

APPLICATION: MA/10/1831 Date: 19 October 2010 Received: 11 January 2011
APPLICANT: Mr & Mrs Pocock &, Monro Homes
LOCATION: 21, FRANKLIN DRIVE, WEAVERING, MAIDSTONE, KENT, ME14 5SY
PARISH: Boxley
PROPOSAL: Partial demolition of 21 Franklin Drive and erection of 9 (no) houses with associated access, parking and landscaping.
AGENDA DATE: 3rd February 2011
CASE OFFICER: Richard Timms

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

- It is contrary to the views expressed by Boxley Parish Council

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, T13
South East Plan 2009: SP2, SP3, CC1, CC4, CC6, H4, H5, T4, BE1, BE6, AOSR6, AOSR7
Government Policy: PPS1, PPS3, PPS5, PPS9, PPG13, PPG24

2. HISTORY

MA/10/0951 Partial demolition of no. 21 Franklin Drive and erection of 9 No. dwellings, with associated access, parking and landscaping – WITHDRAWN

MA/08/0740 Formation of access road and erection of nine detached dwellings – WITHDRAWN

MA/94/0982 Renewal of outline planning permission granted under reference MA/89/2295 N for the erection of five dwellings and conversion of existing dwelling into two dwellings – APPROVED WITH CONDITIONS

MA/89/2295 Outline application for erection of 5 detached dwellings and conversion of existing dwelling into two dwellings – APPROVED WITH CONDITIONS

MA/88/1305 Three detached houses – REFUSED

(Nine other applications relating to extensions and outbuildings for the existing dwelling, the most recent being in 2004)

3. EXTERNAL CONSULTATIONS

3.1 **Boxley Parish Council:** Wish to see the application REFUSED and if the Planning Officer is minded to grant permission request that the application is reported to the Planning Committee. Reasons for refusal are;

- Over development of a greenfield site.
- Poor access and egress.
- Adverse impact on the existing properties at Franklin Drive.
- Additional traffic will be introduced on to Grove Green which is already over congested

"If the Planning Officer is minded to agree the Parish Council requests a Section 106 payment towards locally needed improvements. A suitable project is the fixed crossing point needed at Provender Way to allow safe pedestrian movements across this road which is unsafe due to increased traffic on local roads. If you are minded to recommend permission would it be possible to place some form of conditions on the work hours and traffic management of any vehicles connected to the development.

You will see from the planning application response that a fixed crossing point is being considered for Provender Way. The scheme has failed for the past 2 years to get enough points within the current KHS grading system but everyone (including KHS) agrees it is needed and should have been installed years ago.

County Councillor Paul Carter and the Parish Council are now going to foot the bill. The school is so concerned that it has actually agreed to donate £5,000. The Parish Council is allocating £13,000 from reserves and Cllr Carter £11,000, there is however a likely shortfall which the PC will probably have to cover.

How is Franklin Drive connected? Residents from this part of Grove Green use the minor shopping centre which means driving down Provender Way (no local uses Weaving Street). The nearest junction for New Cut Road is also avoided by many locals as it is more difficult to get out and so many use Provender Way to get to the other junction which has a roundabout on it and is closer to the M20."

3.2 **Kent Highways:** No objections subject to conditions securing –

- Parking and turning space;
- Pedestrian visibility splays;
- Closure of the existing access onto the A20; and
- Extension of the existing footway at the western end of the access road to the west of Plot 1.

3.3 **Kent Wildlife Trust:**

"The ecology survey has been compiled by an experienced and reliable ecologist and appears to be sound."

3.4 **UK Power Networks:** No objections

3.5 **Southern Water:** No objections subject to condition requiring surface water drainage details.

"Initial investigations indicate that there are no public surface water sewers in the area to serve the development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer."

"A formal application to Southern Water for connection to the public sewerage system is required"

4. **INTERNAL CONSULTATIONS**

4.1 **MBC Environmental Health Manager:** No objections subject to measures in acoustic report being conditioned.

"The site is bounded by both a busy road and a railway. Further to my earlier comments of 1/12/2010, I note that an updated noise report has now been received, this is the 3rd PPG 24 Assessment Concerning Road Traffic & Rail Traffic Noise Report, by Acoustic Associates Sussex Ltd and dated 22nd November 2010. Previously I noted that the 2nd report, dated 26th May 2010, confirmed that most of the proposed development falls into either NEC "A" or NEC "B", for both day time and night time periods; but the southern façade of Plot 9 falls into NEC "C" for both day and night time periods. However, although the report stated that the noise mitigation measures detailed in it would achieve WHO target internal noise levels for bedrooms and living rooms, it did not address the issue of noise mitigation in relation to the south facing rear gardens; in particular that of plot 9."

