

APPLICATION: MA/11/0679 Date: 26 April 2011 Received: 27 April 2011

APPLICANT: Mr G Norton, Wealden Homes

LOCATION: LAND R/O 125, TONBRIDGE ROAD, MAIDSTONE, KENT, ME16 8JS

PARISH: Maidstone

PROPOSAL: Erection of three dwellings comprising one detached dwelling with integral garage and two semi detached dwellings with access to Tonbridge Road via access permitted under (MA/08/2323) as shown on plan numbers PL-079-01, PL-079-02, PL-079-03, PL-079-04, PL-079-05, PL-079-06, PL-079-07, PL-079-08, PL-079-09, PL-079-10, PL-079-11, PL-079-12, PL-079-13, PL-079-14, PL-079-15, PL-079-16, design and access statement and application form received 27th April 2011 and plan number P030-035 received 15th March 2011.

AGENDA DATE: 13th October 2011

CASE OFFICER: Kevin Hope

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

- Councillor Beerling has requested it be reported for the following reasons:-
  1. The impact of the development upon neighbouring amenity
  2. The quality and quantity of landscaping within the proposed development

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13, ENV49
- South East Plan 2009: CC4, NRM11, T4, CC1, H5, W1, W6, BE1
- Government Policy: PPS1, PPS3, PPS9

## **2. HISTORY**

**MA/08/2323** - The application is for the erection of thirteen new dwellings, consisting of one detached five bedroom property, and 12 terraced properties (within rows of three) which would be three bedroom units – Approved with conditions

**MA/08/0900** - Land at 113, 115 and 123 Tonbridge Road, Maidstone, Kent. Demolition of existing building and erection of fourteen new

dwelling with new access and landscaping – Refused – Appeal Dismissed.

**MA/03/1141** - 113 Tonbridge Road, Maidstone, Kent. Erection of a two storey side extension – Approved with conditions

### **3. CONSULTATIONS**

#### **3.1 Councillor Beerling** – Raised the following comments:-

*"Cllr Black and I met with residents on Upper Fant Road to hear their concerns about the extension of Angel's Close. Residents were worried about loss of privacy, overshadowing of gardens, and the loss of historic open garden space. There was also concern about the lack of any strategic plan for this stretch of land between Tonbridge Road and Upper Fant Road, and they have requested the council look at a potential design guide, neighbourhood plan, or some form of area character assessment here. Cllr Black and I feel that the landscaping proposed could be improved considerably to add to the privacy of residents on Upper Fant Road, and we urge the council to explore options to control any possible future applications off Angel's Close"*

#### **3.2 Southern Water** – stated that a formal application should be made to southern water for the connection to the sewer and therefore an informative to this effect shall be included within the recommendation.

#### **3.3 UK Power Networks** – Raise no objection to the proposal.

#### **3.4 KCC Highways** – Raise no objection with the following comments:-

*"Permission has been granted for a new access off Tonbridge Road to serve a development of 12 dwellings and this is currently under construction. This application seeks to provide an additional 3 dwellings - 1 x 4 bedrooms and 2 x 2 bedrooms. The site access is designed to adoptable standards and a turning area is provided to allow all vehicles requiring access to the site to turn and leave the site in a forward gear. 6 parking spaces are proposed for the 3 new houses, of which 4 are independently accessible. This meets the recommendations given in the Kent Design Guide Interim Guidance Note 3".*

#### **3.5 Environmental Health** – Raise no objections with the following comments:-

*"The site is in a residential area on the busy A26 and traffic noise may be a problem. An acoustic assessment should be carried out to determine the noise category and to recommend any appropriate mitigation measures. The council's contaminated land database and historic maps do not indicate that contamination should be a problem at this site. As the proposed dwellings are to be built within a largely residential area, the normal informatives relating to noise, dust and odour should be applied to any consent granted. I note that the applicant has made provision for the storage of waste and for recycling facilities".*

- 3.6 **Landscape Officer** – Recommends that there are no landscape/arboricultural grounds to refuse the application but that the submitted soft landscape scheme is currently unacceptable due to lack of information as detailed above with the following comments:-

