

APPLICATION: MA/13/1711 Date: 6 October 2013 Received: 21 November 2013

APPLICANT: Dr Peter Szwedziuk

LOCATION: 97, HOLLAND ROAD, MAIDSTONE, KENT, ME14 1UN

PARISH: Maidstone

PROPOSAL: An application for outline planning permission for the erection of 5No. town houses with all matters reserved for future consideration as shown on drawing numbers 1339PS-PP01, 1339PS-PP02, 1339PS-PP03, 1339PS-PP04 and 1339PS-PP05 supported by a design and access statement and covering letter, all received 7th October 2013; NHS Property Services letter received 24th October 2013; and Arboricultural Impact Assessment and drawing numbers 1339PS-PP-T1, 1339PS-PP-T2, 1339PS-PP-T3 and 1339PS-PP-T4 received 21st November 2013.

AGENDA DATE: 20th March 2014

CASE OFFICER: Catherine Slade

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

- Councillor Naghi requested that it be reported for the reason set out in the previous committee report, attached as Appendix 1.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF3
- Government Policy: National Planning Policy Framework 2012, National Planning Practice Guidance 2014

2. BACKGROUND

2.1 This application was reported to Planning Committee on 6th February 2014. The Committee deferred making a decision in order for investigation to be made as to whether on site parking could be provided as part of the site, and the highway safety implications of any proposed parking.

3. ADDITIONAL INFORMATION RECEIVED

- 3.1 The concerns raised by Councillors were communicated to the applicant, and further information was sought as a result. Subsequently a further statement was received from the applicant which confirms that no on site parking is proposed to be provided. The statement explains the rationale behind the decision not to provide on site parking, namely that to introduce an access to Holland Road would be detrimental to highway safety due to the proximity of the junction with Holland Road, and to introduce an access from St Luke's Avenue would result in conditions prejudicial to the residential amenity of future occupiers. The statement also confirms that the decision to omit on site parking was taken in response to a pre-application advice letter which confirmed that none was required.
- 3.2 This concurs with the findings of both the Kent County Council Highway Safety Officer and the case officer. As set out in the previous report, in the light of the absence of any Local Plan policies in respect of car parking and the sustainable location of the site, it is not considered reasonable to refuse planning permission on the grounds of on site parking, and any refusal on this basis is unlikely to be sustained at appeal. The Kent County Council Highway Engineer has confirmed this, and makes the following detailed comments:
- 3.3 *"I would contend as indicated before that zero parking at this location, for this scale of development, is acceptable due to its sustainable location. I would further agree that an access onto Holland Road at this proximity to a strategic junction would be highly undesirable and unacceptable both in terms of safety and the likelihood of it unduly interfering with the operation and thereby capacity of the junction.*
- 3.4 *Access and parking off St Luke's Avenue would be more acceptable. The ability for everybody to park turn and exit in forward gear would need to be demonstrated however and I agree that the site constraints probably make this very difficult (if not impossible and in planning terms, remove any soft landscaping/gardens). If any parking and turning could be demonstrated, that of course would be acceptable. Whilst zero parking may have an effect on marketing, for this scale of development at this location I consider that zero parking is acceptable.*
- 3.5 *In my view any additional on street parking demand for parking on St Luke's Avenue is considered to be a matter of convenience for residents and of parking management. I do not consider that any additional demand that may arise here from this application could be directly attributed to a tangible (and severe, NPPF) road safety concern."*

- 3.6 As set out in the Kent County Council Highway Services comments, the introduction of a new access to the site from Holland Road would be prejudicial to highway safety, and would be resisted by the Highway Authority. Whilst the retention or alteration of the existing site access from St Luke's Avenue would be more desirable in respect of matters of highway safety, such an arrangement would inevitably prejudice the quality of any scheme coming forward at the reserved matters stage or any subsequent full application, and would also be detrimental to the amenity of future occupiers of any development in firstly introducing parking manoeuvring areas in close proximity to the proposed dwellings and also through a reduction in the private amenity space available to occupiers.
- 3.7 I am aware of the views of the Maidstone Borough Council Parking Services Manager, in that "the local roads may potentially need to accommodate an additional fifteen vehicles on street", however as the Kent County Council Highway Services Engineer states, this is a matter of convenience, not of highway safety per se as the narrow and busy nature of the local roads are such that illegal parking is unlikely to be a realistic option for vehicle owners, and the level additional demand for on street parking resulting from the scale of the proposed development. It is also the case that the comments of the Maidstone Borough Council Parking Services Manager sought by Councillor Naghi are based on the maximum number of on street car parking passes which could potentially be issued to the occupiers of each dwelling, which is a worst case scenario, and by no means represents the actual parking need generated by the application. In particular, the sustainable location and reliance on on street car parking is likely to give rise to occupiers having a reduced reliance on private car ownership.
- 3.8 To summarise, the introduction of an access from Holland Road would be unacceptable in terms of highway safety, whilst the alternative, to use an access to St Luke's Avenue, would be detrimental to the amenity and design of the scheme. Furthermore, additional on street car parking is not considered by Kent County Council Highway Services to be detrimental to highway safety in this location, and in any case, it is likely that any future occupiers, who would have full prior knowledge of the parking provision of the dwellings, would be likely to be less reliant on private motor vehicles than elsewhere due to the location of the development and its character.
- 3.9 To my mind, whilst the concerns of Members, local residents and the Maidstone Borough Council Parking Services Manager are noted, in the context of an absence of locally adopted parking standards and the sustainable location of this site it is not considered that a refusal of the proposal on the grounds of an absence of on site car parking is sustainable.

