

REFERENCE NO - 21/501770/FULL			
APPLICATION PROPOSAL Change of use from office to a single residential dwelling, including conversion of existing garage/store to personal home working unit with adjacent gym, partial demolition of detached store to create new patio with existing southern and western walls retained, and erection of 1.8m close boarded boundary fencing with 300mm trellis. Erection of new double garage to side with storage space and utility room, removal of western parking area to create garden, and associated landscaping and ecological enhancements.			
ADDRESS Wealden Court Church Street Teston Maidstone Kent ME18 5AG			
RECOMMENDATION Grant Planning Permission subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The application is policy compliant, resulting in a development that would be in keeping with the character of the surrounding area and would not have an adverse impact on neighbouring properties.			
REASON FOR REFERRAL TO COMMITTEE Teston Parish Council have called the application into committee if the case officer is not able to include planning conditions as part of a delegated approval relating to the limitation on future occupation to a single family, the control of music in the gym, and the use of obscure glazing to high level windows. These conditions were not considered to pass the planning condition statutory tests.			
WARD Barming And Teston	PARISH/TOWN Teston	COUNCIL	APPLICANT Mr Barry Chamberlain AGENT N/A
TARGET DECISION DATE 02/07/21		PUBLICITY EXPIRY DATE 13/05/21	

Relevant planning history

21/500187/PNOCLA Prior notification for the change of use of offices to 1 no. residential unit. For its prior approval to: Transport and Highways impacts of the development; Contamination risks on the site; Flooding risks on the site; Impacts of noise from commercial premises on the intended occupiers of the development and Provision of adequate natural light in all habitable rooms of the dwellinghouses. Prior Approval Granted 12.03.2021

94/1068 Erection of storage building. Approved 03.11.1995

91/1806 Erection of garage. Approved 22.05.1992

89/2196 Change of use of property to B1. Appeal Against Non Determination. The appeal related to the suitability of the site for B1 purposes (a previous permission for this use was personal, and the applicants were seeking to remove the personal permission). The Inspector determined that the B1 use was acceptable and would not result in undue harm to the occupiers of neighbouring properties. Allowed 20.09.1990

77/1629 Change of use of builder's yard and workshop to landscape contractors and workshop Approved 21.02.1978

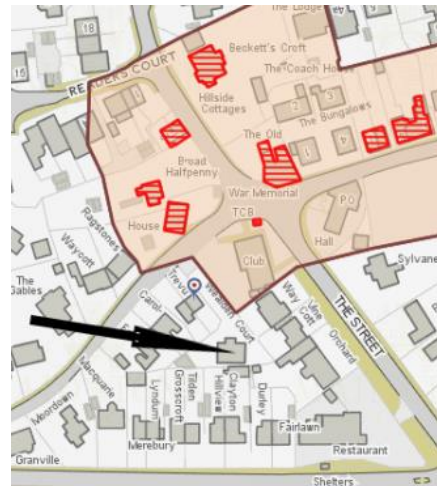
71/0052/MK3 Erection of bungalow and garage. Approved 20.04.1971

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located within the village of Teston, which lies approximately 2 km to the west of the Urban Area of Maidstone. For the purposes of the Local Plan the application site is located in the countryside.
- 1.02 The Teston Conservation Area abuts the site to the east. There are various listed buildings within the conservation area including The White House (grade II) which is opposite the site entrance in Church Street.

Fig 1: Relationship of the application site (black arrow), to the Teston Conservation Area boundary (shaded area) and listed buildings (red hatching).



- 1.03 The existing gated application site has access to the north from Church Street. The access runs between the residential property called 'Trevu' to the west and the rear car park boundary of the social club (The Teston Club) to the east. Other than the site access, the triangular shaped application site is surrounded by the rear garden boundaries of existing two storey residential dwellings in Church Street, The Street and Tonbridge Road (A26).
- 1.04 The existing building on the application site faces north and is two storeys in height with a pitched roof. There are two outbuildings currently on the site, one directly to the south approximately 2 metres from the building, and one to the west in the corner of the site.
- 1.05 There are currently 9 car parking spaces on the site including parking parallel to the site access, with one garage. A turning point is located at the top of the drive adjacent to the existing building.
- 1.06 The existing building on the site is in use as offices, with this use previously within in planning use class B1. Planning Use Class B1 was revoked in September 2020 and the office use would now fall within the new planning use Class E. Class E includes display or retail sale of goods (other than hot food), sale of food and drink for consumption (mostly) on the premises, indoor sport, recreation or fitness (not involving motorised vehicles or firearms), provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner), and uses which can be carried out in a residential area without detriment to its amenity. Any of these uses could now operate from the application building without a need for separate planning permission.
- 1.07 As set out in the planning history, there is also an extant prior approval in place (21/500187/PNOCLA) for the conversion of the application building to a residential dwelling. The application for planning permission has been submitted due to the additional works that are now proposed.

