

<b>REFERENCE NO - 20/503417/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a two storey detached dwelling, including creation of new vehicular access onto Queens Avenue (part retrospective).		
<b>ADDRESS</b> Land Rear Of 335 Queens Road, Maidstone, ME16 0ER		
<b>RECOMMENDATION</b> Grant planning permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• The new dwelling is of an appropriate design, bulk, appearance and siting</li> <li>• The new dwelling is acceptable in relation to neighbour amenity, highways impact and will provide a good standard of living accommodation.</li> <li>• The development is acceptable in relation to the potential impact on the Wellingtonia tree in a neighbouring garden.</li> <li>• The proposal has a fall back position under 18/505459/FULL for a similar proposal</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Cllr Jonathan Purle has requested that the planning application is considered by the Planning Committee if officers are minded to approve for the reasons set out in paragraph 5.01 and 5.02.		
<b>WARD</b> Bridge	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Thackray  <b>AGENT</b> Mr Nathan Burr, Harringtons 2006
<b>TARGET DECISION DATE</b> 4/12/2020 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 31/8/2020

### **Relevant Planning History:**

20/501504/SUB: Submission of details pursuant to conditions 2 (details of materials) , 3 (details of decentralised and renewable or low-carbon sources of energy) , 4 (details of electric vehicle charging point) , 7 (landscaping scheme) , 12 (sustainable drainage scheme) , 13 (Construction Management Plan) , 14 , (details of refuse storage facilities) & 15 (biodiversity enhancement scheme) of application 18/505459/FULL – APPROVED

18/505459/FULL: Erection of two-storey detached house including creation of access onto Queens Avenue – APPROVED

16/503402/FULL: Erection of one two storey five bedroom dwelling and one single storey two bedroom dwelling with new access onto Queen's Avenue – REFUSED AND DISMISSED AT APPEAL

### **MAIN REPORT**

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

- 1.01 The area, which lies within the urban boundary of Maidstone, is predominantly residential in character, comprising mainly large detached houses in spacious plots.
- 1.02 The application site relates to an irregular shaped plot of land taken from the residential garden of No.335 Queens Road, a 2-storey detached dwelling. The applicant also owns the property at 335 Queens Road. The host building fronts onto Queens Road although the application site fronts Queens Avenue and adjoins the boundary with Tall Trees and The Old Laundry.

- 1.03 The application site boundary in Queens Avenue (front boundary) has a ragstone wall which is approximately 2m high. The boundary to the north (side boundary with Tall Trees) is fencing and planting. To the south (side boundary) the boundary with The Old Laundry is a brick wall and trellis. The eastern boundary with 333 Queens Road (rear boundary) is demarcated by soft landscape.
- 1.04 There are trees within the rear garden of Tall Trees to the north that are protected by a Tree Preservation Order (TPO) in particular to a mature Wellingtonia. There are a number of mature street trees which are sited along Queens Avenue.
- 1.05 The site was granted planning permission in 2018 under ref: 18/505459/FULL for the erection of a two-storey detached house including creation of access onto Queens Avenue. Construction has commenced with the creation of access, land levelling and building works of the house.
- 1.06 A subsequent discharge of conditions (20/501504/SUB) was approved on 4 June 2020 discharging the following 8 conditions:  
condition 2: details of materials  
condition 3: details of decentralised and renewable or low-carbon energy  
condition 4: details of electric vehicle charging point  
condition 7: landscaping scheme  
condition 12: sustainable drainage scheme  
condition 13: Construction Management Plan  
condition 14: details of refuse storage facilities  
condition 15: biodiversity enhancement scheme

