

<b>REFERENCE NO -</b> 19/504497/FULL		
<b>APPLICATION PROPOSAL</b> Demolition of existing commercial building and erection of 2no. semi detached dwellings with associated parking.		
<b>ADDRESS</b> The Wheelwrights, The Green, Boughton Monchelsea, Maidstone, Kent, ME17 4LT		
<b>RECOMMENDATION</b> Grant permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The principle of the development within a defined settlement is acceptable. Alterations have been made to the scheme refused at appeal to the scale and appearance of the dwelling so that its impact on the conservation area, the setting of the adjacent listed buildings, and neighbouring amenity are now acceptable. Parking provision is acceptable. As such the proposal accords with the requirements of the local plan and the NPPF.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Boughton Monchelsea Parish Council consider that the proposal would cause substantial harm to adjacent heritage assets and the conservation area, are concerned that there does not appear to be any direct access to the rear of the properties, and consider that the proposal constitutes over-development of the site.  They have stated that the drawings are over simplistic and do not therefore accurately represent the comparison between existing and proposed, or illustrate the relationship with the adjacent neighbouring heritage properties. They have stated that the proposal appears to be further forward than the existing commercial building. No dimensions have been provided on the drawings, in order to determine the height of existing and proposed. They consider the use of material is crude.		
<b>WARD</b> Boughton Monchelsea And Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Mr A Gardiner <b>AGENT</b> JPD Architecture Ltd
<b>TARGET DECISION DATE</b> 24/01/20		<b>PUBLICITY EXPIRY DATE</b> 22/11/19

### **Relevant Planning History**

13/1462

Change of use of land, demolition of existing structure and erection of 2 no. semi-detached houses. Refused

14/0707

Demolition of the existing structure and construction of 2 semi detached houses  
Refused and dismissed at appeal (see refusal reasons at para 1.03 below).

### **MAIN REPORT**

#### **1. DESCRIPTION OF SITE**

1.01 The application site lies within the settlement of Boughton Monchelsea and within the designated conservation area. The site is located on the western side of Boughton Green and is located between two Grade 2 Listed Buildings in residential use.

- 1.02 The site is occupied by a substantial redundant commercial building previously used as a light industrial workshop at ground floor level with office space above. The existing building is set forward of the residential dwellings to the north and south. The site makes a negative contribution to the locality due to the size, scale and appearance of the commercial building, and due to it being left to fall into a derelict condition. The existing site has a significant change in level - it falls approximately one storey from east to west.
- 1.03 Application 14/0707 was refused for the following reasons:  
(1) The proposed development would cause harm to the character of the Boughton Monchelsea Conservation Area and adjoining Listed Buildings due to its excessive height, inappropriate scale and form together with its position on site and close proximity to the dwellings immediately north and south of the site. As such the proposal would fail to respect the guidance in the National Planning Policy Framework 2012 and PSS5 The Historic Environment Practice Note.  
  
(2) The proposed development would result in an unacceptable living environment for the new occupiers by virtue of the oppressive flank walls of the existing neighbouring dwellings to the north and south of the site; furthermore the siting of a rear window on the northern most new dwelling immediately on the boundary with Oak Tree Cottage would have an unacceptable amenity impact on the occupiers of this property. As such the proposal would not accord with design guidance contained in the National Planning Policy Framework 2012.
- 1.04 The Inspector found that because of the siting of the proposed building, further forward than the existing, the proposal would appear as bulky and overbearing and would therefore harm the setting of the adjacent heritage asset.
- 1.05 Because the rear elevation showed three storeys plus accommodation within the roof and sat close to the front and lower level elevations of the neighbouring dwellings it impacted on the frontage outlook of the neighbours. Owing to its additional height, it would have resulted in an increased sense of enclosure and an overbearing presence to Oak Tree Cottage. Because the roof level windows would look directly out over the rear garden of Oak Tree Cottage, it would jeopardise privacy levels of those occupiers.