2. PROPOSAL

- 2.01 The proposal is for the change of use of the office building to a single residential dwelling. The proposal includes the conversion of the existing garage/store to personal home working unit with an adjacent gym.
- 2.02 The partial demolition of a detached store is proposed in order to create a new patio with existing southern and western walls retained, and erection of 1.8m close boarded boundary fencing with 300mm trellis. Other works include a new double garage with storage space and utility room. The western parking area will be removed to create a garden, and the proposal includes associated landscaping and ecological enhancements.
- 2.03 The site access would largely remain the same, but the number of parking spaces would be reduced. This would result in sufficient space for an external amenity area.
- 2.04 There are two velux windows on the roof of the existing building. The current proposal includes a row of roof mounted PV panels to allow for increased energy efficiency to the building.
- 2.05 The current planning proposal differs from the prior approval referenced 21/500187/PNOCLA in the following ways:
- Internal alterations to provide a more open plan layout
 - The porch on the west elevation has been removed
 - The store to the south elevation has been removed
 - A utility, storage area and garage has been added to the eastern elevation
- 2.06 Planning permission is required for these changes (specifically the incorporation of the garage and utility room) as they go beyond the works which benefit from prior approval. Normal permitted development rights (relating to Part 1 of Schedule 2) do not apply to dwellings that were converted through the prior approval route (Part 3, Class Q, Schedule 2 of the GPDO).

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 SS1, SP17, SP18, SP21, SP22, DM3, DM4, DM23, DM30, DM 31 and Appendix B (residential car parking standards)
Supplementary Planning Documents: Maidstone Landscape Character Assessment
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 8 representations received from local residents raising the following (summarised) issues
- Overlooking, loss of privacy
 - Noise and disturbance
 - Hedgehog access on boundary fence.

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)

Environmental Services (as set out in previous application referenced 21/500187/PNOCLA and further verbal advice).

- 5.01 No objection. Following on from the Parish Council's concerns, further verbal advice stated that the residential development would not be considered harmful in its context i.e. surrounded by other residential properties.

- KCC Highways (as set out in previous application referenced 21/500187/PNOCLA).
- 5.02 No objection. No material changes are proposed to the existing access and turning areas.
- 5.03 In light of the good road safety record and reduction in vehicle movements expected to result from the change of use, it can be reasonably concluded that this proposal would not lead to any detriment to road safety. However, the proposed (and extant) parking provision is in excess of the minimum requirements in place for this type of location, as set out in IGN3. Informative requested relating to highways owned land.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Loss of the existing employment use and the fallback position.
 - Conversion of this rural building (DM31)
 - Design/Layout/Landscaping
 - Heritage
 - Residential amenity
 - Biodiversity
 - Highways
- Loss of the existing employment use and the fallback position**
- 6.02 Policy SP21 encourages the economy of the borough and provision for the needs of businesses. Among other things SP21 priorities the commercial re-use of existing rural buildings in the countryside rather than conversion to residential use
- 6.02 Policy SP22 relates to the retention of employment sites. Para 4.147 of its supporting text sets out the importance of retaining high quality sites whilst at the same time recognising that conversion of some office space to residential use could take place under Permitted Development legislation.
- 6.03 While policies support the retention of the B1 use of the building, this needs to be weighed against the prior notification that was granted on 12.03.2021. The Court of Appeal in *Mansell v Tonbridge And Malling Borough Council* [2017] clarified when a 'fallback' development may be a material planning consideration for an alternative development scheme. The second challenge by the appellant concerned whether there was a 'real prospect' of development under the Class Q GPDO rights on the lack of contemporaneous evidence that the landowner had contemplated such development. Lindblaum concluded that the clear desire of the landowner to develop, and maximise the value of the site was sufficient to demonstrate there was a real prospect to the Class Q GPDO fallback position in this case.
- 6.04 As stated earlier, the current planning proposal differs from the prior approval referenced 21/500187/PNOCLA with regard to the internal alterations, the removal of the porch on the west elevation and the store on the southern elevation, and the addition of the utility, storage area and garage to the eastern elevation.
- 6.05 As it stands and taking into consideration the high court judgement relating to the fallback position of the prior notification, I consider the prior approval has a reasonable chance of being implemented. In this context the loss of the existing employment use is accepted.
- Conversion of the rural building (DM31)**
- 6.06 Policy DM31 (Conversion of Rural Buildings) of the Maidstone Borough Local Plan 2017 states, 'Outside of the settlement boundaries as defined on the policies map, proposals for the reuse and adaptation of existing rural buildings which meet the a number of criteria will be permitted. These criteria include that proposals for the