## **2. PROPOSAL**

- 2.01 The current, part retrospective, planning application is for the erection of a two storey detached dwelling, including creation of new vehicular access onto Queens Avenue.
- 2.02 Construction work to implement planning permission ref:18/505459/FULL has commenced. A number of amendments to the approved plans are now proposed and as these changes involve an amended application site boundary and changes in ground level a new planning application is required.
- 2.03 The approved and proposed site plans are shown above. The current proposal in comparison to the previous approved scheme includes:
- Change to the western site boundary including an additional strip of land from the rear garden of 335 Queens Road providing additional space for the rear garden of the new house.
  - Erection of 1.5m tall retaining wall enclosing the rear and side boundaries of the site.
  - Lowering of ground level (70cm) providing a levelled ground for rear garden and provision of patio area.
  - Updated Arboricultural Report including assessment of the potential impact on the Wellingtonia tree (covered by a TPO) in the neighbouring property to the north (Tall Trees).
- 2.04 The position, setting, size, scale and design of the dwelling remain the same as previously approved comprising a two-storey 5-bedroom detached house with an L-shaped design with a maximum length of approximately 19m, and a maximum width of approximately 14m. The main building would have a hipped end roof with a maximum height of approximately 7.5m. The garage wing would have a maximum height of approximately 6.5m with dormers on the first floor to three sides.

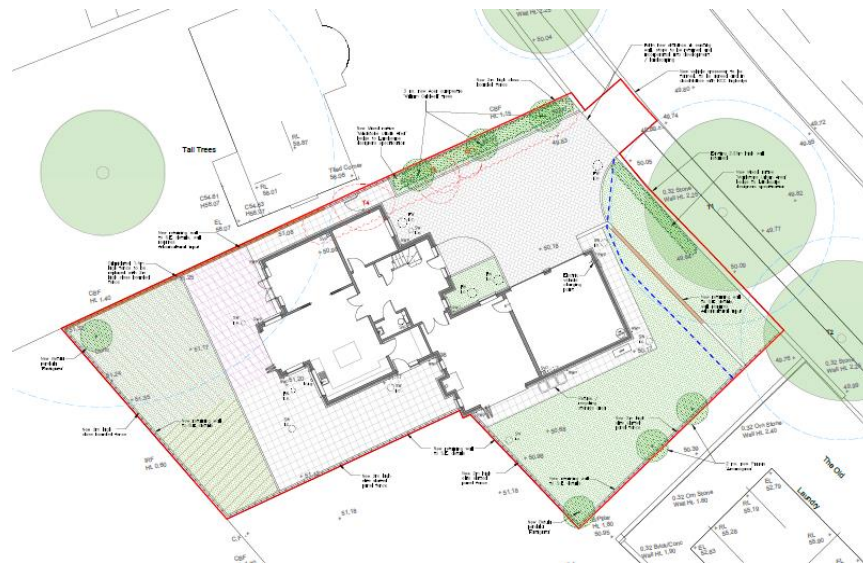
2.05 The proposal includes a new crossover and vehicle access on to Queens Avenue and would have a hardstanding and turning area to the front of the property. This part of the proposal remains the same as previously approved and the creation of access has been completed.

**Fig 1: Comparison of site plans for 18/505459/FULL and current application**

Approved site plan for 18/505459



Currently proposed revised site plan



**3. POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan 2017:  
SS1- Maidstone borough spatial strategy  
SP1- Maidstone urban area  
DM1- Principles of good design  
DM2- Sustainable design  
DM3- Natural environment  
DM11- Residential garden land  
DM23- Parking standards

National Planning Policy Framework (NPPF):  
Section 2- Achieving sustainable development  
Section 12- Achieving well-designed places

Supplementary Planning Documents:

- Supplementary Planning Documents: London Road Character Area Assessment SPD 2008
- Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009)

#### 4. LOCAL REPRESENTATIONS

##### Local Residents:

4.01 4 representations received from local residents objecting the proposal raising the following (summarised) issues:

