

REPORT SUMMARY

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| REFERENCE NO - 20/506127/FULL | | | |
| APPLICATION PROPOSAL Erection of 1no. additional dwelling and retention of existing dwelling, including erection of a two storey front, side and rear extension and single storey front extension (re-submission of 20/500019/FULL). | | | |
| ADDRESS 10 TOLLGATE WAY, SANDLING, MAIDSTONE ME14 3DF | | | |
| RECOMMENDATION : GRANT subject to the planning conditions set out in Section 8.0 of the report | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION For the reasons set out below it is considered that the proposed extensions and alteration to the existing dwelling and the erection of a new dwelling would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance. | | | |
| REASON FOR REFERRAL TO COMMITTEE The recommendation is also contrary to the views of Boxley Parish Council who have requested the application be presented to the Planning Committee | | | |
| WARD Boxley | PARISH/TOWN COUNCIL Boxley | APPLICANT Mr. Graham Beevis AGENT Mr. Daniel Salisbury | |
| DECISION DUE DATE 17/03/2021 (EOT: 07.06.2021) | PUBLICITY EXPIRY DATE 16/02/2021 | OFFICER SITE VISIT DATE Various | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| 20/500019/FULL | Erection of 2no. additional dwellings and retention of existing dwelling, including erection of a single storey rear and single storey front extension. | Withdrawn | 10.03.2021 |

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a detached, 2-storey dwelling. Situated within a suburban housing estate located between Blue Bell Hill on the west and Chatham road to the east. No. 10 itself is located on a substantial plot on the western edge of the estate, bordering Tollgate Way to the east and highway land to the west that provides a substantial green buffer between the estate and the A road.
- 1.02 No.10 is a detached, brick built dwelling under a tiled roof. Its main front elevation faces north with the dwelling sited side onto Tollgate Way. It has an existing double garage located on its northern boundary with the garage doors facing east towards

Tollgate Way with a long length of driveway serving the garage. The dwellings rear garden is located to the south of the dwelling.

- 1.03 Despite the suburban nature of the housing estate, the site is located outside the defined urban area of Maidstone in open countryside and on the edge of the AONB. The application site is sited within the middle of the existing housing estate and does not directly border any open countryside in visual terms.
- 1.04 The property was originally built in the late 1980's as part of the wider housing estate following the redevelopment of an edge of town retail site. Permitted development rights remain for the property.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of 1 additional dwelling on the site and retention of existing dwelling, including the erection of a two storey front, side and rear extension and a single storey front extension to the existing dwelling. The existing double garage will remain and each half will serve one of the dwellings with additional parking provided in front of the garaging on the long driveway.

These elements can be described in greater detail as follows :

2.02 *Additional Dwelling:*

The proposed new dwelling will be sited to the west of the existing dwelling, with an approximate 2m gap between the two side elevations. It would be a brick and render dwelling under a pitched and tiled roof with gables ends on the front (north) and rear (south) elevations. The proposed front elevation would face north, consistent with No.10. It would have depth of approximately 8.6m and a width of approximately 5.3m, along with a small front porch projecting just 1.2m with a lean to tiled roof. It would be a two storey dwelling (with height to match the existing dwelling at No.10). A side dormer on the east elevation, with pitched roof and tiled hung sides would serve a stairwell at roof level, with 3 rooflights on the west roof elevation. It would have a rear garden depth of approximately 10.6m.

2.03 *Two Storey Front, Side and Rear Extension and single storey porch front extension to No.10:*

The proposed porch extension to the existing dwelling would extend to the same depth as the porch proposed for the new dwelling at approximately 1.2m. Both dwellings would be sited on the same building line. The porch would have the same tiled, pitched and lean-to roof as the proposed new dwelling. The proposed two storey extension would be located on the eastern side elevation of No.10. It would project forward to be sited on the same building line as the proposed front porch. To the rear, it would project approximately 2m with a width of approximately 4.5m. The height will be approximately 0.2m lower than the existing ridge line with gable ends proposed on the front and rear elevation to match the proposed new dwelling. It would have rooflights. The rear garden will mostly remain at 13m in depth, except to the rear of the proposed extension where it will have a depth of approximately 10.9m. An existing pergola structure to the side of the dwelling would be removed.