re-use and adaptation of existing rural buildings for residential purposes will not be permitted unless every reasonable attempt has been made to secure a suitable business re-use for the building and there is sufficient amenity space for future occupiers’.

- 6.07 In the context of the fallback position mentioned above, it is not considered that evidence of the possibility of an alternative business use is required in this case. It is considered that the proposal will provide sufficient amenity space for future occupiers’

Design/layout/landscaping/visual amenity

- 6.07 SP17 sets out that development in the countryside will not be permitted unless it accords with other policies in the plan and would not result in harm to the character and appearance of the area. Policy DM30 encourages development proposals of high quality design, which enhance local distinctiveness with regard to type, siting, materials and design, mass and scale of development. New development is encouraged to be located adjacent to existing buildings or unobtrusively located and well screened with appropriate vegetation.
- 6.08 The existing building although in office use is residential in appearance and is surrounded by other similar two storey residential buildings with pitched roofs, garages and gardens. The bulk of the building will remain the same in terms of bulk, massing, height and materials, thereby reducing any potential additional impact on the character of the surrounding area.
- 6.09 The building itself would undergo some internal alterations from the previously approved prior notification. The internal layout on the ground floor would comprise alterations from three offices, a large reception area and a kitchen to living accommodation befitting a residential property. The internal layout on the first floor would comprise the alteration from four offices, kitchen and bathroom facilities to four bedrooms and two bathrooms.
- 6.10 The proposal would include a new garage and storage area, with a separate utility room on the eastern elevation. In addition, the porch on the west elevation and the store (currently used to house additional office equipment and paper width of 8 metres, a depth of 3.5 metres and a flat roof with a height of 2.5 metres) sited on the southern boundary of the site directly behind the offices would be removed. The external walls along the boundary would remain in order to minimise any impact on the neighbouring properties, and the building would be replaced with a patio.
- 6.11 The building would not be hugely altered on the elevations, and the main entrance would still be located on the northern side. Two velux windows are currently located in the roof. PV panels would be located below these windows on the southern elevation. The appearance of the PV panels is acceptable and they are not considered visually intrusive.
- 6.12 I note the proposed garage would be located at the top of the driveway. It is of a modest size with a flat roof and, from the front elevation where it would be more visible from public vantage points, it would be a relatively unobtrusive addition.
- 6.13 In terms of the landscaping, an amenity area of approximately 135 square metres would be proposed on the western side of the application site. This would involve the loss of three parking spaces, and the original garage located in the western corner of the site would be converted to a small gym and home work station. This would allow the hardstanding to be replaced with an amenity area.
- 6.14 A landscaping scheme will be requested by condition to ensure the use of native species which would be in compliance with the Maidstone Landscape Character Guidance. In addition, the hedge along the eastern boundary would need to be

protected during construction and this could be dealt with by condition. This would be considered acceptable in policy terms and would conserve and improve the Teston Valley Side landscape character, in line with the guidance outlined in the Maidstone Landscape Character Assessment.

Heritage

6.14 Policy DM4 sets out the importance of assessing the impact of future development against heritage assets.

6.15 The application site is located within a group of residential properties set in a triangular formation and accessed via Church Street. The Teston Conservation Area runs parallel with the eastern boundary of the access road encompassing the Social Club and extending across the front of the site access westwards before doglegging northwards between White House (the closest listed building to the application site) and Ragstones both of which are located to the north of Church Street opposite the site access.

6.16 White House is a Grade II listed building with the following listing:

CHURCH STREET TQ 75 GM TESTON (North Side) 2/242 The White House GV II Public house, now house. Later C18. Pebbledashed. Gable end weather- boarded above wall-plate. Plain tile roof. 2 storeys on rendered plinth. Gabled. Projecting brick gable end stack to right gable end. Regular 3-window front of 12-pane sashes. One 12-pane and one 16-pane sash to ground floor. All windows in open boxes. Central ribbed door in gabled rendered porch. Weatherboarded lean-to garage to left. Short 2-storey rear wing to right, tile-hung on first floor, with hipped roof. Interior not inspected. Included for group value.