*"The landscape scheme submitted by Wealden Homes, 'Soft Landscaping As Proposed', drawing no. PL-079-05, dated 04/04/11, lacks sufficient detail to enable it to be properly considered. The scheme currently lacks plant sizes, designation and numbers (although I would have to assume one of each shrub). I would also add that there are no native or near native shrub species incorporated into the scheme and that the ornamental species listed will grow too large for their location. I would suggest blocks of smaller stature shrubs would be more appropriate".*

#### **4. REPRESENTATIONS**

- 4.1 Four neighbour representations have been received raising a variety of issues on this application. The particular points raised within these letters included concerns over the level and type of landscaping proposed to the south eastern boundary of the site which borders the rear gardens of properties within Upper Fant Road. There were also concerns expressed with regard to the privacy and security that this boundary treatment provides to the garden amenity areas and dwellings within Upper Fant Road to the south east of the site. One neighbouring representation stated that a development framework should be created for the area between St Michael's Road and Claire Park by the council. This purpose of this would be to outline the density, design, landscaping and parking for any future developments. The representations received also raised concerns with regard to overlooking of properties within Tonbridge Road and Upper Fant Road from the proposed dwelling at plot A due to its scale and proximity within the site.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

- 5.1.1 The application site is located within the urban area of Maidstone, on the southern side of Tonbridge Road. The application site lies within a predominantly residential area and a principle route in and out of the town being the Tonbridge Road (A26). It is a site which is considered to be on the fringe of the town centre, with a variety of different types of properties in scale, design and form. Fronting onto Tonbridge Road are a number of substantial, detached properties, which vary in age, as well as scale. Some of these do rise to three storey, although they are predominantly two storey in height. The widths of plots within this area are also relatively varied, although there is a good level of separation between the buildings along this particular section of Tonbridge Road. The site falls away towards Upper Fant Road, by approximately 5metres, and the land

then falls away at a steeper gradient within the rear gardens of Upper Fant Road.

- 5.1.2 The site itself comprises the rear garden area of 125 Tonbridge Road. This building is currently in use as an orthodontists and has been for a number of years. The rear garden area now been separated with the bottom half, which is the subject of this application, now cleared and used for the storage of building materials in conjunction with the neighbouring development under construction (MA/08/2323). The site has maintained some established planting along the north western boundary of the site and has a wall measuring approximately 1m in height along the south eastern boundary. Prior to the clearance of this site, the garden comprised a maintained lawn with a number of trees planted throughout. There was also established planting to the north east and south eastern boundaries which has now been lost.
- 5.1.3 The area to the south east of the site comprises the rear gardens of dwellings within Upper Fant Road, most notably, the rear gardens of numbers 73, 75 and 77. These gardens have a sloping topography that rises towards the application site and typically extend approximately 30m in length from the rear most part of the dwellings. This row of semi detached properties has a distinct Cox style, with white render elevations and clay terracotta tiled roofs. Some of these dwellings have also been extended with a first floor side extension.
- 5.1.4 From a wider aspect, the surrounding area consists largely of residential properties, although there are a number of businesses including that occupying 125 Tonbridge Road together with a dentist and nursery to the South West of the site also fronting Tonbridge Road.

## 5.2 **Proposal**

- 5.2.1 This application seeks planning permission for the erection of three dwellings comprising one detached dwelling with integral garage and two semi detached dwellings with access to Tonbridge Road via the access permitted under MA/08/2323.
- 5.2.2 The proposed two and a half storey detached dwelling sited within plot A would comprise five bedrooms and would measure approximately 9.3m in width and would extend approximately 9.3m in length. The property would be of a pitched roof design with gabled ends and a ridge height and eaves height of approximately 10m and 5.1m respectively. The proposed detached dwelling would also have provision for accommodation within the roof space and would include four modest flat roofed dormer windows with two to each roof slope. The proposed dwelling would have a private garden to the rear extending approximately 13m in length and 12.5m in width. In addition, there is also a modest area of garden space to the front. The dwelling would be of brick

construction with tiled roof. This is identical that the dwelling which fronts Tonbridge Road and is currently under construction within the neighbouring site.