## **2. PROPOSAL**

- 2.01 The submission proposes the demolition of the existing building and the construction of a pair of semi detached 3 bedroom houses with parking to the front area on the west side, and private garden space to the rear east side of the development.
- 2.02 The proposal sits at one visible storey to the front, with a first floor level within the roof area, and a lower ground floor level which is not visible from the front. There are two storeys to the rear, one of which is a lower ground floor level. To the rear, the first floor level within the roof is serviced by pitched roof dormers.
- 2.03 The proposal contains a lower and ground floor protrusion within a rear central element, with the rear elevation set back at the point where it sits closest the adjacent occupiers.
- 2.04 The elevational treatment of the new dwellings would be in traditional materials with predominantly stock face brickwork and feature areas of traditional weatherboard to the principal elevations all constructed under a plain clay handmade tiled roof.

- 2.05 Windows and joinery are shown in a traditional style using painted timber frames and an Oak front entrance door.
- 2.06 The parking forecourt will be laid with Marshall's regular paviors with plant screening to refuse storage areas and bike racks, boundary fencing to the front area is bounded by 1.200m high oak post and rail fencing.

### **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017 - SS1, SP1, SP12, SP18, SP21, DM1, DM4  
Supplementary Planning Documents - The CA Management Plan (2017)  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 1 representation received from a neighbouring occupier raising the following (summarised) issues:

- Is the gradient of the plot, front to rear, pronounced enough to facilitate the planned rear lower ground floor, or will excavation be required? Could such work cause any damage to neighbouring property and trees?
- The proposed block plan (4/18) appears to show the side walls of the house actually forming the boundary to my property. These side walls incorporate two widows. How will these be cleaned or maintained without encroachment onto neighboring property?
- As there is no information on the height of the proposed building, a clear view cannot be given, and further to this, it is unclear whether this is any different from the last planning application (14/0707) which was rejected.
- It is requested that, instead of a fence around the proposed garden areas, that the current walls be modified to an appropriate height and kept; that a fence is erected along the boundary of the property on both sides.

- 4.02 Boughton Monchelsea Parish Council have advised:

*'The Parish Council wish to see the application refused for the following reasons. If the case officer is minded to approve the application then we would like it reported to MBCs planning committee, for decision.*

*The design neither recreates the quality of the existing vernacular nor creates a contemporary high quality addition. The proposal is in the centre of our village and would be on full display within the conservation area. The design should complement the existing heritage buildings, not detract from them.*

*There does not appear to be any direct access to the rear of the properties.*

*We have concerns regarding the parking area to the front of the properties which is not sensitive to the conservation area or adjacent listed buildings*

*Windows are not allowed in the boundary wall under Building Regulations. In addition this would cause maintenance and access issues and overlooking to adjacent private amenity space Bedroom 3 in each property would not have a window unless it was in the boundary wall*

*The proposal constitutes over-development of the site*

*The drawings are over simplistic and do not therefore accurately represent the comparison between existing and proposed, or illustrate the relationship with the adjacent neighbouring heritage properties*

*The proposal appears to be further forward than the existing commercial building. No dimensions have been provided on the drawings, in order to determine the height of existing and proposed*

*The use of material is crude. We would not want to see any modern weatherboarding The dormers are out of scale with the elevation and the detailing is crude and clunky The conservation officer should be fully consulted on this application.'*

- 4.03 In response to revisions to the proposal showing a reduction in the scale of the front former windows and the removal of the lower ground floor side windows, the Parish Council have continued to object to the proposal, and have stated:

*'In his response to the original application documents the conservation officer makes reference to the conservation area management plan for The Green which states that any new building at this location should be placed further back into the site and be lower in relation to its neighbours than the existing building. The plan goes on to state that careful landscaping of the forecourt will also be important.*

*The conservation officer admits in his report that the proposed semi-detached dwellings would not fully address the issues highlighted above or the previous reasons for refusal on the site and would continue to appear visually dominant in relation to the listed buildings and conservation area. He adds that two dwellings on such a limited plot could appear cramped and overdeveloped, particularly with the additional parking and bin storage required to the forecourt and that a single dwelling set further back on the plot, with additional space for landscaping, would be a preferable solution.*

*Given the above, it is incredulous that the conservation officer then states that he does not wish to object. This makes a mockery of the planning process. If the conservation officer has such significant concerns then he should follow this through by recommending refusal of the application.*

*You have advised that the only amendments to the application are as follows. These do nothing to address the points made above.*

