

REPORT SUMMARY

REFERENCE NO - 14/505358/FULL			
APPLICATION PROPOSAL Demolition of existing buildings and erection of 6 dwellings with associated works			
ADDRESS Westmount Packaging The Forstal Bull Hill Lenham Heath Kent ME17 2JB			
RECOMMENDATION			
SUMMARY OF REASONS FOR RECOMMENDATION			
<p>The proposed development does not accord with policy ENV28 of the Maidstone Borough-wide Local plan 2000 or the provisions of the NPPF relating to sustainable housing development in the countryside.</p> <p>However as the proposal (a) does not result in any material loss of economic activity to the Borough, (b) involves reuse of brownfield land in accordance with Government policy, (c) makes a contribution in meeting the Borough's acknowledged housing shortfall, (d) will bring about improvements to the visual and aural amenity of nearby houses and setting of a Listed Building while safeguarding the character and setting of the adjoining countryside, (e) reduce HGV and employee traffic resulting in a material improvement to highway safety and the free flow of traffic in the locality and (f) bring about wildlife and habitat improvements to the locality, it is considered that the balance of issues fall significantly in favour of the proposal.</p>			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • The recommendation is a Departure from the Development Plan • The Parish Council object to the proposal 			
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Lenham	APPLICANT Mr D Howden AGENT Mrs Harriet Burr	
DECISION DUE DATE 05/03/15	PUBLICITY EXPIRY DATE 05/03/15	OFFICER SITE VISIT DATE 17 th December 2014	
RELEVANT PLANNING HISTORY			
None			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site occupies an isolated location in open countryside not subject to any specific landscape designation.
- 1.02 The site is currently in commercial use for the storage, distribution and packing of fruit and vegetables. There are 5 main buildings on the site used for packing, processing and offices with the remainder of the site covered by hardstanding providing for vehicle circulation and parking.
- 1.03 Agricultural land bounds the site to the west and south with residential properties immediately abutting the north and east site boundaries. Access to the site is from Bull Hill to the east.

2.0 PROPOSAL

- 2.01 The proposal involves the demolition of all existing building and their replacement with a cul de sac of 6 no: detached two storey houses comprising 3 no. 4 bedroom and 3 no. 5 bedroom units all with their own private gardens. The current footprint of buildings on site comes to just over 1900 sqr metres with the proposed development reducing this to just over 1400 sqr metres resulting in a 25% reduction.
- 2.02 The dwellings are shown arranged around central paved areas which, the applicants advise, are intended to reflect a traditional farm courtyard layout. The proposed dwellings are shown having either L or T shaped footprints within a 'horse shoe' layout. A total of 12 parking spaces are to be provided plus 3 spaces in car ports. Eight spaces are to be provided in garages.
- 2.03 Dwellings are to be separated by a combination of close board fencing and hedgerows. The southern and western site boundaries are proposed to be contained by a 15 metre wide landscape buffer consisting of a low bund planted with native trees and hedgerows.
- 2.04 The applicants also advise the following:
- Bought the site in 2011 for purpose of growing the business at least expense
 - Previously the site had been vacant and on the market for some time.
 - The business is still growing and needs to relocate to a site better suited to its purposes for the following reasons.
 - (a)The buildings are expensive to maintain while a number of smaller buildings need to be demolished as they are beyond economic repair.
 - (b)Site generates a considerable volume of staff and HGV traffic at The Forstal and on Bull Hill. Activity carried out better suited to locations with access onto good roads and close to main transport corridors.
 - (c)Locality is generally unsuitable for HGV's given the narrowness of the roads making up the immediate highway network.
 - (d) Additional expenditure cannot be justified given that this will not resolve issue of unsuitable buildings in the wrong location.
 - (e) Regarding redevelopment of the site, the requirement is for large warehouses. Redevelopment could not take place on a phased basis but would require the complete cessation of trading while this took place.
 - (f) Cost of financing the redevelopment, relocating and running the business while redevelopment took place (assuming a suitable temporary site could be found)

negotiating a short term lease, removal costs of vacating and returning to the site will place an excessive financial strain on the business.