2.04 *Garage and Parking:*

The existing double garage will be retained with one bay provided for each dwelling. There is a long existing driveway, which will be retained and widened to the north to serve both dwellings and to enable each driveway to be accessed independently.

Each dwelling will have a minimum of 2+ parking spaces. Bike and bin storage will be provided to the rear of the existing garage.

2.05 *Landscaping and boundary treatments:*

The landscaping along the front northern boundary is to remain unchanged. Additional landscaping is proposed around all the other site boundaries, although no detailed plans have been provided. There are no protected trees on the site and those that are existing could be removed without consent. The proposal also indicates new planting on the land to the side of the footpath, which is within the ownership of the property but outside the rear garden area. The location of the side boundary fencing is proposed to be relocated slightly to provide a more consistent width of green space, but overall the amount of area laid to open space along the side of the plot adjacent to the footpath remains the same.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan: Policies SP17, DM1, DM3, DM6, DM11, DM12, DM23, DM30 and DM32
Supplementary Planning Documents: Residential Extensions SPD

4.0 LOCAL REPRESENTATIONS :

4.01 Letters of objection have been received from 7 local residents on the following grounds:

- Increase in vehicles at the site;
- Entry and access would be difficult;
- Insufficient off road parking – it should be considered whether unused verge should be used for additional parking and excavation of grass bank to north could be used to provide additional parking rather than just using existing driveway;
- Increase in on road parking;
- Access by emergency vehicles and waste collection;
- Danger to pedestrians and other highway users;
- Appearance of spacious and pleasant small housing estate will be altered;
- Will increase noise and environmental pollution;
- Lack of amenities in area;
- Insufficient land to support increase in size of existing property and a new dwelling;
- Trees were previously felled from site;
- Nos 12 and 14 are wrong way round on site plan;
- Site notice inaccurate description but it is noted that website has correct description and all comments based on two storey extension;
- Loss of privacy;
- Overdevelopment of the estate.

5.0 CONSULTATIONS

5.01 Boxley Parish Council

The Parish Council wish to see the application refused for the following planning reasons and wish to see it reported to MBC planning committee for decision if the Case Officer is minded to approve:

1. The proposed conversion is an overdevelopment of the site.
2. It would be detrimental to the existing street scene.
3. It would set a very worrying precedent for similar developments in the locality.
4. There are concerns over the proposed parking arrangements for the additional dwelling.
5. Tollgate Way already has a problem with on street parking, this additional dwelling and large extension would add significantly to these problems.

5.02 Kent County Council – Highways

The Highways Officer commented that the proposal does not meet the criteria to warrant involvement from the Local Highway Authority. A standard informative has been suggested relating to highway land.

5.03 Environmental Health Officer

The EHO commented that the site is very close to an AQMA and adjacent to the busy A229, so an air quality assessment will be required. We would also like to see the inclusion of an EV charging point at the new property. The site does not appear in database as potentially contaminated land. Noise levels close to the A229 are likely to be high, and an acoustic report will be required in order to assess what noise mitigation measures will be needed to reduce noise levels at the property to an acceptable level. The EHO has raised no objection, subject to suggested conditions requiring submission of an air quality mitigation scheme, noise mitigation scheme, EV rapid charge points and external lighting scheme details.

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development/Policy context
- Visual amenity
- Residential amenity
- Highways matters
- Other matters

Principle of Development/Policy context

6.02 The application site is outside the defined urban boundary, separated from the urban area by the M20. In policy terms the development is located in the countryside. Policy SP17 Countryside defines the countryside as "...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages with defined settlement boundaries and is depicted on the policies map". It continues, "1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area" It also comments that "proposals should not have a significant adverse impact on the setting of the Kent Downs Area of Outstanding Natural Beauty".

