

APPLICATION: MA/11/2169 Date: 21 December 2011 Received: 9 January 2012

APPLICANT: Mr G McGillivray, Baily Garner LLP

LOCATION: GEORGE MARSHAM HOUSE, HOLMESDALE CLOSE, LOOSE,
MAIDSTONE, KENT, ME15 0BE

PARISH: Loose

PROPOSAL: Erection of fourteen dwellings with landscaping and car parking and refurbishment of existing two storey block 'Amies House' including new cladding and entrance porch as shown on drawing numbers PL01, PL02, PL03, PL04, PL05, PL06, PL10, PL11, PL12, PL20, PL21 and PL40 received on 21/12/11.

AGENDA DATE: 10th January 2013

CASE OFFICER: Peter Hockney

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

- it is contrary to views expressed by Loose Parish Council.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV32, H27, T13
- South East Plan 2009: CC1, CC4, CC6, H3, H4, H5, T4, NRM9, NRM10, BE1, BE6, M1, AOSR7
- Government Policy: National Planning Policy Framework 2012

2. HISTORY AND BACKGROUND

MA/03/1888 - Creation of new access ramp and handrails – APPROVED WITH CONDITIONS

MA/83/0143 - Formation of entrance drive – APPROVED WITH CONDITIONS

- 2.1 Members may recall that this application was to be reported to Planning Committee on the 1 November 2012 but was withdrawn from the agenda following a request from the applicant in order to give further consideration to the Heads of Terms. This has been undertaken and is discussed in section 5.8 below.

3. CONSULTATIONS

- 3.1 **Loose Parish Council** raise objections to the proposed development and wish the application be reported to Planning Committee for the following reasons:-
- 3.1.1 "The Parish Council wish to see the application refused and request the application is reported to the Planning Committee for the following planning reasons.
- 3.1.2 The density of the proposed housing does not accord with that of the surrounding properties (semi-detached in good sized plots) and is not within the general aspect of the present layout of the Close. The development will have an adverse affect on the street scene.
- 3.1.3 Concerns are raised regarding the increase in vehicular movements that would be generated and their impact on traffic on the A229. This road is known to be regularly congested through Loose. With the developments at Leonard Gould and the ambulance station sites c.150 more properties will be contributing to its catchment just locally.
- 3.1.4 The increase of traffic within Holmesdale is a worry with respect to the safety of the young and old. Some form of traffic calming should be a consideration for a consent condition. The increase in traffic could be a nuisance and stressful.
- 3.1.5 There are concerns regarding the lack of provision for amenity open space. In view of the proposed housing being aimed at families and the elderly it is disappointing that nothing has been allowed for. It is pointed out that the nearest recreational facilities are a mile away at the King George V Playing Field.
- 3.1.6 The nearby Congregational Church is very supportive to the community. Services are conducted on several days of the week. They are well attended, many worshipers being elderly people, some with disabilities. Community spirit in this area is strong and the role of the Church is important. At present Holmesdale Close is the main parking area for Church goers and allows a safe, manageable, access to the Church. There are fears that parking pressures from any new development will compromise this parking arrangement. Whilst accepting that this is not a relevant planning policy issue we would ask that some safeguarding of the facility is considered.
- 3.1.7 Again, not a planning policy consideration but we point out that there is a known local road drainage problem in Holmesdale and that the drainage system is inadequate.

3.1.8 The Parish Council is anxious that the Oak, Beech and Field Maple (identified on plans) are well protected for the future. These trees were awarded to us by the Kent Men of the Trees as a prize for the "Best Trees in Your Village Competition" and were planted by us some years ago.

3.1.9 Finally, may we refer you to PPS3 point 46 which we feel has relevance.

3.1.10 *"Local Planning Authorities should develop housing density policies having regard to:*

The current and future level and capacity of infrastructure, services and facilities such as public and private amenity space, in particular green and open space"

The Characteristics of the area, including the current and proposed mix of uses"

3.1.11 Also, PPS3 point 51.

"Local Planning Authorities should, with stakeholders and communities, develop residential parking policies for their areas, taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently"

3.1.12 The Loose Parish Council, whilst appreciating that some sort of housing provision will be built would wish our concerns, and the concerns of the local community to be taken into account when formulating your decision."

