

## REPORT SUMMARY

<b>REFERENCE NO:</b> 20/505350/FULL		
<b>APPLICATION PROPOSAL:</b> Redevelopment of existing garden centre / nursery to provide 18 dwellings, including 7 affordable houses, with associated landscaping, flood storage measures, access and parking.		
<b>ADDRESS:</b> Warmlake Nursery, North Street, Sutton Valence, ME17 3LW		
<b>RECOMMENDATION:</b> Grant planning permission subject to the conditions and s106 heads of terms listed below.		
<p><b>SUMMARY OF REASONS FOR RECOMMENDATION:</b></p> <p>The development of this brownfield site accords with relevant Local Plan policies relating to brownfield development in the countryside.</p> <p>The site is bounded on two sides by existing built development and is in effect an infill site that will not extend beyond existing boundaries and does not harm the character or appearance of the adjacent countryside.</p> <p>The layout of the site as a whole and the individual plots will provide a good quality of amenity for future residents, whilst the layout has also been designed to protect the amenity of adjacent residents.</p> <p>A range of house styles is proposed incorporating the use of local typologies and materials.</p> <p>The proposed landscaping has been enhanced following discussions with officers to improve the site's future biodiversity offer.</p> <p>There are no transport, environmental or other technical objections.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The Parish Council objects and requests that the application be considered by Planning Committee.		
<b>WARD</b> Sutton Valence and Langley	<b>PARISH/TOWN COUNCIL</b> Sutton Valence	<b>APPLICANT</b> Millwood Designer Homes
<b>DECISION DUE DATE</b> 15/05/21	<b>PUBLICITY EXPIRY DATE:</b> 24/12/20	<b>OFFICER SITE VISIT DATE:</b> 03/12/20
<p><b>RELEVANT PLANNING HISTORY</b></p> <p>The site has a history of minor applications relating to the commercial use of the site. Pre-application advice was provided in 2020 relating to residential development.</p> <p>To the south the large nursing home complex was granted planning permission in 1989/91, with a further extension permitted in 1994.</p> <p>Adjacent to the site's NW boundary, planning permission was granted in 2016 under reference 16/500001 for two detached houses in the rear grounds of Warmlake Cottages.</p>		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The site is located on North Street, beyond the northern boundary of Sutton Valence village, just south of Warmlake Crossroads.

1.02 Immediately to the south of the application site is a large care home complex, which is part 2/3-storeys in height. Both established and new build dwellings lie to the north. Sutton Valence School playing fields lie to the rear (east), where there is also an access road to a maintenance building and a mobile telephone mast.

1.03 Linear residential development extends off each arm of the crossroads, including southwards, between the application site and the village hall, which lies circa 325metres to the south.

1.04 Adjacent to the village hall are public playing fields and a children's play area, which are considered to be within a reasonable walk south of the site.

1.05 A bus stop is located immediately outside the site frontage and provides access to Maidstone-bound services. There are three further bus stops nearby, one on each arm of the crossroads.

1.06 The site is not within or adjacent to a conservation area and there are no heritage assets or TPO's within the vicinity. Nor is the site close to any ancient woodland or designated habitat.

1.07 The closest PRoW lies 200metres east of North Street, from which the site is not visible.

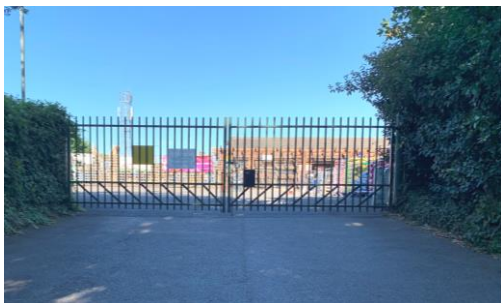
1.08 The frontage to North Street (right) is marked by a mature hedge and trees, sitting atop a low bank. Visibility at the site access is good in both directions.

1.09 The site access rises very slightly from North Street into an otherwise broadly flat site. The southern boundary also has a mature tree'd screen.

1.10 The site has been used as a garden centre since the mid 1980's and currently comprises a main garden centre structure with associated storage buildings, areas of open storage and a



significant areas of hard standing for operational functions such as servicing and customer parking. The existing site is visually discreet when viewed from North Street, due to the low rise nature of the existing structures. However, it is not of an attractive appearance and does not contribute positively to the character of the area.



- 1.11 To the north, residential properties have rearward views towards the common boundary and this relationship is further assessed in Section 6 below.

**2 THE PROPOSALS** Planning permission is sought for the removal of all existing structures and the erection of 18 No. dwellings, of which 7 No. (39%) will be affordable. Each dwelling would either be 1.5 or 2 storeys in height. The gross density would be relatively low at 24 dph.

- 2.02 The proposed buildings include a mixture of detached, semi-detached and terraced houses. A broad unit mix is proposed comprising:

- 2 x one-bedroom units
- 4 x two-bedroom units
- 9 x three-bedroom units
- 2 x four-bedroom units
- 1 x five-bedroom units

- 2.03 Each 3, 4 and 5-bed unit has two parking spaces either on-plot or allocated, with 7 of the units being provided with an additional double garage. In accordance with standards, the 2-bed units have an average of 1.5 spaces and the 1-bed one space each. There are 5 dedicated visitor parking bays although by virtue of the



site layout, there is scope to accommodate circa 10 further visitor cars on-plot. Dedicated cycle stores are provided to those properties which do not have garages.