- 6.03 Paragraph 4.27 of the Maidstone Borough Local Plan states that “It is important that the quality and character of the countryside outside of settlements in the hierarchy is protected and enhanced whilst at the same time allowing for opportunities for sustainable development that supports traditional land based activities and other aspects of the countryside economy...The individual identity and character of settlements should not be compromised by development that results in unacceptable coalescence.”
- 6.04 In this instance, the proposal is actually sited within a fairly large existing housing estate within Sandling that has a nearby bus stop on the Chatham Road and good road links to numerous A roads and motorways. As such, the site is not considered to be an isolated location or to result in any coalescence or encroachment into open countryside, despite its location outside of the defined settlement boundary in the proposals map. It is therefore not considered reasonable to object to the development of a new house in principle and the assessment will be based around the design of the dwelling and extension to the existing dwelling, its impact on neighbouring properties and surrounding area and its impact on the highway network.
- 6.05 Local Plan Policy DM1 requires that proposals “*respond positively to, and where possible enhance, the local... character of the area*” and Local Plan Policy DM32 that proposals should “*result in a development which individually or cumulatively is visually acceptable in the countryside.*” Policy DM1 (ii) in terms of design refers to developments responding positively to the local character of the area, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.
- 6.06 Policy DM3 on the Natural Environment, seeks to ensure that new development protects and enhances the natural environment. A strong level of protection is given to nationally important landscape designation by both government policy, NPPF and local plan policies. Policy DM6(iii) seeks to ensure that proposals which do not have the potential for a significant impact on air quality, but by virtue of their scale, nature and/or location have the potential to generate a negative impact, will not be required to submit an AQIA, but should demonstrate how air quality impacts will be minimised.
- 6.07 Although more applicable to defined settlements, Policy DM11 allows development of domestic garden land to create new buildings providing that it would not result in significant harm to the character and appearance of the area or any loss of residential amenity. Policy DM30 sets out design principles in the countryside and seeks to ensure that outside of settlement boundaries, only proposals which would create high quality design and maintain and enhance local distinctiveness will be permitted.
- 6.08 Policy DM32 relates specifically to extending dwellings in the countryside and requires that the proposal is well designed, does not overwhelm or destroy the original dwelling and would result in a development which individually or cumulatively is visually acceptable in the countryside. The Residential extensions SPD expands on design advice. In relation to rear extensions, it sets out that rear extensions should not normally exceed 3metres in depth and neighbouring amenity should be protected. It also states that proposals in the countryside should respond to the positive features of the area, be of a high quality design and respect the form and appearance of the original building. *The SPD advises that a porch should reflect the*

scale of a building to which it is attached. Dormer windows are encouraged to be proportionate in scale and dominate the roof plane.

- 6.09 The principle of extensions to the property is also therefore considered acceptable, however this is subject to consideration of the key issues set out above which are discussed below.

Visual Impact

- 6.10 The proposal is sited on a spacious plot, bordered by an A road to the west and surrounded by an established housing estate to the north, east and south. Therefore, although the site is technically located within the very western edge of the AONB, the site is not viewed in the context of the wider open countryside or landscape designations. It is viewed very much as part of a 1980's housing estate, as such, both domestic extensions and one additional dwelling would not look out of place in such a setting.
- 6.11 It follows to then assess the details of the proposal and its impact on the character of the streetscene in more detail. The proposed new dwelling has been designed to be of a similar design, materials, plot size, footprint and height to the existing dwellings on the estate. It is considered that it would not look out of place, but would actually reflect the plot sizes and spacing of dwellings located both to the north and south of the site. The buffer zone to the west provides a more spacious setting for the new dwelling. The existing plot size of No.10 is also much larger than any of the surrounding plots, that it has sufficient space to allow for both the proposed extensions and new dwelling without resulting in a cramped appearance. It is of note that a similar infill plot has previously been granted in the form of 8A Tollgate Way, located immediately to the north of the application site. The proposal is considered to result in a development that is more reflective of plot sizes and spacing on the rest of the estate, whilst retaining more than adequate spacing, amenity space and landscaping potential.
- 6.12 The proposed extension to No.10 similarly makes use of gable ends and matching materials and design to the existing dwelling. The dwelling will retain a large area of garden and the property has a large side space and will provide a landscaping strip along the side of the site to increase planting and soften the visual impact adjacent to the highway and footpath.
- 6.13 Overall, therefore, the cumulative impact of the proposed extensions and the new dwelling, which although descriptively could look extensive, in terms of the impact on the existing building and the wider street scene/character of the area it is not considered that the proposals would result in significant harm that would be detrimental and warrant refusal. Landscaping conditions would provide a distinct improvement to the site by increasing planting around the site boundaries.