"The 3rd report proposes noise mitigation for the outside amenity areas in the form of a 3m high acoustic fence, and Environmental Health accept that this report successfully demonstrates that this mitigation method is likely to reduce the noise to satisfactory levels in outside amenity areas. However, Environmental Health also note that in the rear garden of plot 9 this is a very borderline case for successful mitigation since during the day only certain parts of the garden are likely to be below 55 dB L_{Aeq} (within gardens and outside amenity areas the daytime 0.700-23.00 hours level of noise should not exceed 55 dB L_{Aeq} free field)."

4.2 **MBC Conservation Officer:** No objections.

"Considering the intervening barriers of the rail line, Ashford Road and mature landscaping, these works would appear to be difficult to view from the nearby listed building and registered park – no objections."

5. REPRESENTATIONS

5.1 Eight neighbour representations have been received raising the following summarised points:

- Will detract from overall appearance of the area.
- Loss of trees.
- Object to removal of trees and shrubs.
- Density.
- Loss of privacy.
- Impact on wildlife of which there is a lot.
- Hedge on north boundary should remain to protect privacy.
- Highway safety and parking issues already exist in the area and this would be exacerbated.
- Site will take access off a private road.
- Effect of hard surfacing on drainage and the environment.
- Noise, disturbance and pollution.
- Any restrictive covenants should be considered.
- Potential damage to garden fences.
- Disturbance during construction.
- Land by access has been tended by residents and is their not a law that this becomes owned.

5.2 **CPRE Maidstone** raises the following summarised points:

- Concern over scale and density.
- Plot 9 would be especially vulnerable to noise.
- Attenuated ventilation is likely to use more electricity.
- Greenfield site so any application must be examined in detail to determine their effect on the character and appearance of the locale and in relation to the availability of previously developed land suitable for housing.
- Development appears crowded.
- Parking on internal roadway is likely.
- Adverse effect on the quality of life of existing local residents.

- Will reduce air quality and scope for biodiversity.
- Exacerbate road traffic in the area.
- No immediate requirement for development.
- No requirement for any more semi-detached properties in this part of Maidstone.

6. CONSIDERATIONS

6.1 Introduction

- 6.1.1 This is a full application for the erection of 9 houses with associated access, parking and landscaping at 21 Franklin Drive, Weavering, Maidstone.

6.2 Site Location & Description

- 6.2.1 The site is located within the defined urban area of Maidstone with no special landscape designation. It is the large rear garden of 21 Franklin Drive a detached dwelling with access off Franklin Drive to the north. There is also an access onto the A20 in the southwest corner of the garden where a driveway runs along the west side of the site through to Franklin Drive. The site is classed as greenfield land under PPS3.
- 6.2.2 The site is 2520m² and mainly laid to lawn with tall conifers along its east, south and near its west boundary. There are deciduous hedges along parts of the west and along the north boundary. There are also clumps of trees and shrubs near the west and south sides of the site and some flower beds. There are a number of outbuildings including a double garage, shed and storage containers in the southwest corner and a summerhouse in the northeast corner, and there is a swimming pool near the house. The existing dwelling is a large detached property in the northwest corner with a large extension on its eastern side, which would be removed as part of this proposal. The site generally falls gently southwards by around 2.5m from north to south.
- 6.2.3 The garden is contained by housing on three sides to the north, east and west sides and a railway line and road on the south side. From outside the site its visual contribution is made mainly by the conifer trees but an open area can be appreciated from some viewpoints. The surrounding houses are relatively modern detached and semi-detached houses with their gardens. On the west side of the site the turning head of a cul-de-sac leading from Franklin Drive which serves three houses. To the south of the site is a railway line, which lies in a cutting and the A20 Ashford Road, which bridges the railway line here. Beyond the A20 to the south is Mote Park and the Grade II listed dwelling 'Raigersfeld', just over 40m from the site.

