

REFERENCE NO - 19/500469/FULL		
APPLICATION PROPOSAL Erection of 2no. detached four bedroom dwellings with associated garaging, parking and turning. New shared access on to Dean Street with the removal of frontage fence and hedge planting.		
ADDRESS Land Adjacent to Hazeldene Dean Street East Farleigh ME15 0PS		
RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The site forms part of the open countryside but is garden land attached to the residential property called Hazeldene. The site is between a relatively large group of predominantly residential buildings around the junction of Forge Lane with Dean Street (including Hazeldene) to the north and to the south by a development of four detached dwellings at Dane Park. The site is located close to a bus route serving both Maidstone town centre and Coxheath village. A bus stop nearby will allow future occupiers of the proposed dwellings an alternative to use of a private motor vehicle for their daily needs. Given the extent of the site and in the context of the existing built development in the locality, the principle of some infill development on the site is acceptable. The proposed two-storey chalet type bungalow dwellings, set back from the road frontage within spacious plots, are acceptable in the context of existing built development in the locality which is of varied design and layout. The open character and views through the site are maintained. The separation distances between the existing neighbouring dwellings and proposed dwellings are sufficient to prevent any unacceptable unneighbourly impact. The proposal will not result in any overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties. There are no overriding issues of overlooking or loss of privacy to the neighbouring properties. The proposed development does not impact on the setting of the East Farleigh/Dean Street Conservation Area to the north. The proposal does not raise any traffic and highway safety issues. The proposal does not raise any overriding impact on ecological or biodiversity interest issues. The proposals do not raise any overriding issues of conflict with the relevant policies of the Maidstone Borough Local Plan or Government guidance in the NPPF.		
REASON FOR REFERRAL TO COMMITTEE East Farleigh Parish Council wish to see the application refused and the recommendation is contrary to the views of the Parish Council		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL East Farleigh	APPLICANT Endeavour Land and New Homes AGENT MKA Architects LTD
TARGET DECISION DATE 02/09/19 (extended target date)		PUBLICITY EXPIRY DATE 05/08/19

Relevant Planning History

- Application site - red line boundary on the site location plan
06/1072 An application for a certificate of lawfulness for an existing development being for the change of use from plant nursery to residential garden. Approved 31.07.2006

95/1674 Demolition of existing nursery buildings formation of new vehicular access and private drive and erection of 5 no. detached five bedroom houses with associated garaging/parking. Refused 26.01.1996
- Adjacent residential property at Hazledene – blue line on the site location plan

11/1779 Erection of a replacement two storey dwelling and detached double garage with the demolition of the existing dwelling and outbuildings (Resubmission of MA/11/1031). Refused 15.12.2011. Appeal against refusal dismissed 03.07.12

11/1031 Erection of a replacement two storey dwelling and detached double garage with the demolition of the existing dwelling and outbuildings. Refused 12.08.2011 for the following reasons:

"The proposal would, by reason of its height, bulk and mass, be a more visually intrusive development than the existing bungalow it would replace to the detriment of the character and appearance of the countryside hereabouts. As such, the proposal is contrary to policies ENV28 and H32 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and C4 of the South East Plan 2009".

12/1674 Erection of replacement dwelling and detached garage. Approved 02.11.12

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is on the west side of Dean Street, approximately 130m to the south of the junctions of Forge Lane and New Cut. The site comprises an extensive area of residential garden land to the southern side of the large detached two-storey chalet bungalow type dwelling at Hazeldene.
- 1.02 The site is roughly rectangular in shape and has a frontage of 45m along Dean Street and an overall depth back from the road frontage varying between 57m – 79m. The site is maintained lawn with a tree more or less centrally located within the site and a further tree towards the south-western rear corner. The site has a hedge with close boarded fence behind along the Dean Street frontage.
- 1.03 The site is adjoined to the north by the existing residential property at Hazeldene. A two-storey detached residential property with dormers at roof level at 4 Dane Park adjoins to the south, and further open garden land adjoins to the west. On the opposite side of Dean Street to the east is open agricultural land.
- 1.04 The site forms part of the open countryside, with the Maidstone urban area to the east and the Coxheath village settlement to the south as shown on the Policies Map to the adopted Maidstone Borough Local Plan (Adopted October 2017). The site is not subject to any landscape designation.
- 1.05 The existing dwelling at Hazeldene adjoins the southern boundary of the East Farleigh/Dean Street Conservation Area.
- 1.06 The site is within a KCC Minerals Safeguarding Area as shown on the Policies Map to the adopted Maidstone Borough Local Plan (Adopted October 2017).

