

REFERENCE NO - 14/500261/FULL			
APPLICATION PROPOSAL Erection of two semi-detached bungalows and associated access, car parking and landscaping.			
ADDRESS Land Rear Of 3 Cripple Street And Fronting Melrose Close, Maidstone, Kent			
RECOMMENDATION PERMIT			
REASON FOR REFERRAL TO COMMITTEE Councillor Derek Mortimer has requested this application to be referred to planning committee for the reasons stated in the body of the report.			
WARD South Ward	PARISH/TOWN COUNCIL	APPLICANT Mr Tim Vince AGENT Chris Hawkins	
DECISION DUE DATE 10/09/14	PUBLICITY EXPIRY DATE 10/09/14	OFFICER SITE VISIT DATE 20/08/2014	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): .			
App No	Proposal	Decision	Date

03/1147	Outline application for demolition of existing buildings and redevelopment to provide for a replacement community center with open space and play area, provision of residential development at a minimum density of 30 DPHA and construction of a revised access	granted	15/09/05
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03/1147/02	Application for the approval of reserved matters of siting, means of access, design, external appearance and landscaping pursuant to conditions 1, 2 and 3 of outline permission MA/03/1147 for a replacement community centre, junior football pitch, 83 dwellings associated parking, access road and landscaping.	Granted	21/12/07
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MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located within a wholly residential area. The land is flat rectangular shape and 500sqm in size. It forms part of the rear garden of 3 Cripple Street. This part of the garden is much less used and significant part of the land is used for storage of garden waste (grass cutting, etc). The land is enclosed from the north, east and west by the rear gardens of no1, 3 and 5 Cripple Street and from the south by no 21 and 53 Melrose Close.

1.02 Tall conifer trees and 1.8m high fence separate the land from two storey houses and driveway to the south. There are also cluster of young trees on site; none of these trees are protected by tree preservation Order.

1.03 The properties in the area consists of a variety of dwelling types including bungalows, chalets, two storey houses, town houses and flat blocks. To the north the properties are chalet type with long and wide back gardens.

1.04 Properties in Melrose Close are recent construction of two or three storey houses and flats at much higher density and smaller gardens compared with dwellings on large plots in Cripple Street.

1.05 House density in the locality varied; Cripple Street is about 7 dwellings per hectare (dph), Melrose Close 65 dph and the application site would be 40 dph.

2.0 PROPOSAL

2.01 Proposal seeks full planning permission for the construction of a pair of semi detached bungalows with bay window and canopy to the front door.

2.02 Each bungalow comprises a master bedroom with cupboard and en-suite 16.9sqm, second bedroom with cupboard 16.2sqm, open plan lounge and kitchen 36.4sqm, bathroom 7.4sqm, hallway and storage cupboard 10.4sqm (total habitable area of 87.3sqm per dwelling) and provision for 1 on site car parking space per dwelling.

2.03 The two proposed bungalows would have total foot print of just under 200sqm (100sqm each).

2.04 Two roof lights are proposed on the southern plane of the roof of each unit to provide additional sun light /day light to the hallway and lounge/kitchen areas.

2.05 The rear garden area of each bungalow would be 5m deep and 12m wide which provide a garden size of 60sqm.

2.06 The bungalows would have eave height of 2.45m and ridge height of 5.5m.

2.07 1.8m high close boarded boundary fence has been proposed for the north, east and western boundaries and 1.2m high for the front boundary excluding the access point area.

2.08 Pedestrian and vehicular access to these bungalows would be from the drive way that also serves no, 21 and 53 Melrose Place.

2.09 External finish pallet materials proposed are:

- traditional brick and stone (brown grey)
- Cast stone stool cill to all window opening
- Roof tiles, Redland Monier DuoPlain Concrete interlocking with rustic brown colour,
- Front gables, weather boarding made of Marle Cedral Cement fiber
- Windows and doors, white UPVC
- External paving area, Block, Brett Omega concrete Burnt Oak to driveways and Indian Sandstone (Autumn Brown)

PLANNING CONSTRAINTS

3.1 There are a number of trees on site. None of these trees are protected by Tree Preservation Order.

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Maidstone Borough Local Plan 2000 ENV6, T13
Maidstone Borough Local Plan Regulation 18 Consultation 2014 Policies SS1, SP2, DM2, DM4, DM5

5.0 LOCAL REPRESENTATIONS

5.01 Total of 13 letters of representations has been received from the local residents. One letter from Cripple Street raises no objection and 11 letters of objection from 9 properties in Melrose Close.

5.02 The key objections are:-

- The bungalow development would be cramped and out of character with adjoining 2 storey houses.
- Gardens are small for the bungalows.
- Impact on the road due to generation of additional traffic (including construction vehicles) and on street parking by visitors.
- Melrose Close is a narrow residential cul-de-sac and not suitable for large vehicles and vans, particularly when cars are parked on the road.
- The proposal will result in loss of green space/lung in this area. This green lung should be retained.
- Access to the site from Melrose Close is poor and should be from Cripple Street that is wider.
- Potential parking in front of the emergency access from Melrose Close to Loose Road
- Loss of trees with amenity value.
- Development on garden land.