3.2 **Mouchel on behalf of KCC** request financial contributions towards the following services as a result of the additional demand placed on the services from the proposed development:-

- Libraries £3,407.07
- Youth facilities £217.69
- Community Learning £598.77
- Adult Social Services £1,047.88

3.3 **West Kent PCT** request a financial contribution of £13,284 towards the provision or upgrade of healthcare facilities at Grove Park surgery and/or Shepway practice at Northumberland Court and/or Marsham St practice and/or St Lukes Medical centre at Holland Road and/or Stockett Lane surgery. This contribution will be directly related to this development as it will help towards upgrade and/or redevelopment and/or relocation.

3.4 **MBC Parks and Open Space** request a financial contribution of £22,050 to go towards enhancing, maintaining, repairing and renewing play areas and green spaces within a one mile radius of the proposed development. We would recommend that the monies be put towards Boughton Monchelsea Play Area which is the nearest Red graded strategic play area in the Play Area scoring matrix.

3.5 **Kent Highway Services** do not raise any objections on highway safety grounds but do raise some concern about the reversing space for car parking spaces numbered 11 to 15 and that cars parked in spaces numbered 1 and 2 and 16 and 17 would need to reverse approximately 34m into Holmesdale Close to turn. The Kent Design Guide recommends that cars and small service vehicles should not be expected to reverse more than 25m.

3.6 **MBC Conservation Officer** raises no objections to the application on heritage grounds stating:-

"The application site lies to the rear of the listed Coxheath Congregational Church, separated by the width of a road. The proposed two storeyed development will have no significant impact on the setting of this listed building which, in any case, has a substantial and unsympathetic modern rear extension backing on to Holmesdale Close."

3.7 **Southern Water** raise no objections to the development and recommend a condition be imposed in relation to the means of foul and surface water sewerage disposal and an informative requiring a formal application to the public sewerage system.

3.8 **UK Power Networks** have no objections to the application.

4. REPRESENTATIONS

4.1 5 letters of objection have been received on the following grounds:-

- Increased traffic onto Linton Road.
- Noise pollution to existing residents.
- Blocking existing accesses to the rear of properties that face Linton Road.
- Concern that the development would prevent access to the public highway and existing garages.
- The development of multi storey family housing is out of character with the existing development and elderly residents.
- The heights of the roofs are out of keeping with the surroundings.
- Insufficient level of car parking provision for the development.

- The parking arrangements for the Church would be disrupted by the parking for new residents and from the construction of the development.
- There is no screening proposed for the northern boundary.
- Concern regarding the removal of a Sycamore tree that is not located within the application site.
- Loss of privacy.

4.2 A petition including 6 residents of Holmesdale Close with accompanying standard letter have been submitted objecting to the development on the following grounds:-

- The increase in traffic and potential obstruction of the pavement would reduce the quality of life of the existing occupants.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is with a cul-de-sac location off the A229, Linton Road, at the western end of Holmesdale Close. The site is within the village envelope of Loose. There are a number of other residential properties in the vicinity within Holmesdale Close. To the east are rear entrances to properties that face onto Linton Road, which are located on the opposite side of Holmesdale Close. To the north of the site are a parking area and the rear gardens of properties within Salts Avenue. To the west of the site are the grounds and playing fields of the Cornwallis School, which is located outside the village envelope and within the Southern Anti-Coalescence Belt (ENV32).

5.1.2 The site forms two distinct parts; the first is currently vacant and formerly housed George Marsham House, which was a two storey building with the appearance of a row of terraced properties and a detached two storey flat roofed building located close to the boundary with Holmesdale Close. George Marsham House was formally a sheltered Housing scheme comprising of 24 bed sits with shared facilities. The accommodation provided within George Marsham House was no longer fit for purpose and as a result the buildings on site have been demolished. The second part of the site relates to the existing 'Amies House' building, which sits adjacent to the former George Marsham House and comprises a two storey block of 6 one bed flats and remains in use.