- 5.2.3 The proposed pair of semi detached two bedroom dwellings would measure approximately 9m in width and 9.3m in length. These properties would have a hipped roof design with a projecting pitched roof element to the front elevation. The ridge height and eaves height of the properties would measure approximately 8.9m and 5.1m respectively. The properties would have an area of private garden to the rear both extending approximately 9m in length and a width of 6m for plot C and 7m for plot B.
- 5.2.4 In terms of the layout of the proposed scheme, the development would be arranged with a pair of semi detached dwellings adjacent to the south western boundary and the larger detached dwelling adjacent to the north western boundary. This layout allows the existing highway of All Angels Close to be extended in to the proposed development with private driveways branching from this. There would be parking provision for six vehicles in total within this development, ensuring two spaces for each dwelling. This would be spread in the form of an integral garage and driveway for plot A, a driveway to the side of plot B and two parking spaces to the front of plot C.
- 5.2.5 Landscaping has been included within the scheme which is illustrated by the submitted landscaping plan (Plan number PL-079-05). This shows that there is soft landscaping in the form of shrub planting proposed to the front garden areas of the dwellings. Soft landscaping has also been provided to the open areas within the streetscape in the form of shrub planting of ornamental species to the north eastern boundary and a Field Maple tree adjacent to the south western boundary centrally sited at the focal point within the street. Following negotiations with the applicant, an amended plan has been received showing the removal of the turning head to the front of plot A and replaced with additional landscaping including shrub planting and a number of trees. The driveway to plot A would also be narrowed to enable a wider planting belt along the north eastern boundary to the front of plot A. Additional planting would then be provided with a number of trees placed along this area together with shrub planting. This would also include the provision of a tree on the corner of the boundary adjacent to the highway which would soften the entrance to the development
- 5.2.6 In terms of the quality and appearance of the development, the proposed dwellings would be of brick construction with a plain tile roof, identical to that of the neighbouring approved residential development. The dwellings are of a simple form reflecting that of the neighbouring residential development. The highway would be extended from All Angels Close and would comprise block paving to match. In terms of drainage, the dwellings would be connected to a mains drainage system for foul water with a connection to a pumping station to

the north east within All Angels Close. For surface water, a deepbore soakaway is centrally positioned adjacent to the north eastern boundary of the site which would serve the proposed dwellings.

- 5.2.7 The applicant stated that the proposed dwellings would achieve a minimum level 3 of the Code for Sustainable Homes. This again would ensure that the dwellings are of a suitable standard-with level 3 being the minimum level that the Council would expect.

### 5.3 Principle of Development

- 5.3.1 This site lies within the defined urban area of Maidstone with good links to the Town Centre surrounding areas. As such, residential developments of this type are acceptable in principle depending on the wider impact of the development and any other material considerations.

- 5.3.2 In terms of national policy, PPS1 urges the provision of a mix of sufficient, good quality new housing in suitable locations, whether by new development or conversions of existing buildings, the aim to ensure that everyone has the opportunity of a decent home, in locations that reduce the need to travel. This proposal meets this requirement with its location within an existing urban residential area and good public transport links with a number of bus routes stopping on Tonbridge Road including 85, 6 and 7 serving both the town centre and other areas including Maidstone Hospital, Tonbridge and Tunbridge Wells. The site is also within a reasonable walking distance of the town centre and Maidstone West rail station. As such, I consider that the site is located within a sustainable location where facilities exist to encourage the use of public transport rather than a continued dependence on the private vehicle.

- 5.3.3 PPS3 seeks to encourage a mix of housing, and make effective use of existing housing stock and cut carbon emissions. PPS3 also states that new housing development should be "well integrated with and compliments the neighbouring buildings and the local area more generally in terms of scale, density, layout and access". This proposal would provide three family homes which would reflect the existing scale and character of the surrounding area within Tonbridge Road. Although the proposal would not include any provision for social housing, I consider that this is acceptable in this case due to the scale of the development.

- 5.3.4 The amendment to Annex B of PPS3 is an important consideration within this application. This amendment to national policy has removed the classification of residential garden land as brownfield land. The garden of 125 Tonbridge Road is not a residential garden as such due to the occupation of the building by an orthodontists practice. However, the building and gardens were originally constructed and used for residential purposes and so has a residential character in terms of their form and scale identical to the neighbouring dwellings, although

I acknowledge that the area of the garden subject to this application has now been cleared. Whilst government policy has seen a change in terms of the principle of development within garden land sites under this amendment, the principle of development within this area has already been established through the granting of planning permission for the construction of thirteen dwellings on land to the rear of 113, 115 and 123 Tonbridge Road (MA/08/2323) which borders the application site. Therefore, the primary consideration for this proposal is the harm caused by further development within this area and the visual impact of this proposal within the vicinity.