6.3 Proposed Development

- 6.3.1 The proposal is a full planning application for the erection of 9 two storey dwellings (5 detached & 2 pairs of semi-detached), with the existing dwelling being retained but with the eastern extension and swimming pool removed. The density of the development would be 36 dwellings/hectare.
- 6.3.2 The proposal would see the adopted cul-de-sac to the west, extended into the site roughly along the centre with houses located on either side to the north and south. This access would have a width between 4.2m and 5m, and would be finished in concrete paviers for the first 17m where it is intended to be adopted and then resin bonded shingle beyond. The properties on the north side would be set back between 2m and 11m from the access, with the dwellings to the south following a more regular building line ranging from 3m to 8m from the access. Each house would have a private driveway finished in concrete paviers and lawned front gardens with hedge/shrub and tree planting alongside the access.
- 6.3.3 As one enters the site, there would two detached properties on the north side (plots 1 and 2) and a row of three detached properties on the south side (plots 9, 8 and 7). Then beyond at the east end of the site would be semi-detached properties either side of the access (plots 3, 4, 5 and 6).
- 6.3.4 Detached dwellings on Plots 2, 7 and 9 (4 bedroom) would be largely of the same form and design having ridge heights of 7.8m and eaves 4.8m with barn hipped roofs and front and rear two storey projections. Plots 2 and 7 would be finished with brickwork, tile hanging and clay roof tiles and plot 9 would be the same but with a render and mock beams to the front projection. Plot 2 would have a detached garage and plots 7 and 9 would have attached garages to the side.
- 6.3.5 Semi-detached dwellings on plots 3, 4, 5 and 6 (3 bedroom) would be largely the same design and form with ridge heights 7.8m and eaves 4.8m with fully hipped roofs with a front two storey gable projection. They would be finished with brickwork and white stained timber boarding to the front gable and clay roof tiles. Plots 3 and 4 would have attached garages to the side.
- 6.3.6 Detached dwellings on Plots 1 (3 bedroom) and 8 (4 bedroom) would be of different design. Plot 1 would have a ridge height of 7.7m and eaves of 4.8m to the front and 4.2m at the rear with fully hipped roof. It would be finished with brickwork and clay roof tiles. It would have a detached garage and driveway on the east edge of its garden. Plot 8 would have a ridge height of 7.8m and eaves 4.8m with a full hipped roof, two storey front projection and side garage with catslide roof. It would be finished with brickwork, timber boarding and clay roof tiles.

- 6.3.7 The deciduous hedge along the north boundary of the site and conifers along the east boundary would be retained. The conifers along the south boundary would be removed and replaced with a 45m strip of new native hedge/tree planting 3m in depth. Conifers near to the west boundary would be removed. The existing access onto the A20 in the southwest corner would be closed with a ragstone wall to match the existing and then a 3m acoustic fence would be provided along the south boundary with planting on the outside to soften its impact. This acoustic fence is required to reduce noise to gardens and would run along part of the west boundary with 29 Franklin Drive.
- 6.3.8 A total of 16 car parking spaces are proposed, with all but plots 5 and 6 having two spaces each (1 on driveway and 1 in garage). Although there would be room to park 2 cars for these properties overhanging the access road but not blocking it.
- 6.3.9 The application is accompanied by a sustainable construction report that indicates that the development will achieve Code Level 3 of the Code for Sustainable Homes. The applicant has submitted a 'walk over' ecological assessment, bat and reptile survey and a noise assessment, which will be discussed below.

6.4 Planning History

- 6.4.1 A similar application for 9 houses was submitted last year under application MA/10/0951. This was withdrawn following advice from officers that there were issues relating to the impact upon neighbours and the general layout, that were considered unacceptable. An application for 9 houses was also submitted in 2008, which was also withdrawn. The reasons for this appear to relate to land ownership matters. Prior to this outline permission for 5 houses was approved in 1989 and renewed in 1994 but this permission expired in 1998.

6.5 Principle of Development

- 6.5.1 The development lies within the defined urban area at a sustainable location with good access to jobs, services and public transport. A key objective of PPS3 is to provide "*housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.*" The site is also within a private garden now classed as a 'greenfield' site under the revised PPS3 from June 2010. The effect is to remove a presumption in favour of development on such land. The old PPS3 didn't allow for the development of all garden sites however, and as a corollary, I do not consider that the amended PPS3 means that all development in gardens should now be refused. This change does not result

in a blanket restriction on garden development. The changes to PPS3 also remove minimum density requirements for housing.