5.1.3 There are some trees of interest on and surrounding the site, including an Oak close to the boundary with Holmesdale Close and a Field Maple and Red Oak towards the western side of the site. None of the trees are protected by a Tree Preservation Order. The Linton Road Congregational Church is located to the

east of the site, between Holmesdale Close and Linton Road and is a Grade II listed building.

5.2 Proposal

- 5.2.1 The proposal is again in two parts. Firstly, the main part of the proposal involves the construction of fourteen dwellings on the site of the former George Marsham House. There would be eight 3 bedroom houses, three 4 bedroom houses and three 2 bedroom bungalows. The fourteen dwellings would be provided by Golding Homes and would be all affordable housing.
- 5.2.2 The layout of the development would include two rows of four three bedroom houses (back to back) facing generally north and south. Attached to the western end of the northern terrace would be two 4 bedroom dwellings with a single 4 bedroom dwelling attached to the southern terrace. To the eastern part of the site, the development would consist of bungalows fronting Holmesdale Close. There would be a single detached bungalow and a pair of semi detached bungalows. The layout of the development follows the principles of Secure by Design with active frontages overlooking the roads and footways.
- 5.2.3 The three bedroom houses would be two storey and the four bedroom properties would be two and a half storeys (accommodation contained within the roof). The materials used would incorporate a fibre cement cladding material designed to replicate traditional timber weatherboarding, a mix of red and yellow brickwork with artificial slate for the roof, which would be a 45° angle. Each of the dwellings would have a private garden area in excess of 50m². There would be 17 car parking spaces to serve the fourteen dwellings, with a mixture of shared parking areas and driveways. The dwellings would meet at least level 3 of the Code for Sustainable Homes.
- 5.2.4 The development would include a scheme of proposed landscaping, which would create individual front garden areas for the properties. There would be limited fencing along the frontages and therefore the open plan style landscaping would be the main feature of the dwellings.
- 5.2.5 The second part of the proposal would be the refurbishment of 'Amies House', located in the southern part of the site. This would involve the replacement of cladding of the first floor of the building and the cladding of the ends. There would be changes to the roof of the existing porch to go from a flat roof to a mono pitch with some minor fenestration changes.
- 5.2.6 The applicant undertook pre-application discussions with officers in relation to the development of the site and has also agreed to include swift bricks and bat boxes within the development and to ensure all hard surfaces provided are

permeable through the course of the application and these would be secured through a condition.

5.3 Principle of Development

- 5.3.1 The application site is located within the village envelope of Loose and is close to nearby schools, some amenities and bus routes into Maidstone. The site is previously developed land and previously contained 24 bedsits with shared facilities. Within the village envelope policy H27 of the Maidstone Borough-Wide Local Plan (2000) allows for new minor residential development. I consider that the principle of the development of this site for residential purposes is acceptable and in accordance with the Development Plan.
- 5.3.2 The overarching aim of the National Planning Policy Framework is to deliver sustainable development and to this end I find no conflict between this aim and the policies within the Development Plan.

5.4 Visual Impact

- 5.4.1 The main part of the existing site is a vacant site with the former George Marsham House having been demolished. It is surrounded with hoardings and appears as an unattractive site awaiting development. The previous development that was on the site was of a relatively unattractive appearance with a long terrace with a two storey flat roof building located in front. The southern part of the site includes 'Amies House'. This building is beginning to look dated and is in need of refurbishment. Therefore I do not consider that the site provides a particularly positive impact on the surrounding area.
- 5.4.2 The proposed dwellings would be mixed in terms of styles with the bungalows fronting Holmesdale Close and themselves screening the flank wall of the end of the terrace of properties. The two terraces would then face the new shared private access roads and create further active frontages.
- 5.4.3 The surrounding properties are mixed in terms of styles with two storey semi detached dwellings on the south side of Holmesdale Close near the entrance from Linton Road. There are bungalows in the southern part of Holmesdale Close alongside the two storey 'Amies House'. In addition there are two storey properties in the vicinity fronting Linton Road and to the south in Hanson Drive. The existing mix of house types in the area would ensure that the proposed development with a mixture of bungalows, two storey dwellings and two dwellings with additional rooms in the roof would not be out of character with the area.