5.03 Also representations have been received from Cllr D. Mortimer and KCC Cllr Brian Clark reiterating the above points.

5.04 The no objection letter asked that the site be enclosed by boundary fence of at least 1.8 m high.

6.0 CONSULTATIONS

6.01 **MBC Heritage, Landscape and Design:** The trees do not appear to fulfill the criteria for the making of a TPO. I, therefore, raise no arboricultural objection to the proposal subject to pre commencement conditions requiring a detailed tree protection measures in accordance with BS5837:2012.

6.02 **KCC Highway Services:** I do not wish to raise objection subject to the following conditions:-

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the occupation of the dwellings.

Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the occupation of the dwellings.

INFORMATIVE:

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

6.03 Environmental Services: The proposed development is sited to the south of the Maidstone town in a residential area. Although the proposed development lies within the Air Quality Management Area, I do not consider that residents will be adversely affected by poor air quality, and therefore no further action is required. Historic contaminated land maps show that contamination is not likely in this location.

There are no sources of transportation noise (road or rail) which are likely to affect the residential amenity of the residents of the proposed development.

There are no other Environmental Health concerns in relation to this development.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application form, Site Plan 14/041/MG/PL04 Rev A; Elevations 14/041/MG/PL01 Rev A; Floor and Roof Plan 14/041/MG/PL03 Rev A, received 02/09/14; Site plan 14/041/MG/PL05 Rev A received 16/07/14, external material details 14/041/MG/PL02 Rev A,

8.0 APPRAISAL

Principle of Development

8.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

8.02 The application is within the urban area of Maidstone town and is surrounded by residential properties and as such there is no in principle objection to the residential development of the land.

8.03 It is however important to ensure that the details of the proposal accord well with all the other relevant local plan policies and relate well with the grain and character of the surrounding development without causing harm to the amenities of the surrounding properties, highway safety and trees on site.

Visual Impact

8.04 The application site forms the southern part of the rear garden of 3 Cripple Street and has no frontage with this street. Also given the height and mass of the

properties to the south fronting Cripple Street and the single storey design of the proposal; the development would not be seen, relate to or impact Cripple Street and its street scene.

8.05 The proposed bungalow development would through the drive way gap between properties no 21 and 53 link to Melrose Close. It is considered that due to the set back position of the bungalows, they would not appear visually dominant or prominent in the locality or street scene. However as the bungalows will be sited at the northern end of Melrose cul-de- sac, they would appear as a subservient building in relation to the adjoining two storey houses and represent a subdued vista compared with tall conifer trees.

8.06 Concern has been expressed by local residents that the development would be cramped and gardens too small. Table below compares the two developments.

	Melrose Close	Application site
Plot size	Average 100sqm	250sqm
Garden size	Average 5mX8m =40sqm	12mX5m =60sqm
Density	65dph	40dph

8.07 The above figures do not support local residents' assertion that the development is cramped when compared with the rest of Melrose Close. It is nonetheless import to point out that depth of the garden of the new bungalows would be just 5m and this is shallower than the average depth of gardens of properties in Melrose Close. However, given that garden of these bungalows will back on to the remaining 37m deep back garden of no 3 and large gardens of adjoining properties no 1 and 5 Cripple Street, the shallow depth of the garden would not adversely impact on the outlook of future occupiers of these units and sense of openness of the locality.

8.08 On balance it is considered that the proposed development would not appear incongruous and I am of the view that it would satisfactorily blend in with the character of its surrounding and the street scene.

Residential Amenity

8.09 The use of the access drive way between 21 and 53 Melrose Close to serve the proposed development will not result in an unacceptable impact on the occupiers of these properties given that the occupiers of the bungalows (most likely will be elderly, disabled or those who wish to down size) would generate fewer car movement per day compared with a family house. I do not therefore consider that the development would harm amenities of the occupiers of adjoining properties.

8.10 It is also considered that the development would not impact on the out look, day light, sunlight or privacy of the surrounding properties. In fact removal of the tall conifer trees together with 5m set back position of the bungalows from the front boundary would help to enhance level of light and out look to the rear and front aspects of no 21 and 53 Melrose Close and gardens of no 1, 3 and 5 Cripple Street.

8.11 The proposed development would provide well spaced living environment for the future occupiers of these bungalows as follow:-

Per bungalow size details	Floor Area
Master bedroom with cupboard and en-suite	16.9 Sqm
Second bedroom with cupboard	16.2 Sqm
Open plan lounge and kitchen	36.4 Sqm
Bathroom	7.4 Sqm
Hallway and storage cupboard	10.4 Sqm
Habitable area	87.3sqm
Rear garden area	5m deep by 12m wide = 60sq
Ridge height	5.5m
Eaves height	2.45m
Foot print	100sqm

8.12 The site layout plan shows provision for a garden shed for each dwelling. Although no elevational details have been submitted and applicant has not referred to any shed in the description of the application, it implies intention to erect such a shed. In this instance there is no in principle objection to a small shed not exceeding 2mX1.8m floor area and 2.5m height to the ridge. However, in the absence of such details a condition is imposed in this regard.