4. ADDITIONAL NEIGHBOUR REPRESENTATIONS

- 4.1 Two additional representations have been received from local residents, however these do not raise any new concerns not addressed in either this or the previous report to Planning Committee.

5. CONCLUSION

- 5.1 For the reasons set out above, subject to the imposition of conditions as discussed in the previous report, the application is considered to be acceptable, and I therefore recommend the application for approval subject to conditions, as per the previous recommendation.

6. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Access
 - e. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

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 development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with the provisions of the National Planning Policy Framework 2012.

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. The details shall submitted shall include, inter alia, a boundary treatment of not greater than 1m to the site boundaries with Holland Road and St Lukes Avenue;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with the provisions of the National Planning Policy Framework 2012.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse and recycling on the site have been submitted to and approved in writing by the Local Planning Authority 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 the provisions of the National Planning Policy Framework 2012.

5. The dwellings hereby permitted shall achieve a minimum of Level 4 of the Code for Sustainable Homes;

Reason: to ensure a sustainable and energy efficient form of development in accordance with the provisions of the National Planning Policy Framework 2012.

6. The development shall not commence until details of the proposed materials to be used in the surfacing of all pathways within the site have been submitted to and approved in writing 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 in accordance with the provisions of the National Planning Policy Framework 2012.

7. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details;

Reason: In the interest of the prevention of pollution and flood prevention in accordance with the provisions of to the National Planning Policy Framework 2012.

8. Details submitted pursuant to condition 1 (reserved matters submission relating to scale) shall show dwellings not exceeding three storeys in height;

Reason: To ensure that the development remains in proportion and in scale and character with the surrounding area in accordance with the provisions of National Planning Policy Framework 2012.

9. Details submitted pursuant to condition 1 (reserved matters submission relating to layout) shall show no part of the dwellings hereby approved being closer than 5 metres to the back edge of the public highway fronting the site;

Reason: To ensure good landscaping provision, safeguard the visual quality of the development, and secure an acceptable living environment for future occupiers in accordance with the provisions of National Planning Policy Framework 2012.

10. All planting, seeding or turfing comprised in the approved details submitted pursuant to condition 1 (reserved matters submission relating to landscaping) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with the provisions of the National Planning Policy Framework 2012.

11. The development hereby permitted shall be undertaken in complete accordance with the recommendations of the MWA Arboricultural Impact Assessment received 21st November 2013;

Reason: to safeguard trees of amenity value and secure the amenity of the surrounding area in accordance with the provisions of the National Planning Policy Framework 2012.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved;

Reasons: To protect vulnerable groundwater resources and prevent pollution of

the environment in accordance with the provisions of the National Planning Policy Framework 2012.

13. The development hereby permitted shall not commence until a suitable local replacement surgery facility is operational. Details of the replacement facility shall be submitted to and approved in writing by the Local Planning Authority prior to any works on site commencing, and the approved details subsequently implemented;

Reason: to prevent the loss of a community facility for which a replacement has not been provided in accordance with policy CF3 of the Maidstone Borough-Wide Local Plan 2000 and the provisions of the National Planning Policy Framework 2012.

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

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of the occupiers of surrounding dwellings.

Informatives set out below

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.

You are advised that Southern Water seeks to emphasise the development must be served by adequate drainage infrastructure.

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.

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.

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.

No vehicles, in connection with the construction of the development, may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the 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).

A formal application for connection to the public sewerage system is required in order to service this development. For further details please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.

Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

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 there are no overriding material considerations to indicate a refusal of planning consent.