5.3.5 In terms of local planning policy, the saved applicable policies within the Maidstone Borough Wide Local Plan 2000 are policies ENV6, concerning landscaping within developments including surfacing and boundary treatments, and policy T13 concerning parking standards. A number of policies within the South East Plan 2009 are also applicable in this case which relate to sustainable construction, quality of design, housing density and parking as outlined above.

#### 5.4 **Visual impact**

5.4.1 Due to the location of the site within the urban boundary, I consider that the main issues to consider are the impact upon visual amenity, the design and impact of the built development, the hard and soft landscaping proposed and the impact upon neighbouring amenity.

5.4.2 In terms of the visual impact of the built development, due to the siting of this proposal to the rear of 125 Tonbridge Road, together with the location of the access road to the north east of the site, it is clear that there would not be any significant views of the site from Tonbridge Road. As such, there would not be any significant visual impact from public vantage points within Tonbridge Road. In terms of the impact upon Upper Fant Road, it would be possible to gain views of the development through the spaces between the properties within the street. However, in my view, any views would not result in significant visual harm due to the distance of approximately 60m between the rear elevation of the proposed pair of semi detached dwellings and the dwellings within Upper Fant Road. As such, I consider that there would not be a significant impact upon the streetscene of Upper Fant Road.

5.4.3 With regard to the pattern of development, the existing dwellings within the vicinity follow a linear pattern of development which lines Tonbridge Road to the north west and Upper Fant Road to the south east. The development permitted under MA/08/2323 is situated to the rear of this line of dwellings and introduces further built development which breaks this consistent pattern of detached dwellings. However, the linear development fronting Tonbridge Road is still maintained through the erection of a dwelling at the entrance to All Angels Close. Therefore, whilst I recognise that the proposed dwellings in this location

would not follow the linear development fronting Tonbridge Road, in my view, this would not be significantly out of keeping with the pattern of development for this area due to the close proximity and layout of the neighbouring residential development of All Angels Close. This would therefore be in accordance with the guidance stated within PPS3 in terms of quality of housing, location within urban areas and design which reflects the appearance and character of the surrounding area.

- 5.4.4 The density of this development would be 37.6 dwellings per hectare, which is slightly above the density of the neighbouring development within All Angels Close which is 32.5 dwellings per hectare. However, I consider that this would be acceptable in this area due to the existing pattern of development along the south eastern boundary of All Angels Close which would be maintained within this proposal. In terms of the scale, the submitted plans show that the proposed dwellings would be of an identical scale to the neighbouring dwellings within All Angels Close with a matching ridge height. This would maintain the appearance of the street and would assist to assimilate the proposed dwellings within the character of All Angels Close.
- 5.4.5 In terms of the design and appearance of the dwellings proposed. The dwellings are of brick built construction, with a plain tile roof. This would be in keeping with the character and appearance of the neighbouring previously permitted residential development under MA/08/2323. The materials for this development have recently been approved which comprise Weinerburger Bloomsbury Stock bricks and Redland duoplan tiles. I therefore consider that it is appropriate to condition the materials used for this proposed development to match this to secure an in keeping appearance. This design includes the brick banding detailing beneath the windows which would also match the design of All Angels Close. The dwellings would also follow sustainable building methods with a level 3 rating on the Code for Sustainable Homes. This would also assist in creating a development which follows the provisions of national policy within PPS1 as well as more localised policy with the South East Plan 2009, and in particular CC1 and CC4.
- 5.4.6 In the interests of the character of the development and visual appearance, I also consider that it is appropriate that a condition be imposed requiring windows/doors (including garage doors) be recessed a minimum of 70mm in order to ensure that the buildings have a degree of layering – with shadowing creating interest. I would also suggest that it is important to receive precise details of the roof overhang for the same reasons. This would therefore ensure that there is a level of continuity between the previously approved scheme and this proposed development further reducing the visual impact of this proposal.
- 5.4.7 In terms of layout of the development, the siting of the proposed dwellings allows the suitable continuation of the access road from All Angels Close. The



layout of the dwellings within plots B and C also maintains the existing building line which follows the south eastern boundary of the site thus maintaining the character and appearance of All Angels Close. The siting of the dwellings either side of the access and a distance of approximately 21m between would result in a space in the built development along the south western boundary and does not give the development an ending in terms of the built development at the focal point in the Close. This would appear to allow for future development of the remaining gardens further to the South West of the site. However, I consider that this would not significantly compromise the visual appearance of the development to such a degree which would warrant a refusal of planning permission in this case. Overall, I consider that the appearance, layout and character of this proposed development would be in keeping with that of All Angels Close and would not appear significantly incongruous or result in any detrimental visual harm within the surrounding area.