- *the lower ground floor has been reconfigured so that the bedroom window does not look out to the side of the building*
- *the dormers have been altered to address concerns by the conservation officer*
- *the existing dimensions have been added to the plans to demonstrate the difference between proposed and existing layouts*

*Please note that the Parish Council wish to see the application refused for the planning reasons we have already submitted. In addition, the proposal would cause substantial harm to adjacent heritage assets and the conservation area it is set within and this represents a further planning reason for refusal.'*

## **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)

### **5.01 Maidstone Conservation Officer**

*'The Conservation Area Appraisal (2008) describes the building as "...a very bulky and dominant building which challenges the integrity of the setting of the listed buildings either side of it", making a negative contribution to The Green CA. There*

*were structures occupying the same location prior to the construction of the existing building.*

*The site is within the setting of two listed buildings: immediately to the south is the Old Farmhouse (Grade II) and to the north is Oak Tree Cottage (Grade II). Both are set further back from the street frontage and each makes an important contribution to the character of the area.*

*The CA Management Plan (2017) states the following in relation to the site: "...The negative impact of the present building is due mainly to the combination of its bulk and height, and its siting forward of the historic listed buildings beside it (whose ground floors are at a lower level. It is unlikely that any vernacular building of pre-20th century date would have exceeded the height of the substantial neighbouring houses. In light of the appeal decision<sup>10</sup>, therefore, in addition to being designed in keeping with its historic context, any new building here should be placed further back into the site and be lower in relation to its neighbours than the existing building, to reduce its overbearing effect and thus to enhance the conservation area. Careful landscaping of the forecourt will also be important. ..."* (para. 5.3.12)

*I have no objection to the replacement of the existing buildings on site. I have concerns the proposed replacement semi-detached dwellings would not fully address the issues highlighted above or the previous reasons for refusal on the site, and would continue to appear visually dominant in relation to the listed buildings and conservation area. Two dwellings on such a limited plot could appear cramped and overdeveloped, particularly with the additional parking and bin storage required to the forecourt. A single dwelling set further back on the plot with additional space for landscaping would be a preferable solution.*

*However, given the proposed dwellings would appear smaller in height and scale than the existing building, and their form and design would be generally appropriate to the character of the conservation area, I do not wish to object.*

*I have concerns the dormer windows could appear crude and bulky – particularly the timber detailing, and suggest a condition is added to control this.*

*I also recommend conditions requiring details of materials, rainwater goods, doors, and windows to ensure they are in accordance with para. 7.5.6 of the CA Management Plan'*

Following the submission of revised plans showing smaller front dormer windows, the conservation officer has raised no objection.

#### Kent Flood and Water Management

5.02 No comments

#### Environmental Protection

5.03 Raised no objection subject to the imposition of conditions

#### Kent Highways

5.04 No comment on the proposal

### **6. APPRAISAL Main Issues**

6.01 The key issues for consideration relate to:

- Principle of Development
- Design and Visual Impact
- Heritage Impact

- Amenity Impact
- Highways and Parking

### **Principle**

- 6.02 Paragraph 10 and 11 of the NPPF sets out that at the heart of the document is the presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay.
- 6.03 Government guidance in the NPPF and Local Plan policy are generally supportive of new housing in sustainable urban locations as an alternative to residential development in more remote countryside locations.
- 6.04 Policy SS1 of the local plan states that the principal focus for residential development in the borough is the urban area, followed by the rural service centres and then larger villages. In other locations, policy dictates that protection should be given to the rural character of the borough. For the purposes of the Local Plan, Boughton Monchelsea is a larger village. Policy SP12 provides that it can accommodate limited growth.
- 6.05 As such, and as has been established previously through consideration of applications 13/1462 and 14/070, and at appeal, there is no objection to the principle of the redevelopment of the site, but the manner in which it is undertaken needs to reflect the characteristics and sensitivities of the area.