- 5.4.4 The proposed development would be relatively well designed. The scale of the development is proportionate with other development in the area. The articulation of the dwellings combined with the frontages of the dwellings overlooking Holmesdale Close and the shared access drives would enhance the character of the site and would be a significant improvement on the previous unattractive terrace and detached two storey flat roofed buildings that occupied the site. Furthermore, the development would also be an improvement on the existing site and its hardstanding area and hoardings.
- 5.4.5 The proposed development would include shared surfaces to the front of both rows of terraces. These shared surfaces and their future use would add more character to the area, which is to some extent characterised by the back fences to rear gardens that offer limited surveillance or visual interest. Their introduction would also result in a visual improvement on the previous development and the existing site.
- 5.4.6 The Congregational Church that fronts Linton Road is a Grade II listed building. The development would be on the opposite side of Holmesdale Close to the listed building and the separation would be sufficient to ensure that the development would not harm the setting of the listed building. The Conservation Officer has considered the application and agrees with this assessment.
- 5.4.7 The retention of the existing tree adjacent to Holmesdale Close and the proposed landscape frontages to create front gardens would assist in soften the development and it would fit in well with the cul-de-sac location. The front gardens would assist in integrating the development into the overall character of Holmesdale Close and conditions to ensure this open plan feel is maintained would be appropriate.
- 5.4.8 The refurbishment works to 'Amies House' would have a positive impact on character and appearance of the area.

5.5 Residential Amenity

- 5.5.1 The nearest residential properties to the new development would be those in Holmesdale Close and those that front Linton Road. The other properties close to the new development would be the dwellings in Salts Avenue whose rear gardens back onto part of the application site.
- 5.5.2 The dwellings in Holmesdale Close would be mostly separated from the proposed development by the road and although the new southern terrace would overlook part of the grounds of 'Amies House' I do not consider this to result in an unacceptable loss of privacy. The properties in Linton Road would

be a minimum of approximately 30m from the closest boundary of the application site (which is again across the highway of Holmesdale Close) and this distance would ensure that the privacy levels of the occupants would be maintained. The dwellings in Salts Avenue would be a significant distance from the proposed development and a minimum of approximately 70m from the closest boundary of the application site. One of the letters of representation raises concern about the northern boundary of the application site and a satisfactory boundary treatment could be secured by way of a condition.

- 5.5.3 The distances between the proposed development and the nearby houses would ensure that there would be no adverse impact in terms of loss of light or an overwhelming impact from the development and the level of amenity enjoyed by the occupiers would be maintained.
- 5.5.4 Concern has been raised by some objectors that the family housing would harm the amenity of the elderly residents in Holmesdale Close. I do not consider that one type of housing would necessarily impact on the amenity levels of other occupants purely on the type of accommodation proposed. In fact the introduction of family housing would provide a more mixed community and should be encouraged.
- 5.5.5 There is also concern raised by an objector regarding increased noise pollution. However, I do not consider that residential accommodation is necessarily a noise generator. It is not in the realms of an industrial or public house use, which could well cause disturbance that, would impact on amenity.
- 5.5.6 The refurbishment works to 'Amies House' would have no significant impact on residential amenity.