- 6.5.2 It is also acknowledged that there is currently no overriding need for residential development of 'greenfield' sites in housing supply terms within the Borough, due to the existence of a 5 year supply from deliverable non-implemented planning consents and the potential from allocated local plan 'brownfield' sites. However, because there is a five year supply of housing land this does not mean that 'greenfield' windfall sites should be refused out right, if development of them is not considered to cause any harm and they are suitably located. This is a particularly sustainable location (good public transport links to the town centre and within walking distance of shops and services), with housing development on three sides and I consider that it is an appropriate site for residential development. The site is not safeguarded for any particular use within the Maidstone Borough-wide Local Plan 2000 and I therefore consider the key issues are if it is acceptable to develop this 'greenfield' site at a density of 36 dwellings/hectare and whether it causes harm to the surrounding area.

6.6 Visual Impact & Density

- 6.6.1 The development is located on a site that is bounded by residential development on three sides. The overriding character of this area is that of a housing estate with a mix of detached and semi-detached properties, with large to medium size gardens and spacing between buildings varying, and ranging from 2m to 25m. With such surrounding development on three sides, I do not consider the infilling of this site with housing would therefore be out of character with the existing pattern or layout of development within the area.
- 6.6.2 The site can be seen from public vantage points within Franklin Drive and on the A20 to the south. Its visual contribution is made mainly by the conifer trees, especially from the A20, which limit appreciation of the garden, however an open and undeveloped area can be appreciated from some viewpoints around the site. The conifers also to a degree serve to screen development within Franklin Drive but could obviously be removed without the need for permission. The site does make a contribution to the area through it being largely undeveloped and through its tall trees. However, I do not consider the loss of the garden would be harmful to the area because a considerable sense of openness would remain by virtue of the open space at the adjacent railway cutting and the grounds of Mote Park on the south side of the A20. In addition, the southern houses are set back from the south edge of the site by 9-10m, which would maintain openness here.

- 6.6.3 Any views from Franklin Drive would be broken up by, or seen in the context of existing houses so the development would not be prominent or intrusive here. From the A20, the development would be largely screened by existing houses to the southeast. However, the site would be visible from a short section by the railway line and to the west but this would be in the context of existing houses so would not be unduly intrusive. As stated above, the southern houses are set back from the south edge of the site by 9-10m, which would maintain openness here. The proposed replacement landscaping strip would in time screen and soften the development and acoustic fencing from the A20 with more appropriate native species, which I consider to be important and which can be secured by condition. I note the end of the cul-de-sac is currently landscaped, which I understand has been tended to by a local resident. Whilst this would be lost, new landscaping at the entrance to the site would soften this approach to the development.
- 6.6.4 The density of the development equates to approximately 36 dwellings/hectare. Whilst the South East Plan 2009 has been 're-instated' with a policy that requires a minimum of 40 dwellings per hectare, I consider it is a strong material consideration that PPS3 has removed the density requirement, and also that the South East Plan is likely to be revoked once more, within the near future.
- 6.6.5 The density is slightly higher than that of surrounding development but I note that paragraph 14 of PPS3 states that Local Authorities should be, "*promoting designs and layouts which make efficient and effective use of land*". In this case, I do not consider the density of the development is such that it is significantly out of character with that already existing and the proposal makes an efficient use of the application site. The spacing between the proposed properties is similar to existing nearby houses, particularly nos. 35 to 45 Franklin Drive just to the west. The rear gardens are smaller than some nearby but there are examples of those of similar size. The southern houses continue the line of dwellings on the south side of the cul-de-sac to the west and the northern houses follow the line of dwellings to the east.
- 6.6.6 The scale of the houses match surrounding two storey properties and the use of various projections at first and ground floor levels, hipped roofs and varying materials serves to reduce the massing of the buildings. The different house designs and use of different materials and architectural detailing also provides visual interest to the development and prevents monotony. The houses complement surrounding development being of similar design to in terms of their form and use of materials, and for the above reasons I consider them to be of a generally good standard. Conditions can secure quality materials and the particulars of roof overhangs, recesses, soldier courses and plinths to ensure the appropriate architectural detailing.

- 6.6.7 In terms of layout, the houses are set back from the access to allow space for front gardens with hedge and tree planting, which would create an attractive street scene and would follow the pattern of development within the area. There is landscaping at the entrance to the site, which softens the approach to the development. Rear gardens are of a decent size (9m-10m in depth), providing space around the buildings and maintaining a degree of openness. Details of general planting can be secured by condition but I consider it necessary to specifically require tree, hedge and shrub planting lining both sides of the new access road, the 3m landscape strip with tree and hedge and shrub planting along the south boundary of the site and climbing plants or other planting on the outside, south side of the acoustic fence along the south boundary of the site to ensure an appropriate setting to the development. The use of different hard surfaces would also provide visual interest.
- 6.6.8 The Conservation Officer has raised no objections in terms of the setting of the Grade II listed dwelling 'Raigersfeld' just over 40m from the site due to the intervening barriers of the rail line, Ashford Road and mature landscaping.
- 6.6.9 Overall, I consider the density and layout of the development is in keeping with the locality and the design and scale of the development to be of a good standard that would not result in any significant harm to the area. Because I do not consider there to be any significant visual harm caused by the development, I consider it is acceptable to develop this greenfield site.