## **5.5 Landscaping**

5.5.1 With regards to the landscaping provision within the site, the submitted landscaping plan shows the planting of Cherry and Field Maple trees within the rear garden of plot A as well as an additional Field Maple centrally sited along the south western boundary at the focal point within the highway. There is also some additional planting within the front garden area of plot A which would also assist in softening the appearance of this boundary. Planting is also proposed along the front north eastern boundary of plot A and the front north west boundary of plots B and C in the form of shrub planting. Negotiations have taken place with the applicant with regard to the proposed hardstanding within the site which appeared to be in excess of what is necessary for a development of this scale. This has resulted in the removal of the turning head to the front of plot A and replaced with additional landscaping including shrub planting and a number of trees. The driveway to plot A would also be narrowed to enable a wider planting belt along the north eastern boundary to the front of plot A. Additional planting would then be provided with a number of trees placed along this area together with shrub planting. This would also include the provision of a tree on the corner of the boundary adjacent to the highway which would soften the entrance to the development. I consider that these changes would greatly increase the visual appearance of this development and would seek to further reduce the visual impact of the space along the south western boundary as discussed within paragraph 3.4.7 above. The provision of a tree within the north eastern boundary would frame the entrance to the site and would further add to the softer appearance to the development continuing from All Angels Close.

5.5.2 The landscape officer has been consulted on landscaping proposed within this scheme. The comments received raise issues over the level of detail submitted within the proposal and suggest that the ornamental species listed will grow too large for their location. I acknowledge these comments, although I consider that

the landscaping proposed is sufficient in detail to illustrate the positioning and type of landscaping within this site. However, a landscaping scheme detailing planting size, designation and numbers for the areas shown for landscaping shown using native species will be required by condition. This would incorporate the landscape officer's comments and would require details to be submitted to the Council for approval prior to the commencement of the development.

- 5.5.3 The representations received have comments with regard to the rear south east boundaries of plots B and C and the loss of the existing planting along this boundary. There is currently an existing boundary wall of approximately 1m in height when measured from the application site; due to the topography of the land, the wall is higher within the rear gardens of Upper Fant Road. The applicant has confirmed that the boundary wall would be retained; however, I consider that it is reasonable to impose a condition requiring the planting of a hedge along this boundary to the north west of the wall within the rear garden of plots B and C to mitigate the loss of the planting which has been cleared.
- 5.5.4 In terms of the hardstanding within the development, block pavers will be used within the extended highway and parking areas. This I consider would further support the continuation of the character of All Angels Close and would assist in maintaining the character and appearance of the development. The removal of the turning head would significantly reduce the level of hardstanding within the site whilst maintaining an acceptable level of access.

## 5.5 Highways and Sustainability

- 5.5.1 In respect of highway matters, the vehicular access from Tonbridge Road permitted under MA/08/2323 would be utilised for this development with the continuation of All Angels Close to provide vehicular access to the proposed dwellings.
- 5.5.2 In terms of the visual impact, as discussed above within paragraph 3.5.1, I recognise that a significant level of hardstanding was proposed within this scheme, however with the removal of the turning head and the narrowing of the driveway to plot A, I consider that this has been sufficiently reduced. The amendment has significantly improved the visual appearance of the development whilst maintaining a sufficient level of hardstanding for access to the dwelling proposed as well as continuing the appearance of the development from All Angels Close. In terms of drainage, the KCC Highways officer was consulted and did not raise any objections with regards to the drainage of the highway. I have considered this issue and consider that the details submitted are acceptable.
- 5.5.3 With regard to parking provision, six parking spaces are proposed for the three new dwellings, of which 4 are independently accessible which I consider to be acceptable. KCC Highways have also been consulted in this respect and have

raised no objections to the proposal in line with the considerations expressed above.