COMMENTS RECEIVED	OFFICER'S RESPONSE
<ul style="list-style-type: none"> <li>▪ Unsure what is being applied for in this resubmission</li> <li>▪ The ongoing building works is causing safety issue to the pavement along Queens Ave.</li> <li>▪ A 2m tall close boarded fence should run from Queens Ave between the site and Tall Trees and on the boundary with 333 Queens Road to prevent overlooking.</li> <li>▪ The current application is trying to rectify the wrongs relating to permission 18/505459/FULL and 20/501504/SUB</li> <li>▪ Tree Protection Plan, No. 4790/18/C received on 29 July 2020, is incomplete as it does not show the Wellingtonia tree. The plan does not show the Root Protection Area (PRA) of this tree or the Construction Exclusion Zone (CEZ) for that tree in the neighbouring property, Tall Trees.</li> <li>▪ 20/502712/NMAMD is not available on planning portal for public viewing</li> </ul>	<ul style="list-style-type: none"> <li>▪ The application is available for public viewing on the planning portal</li> <li>▪ Matters, if found to be in breach of condition 13 – construction management plan, of planning permission 18/505459/FULL, should be reported to Planning Enforcement for investigation</li> <li>▪ In response, the Applicant has proposed a 2m high close boarded fence to the shared boundary with 333 Queens Road and Tall Trees in the amended Proposed Site Plan received on 16 Sept 2020.</li> <li>▪ This further planning application is required as the proposed changes to the earlier approval cannot be considered as either a non-material amendment or a minor material amendment.</li> <li>▪ The Applicant has responded and advised that the CEMP Site Plan was mis labelled as Tree Protection Plan. The Tree Protection Plan including the assessment of the Wellingtonia has been submitted as part of the Arboricultural Report.</li> <li>▪ The application under reference 20/502712/NMAMD sought approval for changes to the permission under reference 18/505459/FULL. After the applicant was advised that the proposed changes could not be considered non material, the applicant submitted the planning</li> </ul>

<ul style="list-style-type: none"> <li>▪ Proposed Site Plan, No. 19/1448/101A received on 29 July 2020 shows a tree in Tall Tree’s garden and indicates the RPA/CEZ for the tree, however, the RPA/CEZ are in the wrong position which the dimension to the nearest corner of Tall Tree is 6.7m and not 8.7m as shown.</li> <li>▪ Engineering Layout, No. 1111-1182-CIV-10 received on 4 Aug 2020 does not corresponded with Proposed Site Plan showing far less excavation and retaining walls to the rear garden.</li> <li>▪ Tree Protection Plan, No. TPP-01 Rev C, submitted as part of the Arboricultural report shows the Wellingtonia in the wrong position, the RPA/CEZ are also shown incorrectly. The drawing indicates a CEZ that does not appear to relate to anything. The introduction of the drawing states “All dimension relating to T4 are estimated” which is not acceptable, and the correct dimension has been provided.</li> <li>▪ The site assessment on the Tree Protection Plan discussed above states the rear garden has been lowered by 700cm. Also, the roots of the Wellingtonia(T4) have been cut and considers this will have on the structural integrity of T4.</li> <li>▪ MBC previously approved 18/505459/FULL and 20/501504/SUB knowing that they both excluded the TPO Wellingtonia, relevant Tree Protection Area and Construction Exclusion Zone from all the approved drawings. MBC Officers should make sure that all details associated with this current application are absolutely correct and are openly presented on the Planning Portal to comment on them before approval is considered.</li> <li>▪ Proposed house is shown to be in land that remains within the boundary of 335 Queens Road</li> </ul>	<p>application that is currently being considered. In line with normal practice the application under reference 20/502712/NMAMD is not available for viewing as it has been withdrawn.</p> <ul style="list-style-type: none"> <li>▪ The Applicant has responded with an amended Proposed Site Plan and Tree Protection Plan received on 16 Sept 2020 showing the distance between the RPA/CEZ for the Wellingtonia to the nearest corner of Tall Tree as 6.7m.</li> <li>▪ The Applicant has submitted an amended Engineering Layout received on 14 Sept 2020 showing the boundary of the retaining wall on three sides of the site apart from the driveway and planting strip in front.</li> <li>▪ The Applicant has responded with an amended Tree Protection Plan received on 16 Sept 2020 showing the distance between the RPA/CEZ for the Wellingtonia to the nearest corner of Tall Tree as 6.7m.</li> <li>▪ An amended Tree Protection Plan has been submitted rectifying the rear garden has been lowered by 70cm. The assessment of the Wellingtonia (T4) will be assessed in the main section of this report.</li> <li>▪ Landscape Officer has been consulted in particular to the impact to the TPO Wellingtonia from the development on the original planning permission 18/505459/FULL and 20/501504/SUB and on both occasion the officer considered that it is unlikely to result in detriment to the long term health of the tree. As set out below, neighbours have had the opportunity to comment on the revised plans.</li> <li>▪ The proposed building is entirely within the red outline as shown on the Proposed Site Plan.</li> </ul>
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<ul style="list-style-type: none"><li>▪ The new dwelling is uninsurable being above the CEZ root boundary</li><li>▪ The submitted drawings are below standards for assessment and approval.</li></ul>	<ul style="list-style-type: none"><li>▪ There is nothing to indicate that the building will not get insurance and insurance is not a planning material consideration</li><li>▪ The submitted drawings (amended where necessary) are of a sufficient standard to consider the submitted planning application.</li></ul>
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4.02 The applicant submitted an amended Proposed Site Plan, Engineering Layout, Arboricultural Report and CEMP Site Plan on 16 Sept 2020. These plans were submitted to address the issues raised in consultation responses and further consultation has taken place on these amended documents.