6.7 Ecology

- 6.7.1 A walk-over assessment has been provided to establish the likelihood of protected species issues affecting development and where necessary suitable mitigation measures and/or any required additional surveys. In view of the findings specific reptile and bat surveys were then carried out.

The surveys outline that,

"The majority of the site is mowed and short sward improved grass with a few isolated patches of rougher grassland and there are hedges around much of the site. The herbaceous vegetation on the site consists of relatively few species most of which are common in this part of Kent. The site has a relatively low botanical value, except perhaps for the native species hedge line lying along part of the southern end of the site, which should be retained.

As hedge lines do provide potential nesting areas for bird species, it is recommended that works to these features are undertaken outside of the bird nesting season (generally considered to be 1st March to late August) or only after a breeding bird survey has been undertaken."

- 6.7.2 Works to any trees or hedging can be limited to outside the nesting season and controlled by condition.

6.8 Reptiles

- 6.8.1 The walkover survey identified that the site has some limited potential to hold reptile species, which are probably present in the nearby railway cutting. As such, a further reptile survey of the site has been undertaken, which states as follows.

"The gardens at 21 Franklin Drive are currently generally very poor reptile habitat, as they are largely short mown grassland, with one potential hibernation area near to and connected by a conifer hedge to the existing Ashford to Maidstone railway line embankment; the embankment itself, which is outside of the development plot, provides excellent reptile habitat.

The potential hibernation area consists of a rockery constructed from Ragstone and soil situated at the southern end of the existing garden of 21 Franklin Drive. The rockery is due to be demolished within proposed redevelopment works and we would recommend that as direct compensation for this that a new and potentially larger hibernaculum be built along the southern end of the proposed development site as part of the proposed acoustic fence.

The construction of this 3 metre high fence can include an initial 1 metre earth bund and this could be partially constructed from the Ragstone rockery currently present in the garden of 21 Franklin Drive. Any deconstruction of the rockery must however only be undertaken by hand during early summer (June/July) when animals are unlikely to be sheltering in this area and any new hibernation bund must be completed immediately thereafter to provide a shelter area for animals in the heat of the summer and also to provide a hibernation site for reptiles the following winter.

A bund constructed to provide a large hibernaculum for reptiles at the southern end of the existing garden at 21 Franklin Drive will be directly linked to the existing good habitat that is found along the railway embankment and it will overall provide a net gain in reptile habitat in this area."

- 6.8.2 An earth bund is not proposed below the acoustic fence but the habitat compensation would take the form of a new replacement rockery area no smaller than existing, within the landscaped area at the rear of Plot 9. This can be secured by condition and I consider would provide sufficient compensation for any reptile habitat loss.

6.9 Bats

- 6.9.1 The walkover survey outlined that the house and garage provide some limited bat roost potential and both buildings should be internally examined prior to development. This has been carried out and the report states that,

"No bats or signs of bats were seen in any of the buildings on the proposed development site during the current survey. As no signs of bats were found during this survey it is considered unlikely that the buildings currently extant at 21 Franklin Road are significant bat roosts. While we feel that development of the site can proceed without further bat survey we would recommend that a watching brief by a trained bat ecologist be undertaken during the initial phases of any demolition works to fulfil Best Practice Guidelines."

There would seem to be no implications for bat species, however a watching brief can be a condition of any permission.

- 6.9.2 Overall, I consider that subject to conditions, the proposals would not cause any significant harm to ecology or biodiversity within the area and would accord with PPS9. It is recommended that all drainage designs within the development should follow SUDs guidelines, which include measures such as the design of wildlife friendly gulley pots that seek to minimise the negative impacts of this aspect of development on wildlife. The applicant has confirmed that this will be carried out. The applicant has also confirmed that he is willing to incorporate other measures such as swift bricks and bat boxes into the development to enhance biodiversity, which can form an informative.

