

leaving the north exit from the village, lack of amenities and services in the village and loss of mature trees.

4.2 KCC (Highways): No objection subject to conditions and informative.

4.3 Natural England: Satisfied the site does not appear to be suitable for protected species. Supports recommendations to install nest boxes for house sparrow and bat hostels and recommends this is covered by condition.

4.4 Private Reps: 53/0X/0S/25R & A8 Site Notice: Twenty five letters of objection received objecting on the following grounds:

- Road safety and access opposite a children's nursery;
- Restricted turning space within the site;
- Vision splays obstructed by parked cars/hedgerows;
- Inadequate parking provision within the site leading to overspill onto adjacent roads;
- Lack of facilities in Blue Bell Hill village. Need to improve long standing social infrastructure problems;
- Loss of mature gardens, trees and hedgerows and associated wildlife;
- Noise pollution for surrounding houses;
- Too much development in Blue Bell Hill;
- Inadequate water pressure/supply;
- Village surrounded by motorways and A roads (single access point understood to be at the residents request);
- Existing traffic problems;
- Almost non existent public transport;
- Property mix is not in keeping with character of area;
- Loss of privacy and amenity;
- Overdevelopment of the site;
- Possibility of affordable housing, which is not in keeping with the area;
- Possible damage to remaining trees during construction;

- Ecological survey not considered to be thorough enough;
- Example of town cramming;
- Lack of developer contributions to improve transport/amenities of the local area;
- Adequacy of foul sewers to take on additional waste;
- Site is considered to be greenfield rather than brownfield;
- Lack of clear need for development other than financial gain;
- Close siting of access road to number 1 Laurie Gray Avenue;
- Size of bin store is inadequate for 8 dustbins;
- Clay substrata do not suit soakaways.
- Harm to protected and non-protected wildlife species;
- Increased crime and vandalism;
- Communal car parking is not a feature of the area.

4.5 DHH: Contamination: Recommend a condition covering potential contamination and soil investigation. Further consideration needs to be given to refuse collection from the site to meet Council requirements.

4.5.1 Housing: In accordance with emerging policy contained within the LDF Core Strategy the proposal triggers the affordable housing policy. There is therefore an expectation for the delivery of 40% affordable housing from this site.

4.6 EDF Energy: No response.

4.7 Mid Kent Water: No response.

5. Determining Issues:

5.1 This site which is made up of existing rear gardens falls within what is described as a rural settlement on the Local Plan. As with many other rural settlements the village has no facilities including shops, school, doctors, poor public transport etc. As a result the residents are generally car dependant for their services. In addition to domestic car trips a certain amount of parking and vehicle activity is generated by the crematorium, commuters wishing to avoid the nearby park and ride car park and the adjacent childrens nursery. Laurie Gray Avenue is itself built on an area in the backland between Maidstone Road, Mill Lane, Robin Hood Lane (Upper) and the Crematorium.

- 5.2 In line with the broad aims of PPS3 the development of residential curtilages for residential properties is considered to represent brownfield development and is acceptable. The site area is 0.185 hectares and the proposal represents a density of approximately 43 dwellings per hectare which is within the currently recommended standards of 30-50. It cannot therefore be argued that the proposal represents overdevelopment. The scheme clearly involves the erosion of back garden areas, but in principle there is no policy objection.
- 5.3 As details of the siting and access have been provided it is necessary to give detailed consideration to these matters. All other aspects of the development will require careful consideration at a detailed application stage.
- 5.4 The layout has been considered having regard to the density of adjoining development, road layout and relationship with old and newer properties nearby. Residential development in the area varies with the properties in Laurie Gray Avenue and Roman Close being averaged sized modern houses on small plots frequently with limited rear garden space. The proposed layout would not seem to be so dissimilar with the development on these roads.
- 5.5 The proposed development is likely to have noticeable effect on the residential amenities currently enjoyed by the occupants for number 1 Laurie Gray Avenue. This property would be affected by the proposed access road running alongside its western elevation along which there are some windows and a door. The applicants intend to erect a new 1.8m high boundary fence along the boundary which would be a similar form of treatment that could be expected along a boundary. Clearly there will be an increase in vehicle and pedestrian movement in close proximity to number 1.
- 5.6 KCC Highways is satisfied with the width of access road, capacity of adjacent highway network to cope with additional traffic movements and pedestrian vision splays. Further work is required in respect of safety audit procedures, surface water discharge, means of emergency access and refuse collection arrangements but these are dealt with outside the planning process.
- 5.7 The number of units at the site has been reduced since the previous application to take account of the impact upon protected trees at the site. The application has been amended to create a greater space between the protected yew tree and plots 7 and 8. The proposed scheme will ensure that the TPO trees will be retained and given adequate separation distance to the proposed dwellings. The other trees to be removed are smaller and not visually important trees. Therefore, the proposal will not detract from the visual amenity of the locality.
- 5.8 With regard to the relationship with adjacent properties, separation distances would vary between a minimum of approximately 9m and 21m. In general the separation distance from properties in Laurie Gray Avenue and Maidstone Road