4.03 Further 2 representations have been received raising the following summarised concerns:

- Query on the location of the Construction Exclusion Zone (CEZ) being away from the Root Protection Area (RPA) of the Wellingtonia
- Excavation work would remove 12% of the RPA of the tree and RPA of the Wellingtonia would be covered with hard paving contrary to BS5837:2012
- Proposed site plan does not show that the development is within the CEZ

4.04 Impact of the development had on the Wellingtonia would be assessed in the Landscape section in this report.

## **5. CONSULTATIONS**

5.01 Cllr Jonathan Purle (Summarised)

Objection: Councillors recommend that the application be REFUSED and referred to MBC Planning Committee were the Planning Officer minded to approve the application for the reasons listed below.

- Significant impact upon residential amenity to neighbouring properties in contrary to policy DM11
- Significant loss of privacy, light and outlook to The Old Laundry, Tall Trees, 333 Queens Road, and Chelsfield House
- Loss of ragstone wall
- Traffic and highway implications
- Impact on street trees along Queens Avenue and neighbouring TPO
- 18/502320/FULL is a similar 5-bedroom house development on Bower Mount Road and is refused based on the impact of the ragstone wall.

5.02 MBC Tree Officer

- Raise no objection to the proposal and do not consider that the impact of the proposal on the Wellingtonia tree is grounds for refusal of the application. (Further comments in the main section of this report)

## **6. APPRAISAL**

### **Main Issues**

6.01 The key issues for consideration relate to:

- Principle of Development
- Visual amenity
- Trees and landscape
- Residential amenity
- Highways and parking considerations

### **Principle of development**

- 6.02 Policy SS1 of the Maidstone Borough Local Plan specifies that development should be delivered within the most sustainable locations in the borough where employment, key services and facilities together with a range of transport choice are available. Maidstone urban area is the most sustainable location in the hierarchy where new development is firstly directed followed by the rural service centres and the larger villages. The site is located within the urban area of Maidstone and as such, is in a sustainable location.
- 6.03 Policy DM1 promotes developments which do not have an adverse impact on the character of the area or the amenities of the neighbouring properties.
- 6.04 One of the main issues to consider whether the proposed development would comply with DM11 which supports the development of residential garden land in circumstances where the criteria listed in the policy have been met. These criteria include where the development would not result in significant harm to the character and appearance of the area; no significant loss of privacy, light or outlook for adjoining properties and/or their curtilages; access of an appropriate standard can be provided to a suitable highway; and there would be no significant increase in noise or disturbance from traffic gaining access to the development.
- 6.05 The planning permission granted in 2018 under ref: 18/505459/FULL was for the erection of a two-storey detached house including the creation of access onto Queens Avenue. Construction has commenced with the creation of access, land levelling and building works of the house. As such, the principle of development has been established.

**Visual amenity**

- 6.06 The application site is not constrained by specific landscape or conservation designations, however the Council's consideration of its character importance is included as part of the adopted Character Area Assessment within the SPD for London Road, Bower Mount Road, Buckland Hill Area. The site falls within the Queens Road Character Area (8.10), and adjoins the Queens Avenue Character Area (8.14). Both are considered relevant to the application site.
- 6.07 The positive characteristics include a spacious, verdant character, ragstone wall, more recent development set back from frontage without harming spacious character, landscape structure of mature trees and form of development creating and development vistas. Negative characteristics include poor standard of architecture, loss of enclosure at southern end of Queens Avenue, building line and height contrasting to spacious character and scale of other properties.
- 6.08 The area is predominantly residential in character, comprising mainly of large, detached houses in spacious plots with a mix of building design and height in various plot sizes and shapes. This section of Queens Avenue is characterised with tall trees on both side of the avenue with ragstone walls enclosing the front garden of the properties to the west and a mix of low brick wall and hedges to the east of the avenue.
- 6.09 The proposed L-shaped dwelling sits centrally on the site. The two-storey house would have a maximum height of approximately 7.5m and the attached garage wing would have a lower height of approximately 6.5m next to The Old Laundry, which is a bungalow., The height, scale, design and siting are in keeping with neighbouring properties, and the site is capable of providing sufficient amenity area,
- 6.10 The access to the development from Queens Avenue would result in the loss of part (approximately 2.5m) of the ragstone wall, which forms a main character for the area. It is highlighted there are several other openings with a width of about 2.5m