Residential Amenity

- 6.14 The neighbouring dwellings which would most likely be impacted upon by the proposed development are those with adjoining boundaries to the application site. Those other neighbouring properties are considered to be a significant distance away to be unaffected by the proposed development. The impact on these neighbours is discussed below.
- 6.15 The nearest dwellings to the site are the two dwellings to the south (numbers 12 and 14 on the location plan). However, the back to back distance between the proposed

extension and also the new dwelling is approximately just over 21m. The proposed new dwelling has been sited on a similar building line to the existing dwelling and so there would be no worsening of overlooking. As such, a refusal based on overlooking or loss of sunlight/daylight or outlook could not be sustained due to the substantial spacing between the properties. Indeed, there are existing dwellings on the estate that have a much closer relationship.

- 6.16 There are properties located to the north of the application site that face towards No.10. However, the distances are again above 21m. No.10 already has windows on its front elevation and the proposal would not result in any habitable room windows being located closer to these properties or below the recommended privacy distance.
- 6.17 No. 1, 5 and 7 Tollgate Way are located to the east of the site, but these are sited across the highway at a distance of at least 23m. Visually, they will look onto the proposal side on and the gaps available between No.10 and the properties to the south and north will be preserved and also enhanced with additional landscaping, thus improving outlook.
- 6.18 Overall, therefore, it is considered that the proposed development would not result in significant harm to neighbouring residential amenity to warrant refusal of the application. Conditions are imposed relating to insertion of additional windows, removing permitted development rights and obscure glazing to ensure residential amenity is protected now and in the future.
- 6.19 In relation to the amenity of prospective occupants, the EHO has requested that a survey and mitigation strategy be submitted for both air quality and noise for the new dwelling to ensure that it provides an acceptable standard of living. This accords with the requirements of policy DM6(iii) which requires proposals to demonstrate how air quality impacts will be minimised. It is considered that suitable schemes can be provided in relation to these issues as the site is within an existing housing estate and the proposed dwelling is no nearer to the A road to the west than No.8a Tollgate Way that was also granted consent as an infill dwelling. The conditions suggested as appropriate by the EHO will ensure that residential amenity of any future occupants are protected from both noise and air quality.

Highways

- 6.20 KCC Highways state within their residential parking standards that a property with 4+ bedrooms should be allocated at least 2 independently accessible spaces within a suburban area. I would consider the amount of space retained on the long and slightly widened driveways are suitable to accommodate 2+ cars (along with the garaging) and would therefore be in accordance with policy DM23 and KCC Highways recommendation for properties of this size. The site is also within walking distance of bus stops that provide access to both Maidstone and the Medway Towns and so the site is well connected to public transport and the local and wider road network.
- 6.21 The Highways Officer has also recommended a condition be imposed for an EV charging point. This will ensure that the site meets the Council's and Government's expectations to reduce vehicle emissions and complies with the Air Quality Planning Guidance.