6.17 The building to be converted has been in existence for some 30 years. Over the years that the business has been in use, the number of staff employed has fluctuated to up to 12. As such, the change in the use of the building from business use to that of a residential property would be likely to see a reduction in traffic movements to and from the site. In terms of changes to the site, a new garage/storage area and utility room are proposed to the east of the host property.

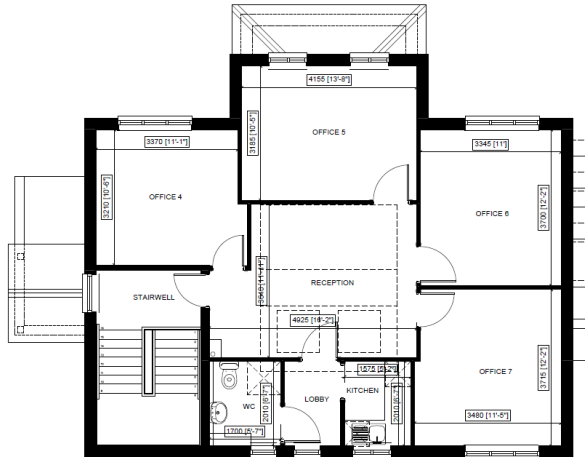
6.18 Despite its position at the top of the access road, its single storey, flat roofed design would result in an unobtrusive form that would have a relatively low impact on the character of the Teston Conservation Area. In addition, the loss of the parking spaces and hard standing, and the formation of an external amenity area would be unlikely to be visible from public vantage points due to the hedging on either side of the access road. In terms of the main building form, no significant alterations are proposed.

6.18 The White House is the closest listed building to the application site, and is located across the road from its access. The construction of the new garage/storage area and utility room to the east of the host property would be visible from the access, however, the modest form and distance from the road (some 40 metres) would result in the built form having a negligible impact on the setting of the listed building. The change of use of the application site would be likely to result in a decrease in traffic movements to and from the site, which would be beneficial to the locality. The alterations to the external area would be unlikely to be visible from public vantage points. As such the overall impact on The White House would not cause harm to the setting of the listed building.

Residential amenity

6.19 Policy DM1 sets out the importance of respecting the amenities of occupiers of neighbouring properties and uses and providing adequate residential amenities for future occupiers of the development by ensuring that it does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular

movements, overlooking or visual intrusion. The built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.



First floor plan of the existing office



First floor plan of the Prior Notification approval



First floor plan of the current proposal

6.20 The location of the property is unusual, in that it is surrounded by dwellings and, as such, has the potential to overlook them. Properties to the northeast (Roseway,

The Street) and northwest (Trevu, Church Street) are approximately 13 metres and 16 metres respectively from the property. The original building had four windows serving three offices. The prior notification resulted in planning permission for four windows serving three bedrooms. The proposed development also has four windows serving three bedrooms. Due to the siting of the neighbouring properties to the northeast and northwest, views to them from the front-facing bedroom windows would be oblique.

- 6.21 The neighbours to the south of the site (Hillview and Clayton, Tonbridge Road) would be located approximately 22 metres from the application property. There are four windows on the rear elevation of the office facing these properties. They currently serve (from left to right) a WC, lobby, kitchen and office. The prior notification approved the first three windows serving a bathroom and the fourth window serving a bedroom. The current application would also result in the first three serving bathroom windows which would be obscure glazed and fixed shut below 1.7 metres by condition. The fourth window would serve a bedroom. Originally, there was a single storey extension at the rear of the garden serving Clayton. This storage building would be removed but the walls would be retained in order to maintain the same boundary treatment with minimal disruption to the neighbour.
- 6.22 The nearest neighbours to the east of the application site would be Vine Cottage (17 metres away) and Orchard Close (27 metres away). There are no windows currently on the first floor of the eastern elevation of the office, and none are proposed. It should be noted that no further windows can be added to the flank walls of the property as permitted development under Class 1 Schedule 2 of the GPDO does not apply to properties that have acquired planning permission under Class 3 Part Q of the GPDO.
- 6.22 The nearest neighbours to the west of the application site would be Carol Cottage (17 metres away) and Four Throws (23 metres away). There is a landing window on the western elevation which can be obscure glazed by condition as it is not a habitable room. As stated earlier, this property does not benefit from Permitted development rights so no further development can be carried out without planning permission.
- 6.23 I note that there is a window serving a gym on the south elevation, opposite Tilden. However, this window is high level and would be 1.8 metres from the floor of the gym to the cill level. As such, no overlooking issues could occur. On this basis, it would not be reasonable to obscure glaze the fenestration. However, the window could be fixed shut to prevent auditory noise.
- 6.24 There are velux windows in the roof of the property. This roof has been used for storage purposes, not a habitable room. A section has been submitted to demonstrate that the windows are over 1.7 metres in height so, any impact in terms of overlooking would be alleviated.
- 6.25 The new flat roofed garage would be located approximately 7.0 metres from Roseway and Vine Cottage, The Street. Although the adjacent rear gardens aren't deep, the low-lying, flat roof of the garage and this orientation (to the west) would result in a sufficiently modest development that would not result in a loss of amenity to the properties.
- 6.26 In terms of overbearance and overshadowing issues, as the building is already in existence, impact on the neighbouring properties has already been established.