are generally acceptable. Two of the properties most likely to be affected are numbers 21 and 23 Roman Close. The nearest property in Roman Close, number 21, has a bathroom window in the side elevation. A number of the proposed properties would face towards the side elevation and garden area of number 21. The second nearest house at the rear, number 23 has first floor windows which would face towards the site. Clearly a situation would occur where new houses would be in closer proximity to those that already exist. The separation distances would be similar to others nearby, e.g. numbers 7, 9 & 11 and Laurie Gray Avenue. It would therefore be difficult to state that there would be undue harm above a level that already exists nearby.

- 5.9 As in other villages throughout Kent the decision by residents to sell off their rear gardens for residential purposes causes great concern amongst the surrounding neighbours. The LPA is not able to comment on any suggestions of possible financial gain associated with this application.
- 5.10 Neighbours concerns have been given careful consideration, having regard to adopted policies and guidance. Although the residents of the area have indicated that they are lacking services and facilities, this proposal is not of such a scale as to trigger developer contributions towards infrastructure. The neighbours consider that 2 bedroom houses with communal parking spaces are not in keeping with the area. The scheme involves both 2 & 3 bed houses and will add to the mix of house sizes and styles in the area.
- 5.11 The comments about wildlife on the site, the inadequacy of the ecological survey and possible harm to protected species have been noted. The advice and views of Natural England have been sought and has been stated that the site does not appear to be suitable for protected species. The recommendations for installing nest boxes and bat houses are supported. No indication has been given by Natural England that the survey is inadequate.
- 5.12 As Bluebell Hill is classed as a village on the TMBLP proposals map, this application for 8 units is above the threshold of 5 units and triggers the need for affordable housing units within the scheme. At the 40% level this would mean a requirement for 3 houses. The agent has confirmed that his client is happy to provide 3 affordable units. This matter can be covered by condition, as has been the case in the past.
- 5.13 In light of the above considerations, I am satisfied the principle of residential development is acceptable in this locality, therefore, I support this proposal.

6. Recommendation:

6.1 **Grant Outline Planning Permission** as detailed in accordance with the following submitted details: Letter dated 05.03.2007, Certificate B dated 05.03.2007, Notice dated 05.03.2007, Survey dated 05.03.2007, Site Layout COB/06/104/01D dated 08.06.2007, Letter dated 02.04.2007, Design Statement dated 02.04.2007, Report dated 02.04.2007, subject to the following conditions:

1 Approval of details of the layout and appearance of the development, access to and within the site, the landscaping of the site, and the scale of the development (within the upper and lower limits for the height, width and length of each building stated in the application hereby approved) (hereinafter called the “reserved matters”) shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

5 The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

Reason: To ensure the safe and free flow of traffic.

6 The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

- 7 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 8 The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 9 The details submitted in pursuance of Condition 1 shall show land, reserved for parking or garaging in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 10 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 11 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 12 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 13 All work shall be carried out to the standards set in BS 3998 (or EU equivalent).

Reason: In the interests of good forestry practice and the amenity of the locality.

- 14 A "no dig" method of construction shall be used around the protected trees together with the use of porous material.

Reason: In the interests of good forestry practice.

- 15 Prior to the development hereby approved commencing, details of the installation of nest boxes for house sparrows and bat tiles and bricks shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of nature conservation.

- 16 If during development work, site significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease immediately and an investigation/remediation strategy shall be agreed with the Local Planning Authority.

Reason: In the interests of amenity and public safety.

- 17 Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use. A closure report shall be submitted by the developer delineating the above and condition 16 and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

- 18 A detailed Affordable Housing condition to be set out in the Supplementary Report.

Informatives:

1. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highways Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
2. Surface water from private areas shall not discharge onto the public highway.
3. All works shall accord with Kent Design and those promoted for adoption shall be subject to a legal agreement.
4. You are advised to contact the Waste Management Team of the Environmental Health and Housing department regarding refuse storage and collection arrangements.

Contact: Hilary Johnson