in the wall serving existing properties along the west side of Queens Avenue, including to both adjacent properties.

- 6.11 Whilst it is accepted that the proposal would result in the loss of part of the ragstone wall, the width of the opening is similar in size to others in the vicinity. I consider that proposal is acceptable in terms of visual impact. The proposal includes the re-use of the demolished part of the ragstone, this ragstone will be used at the new entrance with planting to ensure a satisfactory visual appearance to the development.
- 6.12 The proposed building and access are the same (apart from non material changes to the reduction of fenestration) as permitted under the earlier permission ref:18/505459/FULL and construction work has commenced to implement this permission. The lowering of land level in the rear garden, and increase in the size of the site to include part of the rear garden of 335 Queens Road are acceptable in terms of visual amenity.

### **Trees and landscape**

- 6.13 Local Plan policy DM3 seeks to protect the visual character of Maidstone landscape and protect veteran trees, trees with significant amenity value from inappropriate development and avoid significant adverse impacts as a result of development.
- 6.14 A Landscape Planting Plan along with a planting programme, site Plan and Tree Protection Plan have been submitted with the application. The application also includes details of existing and proposed trees on the site and provision of landscape to the entrance of the site from Queens Road. These details have been assessed and are considered acceptable.

### **Street trees along Queens Avenue**

- 6.15 The applicant has submitted a Arboricultural Report in support of the application. As demonstrated in the assessment and the Tree Protection Plan, all trees along Queens Avenue would be maintained, and the new access to the development would not fall into the Tree Protection Area of these trees.
- 6.16 The proposed retaining wall has slight encroachment into the plotted Root Protection Area (RPA) of a Sycamore tree. The Tree Officer has commented the line of the proposed wall just crosses the edge of the theoretical RPA and might be considered negligible. In addition, the tree officer has advised that it is reasonable to assume that the existing ragstone boundary wall (and possibly the services buried beneath the pavement) is likely to have restricted the rooting of tree in the direction of the application site. In conclusion, the Tree Officer has raised no objection to this element of the proposal on arboricultural grounds.