(g) Can confirm that the target areas for relocation of the business are to the north Maidstone town, Aylesford or Larkfield which are all in the commuting area of existing staff while offering growth potential relevant to the Maidstone labour market area.

2.05 In addition also advise that:

- The current buildings, some of which lie very close to the dwellings fronting Mount Castle Lane, affect the outlook of these dwellings to a considerable degree.
- Site lies in countryside and the buildings represent a considerable built form within the landscape. They are generally not in keeping with the adjacent group of small scale traditional buildings at The Forstal and detract from the contribution those buildings make to the surroundings.
- In view of the above consider that the site is no longer suitable for commercial use and is more suited to residential reuse.
- If planning permission is not granted applicants will have to relocate in any event if they are continue to grow the business. Any sale would be to a purchaser able to use poor quality accommodation.
- Contend that the most likely users would be a speculative purchase for sub-division into small B1 and B8 units though advise that most of the older buildings are already beyond economic repair while the existing warehouse is too deep (40metres) for easy sub-division.
- Marketing prior to the applicant's purchase of the site it did not attract interest from any B1 or B8 users.

2.06 The application is accompanied by an Extended Phase 1 Habitat Survey and Bat Building Report, drainage statement, phase 1 desk study relating to site contamination , Transport and Sustainability Statements and Tree Survey.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV28, T13

4.0 LOCAL REPRESENTATIONS

4.01 **Lenham Parish Council:** Object as development lies outside the village envelope and cannot be considered sustainable. The neighbourhood plan is emerging and premature decisions on applications of more than one dwelling may compromise the aims of the plan.

4.02 11 properties were notified of the proposal – 5 representations received which are summarised as follows:

- No objection in principle to proposed development but concerned over size and density of the houses along with loss of privacy and outlook.
- Cramped overcrowded development with small gardens out of character with surroundings and harmful to character of adjoining hamlet.
- Forstal House will be subjected to unacceptable overlooking from adjoining development while siting of garage to unit 6 blocks access to entrance.
- After existing buildings have been demolished brick wall of suitable height required to safeguard privacy of The Grange.

- Concerned that proposal may make it easier to develop adjoining open land or enable a higher density scheme to be permitted in the future.

5.0 CONSULTATIONS

5.01 **MBC Landscape:** No objection

5.02 **MBC Heritage:** The existing large-scale modern farm buildings are unattractive features in the countryside and have some detrimental impact on the setting of the listed Forstal House. The proposal to demolish these buildings and replace them with six new dwellings will result in less of the site being occupied by buildings than is currently the case and will also result in the softening of unbuilt areas, removing the existing extensive hardstanding. The design of the proposed dwellings is of an acceptable vernacular style utilising local materials resulting in an improvement to the setting of the listed building.

5.03 **Kent Highway Services:** The proposal involves use of an existing access while reducing traffic to the site particularly HGVs. Adequate parking and turning is shown along with cycle storage for each dwelling. In addition there have been no reported accidents in proximity to the site in the latest three year period. As such raise no objection subject to imposition of conditions to secure on site parking and turning, surface treatment to access and cycle parking.

5.04 **Environmental Health:** No objection subject to imposition of condition requiring site investigation and remediation.

5.05 **Environment Agency:** No objection subject to conditions requiring site investigation and remediation and controls over surface water disposal.

5.06 **KCC Ecology:** The submitted Extended Phase 1 Habitat Survey and Bat Building Report concluded that the site is of limited ecological interest and that no further ecological surveys are required. Nevertheless the site does provide opportunities for nesting birds and to minimise the potential for impacts a precautionary approach to vegetation clearance and the demolition of the buildings is recommended in the report.

Satisfied that the Extended Phase 1 Habitat Survey and Bat Building Report provides an adequate assessment of the potential ecological impacts.

If planning permission is granted advise that ecological enhancements set in the Extended Phase 1 Habitat Survey and Bat Building Report regarding the provision of bird nest boxes and planting of native species be made the subject of condition.

6.0 APPRAISAL

Need for EIA:

6.01 Dealing first with whether the proposal should have been accompanied by an Environmental Impact Assessment (EIA) no screening opinion was sought by the applicants as to whether one was needed. The proposal is clearly not Schedule 1 development while it does not fall within any of the categories referred to in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In the circumstances it is not considered that the impact of the application is such that it triggers the need for an EIA.

