

<b>REFERENCE NO - 18/503763/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of two new dwellings.		
<b>ADDRESS</b> Land To The Rear Of 244 - 250 Upper Fant Road Maidstone Kent ME16 8BX		
<b>RECOMMENDATION</b> Grant planning permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• The site has an existing use as an engineering workshop and this use would be more appropriate in the context of the locality.</li> <li>• Proposal relates to a redevelopment of the site to replace old and unsightly derelict buildings and enable a more efficient use of land in a sustainable location.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Cllr Harper requested the application is presented to the planning committee as he is concerned that it would have an adverse impact on the environment including the Fant Wildlife Site.		
<b>WARD</b> Fant	<b>PARISH/TOWN COUNCIL</b> n/a	<b>APPLICANT</b> Arrant Land <b>AGENT</b> Denizen Works
<b>TARGET DECISION DATE</b> 09/11/18	<b>PUBLICITY EXPIRY DATE</b> 13/11/18	

## **MAIN REPORT**

### **1.0 BACKGROUND**

- 1.01 This application was deferred at the Committee meeting on 29<sup>th</sup> November 2018 for the following reasons:
- Seek the submission of a reptile survey and integrated niches for wildlife (bat tubes or bird bricks);
  - Negotiate the incorporation of renewable energy measures such as decentralised energy generation within the development;
  - Negotiate the retention of a percentage of the cordwood on the site to provide habitat for wildlife; and
  - Seek vehicle tracking details.
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- 1.02 The original Committee report is attached as an appendix.

### **2.0 ADDITIONAL INFORMATION SUPPLIED**

- 2.01 Additional drawings have been submitted following the deferral highlighting the provision of gaps in fencing for use by hedgehogs, along with the provision of bat/bird boxes. The email submitted with it reiterated previous information and confirmed positive feedback for the project at pre-application stage.
- 2.02 Additional statement explaining the fabric first approach to the development proposal in relation to sustainability.
- 2.03 No information was provided in relation to the request for the retention of cordwood as the site currently comprises hardstanding throughout. In addition, other biodiversity enhancements have been added to the proposal including the incorporation of bat and bird boxes and openings in boundary fences to provide access for hedgehogs.
- 2.04 Additional drawings and a statement have been provided with regard to vehicle tracking on site vehicle manoeuvring .

### **3.2 CONSULTATIONS**

KCC Highways – Confirmed that they have no further comments with regard to this application.

### **4.0 APPRAISAL**

4.01 Following deferral of the application at the committee meeting of the 29<sup>th</sup> November 2018, the following responses are provided.

Reptile survey and integrated niches for wildlife (bat tubes or bird bricks)

4.02 A reptile survey was requested however, this information had been submitted at the time of the application.

4.03 Having assessed the stage one ecological survey, KCC Ecology assessed the information submitted at the start of the application, and found that there may be some areas of the site suitable for reptile use (made especially likely due to the adjacent Local Wildlife Reserve). However, as the application site is relatively small, it is unlikely that there would be a resident reptile population. Nevertheless, as reptiles are protected, the following precautionary measures are advised.

- Operational works will adhere to the precautionary measures in paragraph 4.4 of the Preliminary Ecological Appraisal and Bat Report (KB Ecology Ltd – July 2018). If reptiles are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist.

Reason: To avoid an adverse impact on biodiversity as a result of the development.

- The development hereby approved shall not proceed past slab level until details of a sensitive lighting plan to minimise disturbance to foraging bat behaviour as well as averting glare that would be likely to result in an adverse impact on neighbouring amenity has been submitted to, and approved by, the Local Planning Authority. This will include the location and type of lighting to be installed and consideration of bat-sensitive areas to be illuminated. The approved plan will be implemented prior to the occupation of the properties and will be retained thereafter.

Reason: To avoid an adverse impact on biodiversity in addition to residential amenity as a result of the development.

- Prior to the first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority together with a timetable for implementation. This will include the implementation of at least four of the recommendations in paragraph 4.10 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology Ltd. Jul 2018) and a timetable for implementation. The approved details will be implemented in accordance with the approved timetable and thereafter retained.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

4.04 The applicant has confirmed that bird boxes and bat boxes are to be installed and integrated into the fabric of the scheme and hedgehog openings provided in the boundary fencing. While the principle of these proposals

would be likely to be acceptable the proposed condition is considered necessary as insufficient information has been received.