### **Design and Visual Impact**

- 6.06 Paragraph 124 of the NPPF states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'
- 6.07 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. Proposals should respect the topography of a site. Landscaping and boundaries should be used to help assimilate development in a manner which respects the local and natural character of the area.
- 6.08 The existing structure fills the site with the building constructed to the boundaries on the North, South and Eastern sides with a parking area on the West side accessed off the road to the Green.
- 6.09 The building is very prominent in the setting and is sandwiched between the listed Cottages on the North and South sides. It is constructed in front and between the Cottages, and dominates the listed buildings. The original design of the building is very industrial in appearance and is out of character with the surrounding architecture of the residential properties that surround The Green
- 6.10 The front elevations of 14/0707 showed two full storeys plus accommodation in the roof. In comparison, the current scheme shows lower height dwellings set over two storeys with one of these set within the roof. To the rear, the refused scheme which showed three storeys plus accommodation in the roof has been amended to show two storeys plus roof accommodation. The proposal will result in a reduction in height compared with the existing building.

- 6.11 As such, it represents a significantly improved scale of development compared with the existing building and the refused application.
- 6.12 The form, proportions and detailing of the proposal is appropriate to the setting of the site taking into account the adjacent listed buildings and the conservation area. The proposal would relate sufficiently to the streetscene and appear in keeping with surrounding development. The dwellings have been simplified in form compared with the refused scheme. The bulky and obtrusive front porches have been removed, and revisions have been made to that submitted which reduce the scale and form of the front dormers. The resultant scheme would reflect that of agricultural workers cottages, and would be subservient to the adjacent listed buildings.
- 6.13 To reflect the importance of the setting of the development, additional details of landscaping and boundary treatments could be reasonably be required by condition.

#### **Heritage Impact**

- 6.14 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets, and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.15 The CA Management Plan (2017) states the following in relation to the site: "*...The negative impact of the present building is due mainly to the combination of its bulk and height, and its siting forward of the historic listed buildings beside it (whose ground floors are at a lower level. It is unlikely that any vernacular building of pre-20th century date would have exceeded the height of the substantial neighbouring houses. In light of the appeal decision<sup>10</sup>, therefore, in addition to being designed in keeping with its historic context, any new building here should be placed further back into the site and be lower in relation to its neighbours than the existing building, to reduce its overbearing effect and thus to enhance the conservation area. Careful landscaping of the forecourt will also be important. ...*" (para. 5.3.12)
- 6.16 The revised National Planning Policy Framework (paragraph 192-193) states: In determining applications, local planning authorities should take account of:  
a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and  
c) desirability of new development making positive contribution to local character and distinctiveness.
- 6.16 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.17 The planning (Listed Buildings and Conservations Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. The Act places a duty on local planning authorities in making its decisions to pay special attention to the desirability or preserving or enhancing the character or appearance of conservations areas.

- 6.18 The conservation Officer has considered the application and assessed its revised scale and detailing in comparison to the previously refused scheme. He has advised that he has no objection to the replacement of the existing buildings on site. He has raised concerns that the proposed replacement semi-detached dwellings would not fully address the issues highlighted in the conservation area management plan or the previous reasons for refusal on the site, and would continue to appear visually dominant in relation to the listed buildings and conservation area. Two dwellings on such a limited plot could appear cramped and overdeveloped, particularly with the additional parking and bin storage required to the forecourt. A single dwelling set further back on the plot with additional space for landscaping would be a preferable solution.
- 6.19 However, he has concluded that, on balance, given that the proposed dwellings would appear smaller in height and scale than the existing building, and their form and design would be generally appropriate to the character of the conservation area, he does not wish to object.
- 6.20 As such, based on the enhancement of the appearance of the Conservation Area and the improvement to the setting of the listed buildings, the proposal would not result in any harm to the designated heritage assets.
- 6.21 In this regard, the proposal would accord with local policy and NPPF guidance.

#### **Amenity Impact**

- 6.22 The NPPF states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.23 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses 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, vibration, odour, 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.
- 6.24 While the dwellings would sit in close proximity to the adjacent buildings, they would be no closer than the existing building. The height of the proposal has now been reduced in comparison to the previously refused scheme.
- 6.25 The only flank windows shown in the dwellings are at a high level, would service bathrooms and as such could be required to be obscurely glazed. They would have no impact on the privacy of neighbouring occupiers.
- 6.26 The inset rear elevation of the proposal which sits in closest proximity to the front of the adjoining occupiers presents windows at 2 storeys including bedroom windows at the lower ground floor level. The ground floor level presents small secondary living room windows. These would be shielded from the neighbouring occupiers by boundary treatments. As such, the impact of these on the privacy of adjoining occupiers would also be acceptable.
- 6.27 The protruding element of the dwellings would not face towards the neighbouring occupiers but would face towards the rear gardens of the proposed dwellings, and therefore the windows in this element will function as expected within a residential setting and would not have a detrimental impact on neighbouring occupiers.
- 6.28 The Inspector refused the previous scheme because the rear elevation showed three storeys plus accommodation within the roof and sat close to the front and