Determining Issues:

- 6.02 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.
- 6.03 The key issues in relation to this development are considered to be (a) principle, (b) impact on the rural character and setting of the locality (c) impact on outlook and amenity of properties overlooking and abutting the site (d) heritage considerations (e) highways and parking (f) wildlife considerations and (g) site contamination and drainage.

Principle:

- 6.04 The site lies within open countryside abutting a row of houses fronting Mount Castle Lane to the north. The eastern most house, The Forstal, is a Grade II Listed Building. The proposal involves the redevelopment of an existing commercial site (falling within the definition of previously developed land set out in Annex 2 of the NPPF) sited in a rural area and remote from any settlement. As such the proposal is principally subject to the provisions of policy ENV28 of the adopted local plan relating to development within the countryside. None of the exemptions set out in policy ENV28 can be seen to apply to this proposal.
- 6.05 Paragraph 55 of the NPPF states, amongst other things, that
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
- 6.06 None of the exemptions set out above can be seen to apply to this proposal which is therefore also contrary to the provisions of the NPPF relating to the siting of new housing in the countryside.
- 6.07 Notwithstanding the above, it is considered that there are other material considerations that should be taken into account in assessing whether it is appropriate to consider the redevelopment of this site for housing.
- 6.08 One of the core planning principles set out in paragraph 17 of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. This site clearly falls within the category of previously developed land.
- 6.09. There is also the provisions of the NPPF with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'

- 6.10 As of April 2014, the Council was only able to demonstrate a 2.1 year supply of housing assessed against the revised objectively assessed need figure of 18,600. This means that the Council is currently unable to demonstrate a 5 year supply of housing land.
- 6.11 This lack of a five year supply is a significant factor and paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.12 The existence of large commercial buildings, which are considered to represent sources of visual intrusion, harmful to the outlook and amenity of houses abutting the site boundary in Mount Castle Lane while also intruding into the setting of The Forstal, a Grade II Listed Building, must be acknowledged. There is also the impact on aural amenity, not only from activities taking place within the buildings but also activities taking place outside, none of which are subject to any planning controls.
- 6.13 The current commercial use of the site (and in all likelihood any future commercial users of the site) will continue to attract HGV's (both articulated and fixed wheelbase) to the site in addition to car borne employee traffic given the unsustainable location of the site poorly served by public transport. Access to the site is only via narrow country roads unsuitable for HGV's. The proposal will therefore see a reduction in inappropriate HGV traffic on local roads (estimated at 23 HGV movements) along with a reduction in car borne traffic. Public safety is a material planning consideration and where a proposal can be seen to improve this by, for example, reducing HGV traffic on narrow country roads this should be given significant weight.
- 6.14 In the event of planning permission not being granted, were the site to be vacated, the buildings because of their size, condition and siting could be difficult to relet and therefore remain vacant for some time. The risk here is that the appearance of the site will deteriorate while becoming prone to damage and vandalism. Taking into account the prominent location of the site also close to houses and a Listed Building, it is considered that these possibilities also represent material considerations.
- 6.15 As such and notwithstanding that the proposal represents unsustainable development in the countryside contrary to the provisions of the NPPF, and policy ENV28 of the adopted local plan, taking into account it (a) will not result in any material loss of economic activity to the Borough (b) involves reuse of brownfield land in accordance with Government policy (c) make a contribution in meeting the Borough's acknowledged housing shortfall (c) potential improvements to the visual and aural amenity of nearby houses and setting of a Listed Building (d) potential improvements in local highway condition and (e) result in potential wildlife and habitat improvements to the locality, it is considered that the balance issues fall in favour of the principle of the proposal and consideration turns on matters of detail.

Impact on the rural character and setting of the locality,

- 6.16 The site is occupied by prominent group of large buildings and outbuildings of commercial/agricultural appearance and in that sense is not materially different from many existing farm complexes within the Borough. As such if the complex were sited in

a less sensitive location it is not considered that there would be any overwhelming visual arguments in favour of its redevelopment for housing in bringing about a material improvement in the rural character of the area.