8.13 To control erosion of garden and amenity are by any future development over and above the sheds, it is recommended that a condition be imposed to remove permitted development rights with respect to extension to the bungalows and out buildings in the gardens.

8.14 Having regard to the above I am satisfied that the development would not be detrimental to the privacy or amenity of the occupiers of neighbouring properties or future occupiers as to justify an objection on this basis.

Highways

8.15 There are no highway objections to the development on highway safety grounds or impact on the local road network. It is also considered that the level of car parking provision, at one parking space/dwelling, is acceptable. The proposed car parking spaces are wide enough for use by disable person.

8.16 The site also is on a public transport route to Maidstone Town Centre and other local services.

8.17 Concern has been expressed that use of Melrose Close by the construction vehicles would cause congestion. It has also been suggested that construction materials and associated activities should be brought to the site from Cripple Street. With respect to the latter point, this would not be possible due to the fact that there is no direct access to the site from Cripple Street. With respect to the former point, and other issues such as mud on the road, potential storage of building materials and

skip, on the road or driveway, disposal of construction waste, construction hours and delivery time, it is considered that in view of the tight urban fabric and road condition a condition should be imposed seeking submission of a detailed construction method statement for approval by the Local Planning Authority prior to commencement of any construction works.

8.18 It is considered that subject to an appropriately worded condition the proposal would be acceptable from highway safety view point.

8.19 To respond to the concern about parking by construction worker on Melrose Close during construction period applicant and the landowner have stated construction workers can park on Cripple Street and walk through no 3 Cripple Street to the application site. This would overcome Melrose Close residents about congestion. This offer can also form part of the construction method statement.

Landscaping

8.20 There are a number of trees on site. Majority of these trees are conifers that block light to the surrounding properties. They have very little amenity value and their removal would make positive contribution to the character of the area or amenities of the surrounding properties.

8.21 These trees are not protected by any tree preservation order or fulfill the criteria for the making of a TPO. I, therefore, raise no arboricultural objection to the removal of these trees. Subject to a condition that protective measures are put in place in accordance with BS5837:2012 standards prior to the commencement of the development to prevent harm to the trees just outside the application site boundaries.

8.22 The proposal has shown some landscaping (flower beds) along the front boundary, behind 1.2m high fence, but no details regarding the type of species to be planted is submitted. However, given the small scale of the development and inconspicuous visual impact of landscaping shown along the front area of the bungalows, it is considered unnecessary to impose a landscaping condition, and in this instance it is appropriate to leave this matter to the will of the future occupiers.

8.23 Submitted drawing 14/041/MG/PL04 Rev A shows boundary treatment along the north, east and western boundaries would be 1.8m high close boarded fence and 1.2m along the frontage of the site. This is considered to be satisfactory.

9.0 CONCLUSION

9.01 Residential development on this sustainably located urban site is acceptable in principle.

9.02 The proposed design would relate satisfactorily with its surrounding without causing harm to the character of the area or amenities of the surrounding properties.

9.03 Adequate number of on site car parking is proposed.

9.04 Subject to appropriate conditions, the development is considered acceptable.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

10.01 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.

10.02 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 14/041/MG/PL04 Rev A; Elevations 14/041/MG/PL01 Rev A; Floor and Roof Plan 14/041/MG/PL03 Rev A, received on 02/09/14; Site plan 14/041/MG/PL05 Rev A received on 16/07/14, external material details 14/041/MG/PL02 Rev A, 06/06/14.

Reason: To ensure the quality of the development is maintained and to prevent harm to amenity.

10.03 The development shall not commence until, written details and samples of materials to be used in the construction of the external surfaces of the building(s) 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.

10.04 The approved details of the parking/turning areas shall be completed before the occupation of the bungalow dwellings 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.

10.05 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, Class(es) A, B, C, D, E and F shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers and surrounding neighbours.

10.06 The dwellings shall achieve at least Code 4 of the Code for Sustainable Homes. A final code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 4 has been achieved.

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

10.07 Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the local planning authority showing the existing and proposed site levels and the finished floor levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the details agreed;

Reason: In the interest of residential and visual amenities of the area.

10.08 Notwithstanding details of garden sheds shown on drawing 14/041/MG/PL04 Rev A, full details of the location, size, external elevation and finish materials of these shed shall be submitted to and approved in writing by the local planning authority. The approved shed shall be constructed in accordance with the approved details.

Reason: In the interest of proper planning and visual amenity of the area.

10.09 Prior to the commencement of any works in relation to this permission a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be complied with in full until the development is complete and all plant, equipment and construction materials have been removed from the site.

Reason: In the interests of highway safety and amenities.

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Majid Harouni

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.