6.10 Impact Upon Neighbouring Residential Amenity

- 6.10.1 In terms of existing properties to the north, the first floor rear windows of plots 3 and 4 would all serve bathrooms, which would be within 10m of 15 Franklin Drive and its garden. However, they can be obscure glazed and high opening to prevent any overlooking of this property. Plot 2 would have two first floor bedroom windows to the rear but these would be between 17m and 19m from the edge of house nos. 15 and 17 to the north. At this distance, I do not consider these houses or their gardens would be unacceptably overlooked.
- 6.10.2 In terms of existing properties to the west, the first floor west flank bedroom window of Plot 1 would be some 32m from the nearest dwelling no. 27, which would be acceptable. There may be a limited degree of overlooking of the rear half of this properties rear garden, but this is not unacceptable and can occur from neighbouring properties at present. The first floor west flank window on plot 9 would serve a bathroom so there would be no unacceptable overlooking of no. 29 to the west.
- 6.10.3 In terms of existing properties to the east, the retained conifers on the east edge of the site would ensure privacy and notwithstanding this, the first floor east flank bedroom window on plot 4 would not unacceptably overlook no. 13 to the east.

- 6.10.4 There would only be 2 small first floor windows to the rear of plot 1 that would serve bathrooms so there would be no unacceptable overlooking of the existing retained dwelling.
- 6.10.5 In terms of light and outlook, the main impact here is on the existing dwelling to be retained and no. 29 from the acoustic fence. Plot 1 is near to the rear of the retained dwellings where there is a conservatory and the rear eaves height of plot 1 has been lowered slightly to reduce this impact. I consider the conservatory would still retain a sufficient open aspect to the east, southeast and northeast such that it would receive sufficient light and outlook. Number 21 is orientated to face northeast and southwest and these outlooks would be maintained. The acoustic fence would run along the east side rear garden boundary of no. 29. At 3m this would be higher than a typical boundary fence, but I still do not consider it would be unduly oppressive to this property.
- 6.10.6 Otherwise, the proposed dwellings are a sufficient distance from existing neighbouring properties such that they would not cause any unacceptable loss of light or result in a poor outlook.
- 6.10.7 Inevitably there will be an increase in traffic past existing properties and those who would most notice a change would be nos. 27, 29, 31, 33 and 35 to the west, which are within, or at the junction of the cul-de-sac. Whilst I acknowledge this would result in a change to the current situation, there are obviously some movements possible on this cul-de-sac already and I do not consider such additional movements would be unacceptable within an existing large housing estate. There is already a degree of background noise from vehicles on Franklin Drive and the A20 and I do not consider noise or disturbance from nine new dwellings would be unacceptable or warrant grounds for an objection.
- 6.10.8 I am therefore of the opinion that this proposal has been designed in such a way as to minimise the impact that it has upon the amenities of the neighbouring occupiers. I consider that the proposal would not have a detrimental impact in terms of overlooking, overshadowing, outlook or noise and disturbance, and as such, I consider it to be acceptable in this respect.

6.11 Amenity of Future Occupants

- 6.11.1 The proposed dwellings are arranged such that they would have gardens of an appropriate size for family housing with suitable private space and an acceptable outlook. They would not unacceptably overlook one another.
- 6.11.2 A recent noise assessment in respect of road & rail noise has been carried out. The report summarises that the proposed development falls into either

'Noise Exposure Category (NEC) A' or 'NEC B' for both day time and night time periods, with the exception being the southern façade of Plot 9 which falls into 'NEC C' for both day time and night time periods. PPG24 at paragraph 8 states that, "*Category A represents the circumstances in which noise is unlikely to be a determining factor... Categories B and C deal with situations where noise mitigation measures may make development acceptable.*"

- 6.11.3 Therefore mitigation is recommended in the form of double glazing of varying thickness, ventilation and acoustic fencing. The report concludes that with appropriate double glazing, the majority of the development would have acceptable internal noise levels even with an open window. However for plots 6-9 an acceptable level of internal noise would only be achieved with windows closed. The report outlines that the alternative ventilation system as proposed under the heat recovery ventilation system would provide a suitable alternative method of ventilation for these properties. Based on this, no properties would suffer from unacceptable internal noise levels which is in accordance with PPG24.
- 6.11.4 In respect of gardens, the report recommends a 3m acoustic fence along the south boundary of the site to reduce noise into gardens. The Environmental Health Manager agrees that the fence is likely to reduce the noise to satisfactory levels in outside amenity areas. However, in the rear garden of plot 9 this is considered a borderline case for successful mitigation since during the day only certain parts of the garden are likely to be below the recommended standard.
- 6.11.5 I consider that whilst it is a borderline case, the noise experienced within the rear garden would not be intolerable and clearly there are other properties nearby which no doubt have a similar experience. Also, any person looking to move into the property would be aware of the situation. This is a balanced issue, but I do not consider it is grounds to refuse the application especially bearing in mind the Environmental Health Manager does not raise an objection.
- 6.11.6 Therefore, subject to conditions securing appropriate glazing, ventilation and the acoustic fence I consider future occupants would have an acceptable standard of residential amenity.