2. PROPOSAL

- 2.01 The application proposes the erection of two, detached 4-bedroom chalet bungalow type detached dwellings with double garages and parking.
- 2.02 The proposed dwellings have first floor accommodation set within the pitched roof space with dormer windows. A new shared access is to be formed to Dean Street to serve both houses.
- 2.03 The proposed houses are of traditional design and construction with a predominantly weather boarding/part red facing brick finish and a plain tiled pitched roof. The proposed dormers to the roof have pitched hipped ended roofs. The application indicates that the proposed detached garages are to be sited on the Dean Street side of the dwellings and will be of brick construction with tiled pitched hipped ended roofs.
- 2.04 The two houses are well set back from the site frontage to Dean Street, as are the neighbouring dwellings either side at Hazeldene and 4 Dane Park. A minimum gap of 23m is maintained between the two houses and the proposed site layout allows for the retention of the existing trees within the site.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Three representations received from local residents raising the following (summarised) issues
- The proposed southern dwelling would result in overlooking and loss of privacy to the neighbouring property at 4 Dane Park.
 - The proposed houses would overlook the garden area to the rear (west) of the site and impede the privacy of the neighbouring occupiers.
 - The proposed houses do not sit symmetrically on the land.
 - No consideration has been given to the impact of the proposed southern dwelling on the privacy, lifestyle and open countryside views of the occupiers of the neighbouring property at 4 Dane Park due to the proposed dwelling being sited adjacent to the side boundary fence.
 - The proposed southern dwelling extends beyond the rear building line of the neighbouring dwelling at 4 Dane Park which is not in keeping with adjacent properties.
 - The building of the houses will destroy the habitats of many species, disrupting and displacing them.
 - The site lies in the open countryside.
 - The last published Village Plan stated that the community did not want any development in East Farleigh.
 - Local needs housing has been provided for by a proposed development adjacent to the Victoria PH in Gallants Lane.
 - The provision of two houses will have no impact on the overall supply of housing required by the Maidstone Local Plan.
 - The development at Dane Park was a 'one-off' being on a brownfield site previously occupied by the 'Castacrete' manufacturing company. 'Hazeldene' was originally the residential part of a commercial gardening company. Neither development represents a precedent for this application.
 - There is no justification for this development in the open countryside and the application should be refused.
- 4.02 Following additional public consultation, further comments have been received from a neighbour who originally responded to the consultation. The neighbour comments listed below are followed by an officer response:
- Drawing Ref: 2153/05/Rev C no longer shows the plan views of the Ground, First Floor and Roof - where are these shown now? **Officer response:** All the internal floor plans for both proposed dwellings are provided on drawing 2153 07
 - *A plan view of the South Property (sited directly adjacent to our boundary fence) has never been provided.* **Officer response:** The relationship of the proposed dwellings to the site boundaries, including the property to the south are shown on drawing 2153 05 C. As advised above all the internal floor plans for both proposed dwellings are provided on drawing 2153 07.
 - *Mr Martin's (the planning agent) email dated 12th July identifies that 'there are now only bathroom windows facing towards the neighbours boundaries and these will be obscured with openings to the top half of the window only'. We would however question the accuracy of this statement....* **Officer response:** As shown on the internal layout drawing (drawing 2153 07) only ensuite bathroom and main bathroom windows are located on the side elevation of the proposed buildings facing neighbouring properties to the north and south. The main bedroom windows (i.e. not the ensuite bathroom windows) are not located on the side elevations but to the front and rear elevations of the proposed houses facing east and west.
 - *The 'obscured' windows could of course in time be easily 'un-obscured' and the applied manifestation/frosted glass easily replaced with clear glass.* **Officer response:** A recommended planning condition requires the windows at first floor level to the side elevations to be fitted with obscured glazing prior to occupation and to be maintained as such in perpetuity. The obscure glazing is to the standard height of 1.7 metres above finished floor level (as set out in planning legislation) and to be fixed shut.

