all breeding birds within the site are protected, and any work within the site must therefore comply with the strategy submitted with this application.

No development shall commence until there is provision within the site to accommodate operatives' and construction vehicles loading/off-loading and turning and for the parking for site personnel/operatives/visitors.

Whilst details of the materials to be used within the hard surfaces within the development hereby permitted have been submitted, and are considered appropriate, the condition imposed upon this permission requires the applicant, or their successors in title to submit details of all external surfaces, including kerb stone, driveway, pathways etc.

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.

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.

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.

REASON FOR APPROVAL

Standard Full Plans, Outline, Reserved Matters Approval Reason:

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.