

APPLICATION: MA/10/0202 Date: 2 February 2010 Received: 23 February 2010

APPLICANT: Mr N Piper, U Fit Conservatories Ltd

LOCATION: SHARP HOUSE, TOVIL GREEN, TOVIL, MAIDSTONE, KENT, ME15 6RL

PARISH: Tovil

PROPOSAL: Planning application for erection of 14 dwellings as shown on drawing numbers GPM2 014/02, GPM2 014/03, GPM2 014/04, GPM2 014/05 and GPM2 014/06 and design and access statement received on 23/2/10 as amended by drawing numbers GPM2 014/01 and GPM2 014/06 and design and access statement received on 16/7/10 and viability appraisal received on 13/8/10.

AGENDA DATE: 25th November 2010

CASE OFFICER: Peter Hockney

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by Tovil Parish Council

1 POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13, CF1
Open Space DPD 2006
South East Plan 2009: CC1, CC4, H4, H5, T4, NRM4, BE1
Government Policy: PPS1, PPS3, PPG13, PPS23, PPS25

2 HISTORY

MA/07/1384 Erection of eleven houses – APPROVED WITH CONDITIONS.

MA/06/1809 Erection of twelve dwelling houses. Resubmission of MA/06/1303 – WITHDRAWN.

MA/06/1303 Erection of twelve houses – WITHDRAWN.

3 CONSULTATIONS

3.1 Tovil Parish Council wish to see the application REFUSED stating:-

'Tovil Parish Council recommends refusal of this application for the following reasons:

- Over development of the site
- Further deterioration in existing garden space

The site has planning permission for 11 units giving a density of 57 units per hectare. This new application would result in a density of 70 units per hectare. This is far outside government guidelines as set out for previously developed brownfield land as mentioned in PPS3 Housing para 41. It also stipulates that densities should be at least 30 units per hectare whilst giving some flexibility in density permissions.

The South East Plan 2009 Policy H5 housing design and density states that the average density for the region is now increased to some 40 units per hectare in the context of high quality design.

It is for all the above reasons that Tovil Parish Council recommends refusal of this application.

If Officers are mindful to approve the application Tovil Parish Council requests that it is brought before the Maidstone Borough Council Planning Committee.'

3.2 Mouchel on behalf of KCC have requested the following contributions:-

- £806.86 for improving library bookstock;
- £277.04 for adult social services;
- £4462.50 in total for the provision of (part thereof) a Youth Worker.

No contributions are sought for adult education, primary or secondary education.

3.3 West Kent PCT have requested a contribution of £12,960 towards providing healthcare including The Vine GP surgery and other healthcare services such as dentists and acute secondary care.

3.4 EDF Energy have no objections to the application.

3.5 Southern Gas Networks raise no objections to the application.

- 3.6 **Southern Water** confirm they can provide foul drainage to the development and recommend an informative be added to advise the applicant to contact Southern Water with a view to connecting to the main sewer system.
- 3.7 **MBC Parks and Public Open Space** request a contribution of £22050 (£1575/unit) towards the improvement of some or all of the nearby existing open spaces (within 1 mile) to accommodate the additional usage created as a result of this development. The list of identified open spaces is set out below and includes the different types of open spaces identified with the Council's Green Spaces Strategy:-
- Woodbridge Drive Play Area
 - Millers Wharf
 - Bridge Mill Way Open Space
 - The River Medway path
 - South Park
- 3.8 **MBC Environmental Health Manager** recommends conditions with regard to land contamination and landfill gas as well as informatives.
- 3.9 **MBC Conservation Officer** raises no objections with regard to the setting of the adjacent Grade II listed buildings 1-4 Old Cottages, Tovil Green.
- 3.10 **MBC Property Services Manager** has examined the submitted financial appraisal and notes that there are no professional fees built into the appraisal. Even without the professional fees the scheme 'does not work financially' on the basis of the land value that the applicant has purchased the site for.
- 3.11 **Kent County Council Highway Services** were consulted and have no objections to the application in respect of highway matters.

4 REPRESENTATIONS

- 4.1 Neighbouring occupiers were notified and two letters of objection have been received on the following grounds:-
- The proposal is over development of the site;
 - There are existing parking problems within the locality and these will be exacerbated by this proposal.