- *The inaccurate description of the changes made to Drawing Ref: 2153/05/Rev C as detailed in Mr Martin's email, would appear to offer a 'tactical' solution to the overlooking concerns that we have raised, but of course do nothing to permanently eliminate that possibility. The proposed alterations described are inaccurate and the windows of Bedroom 2 & 3 will continue to directly face into our property. **Officer response:** As stated in the officer response above, the proposal only has main and ensuite bathroom windows to the side elevations of the proposed houses at first floor level. A recommended condition requires these windows to be fixed shut with any views restricted with obscure glazing.*
- *We note from the revised drawings that have been issued, that no proposed alteration to the unorthodox (and unnecessary) orientation of the properties on the adjacent land has been made? **Officer response:** The proposed building orientation and window location have been found to be acceptable in terms of design, appearance, visual appearance and neighbour impact.*
- *We would respectfully draw your attention to the fact that the revised plans do not address any of the concerns we raised in our planning objection correspondence. **Officer response:** The confirmation above is highlighted in relation to windows on the side elevations of the proposed buildings at first floor level.*

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

East Farleigh Parish Council

- 5.01 Comment that East Farleigh Parish Council would like to see the application refused for the following reasons:
- East Farleigh is designated as open countryside in the MBC Local Plan and no development should take place in the open countryside.
 - Policy DM11 allows garden development if it has no effect on neighbours. Members consider the development does impact on neighbours.
 - The development is in a rural area not served by a regular bus service and as such will rely on the use of vehicles on already crowded roads.
 - The development is a long distance from a station and shops and any walking along the roads presents a danger as there are no footpaths.
 - It is therefore considered that the infrastructure is inadequate and therefore the development is unsustainable.
 - Further comment that should MBC be mindful to approve the application, members would like a discussion to enable the Parish Council to have access to the CIL fund.

Environmental Health Officer

- 5.02 No objection.

Kent Highways

- 5.03 Comment that the required visibility splay at the proposed access into the site crosses over the existing wall at the existing entrance to Hazeldene. There must be no obstructions to the visibility splay above 1.05m and as such it is vital that the existing wall at the existing entrance to Hazeldene be removed or reduced in height if planning permission is granted.
- 5.04 Providing the above can be satisfied, no objection is raised subject to the following requirements being secured by planning condition:
- Completion and maintenance of the access and visibility splays.
 - Provision for construction vehicle loading/unloading and turning facilities, parking for site personnel and visitors, and wheel washing facilities.
 - Measures to prevent the discharge of surface water onto the highway.
 - Provision and permanent retention of the vehicle parking spaces and turning area shown on the plans and secure covered cycle parking facilities.
 - Use of a bound surface for the first 5 metres of the access from the edge of the highway.

KCC Archaeological Officer

- 5.05 Comments that the application site lies within an area of potential archaeological interest associated with Roman and later activity. A roman coin is recorded from this site and there are several Roman sites along this river valley. In view of the archaeological potential a planning condition is recommended to be imposed on any grant of planning permission to

secure the implementation of archaeological field evaluation works in accordance with a specification and timetable to be submitted for consideration and approval.

KCC Minerals and Waste Officer

5.06 No response.

6. APPRAISAL Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Visual impact, character and appearance
- Conservation
- Residential amenity
- Highway safety, access and parking
- Trees and ecology
- Archaeology

Principle of development

6.02 The NPPF states (para. 78) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that where there are groups of smaller settlements, development in one village may support services in a village nearby.

6.03 Policy SS1 of the adopted Maidstone Borough Local Plan states that the Maidstone urban area will be the principal focus for development with the secondary focus being rural service centres. The policy also allows for some development within the larger villages.

6.04 Policy SP17 of the adopted Maidstone Borough Local Plan states that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area. Policy DM11 (referred to by the parish council) is not relevant in this case as it relates to garden land "Within the defined boundaries of the urban area, rural service centres and larger villages...." and the application site is garden land in the designated countryside.

6.05 Amongst the criteria to be met in policy DM30 of the adopted Local Plan (design principles in the countryside) are that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened.

6.06 The site was formerly used as a plant nursery which appears to have ceased trading in 1995. The site has the benefit of a Certificate of Lawfulness granted in 2006 under reference 06/1072 confirming lawful use as residential garden.

6.07 Whilst located in the designated countryside, the site is adjoined to the north by a relatively large group of predominantly residential buildings around the junction of Forge Lane with Dean Street and to the south by a development of four detached dwellings at Dane Park. In the context of the existing built development in the locality, the proposed dwellings do not constitute isolated homes.