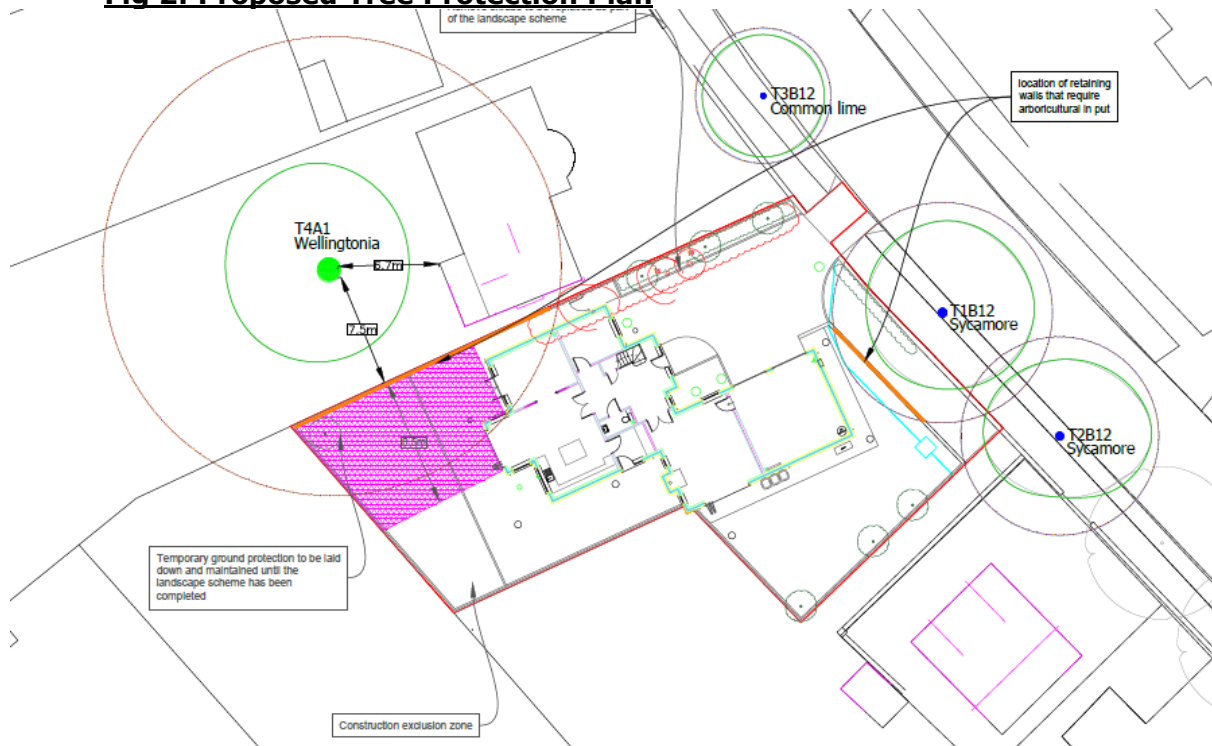
### **Wellingtonia tree**

- 6.17 The potential impact of the development on the Wellingtonia in the rear garden of the neighbouring property called Tall Trees has been assessed as part of this application. The application site sits 7.5m to the south of the stem of this tree which is protected by a tree preservation order.
- 6.18 Part of the retaining wall along the site boundary, land levelling at the rear garden, and the north-western corner of the building falls partially within the Root Protection Area (RPA) of the tree as shown in the submitted Tree Protection Plan (Figure 2 on the following page ).
- 6.19 As confirmed by the MBC Tree Officer, an assessment has been made on the extent of incursion that the building works have on the maximum possible RPA of the Wellingtonia tree and found that the extent of conflict was small enough to be considered negligible.



- 6.20 The Tree Officer explains that the RPA is a tool contained within BS:5837 guidance which gives a theoretical indication of the minimum root mass to ensure the successful retention of trees. The guidance makes some allowances for situations where the RPA can be compromised and the recommendations do not require the RPA to be a circle centred on the tree stem – it can be 'morphed' to a different shape if other areas of suitable rooting environment are available. The Tree Officer estimates that it equates to approximately 10% of the RPA area.
- 6.21 As the location of the building works in relation to the Wellingtonia tree were not ideal, the tree officer visited the site whilst the excavations were exposed. The tree officer reports that he was surprised to find little evidence of damaged Wellingtonia roots, noting only about 4 roots of 50mm -75mm diameter (assumed to be Wellingtonia but not confirmed) and virtually no fibrous roots.
- 6.22 Concerns have been raised in relation to the possible destabilisation of the Wellingtonia tree by the excavations. The tree officer has advised that it is clear from the simplified studies and guidance that are available that the rooting structure relied on for stability is considerably smaller than the RPA. It is calculated that the stability of the tree would likely be affected by excavations 5.5 metres from the tree and in this case the works are a distance of about 7.5 metres. In the tree officer's experience of other Wellingtonia trees, the species are not also particularly prone to windthrow failure, even on a more exposed site with historic excavations (house foundations in the 1980s).

**Fig 2: Proposed Tree Protection Plan**



- 6.23 The submitted Arboricultural Report has assessed the proposal's impact upon the Wellingtonia and provided mitigation measures for ground works within the RPA area. The Council have considered and acted upon comments made in representations with the submission of revised by the applicant. Sufficient accurate information has been submitted in order to assess the proposal.
- 6.24 As such based on the information submitted and the comments from Tree Officer, the proposed development would not result in any significant impact on the Wellingtonia TPO tree and the trees along Queens Avenue and the proposed landscape plan would ensure a satisfactory appearance to the development.

- 6.25 An amended Site Location Plan has been submitted on 16 Nov 2020 to correspond to the actual red outline as shown on the block plan and all other plans as submitted for assessment.