5 CONSIDERATIONS

5.1 Site Description

- i. The site is located in Tovil Parish and the urban area of Maidstone, with three frontages to Tovil Green (to the south), Launder Way (to the east) and Bridge Mill Way (to the north).
- ii. The site, which extends to 0.19ha, previously contained a large industrial building with the rest of the site covered by hard surfaced car parking. The building has since been demolished and the land is vacant.
- iii. The surrounding area of this part of Tovil is predominantly residential in character with a mix of housing styles.
- iv. There is a terrace of Grade II listed dwellings to the south west of the site, 1-4 Old Cottages, with residential development immediately to the west. The listed terrace to the west of the site is modest in scale, being white weatherboarded with a clay tiled roof. The area is wholly residential in character.
- v. The site itself is very constrained by its long thin shape, its proximity to the listed terrace and the abrupt 4m embankment which separates the site from the residential development in Higham Close to the west. There is a retaining wall to the rear of the site, which projects forwards, to narrow the site. Surrounding development is mostly residential. There is a large housing estate to the east and north constructed in the late 1980s. Residential development along Tovil Green is older and more varied in appearance.
- vi. The site is located within walking distance of many local services, including a supermarket and school. Buses run along Farleigh Hill, approximately 400m from the application site.

5.2 Proposal and Background

- 5.2.1 This is a full planning application for the erection of 14 dwellings, four 2 bedroom properties and ten 3 bedroom properties. There would be a detached dwelling and a pair of semi detached dwellings fronting Tovil Green. A terrace of seven dwellings and a pair of semi detached properties fronting Launder Way with a further pair of semi detached dwellings at the junction of Launder Way and Bridge Mill Way.
- 5.2.2 Planning permission has already been granted for 11 dwellings on the site under reference MA/07/1384. This application was reported to Planning Committee on 11 October 2007 where Members gave Delegated Powers to permit subject to revised garage details, no objections from the Highway Authority and exploration

of sustainable construction methods. These details were acceptable and the application was subsequently approved. This permission remains extant and could be implemented. This fall back position is a material consideration in the determination of this planning application.

- 5.2.3 The key differences between the approved scheme and the current scheme are:-
- The increase in the number of units proposed from 11 to 14 is a clear change.
 - The additional three dwellings are effectively, plot 2, which has been created by reducing the size of plot 3 and creating a pair of semi detached dwellings rather than a detached dwelling.
 - An additional terraced property creating a terrace of seven rather than six.
 - A pair of semi detached dwellings rather than a detached dwelling between the terrace of houses and the semis that front the junction of Launder Way and Bridge Mill Way.
 - The projecting garages have been taken off the front elevation of the terraced properties as have the Juliet balconies.
- 5.2.4 All the dwellings would be two storeys in height with some utilising the roofspace for additional accommodation with dormer windows. There would be 10 three bedroom dwellings and 4 two bedroom dwellings.
- 5.2.5 There would be 17 car parking spaces for the 14 units proposed as part of the development (the previous application proposed 11 spaces for 11 dwellings). Each property would have at least one car parking space (plots 1 and 2 would have two spaces on a drive, plots 3-10 would have one space on a drive, plot 11 would have one space in a garage and one on a drive, plots 12-14 would have one space in a garage although the garage spaces are below the recommended size).

5.3 Principle of Development

- 5.3.1 The site is previously developed land within the urban area of Maidstone. Therefore the site is acceptable for residential development in accordance with national guidance in PPS3 and Development Plan policies. When previous planning permission was granted there was a minimum density of 30 dwellings per hectare but now the minimum density has gone in the revised PPS3.
- 5.3.2 The site is vacant and is not protected employment land (in terms of the Local Plan) and as such there is no barrier to residential development. Furthermore, this is demonstrated by the granting of permission MA/07/1384.
- 5.3.3 The density of the proposed development is approximately 74 dwellings per hectare. This is considerably above the minimum density of 30 dwellings per hectare recommended in PPS3. However, these recommendations are minimum densities and higher densities are acceptable in urban areas. The critical

assessment on density is the impact on the character and appearance of the area. This development is a mix of terraced and semi detached family dwellings, which is similar in terms of the form and layout of the development in the surrounding roads. As such I do not consider that this is overdevelopment of the site.

5.3.4 Furthermore, I consider that this is a site within a sustainable location. As stated, the site is within walking distance of a supermarket, industrial areas, schools and the town centre can be reached by foot (although approximately 1.5km from site) or by bus, which runs along

5.4 **Visual Impact**

5.4.1 The surrounding area is predominantly residential with a mix of size and type of property but generally a mix of terraced and semi detached properties.