Other Matters

- 6.22 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.'
- 6.23 The submitted plans indicate that provision will be made for integrated biodiversity measures on the proposals. A condition will be imposed for ecological enhancement by way of both integrated measures and on site provision. The proposed additional boundary planting will also improve biodiversity on the site.
- 6.24 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. An informative has been imposed in relation to CIL matters.
- 6.25 The Parish Council comments have been taken into account. The impact of the proposal in relation to issues of overdevelopment, streetscene and parking have been discussed above. However, the Parish Council also raise the issue of precedent. It should be noted that each proposal must be considered on its own merits. However, it also noted that this particular plot is one of the largest ones on the estate and so there are few other plots that could satisfactorily accommodate a new dwelling and domestic extension. The plot is also located away from the boundary of the estate with the open countryside, minimising visual impact and has been designed to reflect the features of the existing estate.
- 6.26 A condition will be imposed removing permitted development rights from the existing dwelling and the proposed new dwelling to prevent overdevelopment of the plots in the future. It is noted that summerhouses are illustrated in the garden area of both dwellings, however, no details have been supplied. As such, any proposal for outbuildings would need to be the subject of a separate application. The gardens are of sufficient space to have the potential to accommodate an outbuilding, subject to details such as height, size and siting.

7.0 CONCLUSION

- 7.01 For the reasons set out above it is considered that the proposed new dwelling and the proposed extensions and alteration to the existing property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity, character of the area or AONB, nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.

8.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include:

- 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 permitted shall be carried out in accordance with the following approved plans:
- Proposed Site Location Plan: Drawing No.: 084 08 A;
 - Proposed Boundary Plan: 084 10 A;
 - Proposed Ground Ground Floor Plans: 084 11 A;
 - Proposed First Floor Plans: 084 12 A;
 - Proposed Second Floor Plans: 084 13 A;
 - Proposed Roof Plans: 084 14 A;
 - Proposed Site Plan: 084 09 A;
 - Proposed Elevations No.10: 084 15 A;
 - Proposed Site Elevations: 084 17 A;
 - Proposed Site Elevations (Roadside): 084 18 A;
 - Proposed Elevations No.10a: 084 16 A.

Reason: To clarify which plans have been approved.

- 3) 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.

- 4) The extensions and new dwelling hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through both integrated methods into the design and appearance of the extension and also into the new dwelling by means such as swift bricks, bat tube or bricks and through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to the first occupation of the new dwelling and all features shall be maintained thereafter.

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

- 5) The areas shown on the submitted Proposed Site Plan (drawing no. 084 09 A) as garage and car parking spaces for the new dwelling and existing dwelling hereby approved shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking

or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C and E to that Order shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

- 7) The development hereby approved shall not commence above slab level until both siting details and elevational details of a refuse storage area have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained as such thereafter;

Reason: No such details have been submitted and in the interest of amenity.

- 8) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point each for No.10 and No.10a has been installed with the charging points thereafter retained for that purpose.

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

- 9) The new dwelling hereby approved shall not be commenced until a scheme to demonstrate that the internal noise levels within the new residential unit and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect residential amenity.

- 10) No additional windows, doors, voids or other openings shall be inserted, placed or formed or existing windows altered at any time in the east and west side facing first floor walls of the approved new dwelling and also in the west side facing first floor wall of No.10 Tollgate Way.

Reason: To prevent the overlooking of adjoining properties and to safeguard the privacy of their occupiers and also to protect the residential amenities of prospective occupiers of No.10a.

- 11) Before the development hereby permitted is first used, the proposed stairwell dormer window in the (eastern) side roof elevation and the proposed side (eastern) stairwell window at first floor level to the development hereby permitted 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.

- 12) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development.

- 13) 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 buildings 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.

- 14) The development hereby approved shall not commence above slab level until both siting details and elevational details of a cycle storage area have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building and maintained as such thereafter;

Reason: No such details have been submitted and in the interest of amenity.

- 15) 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 Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and 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. The scheme shall provide details particularly of all proposed boundary planting, including the eastern boundary adjacent to the pedestrian footpath.

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

- 16) All approved landscaping details shall be carried out no later than during the first planting season (October to February) following the first occupation of the dwelling hereby permitted. 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 unless the local planning authority gives written consent to any variation.

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

- 17) The new dwelling shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

1. An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
 2. An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.
- Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In the interest of residential amenity.

- 18) No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity.

INFORMATIVES:

1. 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-after/highway-land/highway-boundary-enquiries>

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.

2. As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
3. 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.
4. 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.

Case Officer: Diane Chaplin

Planning Committee Report
27th May 2021

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