6.12 Highways & Parking

- 6.12.1 Kent County Council Highways Services were consulted and have raised no objections to this proposal. They have fully considered the proposal in terms of the parking numbers, access into the site and general highway safety matters within the site and on surrounding roads. A total of 16 car parking

spaces are proposed, with all but plots 5 and 6 having two spaces each. Although there would be room to park 2 cars for these properties overhanging the access road but not blocking it. There are currently no local parking standards, however I consider this level of parking is acceptable bearing in mind PPG13 objectives of promoting more sustainable transport choices. The site is at a sustainable location, with good access to essential facilities, on foot or by public transport.

- 6.12.2 Conditions have been requested to secure the parking and turning areas, pedestrian visibility splays at driveways and closure of the existing access on the A20 which can all be secured by condition. They have also requested that the footway from Franklin Drive is extended to the site entrance. I consider this would be beneficial, however I do not consider this is essential as there is enough space for pedestrians and vehicles to pass one another safely. Therefore its requirement would not pass the test for conditions. However, the applicant has confirmed that they will seek to provide this in conjunction with the Highways Authority through a Section 278 Agreement under the Highways Act as the land for the extended footway is outside the application site and upon Kent Highways land, which can be an informative. Within the site there is insufficient room for a footway but enough space for pedestrians and vehicles to pass one another safely. I consider the provision of landscaping is important to this scheme rather than footways which are not essential within the site.
- 6.12.3 I note some residents have raised concerns regarding increased traffic in the area and parking on roads. However, I consider that the local road network is capable of accommodating the traffic associated with nine new houses and this is confirmed with no objections being raised by Kent Highways. I am therefore satisfied that the proposal would not give rise to any highway safety concerns, and as such, I see no reason to object to this proposal on this basis.
- 6.12.4 Boxley Parish Council have requested a Section 106 payment towards local highway improvements and have referred to a fixed crossing point at Provender Way to allow safe pedestrian movements across this road which they consider is unsafe due to increased traffic on local roads. They consider residents of Franklin Drive use the minor shopping centre which means driving down Provender Way. Whether future residents would use this road is not certain, however, I do not consider it is reasonable or necessary to request that the developer provides a financial contribution for this development of nine houses. As such, I do not consider such a financial contribution would pass the tests for Section 106 agreements.

6.13 Other Matters

- 6.13.1 Issues raised by local residents and not addressed above include whether the cul-de-sac is a private road, drainage, restrictive covenants, potential damage to garden fences, disturbance during construction and the status of the land by the entrance access.
- 6.13.2 As stated above, the cul-de-sac over which access would be gained is adopted and owned by Kent Highways who have confirmed this. Any damage to neighbouring property would be a matter between the land owners and is not a planning consideration nor are covenants upon land. Potential disturbance during construction is not a material planning consideration but informatives can be attached regarding working hours etc. The land at the entrance to the site is owned by Kent Highways, who have been formally notified under the application and who have confirmed this.
- 6.13.3 The sustainable construction report indicates that the development will achieve Code Level 3 of the Code for Sustainable Homes, which can be secured by condition to achieve a sustainable and energy efficient form of development.

6.14 Conclusion

- 6.14.1 For the above reasons, I consider that the development would not cause unacceptable harm to the character or appearance of the area. I consider the development is well designed in terms of buildings, hard surfacing and landscaping. The proposals would not have any unacceptable impacts upon ecology and the amenity of existing and future occupants would be acceptable. There are no highway objections and I therefore recommend the application for approval subject to the following conditions and informatives.

7 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. 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, Class(es) A, B, and C to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the amenity of existing properties in accordance with policy CC6 of the South East Plan 2009, PPS1 and PPS3.

3. The development shall not commence until, details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with policy CC6 of the South East Plan 2009, PPS1 and PPS3.