**Residential amenity**

- 6.26 The application site is bounded by existing residential properties on all sides. To the north is Tall Trees, to the south The Old Laundry and 335 Queens Road and to the west 333 Queens Road. Those properties opposite (including Chelsfield House, are considered to be a significant distance (more than 14m from the front wall of the proposed dwelling to the front wall of Chelsfield House) from the application site to be affected by the proposed development.
- 6.27 To the west of the proposed scheme would be the rear garden of 335 Queens Road. The proposed dwelling would be sited approximately 0.5m from the shared boundary at the rear part of this neighbour's rear garden. A first floor window serving a bathroom would provide some views of the garden area of this neighbour, however, it could be resolved by conditioning this window to be obscure glazed and non opening (below 1.7m from internal floor level) to ensure an acceptable level of privacy remains.
- 6.28 Rear windows are proposed in the west facing elevation of the new dwelling. The building would however look towards the extreme rear part of the garden of 333 Queens Road. This property benefits from a garden length of over 40m. It is not considered that the proposed new dwelling would cause significant harm to the amenity of the occupier of number 333 and 335.
- 6.29 To the north of the site is Tall Trees is a 2-storey detached dwelling. There are existing side secondary windows at ground and first floor. The proposed dwelling would be sited 1m from the neighbour's boundary. Given the dwelling would be in-line with both the front and rear elevation of this neighbouring property and the side windows are secondary windows, the proposal is acceptable in relation to natural light, outlook and overbearance. In terms of privacy, a condition is recommended to ensure that a first floor window serving a bathroom is fitted with obscure glazing and non opening (below 1.7m from internal floor level).
- 6.30 To the south of the site is The Old Laundry is a bungalow, formally an outbuilding. The building is gable ended with a window and patio doors in the elevation facing towards the application site. There is an existing wall and trellis separating the two sites.
- 6.31 The proposed dwelling would be sited a minimum of 10m from the boundary to this neighbour. Given the proposal is of modest scale and is sufficiently separated from this neighbour, the proposal is acceptable in relation to natural light, outlook and overbearance to The Old Laundry. In terms of privacy, views from the proposed ground floor windows and patio doors are sufficiently set away from the side boundary and the views are screened by the existing boundary treatment. The proposed 2 dormers, one serving a bathroom and the other one being a secondary window to a bedroom, together with a window serving a family bathroom on the first floor on the elevation facing this neighbour would provide views to this neighbour, however, it could also be resolved by conditioning this window to be obscure glazed.
- 6.32 Overlooking concerns have been raised by 333 Queens Road for the use of slatted panel at their shared boundary. In response, the applicant has proposed a 2m high close boarded fence to the shared boundary with 333 Queens Road and Tall Trees in the amended Proposed Site Plan received on 16 Sept 2020.
- 6.33 There is a previously approved permission in place for the proposed building in this location. The changes to fenestration in this current application only include a

reduction in the number of secondary windows on the first floor in the rear elevation and three ground floor windows on the side elevations, and thus the proposal does not consist of any additional windows. The four first floor windows on both the side elevations assessed above which might give rise to overlooking issue are proposed to be obscure glazed and non-opening below 1.7m internal floor level.

- 6.34 Overall although the relationship with neighbouring properties would be altered no undue harm would result to residential amenity and there are no grounds to warrant refusal of the application on these grounds .

### **Highways and Parking**

- 6.35 As previously approved, the current application would result in a new access, off street parking with a double garage on site. The parking provision would meet adopted standards and the manoeuvrability of vehicles has been demonstrated on the submitted plans. KCC Highways has indicated the development proposal does not meet the criteria to warrant involvement from the Highway Authority due to its small size.
- 6.36 Traffic and highway concerns raised by Cllr Purle are noted, however it is not considered that the traffic generated by a single dwelling would be significant to warrant refusal.

## **7. CONCLUSION**

- 7.01 The site has a fall back permission (18/505459/FULL) for the same proposed dwelling and access. The proposed dwelling in this location is considered acceptable, it is in keeping with the character of the area and is acceptable in relation to residential amenity and highways considerations.
- 7.02 The works involving the excavation for land levelling, the erection of retaining wall, and hard paving within the RPA of the Wellingtonia TPO have been assessed and found to be acceptable. The Tree Officer has concluded that the long term health of the tree is unlikely to be affected by the proposal.
- 7.03 The proposal would assist in the provision of an appropriately design dwelling at this sustainable location in accordance with the national and local plan policies. I do not consider there are justifiable material planning reasons to withheld granting permission.