Biodiversity

- 6.27 Policy DM3 sets out the importance of protecting the natural environment and providing net gain for biodiversity from development carried out.
- 6.28 The application represents a relatively small-scale development. The majority of the site is currently hard landscaping although the hedging around the perimeter of the site is of value. The incorporation of a garden area within the application site would benefit biodiversity.
- 6.29 A neighbour commented on hedgehogs in the locality and requested gaps in boundary fencing to accommodate them. I note that biodiversity enhancements have been identified on the submitted plans which include the following: deadwood pile, bumble bee box, water butt, hedgehog pass, house sparrow box, bat box, insect house. These enhancements are welcomed, but further information is required for some of the details, for example, the heights of the bird/bat boxes. However, this information can be acquired by condition.

Highways/access/parking

- 6.30 Policy DM1 and DM23 relate to the provision of a minimum of two independently accessible car parking spaces for the property as set out in appendix B. The policy sets out that the following provisions should be made for new development relating to proposals for four bedroom properties: rubbish and recycling bins, cycle storage, electric charging point.
- 6.31 There would be sufficient space on the application site to provide the appropriate number of car parking spaces for a four bedroom dwelling. There are two parking bays on the side of the access road, a garage or, if it is used as storage, there is room for a vehicle to park in front of it. I note there are two cycle spaces in the garage. The minimum standards as set out by the Kent and Medway Structure Plan 2006: SPG 4 is four. However, the additional cycle storage can be requested by condition, along with details of bin storage and electric vehicle charging point.
- 6.32 In terms of the access, this would remain unchanged. KCC Highways have indicated that the access is safe, and there is no reason why the change of use of the building would result in highway safety being compromised.

OTHER MATTERS

- 6.33 Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
- 1.necessary;
 - 2.relevant to planning;
 - 3.relevant to the development to be permitted;
 - 4.enforceable;
 - 5.precise; and
 - 6.reasonable in all other respects.
- 6.34 Each of these 6 tests need to be satisfied for each condition that an authority intends to apply to a decision.
- 6.33 The Parish Council have requested that conditions are added relating to the following:
- the limitation of occupants to a single family,
 - control of music playing in the gym,
 - obscure glazing high level window of gym
 - The removal of Permitted Development rights on the property

- 6.34 The application is reported to the planning committee as the requested conditions do not pass the six tests as set out in the NPPF.
- The limitation of occupants to a single family would not be necessary as any further conversion of the property into separate units would require separate planning permission. The occupation of the dwelling as approved by separate families living together as a single household would be unreasonable as there is no such restriction on any residential property. The density of the occupation will be determined by the size of the dwelling (number of bedrooms etc) and there is nothing to suggest that occupants from different families sharing the property would make more noise than a single family. In addition, there would be no reasonable way of enforcing this condition as it may restrict family visits, or extended family living together, for example.
 - The proposal is for a residential use in a location surrounded by existing residential uses. The range of other commercial uses that the building could be used for without planning permission has been outlined earlier in this report. The assumption that there would be noise coming from the gym is unreasonable and that the chance of this happening is the same as loud music coming from any other of the surrounding properties or a car parked on the road. Unreasonable noise from any residential property can be investigated by Environmental Protection under alternative legislation and, as such, the imposition of a condition would not be necessary in this case.
 - The window serving the gym is located at a high level and as a result the views from the window would be upwards, in these circumstances a requirement to fit obscure glazing would be unreasonable. In most cases it is considered unreasonable to require normal windows (non high level) at ground floor level to be fitted with obscure glazing as views from ground floor windows are restricted by boundary fences, outbuildings and landscaping.
 - Whilst dwellings that have been converted through the prior approval system do not benefit from permitted development for further extensions, in this case the prior approval is just the fallback position and the current application relates to a separate planning application. As a result a condition restricting permitted development is appropriate.