- 6.17 Nevertheless in acknowledging the harm caused by the scale, appearance and use of the existing buildings on adjoining houses and character and setting of the Listed Building, there is the need to consider the impact of the proposed redevelopment on the rural character and setting of the locality.
- 6.18 The existing buildings are concentrated in the northern part of the site. The proposal involves the erection of 6 no: two storey dwellings of varying, design, footprint and profile looking into a courtyard in which parking, servicing and turning will all take place.
- 6.19 Dealing with the design of the dwellings, all are traditional in appearance and detailing with features such as projecting gables, chimneys, small pitched roof dormers and canopies along with the use of ragstone, and tile hanging along with a garaging 'barn' to serve the unit proposed on plot 6. Such a design approach reflects many design elements already evident in properties abutting the site in Mount Castle Lane and the nearby Listed Building. As such there is considered to be no design objection to the proposed development in its impact on the rural character of the locality. However to maintain the design integrity of the development and prevent overdevelopment of the site, rights to alter or extend the properties or to erect outbuildings should be withdrawn. In addition to ensure that the night-time rural environment is also protected no external lights should be installed anywhere on site without first obtaining the approval of the Council.
- 6.20 Turning to the layout, given that detached houses are proposed and need to provide separation between units, the proposal nevertheless concentrates development around courtyards. Notwithstanding the site constraints and nature of the proposed development, this is considered to represent the optimum layout in minimising the impression of built mass within the site. To further minimise the visual impact of the development from views across open countryside to the south and west it is intended to construct a low embankment topped by 1.2 metre high post and rail fencing and planted with a native species tree belt. It is considered that these measures will effectively screen the development from views from these directions.
- 6.21 Concerns relating to the development appeared cramped and overcrowded while having too small gardens are noted. However for the reasons set out above a more concentrated development format is considered appropriate to avoid any increase in the impression of built mass compared to current site conditions.
- 6.22 In the circumstances it is considered that there is no sustainable objection to the proposal based on harm to the rural character or setting of the locality.

Impact on outlook and amenity of properties overlooking and abutting the site

- 6.23 The houses abutting the site in Mount Castle Lane and the adjoining Listed Building already have their outlook materially affected by the bulk and siting of the existing buildings occupying the site. Submitted cross section details show that the ridge height of the unit on plot 5 only exceeds that of the cottage fronting Mount Castle Lane by 1 metre. It is acknowledged that the height of the existing commercial building is exceeded by just over 1.5 metres. Nevertheless as the commercial building is much wider and sited hard on the common boundary with the cottage whereas the unit on

plot 5 is set just under 2 metres back from the site boundary, it is considered that the impression of built mass will be substantially reduced.

- 6.24 In addition the unit proposed on plot 6 also exceeds the height of the commercial building that it replaces by just over 1 metre. Again given the reduced width of the dwelling compared to the commercial building it replaces and a separation distance in excess of 11 metres (currently this is less than 5 metres), this property will also experience a substantial reduction in built mass close to its boundary.
- 6.25 Given the current effect of the commercial buildings abutting or close to the northern site boundary, the proposed development by reducing the impact of built mass on these properties, will therefore bring about material improvement in their outlook. In addition removal of the commercial use will also bring about a material improvement to the aural amenity of houses abutting the site.
- 6.20 Turning to detailed considerations, the main visual impact of the development will be felt by houses abutting the site to the north and east. Dealing first with the impact on Malt House Cottages, wings attached to units 5 and 6 come to within 2 metres of the common boundary with the cottages. However more importantly the separation distances from the rear main wall of these houses is just under 15 metres while both wings are just under 6 metres wide. Given that they are both sited to the south of the cottages, it important to assess their impact on the access of sunlight and daylight. The wing attached to unit 5 will effect the access of sunlight to the nearest cottage to the north from mid afternoon onwards. However this must be compared with the current impact of existing buildings on the site, which given their height and width and proximity to the boundary are materially worse than what will now occur which is also applies to the impact of the wing attached to unit 6.
- 6.26 As such it is considered that the proposal will bring about a material betterment in the access of sunlight and daylight to the cottages abutting the site in Mount Castle Lane. All other existing properties lie to east such that existing standards of daylight and sunlight will remain unaffected by the proposal.
- 6.27 Turning to privacy concerns, the Council's privacy standards are set out in paragraph 4.72 of the adopted extensions SPD. It is acknowledged that these standards specifically apply to extensions. Nevertheless where proposed housing impacts on existing development, it is considered reasonable to apply the provisions of the SPD.
- 6.28 The wing serving unit 5 is two storeys in height with a bedroom window in the end elevation resulting in direct overlooking into part of the rear garden of the adjoining cottage. Though not directly overlooking the 'protected' amenity area i.e. a 5 metre wide zone immediately abutting the rear of the property, this window will give rise to some oblique overlooking and as such should be conditioned to be obscure glazed and fixed shut. The remaining north facing habitable room windows serving unit 5 are all in excess of 20 metres from the 'protected' area thereby meeting the Councils normal privacy standards.
- 6.29 This leaves the impact of the unit on plot 6. The separation distance between habitable room windows and the 'protected' zone serving the cottage to the north are all over 20 metres again meeting the Council privacy standards. Turning to the property to the east of unit 6 given the size and orientation of the garden serving this property there is considered to be no privacy conflict. Concerns have been raised regarding the size and impact of the proposed stable garage being a two storey building designed to appearance as a traditional open fronted cart store. However given the siting of the building just under 20 metres to the west of the nearest house along with a steeply