5.6 Highways

- 5.6.1 The proposed development would be served from the existing Holmesdale Close. There would be two shared access drives that would serve the two terraces of properties. Access to the bungalows would be direct from Holmesdale Close. Holmesdale Close is a cul-de-sac which serves a number of properties, the rear of some properties in Linton Road and a garage block/parking area. There is no issue with the capacity of the road or the visibility at the junction with Linton Road.
- 5.6.2 I note the comments from Kent Highways in relation to parking spaces and requiring 6m to reverse. Whilst I accept that to reverse out of some of the spaces would require more than one movement, I do not consider that undertaking this manoeuvre in a private shared access that would serve a few dwellings would be a significant hazard to highway safety.

- 5.6.3 A number of the objectors have raised concern about the increased parking and inconvenience from parking within Holmesdale Close. However, there are 17 car parking spaces proposed for the fourteen dwellings and this is considered an appropriate level of parking for the development. I do not consider that any additional on street car parking caused as a result of the development would result in a hazard to highway safety. The impact of the previous use of the site for 24 bedsits would have had the potential for a greater level of on street car parking.
- 5.6.4 I note the objections from the nearby church in relation to the impact on those attending the church. However, I note that the church relies on parking available on the public highway and unfortunately it is not within the remit of planning to secure on street car parking for a particular use and although the development may result in some inconvenience to attendees of functions at the church it would not result in a significant reduction of on street parking and would not justify refusal of the application.
- 5.6.5 The proposal for 14 dwellings would result in an increase in vehicular movements through the 'Wheatsheaf Junction' from the existing vacant site. However, the previous use as 24 bedsits would have also generated a number of vehicular movements through this junction. Given the scale of the development, its location and other directions of travel available and the previous use of the site for 24 bedsits I do not consider it appropriate to request contributions towards the proposed highway improvements to assist this junction.
- 5.6.6 The refurbishment works to 'Amies House' would have no significant impact on highway considerations.

5.7 Landscaping

- 5.7.1 The application is accompanied by a tree survey and identifies the primary arboricultural constraint within the site boundary will be development in relation to the oak and the red oak and in relation to groups of trees, which separate the site from the Cornwallis school grounds to the west and also considers these to be significant trees within the local landscape.
- 5.7.2 The development has been designed in order to retain these trees of importance. The arboricultural implications assessment concludes that we recommend that a low impact construction methodology is utilised within the Root Protection Area (RPA) of these trees, and that any works within the RPA should be approved by the Local Planning Authority prior to any works commencing. Should works be required within the RPA, they should be hand

dug, under arboricultural supervision. Any roots should be cleanly cut to avoid infection. All retained trees should be afforded suitable protection throughout the construction phase with standard Heras fencing. A condition should be imposed in order to secure the development is carried out in accordance with the recommendations in the assessment.

- 5.7.3 The key trees would be retained including the prominent oak adjacent to Holmesdale Close and the tree screen along the western boundary screening views from Cornwallis school. This would ensure the positive contribution that these trees have on the surrounding area would be maintained.
- 5.7.4 The proposed development includes additional landscaping and a number of front garden areas. It is important that these front gardens contribute positively to the character of the road and to this end I would propose a condition requiring a full landscaping scheme be submitted including hedgerows within the front gardens and in particular the bungalows that would front directly onto Holmesdale Close.

5.8 Heads of Terms

- 5.8.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 5.8.2 The following requests have been made by consultees as a result of the proposed development:-
- A contribution of £3,407.07 for bookstock, staff and extended hours at the Kent Library and History Centre required by the demand created by the proposed development;
 - A contribution of £217.69 towards a youth outreach services required as a result of this development;
 - A contribution of £598.77 towards adult learning in Maidstone outreach centres;
 - A contribution of £1,047.88 towards projects to provide social care;
 - A contribution of £13,284 for the upgrade and/or redevelopment and/or relocation of nearby surgeries;
 - A contribution of £22,050 being £1,575 per dwelling for the improvement of the open space within surrounding area.