5.4.2 Although there is an increase in the number of units by 3 houses, the proposed development is essentially the same design and layout as previously approved under MA/07/1384. There is a row of terraced properties being the main feature along the Launder Way with a pair of semi detached dwellings at the junction of Launder Way and Bridge Mill Way. The main differences are the additional three dwellings being, plot 2, which has been created by reducing the size of plot 3 and creating a pair of semi detached dwellings rather than a detached dwelling, an additional terraced property creating a terrace of seven rather than six and a pair of semi detached dwellings rather than a detached dwelling between the terrace of houses and the semis that front the junction of Launder Way and Bridge Mill Way. The projecting garages have been taken off the front elevation of the terraced properties as have the Juliet balconies.

5.4.3 The detached dwelling on plot 1 would be read in the context of the listed terrace adjacent. It would be constructed on an existing terraced area, bounded by a retaining wall, which is approximately 2m higher than the remainder of the site, yet lower than the ground level of the listed terrace. The listed terrace is set back from the road behind a low fence and hedging. The front elevation of the proposed dwelling on plot 1 would be set 13m to the front of the listed terrace, 8.5m back from the edge of the road. The size of this dwelling is also modest. The ridge of the roof, which is shown to be approximately 8.5m high, to ensure that there would be a step change in building heights between the listed terrace, plot 1 and plot 2, reflecting the gradient at this point. The gradient has also been used to set the garage into a basement area, making best use of the land available and reducing its visual impact. It is considered that this building has been sensitively designed and would not prejudice the setting of the listed terrace. The Conservation Officer has raised no objections to the proposal.

- 5.4.4 The mixed nature of the residential character means that the area does not have a uniform pattern or form. To develop this site the proposal addresses all three road frontages and is of a scale that is comparable with the surrounding development.
- 5.4.5 The pair of dwellings on plots 2 and 3 occupies a corner site, its front and side elevation being prominent in views travelling north east and south west along Tovil Green. These dwellings would be approximately 8m in height. They have been designed to be of traditional proportions and detailing, incorporating a bay window and gable to the front across both storeys. Visual interest has been added to the side elevation with a ground floor bay, entrance door as well as first floor windows. The driveways would be provided to the sides of the properties, which would ensure that the corner was a green front garden and there would be visual separation between these dwellings and the adjacent terrace. It is considered that the design of this dwelling is of an appropriate quality and detailing for this prominent location given its context, and there are sufficient areas of landscaping proposed to allow for it to be successfully assimilated into the street scene.
- 5.4.6 Seven dwellings are proposed in the terrace fronting Launder Way. The main part of the building has been set back 6m from the edge of the path; however, each house would have a driveway to the front. The terrace would have a constant ridge level but would vary in height from approximately 10m at the southern end to 9m at the northern end due to the rise in land levels. The terrace has been visually broken up with a rendered façade to the dwelling on plot 7, similar to that approved under application MA/07/1384. This proposed terrace would integrate well into the surrounding area and would be acceptable in the street scene. The loss of the projecting garages from the previous approval has led to the ability to increase the level of landscaping proposed being front garden areas including street trees and boundary hedgerows.
- 5.4.7 The pair of semi detached dwellings at plots 11 and 12 would integrate well with the adjacent terrace. Plot 11 would be linked to the terrace by a single storey attached garage. This would have a flat roof which would be used as a roof terrace for the occupiers. The height of plot 11 would be approximately 8.5m and therefore slightly below that of the adjacent terrace. The dwelling at plot 12 would be again lower in height than plot 11 approximately 7.5m. The northern end of the property would be a two storey gable to act as an end point to the two storey part of the development. Attached to plot 12 would be two single storey garage buildings with a flat roof. This would ensure that adequate spacing at first floor level is created between the dwelling at plot 12 and the rear of the dwellings at plots 13 and 14. These two dwellings would integrate well with the remainder of the development and be acceptable in the street scene.

5.4.8 The pair of semi detached properties that would front Bridge Mill Way would be plots 13 and 14. These would be read alongside the dwellings on Bridge Mill Way. The dwellings proposed would be 8.9m in height with a projecting front gable. The first floor external area would be rendered. These dwellings would be positioned in front of the other properties in the road. However, there is no definitive building line and the mixture of properties within the area means that there is differing set backs from the road. The proposed properties would retain a significant front garden and would be in the same location as the pair of semi detached properties permitted under MA/07/1384. The scale and design of the buildings are considered appropriate in their context.