sloping catslide roof facing towards this property no material harm to visual amenity is identified.

- 6.30 In conclusion given current appearance, size and siting of buildings occupying the site it is considered that the proposal will result in a material betterment in visual amenity terms while safeguarding privacy in accordance with the Councils adopted standards.

Heritage considerations:

- 6.31 The NPPF requires the character and setting of Listed Buildings to be safeguarded. As the proposal will result in a material improvement to the setting of the Listed Building and given the support to the proposal from the Heritage Advisor the proposal is considered to be acceptable in its heritage impacts.

Highways and parking considerations:

- 6.32 The current commercial use of the site generates a significant volume of both HGV and employee traffic movements. The proposal will therefore remove these HGV movements from inappropriate country roads while reducing employee related car borne traffic.
- 6.34 In relation to car parking 12 parking spaces are to be provided plus 3 spaces in car ports.
- 6.35 Given that the proposal will bring about a material betterment in highway safety and the free flow of traffic and the absence of objection from Kent Highway Services it is considered that the proposal is acceptable in its highway and parking impacts.

Wildlife considerations:

- 6.36 The submitted phase 1 habitat survey did not identify any protected species occupying the site while proposing habitat improvements including additional planting to provide habitats for breeding birds and foraging bats along with the installation of 4 bird boxes.
- 6.37 As such in the absence of objection of KCC ecology it is considered that the proposal is acceptable in wildlife terms and meets the provisions of the NPPF.

Site contamination and drainage:

- 6.38 Subject to the imposition of a condition requiring a site investigation along with remediation measures (should this prove necessary) there is considered to be no objection to the proposal on site contamination grounds.
- 6.39 Regarding drainage, as the proposal will result in a net reduction in hard surfacing and that a SUD's system is proposed and in the absence of objection from the EA, no objection is raised to the proposal on flooding grounds.
- 6.40 In connection with foul drainage, the existing commercial use of the site (which is already connected to the waste water system) already generates a significant amount of waste water. As such there will be a considerable reduction in waste water volume. However given the site cross falls it is intended to construct a pumping station in the south east corner of the site to connect with the existing adopted pumping station in The Forstal. This comprises three underground chambers and an above ground kiosk which contains the controls for the pumps. The kiosk would be around 800 x 300 x

1000mm high and colour coded dark green. Given the small size of the exposed kiosk no harm to visual amenity is identified.

Other matters:

- 6.41 Dealing first with the comments of the Parish Council regarding failure of the proposal to comply with Neighbourhood Plan, as the plan is still at pre regulation 14 stage (i.e. the need to consult on and publicise the provisions of the plan) it cannot yet be taken as material consideration in determination of this application. Nevertheless it is considered that the concerns raised by the Parish Council have been addressed.
- 6.42 Regarding the siting of garage to unit 6 blocking access to entrance this has since been resolved and no further action is necessary while reinstatement of the northern boundary with a wall can be secured by condition.