- 5.8.3 This proposal includes the provision of contributions for the Primary Care Trust (PCT), Kent County Council (KCC), and for Maidstone Borough Council Parks and Open Space Department (POS).
- 5.8.4 The scheme does not meet the 15 unit threshold for the provision of affordable housing. However, the applicant is a registered social landlord and is one of the main providers of affordable housing in the Borough. The scheme is likely to provide a minimum of 8 units of affordable housing secured with the help of HCA funding that the Council would have nomination rights for. However, in order not to prejudice the value of the site in terms of securing future borrowing against the value of the site the applicant would not wish to enter a Section 106 agreement for a significant level of affordable housing on a site that does not meet the threshold of 15 units.
- 5.8.5 The applicant has submitted an appraisal undertaken by Page and Wells to RICS Red Book standards. The appraisal compares the difference between the full market rent and 80% market rent using a 6% discount rate (representing typical cost of finance). The conclusion of the appraisal is that the value of an affordable house (i.e. the difference between the value of a market rent property and an affordable rent property) is between £25,000 and £30,000. The Council's Housing and Communities Funding Manager has considered the appraisal and agrees with the findings. A copy of the appraisal is attached as an exempt appendix to this report.
- 5.8.6 The requested contributions from consultees total £40,605.41. There is justification submitted by these consultees for the requested contributions for all parties. However, the applicant has indicated that despite the fact that the scheme falls below the threshold for affordable housing they would be willing to secure a level of affordable housing as an alternative to the other contributions. The appraisal indicates that the comparable value of an affordable house is between £25,000 and £30,000 and this is accepted by the Council. As a result the proposal is to secure 2 dwellings as affordable through a Section 106 (a value of between £50,000 and £60,000) as an alternative to the total requested contributions of £40,605.41.
- 5.8.7 The joint number one priority (along with public open space provision) for securing through Section 106 agreements is affordable housing. It should also be noted that the site previously contained 24 bedsits, which would have generated need for healthcare facilities, open space and other community facilities. There has been a very limited level of provision of affordable units in within Loose village and this part of the Borough generally. As a result of these factors I consider that in this case it would be appropriate to secure 2 dwellings as affordable units through a Section 106 agreement in lieu of a request for other contributions.

5.9 Other Matters

- 5.9.1 In terms of ecology, an ecological scoping report has been undertaken by the applicant. The report concludes that there is no suitable habitat on site for amphibians, reptiles, dormice, restricted habitat for badgers (and no signs found on site), very restricted habitat for foraging for bats with no potential for roosting. It does state that the trees offer good nesting habitats for birds. I consider that with the retention of the trees, particularly the screen to the west of the site, adjacent to the school grounds would secure the retention of the identified habitat on the site. Furthermore, following discussions with the applicant they have agreed to incorporate swift bricks and bat boxes, which would enhance the opportunities for such wildlife and these can be conditioned. Therefore I consider the development to be acceptable in terms of ecological considerations.
- 5.9.2 There would be no significant impact on environmental health considerations. The site was formerly residential, adjacent to school grounds and as such there would be no issue with contaminated land. The dwellings would be set far enough (and behind existing dwellings) from the A229 to be shielded from the traffic noise and any air quality issues.
- 5.9.3 The proposed dwellings would all meet a minimum of level 3 on the Code for Sustainable Homes and this would ensure that in terms of sustainable construction they would exceed current building regulation standards. A condition will be imposed to secure this. Code for Sustainable Homes level 4 was sought at pre-application stage, however, the applicant considers that the cost of providing this level would be prohibitive, particularly with the extensive gas main works required for this site and other properties in the area. Although Code for Sustainable Homes level 4 would be desirable I do not consider that the proposal to achieve level 3 instead would, in this case, warrant a refusal of consent.
- 5.9.4 There is no development proposed on the public highway and no plans to alter the ownership details or access arrangements for the carriageway of Holmesdale Close.
- 5.9.5 Southern water have requested conditions in relation to foul and surface water drainage and these would be appropriate to attach to any permission. The applicant has agreed through negotiation to provide all hardsurfaced areas in permeable material to assist with surface water runoff.