5.5.4 With regard to the sustainability of the proposed dwellings, as previously stated the application site is within the designated urban boundary and within an established residential area on a main route to the town centre and to the surrounding areas. Tonbridge Road is also well served by public transport with a number of bus routes both to the town centre and to other areas including Maidstone Hospital, Tonbridge and Tunbridge Wells. The site is also within a reasonable walking distance of the town centre and Maidstone West rail station. As such, I consider that the site is located within a sustainable location where facilities exist to encourage the use of public transport rather than a continued dependence on the private vehicle.

## 5.6 Residential Amenity

5.6.1 With regard to the impact of the development upon neighbouring residential amenity. Whilst I acknowledge that both dwellings B and C would be orientated with their rear elevations facing the back gardens of existing properties within Upper Fant Road, there would be a distance of approximately 30m retained between the rear elevations of plots B and C and the neighbouring properties within Upper Fant Road. This is identical to the previously approved dwellings to the north east of the site and I consider that this would ensure that there would not be a significant impact upon the neighbouring amenity of the occupiers of the neighbouring dwellings within Upper Fant Road, in particular numbers 73, 75 and 77 which border the application site.

5.6.2 With regard to the impact of the proposed dwelling at plot A upon neighbouring amenity, three representations received raised comments with regard to the potential loss of privacy and overlooking as a result of the accommodation within the roof and 2 and a half storey design. Comparisons have also been given to a previous application under MA/08/0900 which was refused and dismissed at appeal raising this as an issue. This previously refused scheme comprised a much larger residential development with blocks of three storey town house style dwellings, all with rear windows which would afford views towards properties within Upper Fant Road and were sited closer to the common boundary. The proposed scheme however, only includes the provision of two dormer windows within the front elevation which would afford similar views. However, one of these windows would serve a bathroom and therefore would be obscure glazed which would resolve the issue of overlooking and privacy from this window. The remaining front dormer window would be sited approximately 67m from the rear of the dwellings within Upper Fant Road and would be screened partially by the proposed dwellings at plots B and C. I recognise that the land has a sloping topography with the application site set on a higher level than the dwellings within Upper Fant Road, however, by virtue of the distance

between them of 67m for plot A and 30m for plots B and C I consider that there would not be a significant impact upon the amenity of the occupiers within Upper Fant Road including loss of privacy, overlooking, loss of light or outlook.

5.6.3 In conclusion, I consider that the proposal would not have a detrimental impact upon the amenities of the neighbouring occupiers, both in terms of overlooking and overshadowing.

## 5.7 Ecology

5.7.1 In terms of ecology, although the site has now been cleared, there is a maintained lawn area with planted borders and some established planting within the garden area to the north west of the site. Prior to the clearance of the site, this continued to the south eastern boundary, although the boundary planting to the south western boundary still remains. An ecology survey has not been submitted as part of this application, however, in my view, I consider that due to the clearance of the site and the maintained nature of the retained garden area to the north west, the site would have a limited biodiversity value and therefore an ecology survey is not necessary in this case. This is also the view of the KCC Biodiversity Officer who was consulted on this application.

5.7.2 As previously discussed, there is some established planting along the south western boundary of the site and there may be the possibility for breeding birds within this area. However, the planting was small in height so have lower potential to be suitable for roosting bats. Therefore, I consider that it is appropriate to impose an informative alerting the applicant of the possibility of breeding birds within this area. If breeding birds are discovered, it is advised that no work must be carried out in that area until all the young have fledged.

5.7.3 Whilst, as discussed, the site has a limited potential for biodiversity, in accordance with the guidance within PPS9, I consider that it is appropriate to introduce measures to support biodiversity. This would be secured by the use of native species within the landscaping of the site as discussed within section 5.5, together with, the erection of bird and bat boxes and swift bricks within the site which would be secured by a condition.

5.7.4 In conclusion, with the additional measures described above, I do not consider that this proposal would result in any significant detrimental harm upon any protected species or the general biodiversity of the area.

## 5.8 Environmental Health

5.8.1 The Environmental Health Officer has been consulted on this application and has raised no objections to the proposal subject to the completion of an acoustic assessment. Such an assessment was carried out under the previously

approved application (MA/08/2323) which concluded that the plots to the rear of the site are sufficiently far back from the site that traffic noise is not an issue for them. Therefore I consider that a further acoustic assessment is not necessary for this application.