lower level elevations of the neighbouring dwellings and therefore impacted on the frontage outlook of the neighbours. Owing to its additional height, it would have resulted in an increased sense of enclosure and an overbearing presence to Oak Tree Cottage. Because the roof level windows would look directly out over the rear garden of Oak Tree Cottage, it would jeopardise privacy levels of those occupiers.

- 6.29 Due to the reduction in scale of the proposal compared with the previously refused scheme, and that it now sits no greater than the height of the existing building, the current proposal would not result in an increased sense of enclosure or have any greater an overbearing impact than the existing building. The first floor dormer windows would sit at a lower level and would have no greater impact on neighbouring privacy than would be considered reasonable within a residential setting, and also at no higher level than the top windows in the existing development.
- 6.30 As such, there would be no increased impact compared with the existing development, and the impact in this regard would be insignificant. The amenity impact of the proposal would accord with local plan and NPPF provision.

#### **Highways and Parking**

- 6.31 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council standards. Local plan policy DM23 states that, as set out in Appendix B of the Plan, car parking standards for residential development will:
- i. Take into account the type, size and mix of dwellings and the need for visitor parking; and
  - ii. Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.
- 6.32 The proposal shows the provision of two car parking spaces in front of each dwelling. This is a policy complaint level of parking within a defined village. As such, the parking provision would accord with policy DM1 in this regard.

#### **Other Matters**

- 6.33 Details of electric car charging points could be required by condition.
- 6.34 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.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.35 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

### **7. CONCLUSION**

- 7.01 The principle of development within a defined settlement is acceptable. Sufficient alterations have been made to the previously refused scheme to address the reasons for refusal. Owing to the reduction in scale and design changes to make the dwellings smaller in height, and simpler in form, the proposal would result in an improvement to the appearance and character of the conservation areas and settings of the listed building.

- 7.02 The reduction in scale through the removal of a storey of accommodation also addresses the previous reason for refusal and the concerns about overbearance. As such, the amenity impact of submission is acceptable.
- 7.03 As considered previously by the appeal Inspector, in all other regards the proposal is acceptable. As such, on balance the proposal accords with the provisions of the local plan and the NPPF.

## **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) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area.

(3) The development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

(4) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of residential amenity.

(5) Before the development hereby permitted is first used, the proposed upper side bathroom windows shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

(6) The development hereby approved shall not commence above slab level until, written details and samples of the 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.

(7) 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 and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

(8) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings 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 (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.

(9) 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 include a planting Spec, 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

(10) All planting, seeding and turfing specified in the approved landscape details shall have been completed by the end of the first planting season following first occupation and all such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme

(11) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given building(s) with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

(12) No development beyond the construction of foundations shall take place until detailed drawings at a suggested scale of 1:5 of all new external and internal joinery work and fittings together with sections through glazing bars, frames and mouldings have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

(13) All rainwater goods to be used as part of the development hereby permitted shall be of cast iron unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

(14) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

(15) Prior to occupation of the dwellings, a Closure Report shall submitted upon completion of the works. The closure report shall include full verification details as set out in the preceding condition. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

(16) The development hereby permitted shall be carried out in accordance with the following approved plans:

01-00 , 02 Rev 04, 07 Rev 04, 08 Rev 03, 09 Rev 03, 10 Rev 03

Reason: To clarify which plans have been approved..

### **INFORMATIVES**

(1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st 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.

(2) Your attention is drawn to the following working practices which should be met in carrying out the development:

-Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.

-Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.

-Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

-Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

-The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.

-Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

-It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

-Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

(3) 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.

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 The 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-ter/highway-land/highway-boundaryenquiries>

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: Joanna Russell