5.4.9 Improvements have been made to the scheme following negotiations with the applicant to ensure that the plots at the corners of Launder Way and Bridge Mill Way/Tovil Green are both double fronted properties. This would result properties that have a presence to all street frontages, that provide visual interest and also that prevent harsh blank flank elevations. In addition, further landscaping has been secured along Launder Way to the flank of plot 13 and the front gardens of the row of terraced properties. These improvements would result in a better development with a softer setting assisting in 'greening up' the area. The amount and variation of landscaping is greater under this proposal than that approved under MA/07/1384.

5.4.10 Overall, the proposed layout would retain adequate space around the dwellings and would not appear cramped. The additional landscaping proposed would provide a soft setting to the development and would assist in 'greening up' the area.

5.5 **Residential Amenity**

5.5.1 The surrounding area is predominantly residential with dwellings surrounding the site as well as on the opposite side of Launder Way.

5.5.2 The front of the terraced dwellings would look towards the rear garden areas of the dwellings on the opposite side of Launder Way. Any views would be over a distance of 20m and over a public highway. Therefore it is not considered that the amenity of the occupiers of these dwellings would be harmed through either levels of privacy, light or outlook.

5.5.3 The dwellings to the west of the site are in Higham Close and are located approximately 4m above the application site. This difference in land levels and the significant tree and shrub planting along the boundary would ensure that there would be no harm to the amenity of occupiers from either levels of privacy, light or outlook.

5.6 **Highways**

- 5.6.1 There would be no new roads created as part of the proposal. The access points from the driveways would be in approximately the same places as the previously approved application MA/07/1384. The access arrangements, being essentially the same as the approved development would not result in a significant impact on highway safety.
- 5.6.2 The proposed level of car parking would result in 17 car parking spaces for the 14 dwellings, previously there was 11 spaces for the approved 11 dwellings. The dwellings of plots 1 and 2 would have two spaces on a drive, plots 3-10 would have one space on a drive, plot 11 would have one space in a garage and one on a drive, plots 12-14 would have one space in a garage. The garage spaces for plots 12, 13 and 14 are smaller than the recommended size. However, even if these garages are not used for the parking of cars the on street parking of vehicles in this location would not result in any significant highway safety issues. This level of parking is appropriate for development of this scale and type on the edge of the town with good bus services into Maidstone and the level of amenities in the area.
- 5.6.3 There are no parking restrictions in the area and therefore any visitor parking could be accommodated on street without resulting in any hazards to highway safety.

5.7 **Landscaping**

- 5.7.1 The proposed scheme includes a scheme of landscaping, in particular to enclose the front garden areas with hedgerows and provide trees in the larger areas. These hedgerows and trees soften the appearance of the development and assist in the screening of the rubbish and recycling bin storage areas for the terraced properties.
- 5.7.2 The hedgerow proposed down the side of plot 13 provides a natural screen for this properties rear garden and assists in further breaking up the flank of the property.
- 5.7.3 The landscaping for this development has been improved when compared to the extant planning consent of MA/07/1384 and would provide a good setting to the development.

5.8 **Other Matters**

5.8.1 **Ecology**

5.8.2 There are no significant ecological issues with regard to the site. Ecology was not a determining issue in the previous application and there have been no significant changes in the circumstances of the site in the intervening period.

5.8.3 **Contributions**

5.8.4 The proposed development would result in fourteen new residential units in the area. Policy CF1 of the Maidstone Borough-Wide Local Plan (2000) seeks the provision of or contribution to new community facilities, whilst the Council's Open Space DPD adopted in December 2006 seeks the provision or contributions towards all forms of public open space.

5.8.5 The development falls below the threshold for requiring affordable housing. However, there would be a requirement for contributions towards public open space (£22,050), healthcare (£12,960) and to KCC for adult social services (£277.04), libraries (£806.86) and youth & community (£4,462.50 in total for a Youth Worker).

5.8.6 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criterion that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.8.7 The existing permission included conditions requiring the applicant to enter into a legal agreement to provide contributions towards public open space and primary healthcare.