## **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 shall be constructed using the materials as shown on the approved plans and the materials schedule received on 29 Jul 2020 and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

- (3) Prior to occupation of the proposed new dwelling a minimum of one electric vehicle charging point per dwelling shall be installed and ready for use and in accordance with details as shown on Site Layout Plan, No. 19/1448/101B received on 16 Sep 2020 with the points retained thereafter and maintained in accordance with the approved details;

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

- (4) The development hereby permitted shall be carried out in accordance to the Site Layout Plan, No. 19/1448/101B received on 16 Sep 2020 in relation to the boundary fencing, walling and other boundary treatments and the development shall be carried out in accordance with the approved details before the first occupation of the approved dwelling and maintained thereafter;

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

- (5) The development shall be carried out in strict accordance with Phlorum's Arboricultural Impact Assessment received on 16 Sep 2020 submitted with the application;

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 permitted shall be carried out in accordance to the Landscape Planting Plan, No. 0313/20/B/1A received on 12 Nov 2020, the scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure adequate protection of trees and a satisfactory external appearance to the development and in the character of the area.

- (7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the end of the first planting and seeding seasons following the occupation of the approved dwelling and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

- (8) The approved details of the parking/turning areas shall be completed before the first occupation of the approved dwelling shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (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 inconvenience to other road users and in the interests of road safety.

- (9) Before the development hereby permitted is first occupied, the three first floor windows opening on the south-east facing elevation, and first floor window serving the bathroom on the north-west elevation (as shown on drawing NE and NW Elevations, No. 19-1448-105 and SW and SE Elevations, No. 19-1448-106 received on 29 Jul 2020) shall be fitted with obscure glazing and 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 to the satisfaction of the Local Planning Authority.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any development that falls within Schedule 2, Part 1, Class A, B, C and E or any erection of outbuildings, boundary treatments or laying of hardstanding shall be carried out without the permission of the Local Planning Authority;

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

- (11) The development hereby approved shall be implemented in accordance to the Engineering Layout, No. 1111-1182-CIV-10-P5 received on 16 Sep 2020 in relation to the installation a sustainable drainage scheme for the disposal of surface water and waste water. The scheme shall be implemented prior to first occupation of the approved dwelling and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this development and to ensure ongoing efficacy of the drainage provisions.

- (12) The development hereby approved shall be implemented in accordance with the Code of Construction Practice received on 16 Sept 2020. The details shall be implemented before construction commences and retained until the completion of the construction.

Reason: To ensure adequate on site parking and turning provision is made for construction traffic In the interest of highway safety and the free flow of traffic.

- (14) The development hereby approved shall provide the facilities for the storage of refuse on site for the occupiers of the approved accommodation as shown on Proposed Site Plan, No. 19/1448/101B received on 16 Sep 2020 and the approved facilities shall be provided before the first occupation of any of the units and maintained as such thereafter;

Reason: In the interest of residential amenity.

- (15) The development hereby approved shall be constructed in accordance with the Landscape and Ecological Management Plan received on 29 Jul 2020 including the insertion of swift bricks, sparrow terrace and bat box prior to first occupation of the approved dwelling and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

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

Proposed Site Plan, No. 19/1448/101B received on 16 Sep 2020  
Site Location and Block Plan, No. 19-1448/110A received on 16 Nov 2020  
Ground Floor Plan, No. 19-1448-102 received on 29 Jul 2020  
First Floor Plan, No. 19-1448-103 received on 29 Jul 2020  
Roof Plan, No. 19-1448-104 received on 29 Jul 2020  
NE and NW Elevations, No. 19-1448-105 received on 29 Jul 2020  
SW and SE Elevations, No. 19-1448-106 received on 29 Jul 2020  
CEMP Site Plan, No. 19/1448/110 received on 16 Sep 2020  
Engineering Layout, No. 1111-1182-CIV-10-P5 received on 16 Sep 2020  
Landscape Planting Plan, No. 0313/20/B/1A received on 12 Nov 2020

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

Case Officer: Michelle Kwok