6. CONCLUSION

- 6.1 The site is previously developed land and within the village envelope of Loose. It was formerly residential with two storey buildings providing 24 bedsits. The principle of the redevelopment for additional housing is acceptable.
- 6.2 The design and layout of the scheme is acceptable and would result in a positive impact on the character and appearance of Holmesdale Close. The development would not have a detrimental impact on the character and appearance of the nearby listed building.
- 6.3 There would be no adverse impact in terms of residential amenity caused by the development. The distances between the proposed development and the existing residences would be sufficient to ensure the level of amenity enjoyed by the occupiers would be maintained.
- 6.4 There would be no adverse impact on highway safety from the proposal. The 17 spaces for the fourteen dwellings is an adequate level of provision. There may be some additional manoeuvring to get out of some of the spaces but this would not impact on highway safety and would be on private land.
- 6.5 The scheme would provide 100% affordable housing and at this level it has been demonstrated that no financial contributions could be made. On this basis and considering the Council's priority for the provision of affordable housing I consider a Section 106 requiring 100% affordable housing and no other contributions to be acceptable.
- 6.6 The alterations to 'Amies House' are minor alterations and would not have a significant impact on the area. However, the refurbishment works would result in a positive visual impact and are acceptable.
- 6.7 Overall, the development is acceptable and in accordance with the Development Plan and national guidance in the National Planning Policy Framework and subject to the completion of a Section 106 legal agreement I recommend permission be granted.

7. RECOMMENDATION

SUBJECT TO:

- a) The prior completion of a legal agreement, in such terms as the Borough Solicitor may advise, to secure the provision of 2 units of affordable housing;

I BE DELEGATED POWER TO GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with policies BE1 of the South East Plan (2009).

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping including front boundary hedgerows around the properties, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted in accordance with policies ENV6 of the Maidstone Borough Wide Local Plan (2000) and BE1 of the South East Plan (2009).

4. 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 in accordance with policies ENV6 of the Maidstone Borough Wide Local Plan (2000) and BE1 of the South East Plan (2009).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B and E shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development is maintained and to ensure levels of amenity are maintained in accordance with policy BE1 of the South East Plan (2009).

6. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(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 BE1 of the South East Plan (2009).

7. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gate or walls shall be erected in front of the front wall of the dwellings hereby permitted, without the prior approval of the local planning authority.

Reason: To safeguard the character and appearance of the site and the surrounding area in general in accordance with policy BE1 of the South East Plan (2009).

8. The development shall not commence until, details of the proposed permeable materials to be used in the surfacing of all access road, parking, turning areas, and pathways within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To ensure that the development positively responds to the character and appearance of the locality and to ensure highway safety. This is in accordance with polices CC6 and BE1 of the South East Plan 2009 and the National Planning Policy Framework 2012.

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

Reason: To ensure a sustainable and energy efficient form of development in accordance with Policy CC4 of The South East Plan 2009 and the National Planning Policy Framework 2012.

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

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

11. The development shall not commence until details of measures to provide for the installation of bat boxes and swift bricks 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: In the interests of biodiversity and ecology pursuant to policy NRM5 of the South East Plan 2009 and in accordance with the National Planning Policy Framework 2012.

12. The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including a revised parking layout in proximity to the retained Oak tree adjacent to Holmesdale Close, which shall include details of all trees to be retained, any facilitation pruning required and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction- Recommendations' has been submitted to and approved in writing by the Local

Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for the extension, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The sitting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6 and BE1 of the South East Plan 2009, Kent Design Guide 2009 and central government planning policy as set out in the National Planning Policy Framework 2012.

13. The development shall not commence until details of foul and 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 and flood prevention in accordance with policy NRM4 of the South East Plan (2009).

14. The development hereby permitted shall be carried out in accordance with the following approved plans:
PL01, PL02, PL03, PL04, PL05, PL06, PL10, PL11, PL12, PL20, PL21 and PL40 received on 21/12/11;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy BE1 of the South East Plan (2009).

Informatives set out below

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.

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 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.considerateconstructorsscheme.org.uk

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

There shall be no burning of waste materials on site.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St, James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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.