As can be seen from the above, Maidstone Borough Council Parks and Open Space Officer was consulted and has requested that a contribution of £1,575 per dwelling be made to improve the open space provision within the locality. It has been agreed that this money would be spent to improve the open space facilities within immediate area with priority going to existing open spaces in South Ward. As this permission would see the provision of dwellings, I consider that they are capable of being suitable for family accommodation. I therefore am of the opinion that providing these contributions would not only be in accordance with the Councils adopted Development Plan Document (DPD) but the three tests set out above.

5.8.8 The Primary Health Care Trust have requested contributions of £12,960 towards the provision of healthcare. There are a number of GP Surgeries in the vicinity

The Vine Medical Centre and Lockmeadow Clinic less than 0.5 miles from the site, however, these either require a walk across the footbridge over the River Medway and up to Tonbridge Road or a drive through town, in addition the Vine Surgery states on its website that the patient catchment area is only west of the river (thereby excluding Tovil). The next closest surgery is the College Practice on College Road (approximately 0.7 miles away), however, it has been confirmed by the PCT that this could not be extended further. The PCT have confirmed that the surgery at King Street is programming improvement works to accommodate future demand as is the surgery at Holland Road, both approximately 1 mile from the site as is the Northumberland Court Surgery in Shepway approximately 1.8 miles from the site. Therefore the money requested would be spent at one of these three surgeries to offer the choice to the prospective residents of this development. For information the application at Astley House, Hastings Road (MA/10/0594) on the papers contains a proposal for contributions towards the King Street surgery improvements.

5.8.9 Mouchel on behalf of KCC have requested contributions towards adult education (£277.04 in total for Telecare Assistance technology Lifetime Package), libraries (£806.86 towards additional bookstock for the new library) and youth & community (£4,462.50 in total for a Youth Worker). It is clear from the level of the contributions that Mouchel are calculating only for the additional demand on the services that will be generated by this development and not for developments that are already in development, for example the construction of the library facility itself. I consider that the request for contributions meets the tests of the regulations.

5.8.10 The agent for the applicant has submitted a viability appraisal that has been undertaken by Sibley Pares Chartered Surveyors. This appraisal includes the development costs, cost of the site and the Section 106 contributions totalling £24,000. With these costs the potential profit for the site is considerably below the typical profit margin of 17-20% for investment. The Council's Property Services Manager has been consulted on the submission and is in agreement that the scheme would not be viable if all contributions were to be paid.

5.8.11 It is important to encourage development on this derelict urban site. Therefore I consider it appropriate to accept the contributions totalling £24,000. I would suggest the following breakdown of Section 106 costs:-

- £11,458.05 towards public open space to be spent on improvements at one of the following open spaces; Bridge Mill Way Open Space, Woodbridge Drive Play Area, Millers Wharf, The River Medway path, South Park with priority to those in South Ward.
- £11,458.05 towards healthcare to be spent improving either the King Street, Holland Road or Northumberland Court surgeries.

- £277.04 towards Telecare Assistance technology Lifetime Package for adult social services
- £806.86 towards bookstock for the new library at Sandling Road.

5.8.12 The requested contributions to be paid comply with the regulations and are in accordance with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the Open Space DPD adopted in December 2006.

5.9 **Private Amenity Space**

5.9.1 Each of the proposed dwellings would have its own private garden area. The terraced properties rear gardens would typically be 4.8m wide and an average of 8m deep, the other dwellings would have larger garden areas for the provision of outdoor space. These would all be of a reasonable size and whilst the rear gardens of plots 3-9 would have high boundaries on two sides (the embankment, boundary treatment to plot 1 and the rear elevation of the terrace), there would be an open aspect to the south allowing sunlight penetration. The garden for plot 11 would be the smallest but would still provide a patio area and a lawned area for the occupiers' enjoyment. In addition this dwelling would have a roof terrace area above the garage for additional outdoor space.

5.9.2 The level of private amenity space proposed is adequate for these family dwellings and complies with the requirements of PPS3.

5.10 **Sustainable Construction**

5.10.1 The proposed dwellings would be constructed to achieve level 3 on the Code for Sustainable Homes. This is in accordance with the Council's aims and approach to sustainable construction and Central Government guidance contained within PPS1.

6 **CONCLUSION**

6.1 The proposed 14 dwellings would be located on previously developed land within the urban confines of Maidstone and as a result the principle of this residential development is acceptable. The proposal would represent a density of 74 dwellings per hectare, which is above the minimum required by PPS3, however, it would not appear out of context in the surrounding area. There is an extant planning permission, MA/07/1384, which is a strong material consideration when determining this application.