4. The development shall not commence until, written details and samples of the materials (which shall include timber boarding on plots 3, 4, 5 and 6) to be used in the construction of the external surfaces of the buildings and ragstone walling 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 high quality appearance to the development in accordance with PPS1 and PPS3.

5. The development shall not commence until details of the proposed materials to be used in the surfacing of the access road, parking and turning areas and pathways within the site, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1 and PPS3.

6. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals.
- iii) Details of the soldier courses.
- iv) Details of the brick plinths

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1 and PPS3.

7. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) 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) 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 pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

8. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted scheme shall include the following;

- i) details of all existing trees and hedgerows on the site clearly indicating those to be removed and those to be retained;
- ii) details of the species, size, density and location of all new planting within the site;
- iii) tree, hedge and shrub planting lining both sides of the new access road;
- iv) a 3m landscape strip with tree, hedge and shrub planting along the south boundary of the site;
- v) climbing plants or other planting provided on the outside, south side of the acoustic fence along the south boundary of the site;
- vi) details of the provision of bird and bat boxes and the provision of bat and swift bricks within the development.

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000 and in the interests of biodiversity and ecology pursuant to

PPS9.

9. 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.

10. The development shall not commence until, details of all fencing, walling and other boundary treatments, including the acoustic fence have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance with policy CC6 of the South East Plan 2009, PPS1 and PPS3.

11. Before plots 1, 3 and 4 hereby permitted are first occupied, all proposed first floor rear bathroom/toilet window(s) shall be obscure glazed 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 in accordance with policy CC6 of the South East Plan 2009, PPS1 and PPS3.

12. The development shall not commence until details of surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution, flood prevention and biodiversity interests pursuant to PPS9, PPS23 and PPS25.

13. Removal of any existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Reason: In the interests of biodiversity and ecology pursuant to PPS9.

14. The development shall not commence until details of the compensation hibernacula for reptiles has been submitted to and approved in writing by the Local Planning Authority, which shall include use of materials from the existing rockery at the site. The approved details shall be provided within 7 days of demolition commencing on the existing rockery. Any deconstruction of the existing rockery shall only be undertaken by hand during June or July unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interests of biodiversity and ecology pursuant to PPS9.

15. The developer shall arrange for a watching brief by a trained bat ecologist to be undertaken during the initial phases of any demolition works;

Reason: In the interests of biodiversity and ecology pursuant to PPS9.

16. 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 a minimum of 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.

17. The noise mitigation measures as outlined in the 'PPG24 Assessment Concerning Road and Rail Noise' report received on 15th November 2010, including glazing, mechanical ventilation and acoustic fencing shall be carried out before the first occupation of the building(s) or land and maintained thereafter;

Reason: To provide an acceptable standard of amenity for future occupants in accordance with PPS1, PPS3 and PPG24.

18. The development hereby permitted shall not be occupied until the existing access onto the A20 in the southwest corner of the site has been permanently closed to vehicular traffic;

Reason: In the interests of road safety in accordance with PPG13.

19. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. 100203/1/01(RevA), 100203/2/01(RevB), 100203/3/01(RevB), 100203/3/02(RevA), 100203/5/01(RevB), 100203/7/01(RevB),

100203/8/01(RevB), 100203/9/01(RevB), 100203/9/02, 100203/L/01(RevB), 100203/L/02(RevC), 100203/L/03(RevB), A4 site location plan and 5639se-01 received on 21st October 2010, Ecology Assessment and Noise Assessment received on 25th November 2010 and Reptile Survey and Bat Survey received on 11th January 2011.

Reason: To ensure the quality of the development is maintained, to prevent harm to the residential amenity of existing and prospective occupiers and in the interest of biodiversity and ecology pursuant to policy CC6 of the South East Plan 2009, PPS1, PPS3, PPS9 and PPG24.

Informatives set out below

A new pavement should be agreed with Kent County Council within the cul-de-sac immediately west of the site (Franklin Drive) under a Section 278 Agreement of the Highways Act 1980 and should be provided before the first occupation of the building(s) or land in the interests of highway and pedestrian safety in accordance with PPG13.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

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 Sundays and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorscheme.org.uk

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be

implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

The developers shall provide adequate space within the application site for the parking/turning/unloading of contractors vehicles before any works commence on site. Such space shall thereafter be maintained during the construction process where practicable.

There shall be no burning of waste materials on site.

The provision of 'swift bricks' on the external faces of the buildings and the provision of bat boxes should be employed in the interest of nature conservation and biodiversity enhancement.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.