7.0 Conclusions:

- 7.1 These are considered to be as follows:
- 7.2 Notwithstanding that the proposal can be considered to represent unsustainable housing development in the countryside taking into account that it will:
- Not result in any material loss of economic activity to the Borough;
 - Involves reuse of brownfield land in accordance with Government policy;
 - Make a contribution in meeting the Borough's acknowledged housing shortfall
 - Will bring about improvements to the visual and aural amenity of nearby houses and setting of a Listed Building while safeguarding the character and setting of the adjoining countryside.
 - Reduce HGV and employee traffic resulting in a material improvement to highway safety and the free flow of traffic in the locality and;
 - Bring about wildlife and habitat improvements to the locality

it is considered that the balance of issues fall significantly in favour of the proposal and it is recommended that planning permission is granted accordingly.

8.0 RECOMMENDATION – GRANT Subject to the following conditions

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

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

- (2) Before the development hereby approved commences details of all external materials (including wearing surfaces for the roads, turning and parking areas) shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

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- (3) The dwellings hereby approved shall achieve a minimum of Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for them certifying that at least Code Level 4 has been achieved.

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

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A -H (inc) to that Order shall be carried out without first obtaining the permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

- (5) The development hereby approved shall not be occupied until the parking and turning areas shown on the approved plans have first been provided and shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of highway safety and the free flow of traffic.

- (6) Before first use of the access onto Bull a bound surface shall be provided for the first 5 metres of the access from the edge of the highway.

Reason: To prevent surface material being dragged onto the public highway in the interests of the free flow of traffic and public safety.

- (7) Secure cycle parking shall be provided in accordance with the approved details.

Reason: In the interests of sustainability.

- (8) No external lights shall be installed anywhere on site without first obtaining the approval of the Local Planning Authority. Lighting shall only be installed with the approved details and retained as such at all times thereafter.

Reason: To protect the night-time rural environment in the interests of visual amenity.

- (9) Before first occupation of any of the dwellings shown on plots 4-6 (inc) a 1.8 metre high imperforate brick wall shall first be erected along the whole length common boundary with properties abutting north and eastern site boundaries.

Reason: In the interests of visual amenity and to safeguard privacy.

- (10) Before first use of the bedroom 2 in the unit on plot 5 the first floor north facing window serving this room shall be glazed in obscure glass and any opening parts prevented by limiter from opening more than 150mm in any direction. The approved measures shall be retained at all times thereafter.

Reason: To maintain privacy in the interest of amenity.

- (11) Following first occupation of any of the houses the size, design and siting of two house sparrow boxes and two open fronted bird boxes shall be submitted for prior approval in writing by the Local Planning Authority. The boxes shall be installed within 3 months of approval and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

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

Reason: To safeguard existing trees to be retained and to ensure a high quality setting and external appearance to the development in accordance with the National Planning Policy Framework (2012).

- (13) Prior to first occupation of any of the dwellings hereby approved details of landscaping (including long term management) for (a) the landscape buffer running along the whole southern and western site boundaries sited as shown on drawing no: DHA/10341/03 and (b) within the site, shall be submitted for prior approval in writing by the Local Planning Authority. The approved landscaping shall be carried out in the first available planting season. Any part of the approved landscaping scheme becoming dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

- (14) The development hereby permitted shall not commence until a scheme for the disposal surface water (which shall in the form of a SUDS scheme) has been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention.

- (15) If during construction/demolition works contamination not previously identified is found to be present on site work shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

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b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of amenity and public safety.

- (16) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos:DHA/9796/01, 02, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 10341/03 and J49.11/01.

Reason: To ensure the quality of the development is maintained in the interests of visual amenity.

INFORMATIVES

1.You are reminded of the legal protection afforded to nesting birds and to ensure that no development is carried which might affect these.

2.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.

3.As the development involves demolition and / or construction broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

4.In carrying out the development you should take into account the requirements of the Environment Agency set out in its letter dated the 8th January 2015 (Copy attached)

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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Following clarification of the submitted details the application was acceptable

Case Officer: Graham Parkinson

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.