Renewable energy measures

- 4.05 Members requested officers discuss the incorporation of renewable energy measures such as decentralised energy generation into the development.
- 4.06 The current Government planning policy in the NPPF and NPPG supports the transition to a low carbon future and increased production of energy from renewable sources by support for renewable and low carbon energy and associated infrastructure.
- 4.07 Paragraph 153 of the NPPF states that in determining planning applications, there should be account taken of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 4.08 As background, the Code for Sustainable Homes was developed as a planning policy in the late 2000's with the last version being Technical Guidance published in 2010. The Code was a national standard for rating and certifying the performance of new homes with a view to encouraging continuous improvement in sustainable home building.
- 4.09 Essentially the Code set standards relative to the baseline position of Building Regulations. In response, LPAs generally imposed planning conditions to secure, inter alia, energy efficiency and renewable or low carbon energy.
- 4.10 In a Deregulation Act in 2015, LPAs were not allowed to require any level of the Code for Sustainable Homes to be achieved by new development in emerging Local Plans or SPD. There was a presumption against imposing planning conditions requiring the Code for Sustainable Homes unless there was a robust local evidence base.
- 4.11 The Government formally withdrew the code and the technical guidance as part of their Deregulation strategy because the Building Regulations had improved since 2010 and would be regularly updated.
- 4.12 In early 2016, the Government diverted from a "zero carbon homes policy" saying that they would keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established. Essentially, the rationale was to rely on Building Regulations in terms of the 'fabric first' approach.
- 4.13 Therefore the energy efficiency of houses is under increasing scrutiny through the Building Regulations with SAP (Standard Assessment Procedure) testing of insulation and boilers etc so that there is a lessened need for 'renewables' because of the focus having been made on reducing the consumption of energy.
- 4.14 In summary, the NPPF expects local planning authorities when setting any local requirement for a building's sustainability to adopt nationally described standards. Local requirements should only form part of a Local Plan following engagement with appropriate partners, based on robust and credible evidence and with careful attention to viability.

Retention of a percentage of the cordwood on the site

- 4.15 Members requested the retention of a percentage of the cordwood on the site to provide habitat for wildlife. No cordwood is on the site as it currently comprises hardstanding and, although there is some shrubbery growing on the site due to lack of maintenance, there are no trees to be felled.
- 4.16 Some provision has already been proposed for biodiversity enhancements, and it would not be considered reasonable to enforce the provision of cordwood by condition. For this reason, it has not been added to the list of conditions at the end of the report.

Details of a vehicle tracking

- 4.17 Members requested vehicle tracking diagrams to show how vehicles would manoeuvre on the site and these have been provided:

The additional information received shows the garage door to unit one in two parts; these both now slide horizontally rather than vertically upwards. The garage opening is will extend the entire width of the front elevation in addition a portion of the north east side. This arrangement results in an improvement to the vehicle turning curve and would not now require the use of any land which the applicant does not have a right of access.

- 4.18 Two tracking drawings for unit two, show that vehicles can manoeuvre into the car parking spaces provided without the need to use land which the applicant does not have a right of access. It should be noted that KCC Highways do not object to the application.

**OTHER MATTERS**

- 4.19 KCC Highways have requested a condition is added to provide details for the provision of loading and unloading of construction vehicles. However, this is covered by the Highways Act 1980 and, for this reason, a condition to cover this matter is not necessary.
- 4.20 A previous condition relating to details of foul and surface water drainage has been removed as this is covered by the Environmental Protection Act 1990.

**5.0 CONCLUSION**

- 5.01 Previous concerns raised by Councillors and neighbours are noted, however, it is considered that the proposal would not result in any unacceptable highway safety issues to warrant refusal of the application on this ground.
- 5.02 The site specific impacts have been assessed and there are no issues that would suggest the site either would not be suitable for development or that the site cannot accommodate the proposed development. The ecological issues have been addressed by the ecological assessment and subsequent conditions recommended by KCC Ecology. Overall, the development proposal would be considered policy compliant and, as such, would be recommended for approval.
- 5.03 It is considered that the site accords with the development plan and other material considerations weigh in favour of the development. Therefore it is

recommended that permission is granted subject to the imposition of the appropriate planning conditions.