CIL

- 6.35 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

- 6.36 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 application is pre-dated by an extant permission to change the use of the existing offices for residential purposes. While there would be a loss of business use to the locality which would be contrary to policy DM31, the fall-back position relating to the approval of the Prior Notification could reasonably take place if this application is refused. The design and layout would be acceptable, resulting in negligible impact on the setting of the listed building (The White House) and the character of the Teston Conservation Area.
- 7.02 I consider the current application would have more positive benefits for future occupiers by the reduction of excessive car parking spaces and hard standing, and the incorporation of an external amenity area with increased landscaping and varied benefits in relation to biodiversity.

- 7.03 I note the objections from neighbours with regard to privacy and noise issues, however, the views from the windows at the front elevation of the property would be oblique, three of the windows on the rear elevation would service non-habitable rooms and could be obscure glazed and fixed shut by condition, and the fourth window would be a sufficient distance for any impact on these grounds to be minimised. Finally, the gym window would be high level so alleviating any issues with regard to privacy, although it could be fixed shut to counteract any potential noise issues.
- 7.04 The alterations requested are minor in comparison to the extant Prior Notification application. On balance, the development is considered acceptable subject to conditions relating to landscaping, biodiversity, bin and cycle storage and an electric vehicle charging point.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

31 Mar 2021	Application Form
02 Jun 2021	WH-010A Proposed Elevations
02 Jun 2021	WH-011A Proposed Home Office / Gym Floor Plan and elevations
31 Mar 2021	WH-020 Fence and Ecological Enhancement Details
02 Jun 2021	WH-07A Proposed Site Plan
31 Mar 2021	WH-08 Proposed Ground Floor Plan
31 Mar 2021	WH-09 Proposed First Floor Plans
31 Mar 2021	Planning Statement
31 Mar 2021	WH-01 Existing Location/Site Plan
02 Jun 2021	WH-023 Part section through roof

Reason: To clarify which plans have been approved.
- 3) The external facing materials for the garage hereby permitted shall match those used on the existing building.
Reason: To ensure a satisfactory appearance to the development.
- 4) Before the single storey extension hereby approved reaches slab level, a method statement for the demolition of the storage building to the south of the site will be submitted to, and approved in writing by, the Local Planning Authority. The demolition works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for the control of dust and the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.
Reason: To ensure the construction of development does not result in highway safety or inconvenience to neighbouring properties.
- 5) The approved details of the parking/turning areas shall 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.

- 6) Before the development hereby permitted is first occupied, the proposed bathroom windows on the south elevation shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3 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;

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

- 7) The dwelling hereby approved shall not be occupied 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, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, implementation details and a [5] year management plan. No sycamore trees shall be planted and plastic guards should not be used. The landscape scheme shall specifically address the need to provide native planting and boundary treatment to allow small mammals the ability to roam.

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

- 8) The dwelling hereby permitted shall not be occupied until all planting, seeding and turfing specified in the approved landscape details has been completed. 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, 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.

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

- 9) The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

- 10) Notwithstanding the biodiversity details submitted, the development hereby approved shall not commence above ground level until details of a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one method integrated into the building structure such as swift bricks, bat tubes or bee bricks, and additionally through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. In addition, the new timber boundary treatments will include gaps for the passage of wildlife through the site and neighbouring gardens. The development shall be implemented in accordance with the approved details prior to first use of the building and all features shall be maintained permanently thereafter”.

Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 11) Prior to the development hereby approved reaching slab level a scheme for (a) the storage and screening of 4 bicycles, refuse bins, and (b) the collection of refuse bins shall be submitted to and approved by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby approved, and maintained thereafter.

Reason: In the interests of amenity and the street scene.

- 12) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given building 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 policies within the NPPF.

- 13) No additional windows, doors, voids or other openings shall be inserted, placed or formed at first floor level or above at any time in the east and west facing walls of the building hereby permitted;

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

- 14) Before the development hereby permitted is first occupied, the proposed bathroom windows on the south elevation shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3 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;

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

- 15) 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 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 existing and prospective occupiers.

INFORMATIVES

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

- 2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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.

- 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.

Case Officer: Jocelyn Miller