6.08 Whilst the site does not represent a particularly sustainable location, it is located close to a bus route serving both Maidstone town centre and Coxheath village with a bus stop nearby which will allow an alternative to the use of a private motor vehicle for daily needs. Given the extent of the site and in the context of the existing built development in the locality, the principle of infill development on the site is acceptable.

Visual impact, character and appearance

6.09 Government guidance in the NPPF (para. 124) states that good design is a key aspect of sustainable development, good design creates better places in which to live and work and helps make development acceptable to communities.

6.10 Policy DM1 of the adopted Maidstone Borough Local Plan states that proposals which would create high quality design and meet a number of criteria (14 in total) will be permitted. Amongst the criteria to be met are that proposals should create a high quality design and:

- Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;

- Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality.
- 6.11 Amongst the criteria to be met in policy DM30 of the adopted Maidstone Borough Local Plan relating to design principles in the countryside are the following:
- The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;
 - Impacts on the appearance and character of the landscape would be appropriately mitigated.
 - Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.
- 6.12 The existing properties in the locality are of varied design and layout. The proposed houses are chalet bungalow type dwellings with the first floor set within the roof space. The houses are of traditional design and construction with a predominantly weather boarding/part red facing brick finish and a plain tiled pitched roof. The proposed dormers to the roof have pitched hipped ended roofs and the application indicates that the proposed detached garages to be sited on the Dean Street side of the dwellings will be of brick construction with tiled pitched hipped ended roofs.
- 6.13 The two houses proposed are set back from the site frontage to Dean Street, as are the neighbouring dwellings either side at Hazeldene and 4 Dane Park. A minimum gap of 23m is maintained between the two houses.
- 6.14 The site is currently enclosed along the Dean Street frontage by a close boarded fence set behind existing planting. The existing fencing and planting to the site frontage is to be removed to allow for the provision of the required visibility splays to the new access into the site. A scheme of replacement native species planting to the site frontage behind the required visibility splays to the new access can be secured by planning condition.
- 6.15 Whilst, the proposed development of the open garden area site with two dwellings will increase the built form and have a visual impact in this part of the open countryside location, the open character of the site and the existing views through the site to the west will be as retained.
- 6.16 The two properties are in spacious plots which allows views between the two buildings. The two new dwellings, are visually acceptable and in keeping with the character of the area and would not be unacceptably harmful to the visual amenities.
- 6.17 In summary, the application does not raise any issues of conflict with Government guidance and adopted Local Plan policies relating to the design, scale, appearance and visual impact of development.
- East Farleigh/Dean Street Conservation Area**
- 6.18 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the council in making its decisions to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas in the borough.
- 6.19 The existing dwelling at Hazeldene is located outside but adjacent to the southern boundary of the East Farleigh/Dean Street Conservation Area. The proposed development is separated from the conservation area boundary by the existing dwelling at Hazeldene. At the closest point the northern most dwelling is 34 metres from the conservation area boundary (southern property is separated by 55 metres).
- 6.20 The existing dwelling retains a spacious plot and, given the separation of the application site from the conservation area boundary, the development will not adversely impact on views to or from the conservation area or its setting.
- Residential amenity**
- 6.21 Policy DM1 of the adopted Maidstone Borough Local Plan states that proposals should respect the amenities of occupiers of neighbouring properties and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, air pollution, activity or vehicular movements,

overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

6.22 The application site is adjoined by the existing detached dwellings at Hazeldene to the north and 4 Dane Park to the south. The first floor of both proposed dwellings are set within the pitched roofspace, this design reduces the overall height and scale of the proposed two-storey dwellings. The pitched roofs of the new dwellings slope up away from the side boundaries which further reduces the bulk and massing of the proposed new dwellings adjacent to the side boundaries.

6.23 The first floor layout of the proposed dwellings have been redesigned from that originally submitted so that only first floor bathroom and ensuite bathroom windows face the side boundaries. A planning condition is recommended to ensure that these first floor bathroom and ensuite windows are fitted with obscure glazed and non-openable to a height of 1.7m above the internal finished floor level.

6.24 The proposed dwellings are sited 12.8m and 28.8m off the rear (western) boundary of the site. This separation distance is sufficient to prevent any significant issues of overlooking of the extensive open garden land adjoining the west of the site.