## **6.0 RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby approved shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.  
Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A – E (inclusive) to that Order shall be carried out without the permission of the local planning authority;  
Reason: To safeguard the character, appearance and functioning of the surrounding area.
- 4) The development hereby approved shall not commence until, details of the proposed slab levels of the buildings 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.
- 5) Notwithstanding the details submitted, the development hereby approved shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the buildings 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.
- 6) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the northeast and northwest facing walls of dwellings 1 and 2 at first floor level and above, and the southwest facing wall of dwelling 2 at first floor level and above hereby permitted;  
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- 7) Before the development hereby permitted is first occupied, the proposed first floor bathroom window on the northwest facing wall of dwelling 1, the translucent corrugated cladding on the upper section of the garage belonging to dwelling 1, and the first floor WC window on the northeast facing wall of dwelling 2 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority.  
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.
- 8) The approved details of the parking/turning areas shall be completed before first occupation of the 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) (England ) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;  
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 9) The development hereby approved shall not commence until (including site clearance and demolition) an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme, include a tree protection plan and provide details of the foundations in relation to the tree roots.  
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 10) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the following:  
To reduce the amount of landscaping at the front of the application site  
Reason: In the interests of landscape, visual impact and protection of the amenity of the area and neighbouring gardens and to ensure a satisfactory appearance to the development
- 11) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared

or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 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. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 12) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given buildings with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

- 13) The development hereby approved shall not proceed past slab level until details of a sensitive lighting plan to minimise disturbance to foraging bat behaviour as well as averting glare that would be likely to result in an adverse impact on neighbouring amenity has been submitted to, and approved by, the Local Planning Authority. This will include the location and type of lighting to be installed and consideration of bat-sensitive areas to be illuminated. The approved plan will be implemented prior to the occupation of the properties and will be retained thereafter.

Reason: To avoid an adverse impact on biodiversity in addition to residential amenity as a result of the development.

- 14) Prior to the first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority together with a timetable for implementation. This will include the implementation of at least four of the recommendations in paragraph 4.10 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology Ltd. Jul 2018) and a timetable for implementation. The approved details will be implemented in accordance with the approved timetable and thereafter retained.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 15) Operational works will adhere to the precautionary measures in paragraph 4.4 of the Preliminary Ecological Appraisal and Bat Report (KB Ecology Ltd – July 2018). If reptiles are found during the works, the applicant must stop work and follow advice from an independent ecologist.

Reason: To avoid an adverse impact on biodiversity as a result of the development.

- 16) The development hereby approved shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.
- b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 17) A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in part c of the preceding condition. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 18) The development hereby approved shall not commence above slab level until details of all fencing, walling and other boundary treatment to be constructed will be submitted to, and approved in writing by, the Local Planning Authority. This will include details of openings to enable creatures to pass through amenity areas. The boundary treatment will be constructed before the occupation of the properties and will be maintained at all times.

Reasons: In the interests of biodiversity and to avoid any loss of privacy for neighbours

- 19) Prior to the first occupation of the dwellings hereby approved, delivery and servicing arrangements shall be in place that are in accordance with a delivery and servicing plan that has previously been submitted to and approved in writing by the Local Planning Authority, with the arrangements maintained for the lifetime of the development.

Reason: In the interests of neighbourliness and to keep the highway clear of obstruction.

- 20) The development hereby permitted shall be carried out in accordance with the following approved plans:

16 Jul 2018	P011 Rev A	Proposed First Floor Plan
16 Jul 2018	P012	Proposed Roof Plan
16 Jul 2018	P031	Proposed Elevation NW 2
16 Jul 2018	P033	Proposed Elevation SE

16 Jul 2018		Preliminary Ecological Appraisal & B...
16 Jul 2018		Design and Access Statement
20 Jul 2018		Planning statement
20 Sep 2018	E000 Rev B	Location Plan
20 Sep 2018	P001 Rev A	Proposed Site Plan Amendment
18 Jan 2019	P010 Rev B	Proposed Ground Floor Plan
18 Jan 2019	P030 Rev A	Proposed Elevation NW
18 Jan 2019	P032 Rev A	Proposed Elevation SW
18 Jan 2019	P034 Rev A	Proposed Elevation NE
18 Jan 2019	P040 Rev A	Proposed Site Section A
18 Jan 2019	P041 Rev B	Proposed Section AA
18 Jan 2019	P042 Rev B	Proposed Section BB
18 Jan 2019	Cover Emails	
18 Jan 2019	26930-700 1	Swept Path Analysis Private Vehicle
18 Jan 2019	26930-701 1	Swept Path Analysis Private Vehicle
18 Jan 2019	26930-702 1	Swept Path Analysis Private Vehicle

Reason: To clarify which plans have been approved.

### **INFORMATIVES**

- 1) The applicant is advised to discuss all drainage and sewerage matters further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) or email [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)
- 2) This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- 3) It is the responsibility of the applicant to ensure that before the development hereby approved is commenced, all necessary highway approvals and consents where required are obtained, and that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- 4) The applicant is reminded that broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Jocelyn Miller