## **6. Other Matters**

6.1.1 Whilst I acknowledge that the development of this site in this layout would leave the potential for further development within the neighbouring gardens to the north west of the site. However, each planning application is considered on its own merits and the specific impact of that development and this reason alone would not warrant a refusal of planning permission. There has been the suggestion raised by a neighbour that a Character Assessment should be undertaken with regard to the land to the rear of the dwellings in Tonbridge Road to outline and give parameters for future development. In my view, an independent strategic approach by the Council to future development in this area would not be entirely justified due to scale of the site and the fact that permission has previously been granted for residential development. Therefore, in the event that future proposals are submitted to the council to develop sites further to the northwest, the character, appearance and quality of any development, taking in the account the landscaping, hardstanding and materials used, would be significantly influenced by previously permitted development within All Angels Close.

6.1.2 It is also apparent that due to the small scale of this proposed development, no contributions would be paid in respect of planning gain. I am aware that the development of smaller plots in stages within the vicinity would also not feature any such contributions and may not deliver such a comprehensive layout which could be achieved with a larger scheme, however, the Council is unable to control the supply of this land, due to its private ownership, and in my view, this matter would not be a reason for refusal of the application.

## **7. CONCLUSION**

7.1 After considering all the issues involved as outlined above, I consider that this proposal would not result in any significant visual harm to the character and appearance of the area which would warrant a refusal of planning permission. The amendments the Annexe B of PPS3 is clearly important to the development of this site, although I consider that the granting of the previously approved residential development which borders to the site forms a material consideration and holds significant weight with regard to the principle of development in this location. The development is also not considered to result in any significant detrimental harm to neighbouring amenity and biodiversity within this area. It is therefore considered for the reasons outlined above that the proposal is acceptable with regard to the provisions of local and national planning policy and

that no other material considerations would indicate a refusal of planning permission.

## **8. RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be Weinerburger Bloomsbury Stock bricks and Redland duoplan tiles as previously permitted elsewhere within All Angles Close. Written consent shall be sought for the Local Planning Authority prior to the use of any other materials for the construction of the development hereby permitted.

Reason: To maintain the character and appearance of All Angels Close in accordance with the guidance stated within PPS3 and policies BE1 and CC4 of the South East Plan 2009.

3. 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 in accordance with PPG13.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping, using indigenous species and showing the planting size of all soft landscaping within the site. This shall also include the provision of a native hedgerow to the rear south eastern boundaries of Plots B and C abutting the retained boundary wall. The

scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall be maintained as such unless the written consent of the Local Planning Authority is obtained;

Reason: No such details have been submitted and in the interests of the visual amenities of the locality in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000 and PPS1 and policies CC1 and CC6 of the South East Plan 2009.

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 buildings 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 in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000, and PPS1.

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.
  - ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
  - iii) Details of the soldier arches.

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.

7. The dwellings shall achieve 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 Code Level 3 has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in

accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

8. All hardstanding including the approved parking areas shall be constructed using a porous material and shall be carried out as shown in the submitted plan number P030-035 received 15th March 2011.

Reason: In the interests of visual amenity, and to reduce the level of surface water run off to surrounding land, in accordance with PPS1.

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

Reason: To ensure the protection of biodiversity on the site, in accordance with PPS9.

10. There shall be the provision of bat boxes, bird boxes and swift bricks included within the development.

Reason: To ensure the protection and enhancement of biodiversity on the site, in accordance with PPS9.

11. No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

12. Other than where stated in the conditions above, the development hereby permitted shall be carried out in accordance with the following approved plans:

Plan numbers PL-079-01, PL-079-02, PL-079-03, PL-079-04, PL-079-05, PL-079-06, PL-079-07, PL-079-08, PL-079-09, PL-079-10, PL-079-11, PL-079-12, PL-079-13, PL-079-14, PL-079-15, PL-079-16, design and access statement and application form received 27th April 2011 and plan number P030-035 received 15th March 2011.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policies ENV6 and T13 of the Maidstone Borough Wide Local Plan 2000 and policies BE1, CC1, CC4, H5 and of the South East Plan 2009.



### **Informatives set out below**

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 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 burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the 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 Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded 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.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

The applicant is informed of the possibility of breeding birds within this area. If breeding birds are discovered, it is advised that no work must be carried out in that area until all the young have fledged.

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.