6.25 The separation distances between the existing dwellings and the boundaries with the application site are sufficient to prevent any significant or unacceptable unneighbourly impact. The new dwellings will not result in any overbearing or enclosing impact, overshadowing and/or loss of daylight/sunlight to neighbouring dwellings.

6.26 The proposed development will provide an acceptable living environment and standard of amenity for future occupiers of the new dwellings. The new dwellings are acceptable in terms of internal and external living conditions, outlook, privacy and access to garden amenity space.

Highway safety, access and parking

6.27 A new single access is to be formed in the centre of the Dean Street site frontage. The single access will then split within the site to serve the two proposed dwellings.

6.28 The visibility splays required either side of the new access will require the removal of the existing close boarded fencing and planting on the front boundary. The splayed brick walls and brick piers either side of the existing Hazeldene Access (located 16 metres to the north of the proposed access) would also be removed and replaced with post and rail fencing.

6.29 Each new dwelling is provided with a detached double garage and three parking spaces. The access arrangements within the site provides adequate space for vehicles to turn and enter and leave the site in a forward gear. A condition is recommended seeking the provision of electric charging points and seeking details of refuse and cycle storage on the site.

6.30 The additional vehicle movements associated with the proposed two, four-bedroom dwellings can be safely accommodated on the local highway network. The vehicle movements are likely to be less than those generated by the earlier use of the site as a plant nursery. Kent Highways raise no objection.

Trees and ecology

6.31 The site incorporates a tree centrally located within the site and a further tree towards the south-western rear corner. The application site is predominantly mown grass and forms part of managed domestic garden land. With the existing management there is little biodiversity habitat currently present.

6.32 The proposed site layout allows for the retention of the existing trees within the site. Planning conditions are recommended seeking ecological enhancements on the site including bird and bat boxes, the protection of existing trees during construction works and new landscaping.

Archaeology

6.33 KCC's Archaeological Officer has advised that the application site lies within an area of potential archaeological interest associated with Roman and later activity. A roman coin is recorded from this site and there are several Roman sites along this river valley.

In view of the archaeological potential, a planning condition is recommended to be imposed on any grant of planning permission. The planning condition will secure the implementation

of archaeological field evaluation works in accordance with a specification and timetable to be submitted for consideration and approval.

Other Matters

- 6.34 The site is within the KCC Minerals Safeguarding Area as shown on the Policies Map to the adopted Local Plan. The application relates to a very modest area of land within a significantly extensive Safeguarding Area.
- 6.35 Given the relatively modest scale of the development proposed (two four-bedroom dwellings) and extent of the site, it is not considered that conditions suggested by Kent Highways relating to the impact of any construction work on the highway in the vicinity of the site are appropriate in this instance.
- 6.36 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 The site forms part of the countryside, with the Maidstone urban area to the north and east of the site and the Coxheath village settlement to the south. Whilst designated as countryside the site is adjoined to the north by a group of predominantly residential buildings around the junction of Forge Lane with Dean Street and to the south by a development of four detached dwellings at Dane Park.
- 7.02 Whilst the site does not represent a particularly sustainable location, it is located close to a bus route serving both Maidstone town centre and Coxheath village. A bus stop nearby which will allow future occupiers of the proposed new dwellings an alternative to the use of a private motor vehicle for their daily needs. Given the extent of the site and in the context of the existing built development in the locality, the principle of some infill development on the site is considered acceptable.
- 7.03 The proposal involves two-storey chalet type dwellings of traditional design, with the first floor set within the roofspace. The dwellings are set back from the frontage to Dean Street and with open space between the two new dwellings, the development would not appear as visually intrusive or incongruous. The development would be acceptable in relation to visual amenities and is in keeping with the character of the area. The proposal is acceptable in relation to neighbour impact.
- 7.04 The proposed development is acceptable in relation to the the setting of the East Farleigh/Dean Street Conservation Area. The proposal does not raise any traffic and highway safety issues or any impact on ecological or biodiversity interests issues at the site. A condition is recommended to safeguard the archaeological interests at the site.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby approved shall not commence above slab level until written details and samples of external facing materials 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.
- 3) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No

alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 4) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and provide details of onsite replacement planting to mitigate the loss of amenity and biodiversity value from the removal of planting at the front of the site and include a planting specification, a programme of implementation and a [5] year management plan.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 5) The approved landscaping associated with either individual dwelling shall be in place at the end of the first planting and seeding season following first occupation of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 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 specification.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained as such thereafter;
Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.
- 7) The areas shown on the approved plans (Drawing nos.05C and 07 received 12.07.19) for the parking of cars, vehicle manoeuvring to and from the parking areas and access shall be provided in accordance with the details approved and be available for use before the first occupation of the new 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) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the parking, vehicle manoeuvring and/or access areas indicated or in such a position as to preclude vehicular access to them;
Reason: Development without adequate parking and/or vehicle manoeuvring and/or access provision is likely to lead to parking and vehicle movements inconvenient to other road users and in the interests of pedestrian and highway safety.
- 8) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed for the use of the occupiers of the building, with the charging point retained thereafter for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 110(e) of the NPPF.
- 9) Upon completion, no further development, whether permitted by Classes A, B, E or F of Part 1 and/or Class A of Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification) or not, shall be carried out to or within the curtilage of the new dwellings hereby permitted;
Reason: In the interests of the visual amenities of the area and the amenities of the occupiers of neighbouring properties.

- 10) The development hereby permitted shall be carried out in accordance with the approved plans (Drawing nos. 05C, 06C and 07 received 12.07.19);
- Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.
- 11) The first floor windows to the southern elevation of the proposed house on the southern part of the site; and the north elevation of the house on the northern part of the site, as shown on the approved plans (Drawing Nos. 06C and 07 received 12.07.19), shall be obscure glazed to Pilkington level 3 or higher (or equivalent) and shall be non-openable to a minimum height of 1.7m above internal finished floor level prior to first occupation of the house and shall subsequently be maintained as such to the satisfaction of the local planning authority;
- Reason: In the interests of residential amenity.
- 12) Prior to the commencement of the development hereby permitted, the applicant, or their agents or successors in title, shall secure and implement:
- i) Archaeological field evaluation works in accordance with a specification and written timetable which shall have been submitted to and approved in writing by the Local Planning Authority; and
 - ii) Further archaeological investigation, recording and reporting, determined by the results of the field evaluation works, in accordance with a specification and written timetable which shall have been submitted to and approved in writing by the Local Planning Authority;
- The development shall proceed in accordance with the approved details.
- Reason: To ensure that features of archaeological interest are properly examined and recorded. This information is required prior to commencement as any groundworks on site have the potential to impact on the archaeological interests of the site.
- 13) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the two dwellings by means such as swift bricks, bat tube or bricks with a minimum of two bat boxes and two bird boxes. The approved measures shall be implemented in accordance with the approved details prior to first occupation of the relevant dwelling and all features shall be maintained as such thereafter.
- Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 14) A visibility splay 2 metres x 43 metres x 43 metres shall be provided to the new access to Dean Street in accordance with the details shown on the approved plan (Drawing No. 05C), including the removal of the wall with piers at the existing access to the property at Hazeldene to the north of the site and the removal of the existing hedgerow and fence to the road frontage of the application site, prior to the first occupation of any of the dwellings hereby permitted. The visibility splay shall be retained and maintained as such thereafter
- Reason: In the interests of pedestrian and highway safety.
- 15) The development hereby approved shall not commence above slab level until details of covered bicycle storage for the occupiers of the new dwellings have been submitted to and approved by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby approved and maintained as such thereafter.
- Reason: In order to encourage sustainable means of transport to and from the site in accordance with Government guidance in the NPPF (2019).
- 16) The development hereby approved shall not commence above slab level until a scheme for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins has been submitted to and approved by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby approved and maintained thereafter.
- Reason: In the interests of amenity and the streetscene.
- 17) The first 5 metres of the new access measured from the back edge of the highway shall be of a bound surface treatment and shall be maintained as such;
- Reason: In order to prevent the deposit of loose material onto the highway in the interests of highway safety.

INFORMATIVES

- 1) KCC Highways and Transportation advise that there must be no discharge of surface water onto the highway. Measures to prevent any discharge must be provided on site if required.
- 2) The Environmental Health Team advise that as the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the development.
- 3) Kent Highways and Transportation advise that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 4) Kent Highways and Transportation advise that it is the responsibility of the applicant to ensure, before the approved development 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.
Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- 5) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Case Officer: Jon Barnes