6.2 The development would be constructed in a way that would enhance the character of the surrounding area and would be improved further with additional landscaping and the creation of green front garden areas where possible. The

development would not visually detract from the setting of the nearby listed buildings and the Conservation Officer raises no objections to the development.

- 6.3 There would be no significant highway issues resulting from the development and the level of car parking (17 spaces for 14 dwellings) would be appropriate for this edge of town location.
- 6.4 It has been demonstrated by the applicant that the scheme is not viable if all the contributions that are sought are paid. However, following negotiations the applicant is able to enter into a Section 106 to provide the following contributions towards public open space (£11,458.05), healthcare (£11,458.05), adult social services (£277.04) and libraries (£806.86).
- 6.5 Overall, the proposal, whilst an increase in the number of dwellings from the previous approval it would provide a good quality development that would enhance this part of the town and utilise a currently derelict site.

7 RECOMMENDATION

SUBJECT TO:

- A: The prior completion of a legal agreement to secure;
- Contributions for MBC Parks and Leisure. This would consist of a contribution of £11,458.05 towards the provision or improvement of Open and Green Spaces listed below with priority to those in South Ward.
 - Bridge Mill Way Open Space
 - Woodbridge Drive Play Area
 - Millers Wharf
 - The River Medway path
 - South Park
 - Contributions for healthcare. This would consist of a contribution of £11,458.05 towards the improvements of either the King Street, Holland Road or Northumberland Court surgeries.
 - Contributions for KCC libraries. This would consist of a contribution of £806.86 towards bookstock for the new library.
 - Contributions for KCC adult social services. This would consist of a contribution of £277.04 towards Telecare Assistance technology Lifetime Package.

The Head of Development Management be given DELEGATED POWERS to 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:
GPM2 014/01 Rev A, GPM2 014/02, GPM2 014/03, GPM2 014/04, GPM2 014/05, GPM2 014/06 Rev A;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers. This in accordance with policy H5 of the South East Plan (2009) and guidance contained in PPS1 and PPS3.

3. No development shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building 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 in accordance with policy H5 of the South East Plan (2009) and guidance contained in PPS1 and PPS3.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management;

Reason: No such details have been submitted pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; 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 setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

6. No development shall take place until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with policy H5 of the South East Plan (2009) and guidance contained in PPS1 and PPS3.

7. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawings;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with policy H5 of the South East Plan (2009) and guidance contained in PPS1 and PPS3.

8. The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that (at least) Code Level 3 has been achieved;

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

9. No development shall commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment in accordance with guidance in PPS23.

10. No development shall take place until a detailed scheme for the investigation, recording and remediation of gas to safeguard the future occupants of the site has been submitted to and approved in writing by the Local Planning Authority. Such a scheme to comprise:
1. A report to be submitted to and approved by the Local planning authority. The report shall include a risk assessment and detail how on site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported.
 2. Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the Local Planning Authority. The Proposals shall detail sources of best practice employed.
 3. Approved works shall be carried out in full on site prior to first occupation.
 4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme;

Reason: To prevent harm to human health and pollution of the environment in accordance with guidance in PPS23.

11. No development shall take place until a scheme of surface water drainage has 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;

Reason: To ensure adequate drainage arrangements and to prevent localised flooding in accordance with policy NRM4 of the South East Plan (2009) and guidance in PPS25.

12. The area shown on the submitted layout as vehicle parking space or garages shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure adequate parking provision for the development in accordance with policies T13 of the Maidstone Borough-Wide Local Plan (2000) and T4 of the South East Plan (2009).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A and B 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 in accordance with policy H5 of the South East Plan (2009) and guidance contained in PPS1 and PPS3.

Informatives set out below

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard Code of Practice BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

No burning shall take place on site.

Plant and machinery used for demolition and construction shall 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.

No vehicles may arrive, depart, load or unload within the general site outside 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.

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where practicable, cover all loose material on the site during the demolition process so as to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

If any asbestos-containing materials are found, 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.

This permission does not convey any approval for the required vehicular crossing or any other works within the highway which a licence must be obtained. Applicants should telephone 08458 247800 in order to obtain the necessary Application Pack.

Adequate precautions should be taken in order to prevent the discharge of surface water, loose material etc., from the drive area onto the public highway.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.