- 2.04 Established planting along the front and southern boundaries will be retained, with the limited removal of some low grade planting that is to be replaced with native trees and hedgerow. A new tree line and hedgerow will be planted along the northern boundary to screen the site from existing residential neighbours and a further hedgerow planted to the west, where a more open aspect is appropriate. New tree planting is proposed along both the access road and within the communal amenity and parking areas.
- 2.05 In response to comments from the case officer the layout of the site and massing of buildings has been amended following the original submission, notably:
- The height of plots 1 and 2 adjacent to the site entrance has been reduced to 1.5 storeys in order to manage the visual impact on North Street
  - Some plots have been re-sited in order to optimise areas of useable open space and landscaping
  - The parking layout has been improved to create more visitor capacity
  - Further native landscaping has been introduced at the site entrance and boundaries
  - The roof height of plots 9-11 on the northern boundary has been reduced.



2.06 A variety of house styles are proposed, which serve to create a varied street scene and thus avoid the risk of creating a uniform suburban character. Materials are principally red brick, timber weatherboard and hanging tiles, with clay tile roofs.

2.07 The landscape strategy is based upon a number of principles, namely:

- Reinforcing the existing mature hedgerow to the site frontage, to maintain the semi-rural character of the street scene
- Strengthening the site boundaries in terms of their potential to create habitat and wildlife corridors
- Introducing significant new tree planting within the site
- Creating a habitat feature from the swale
- Providing a central area of useable open space

2.08 Excluding private garden areas, the principal landscape elements are highlighted on the plan above.



### **3.0 POLICY AND OTHER CONSIDERATIONS**

3.01 The following 2017 Maidstone Borough Local Plan (MBLP) policies are considered to be relevant to the consideration of this application or issues raised by consultees:

- SP17 The Countryside – development should not harm the character and appearance of the countryside.
- SP19 Housing mix – in supporting the delivery of mixed communities, the mix within housing development should reflect local needs.
- SP11/SP15 Sutton Valence Larger Village – the loss of local shops and services will be resisted.
- SP20 Affordable housing – the Council will seek the delivery of 40% affordable housing.
- DM1 Design quality – new development should, inter alia, respect local character in terms of, for example, height and scale.
- DM5 Brownfield land – development of brownfield sites within the countryside should seek to deliver environmental improvements, be accessible by sustainable modes and of an appropriate density.
- DM12 Density – sites adjacent to larger villages are expected to achieve net densities of up to 30 dph.
- DM19 Open space – new development should seek to meet identified quantitative requirements for open space.
- DM21 Transport impacts – new development should be designed to minimize any impacts on the highway network.
- DM23 Parking standards – the level of on-site parking should reflect, for example, accessibility to non-car modes and accessibility to local services.
- DM30 Design principles in the countryside – new development should respect local characteristics.

### **4.0 LOCAL REPRESENTATIONS**

Cllr Wendy Young

4.01 Warmlake Nursery is a very well respected and extensively used facility for the residents of Sutton Valence, Warmlake, Langley, Headcorn and beyond. It provides gardening equipment and ornaments, plants, shrubs, composts, animal feed, large selection of equine and pet equipment as well as many other consumables, some of which can only be obtained much further afield.

The development of this site would be a severe loss to the community and contravenes SP11 (2) and SP21 (ii) of the Maidstone Borough Council Local Plan.

Sutton Valence has already been allocated over 100 houses in the MBC Local Plan Review therefore this development is not required in order to fulfil the housing need in this review.

Additionally, this development is outside Sutton Valence Village settlement and would extend the built-up area towards coalescence with Langley.

This application should be refused.

Sutton Valence PC

- 4.02 The redevelopment of this site is a loss of service to the community and contravenes SP11 paragraph 2. MBC has already allocated 125 new homes to Sutton Valence and most of these are not sustainable. This particular development is outside the Village settlement area and therefore not sustainable.

Local Residents

- 4.03 Three local residents have submitted objections on the following grounds:
- No local need for housing
  - Loss of a valued local business and no economic benefits arising from the development
  - The development would be crowded and out of character
  - Inadequate local services to support further housing
  - Overlooking of neighbours
  - Overly bulky close to neighbours
  - Affordable housing should be located away from residential neighbours

## **5.0 CONSULTATIONS**

KCC Ecology

- 5.01 Recommend a field evaluation condition.

KCC Highways

- 5.02 No objection subject to conditions.

Access and sight lines are acceptable. The Road Safety Audit is acceptable.

The number 12 service provides an hourly, or twice hourly service in the direction of Maidstone.

In terms of trip generation, KCC Highways do not consider that any additional traffic could be considered 'severe,' particularly given the fact that the immediate highway network within the proximity of the site currently operates without known capacity issues.

Adequate cycle and parking facilities are provided.

Southern Water

- 5.03 No objection to the SuDS scheme – recommend informatives.

Mid-Kent EHO

- 5.04 No objections on grounds of noise, air quality or contamination. Recommend conditions.

## **6.0 APPRAISAL**

- 6.01 The key issues for consideration by Members relate to:

- The Principle of Development
  - Existing Use
  - Residential
  - Affordable Housing / Unit Mix
- Character and Appearance
  - Layout and Density

- Design & Materials
- Open Space
- Ecology and Biodiversity
- Residential Amenity
- Highways and Sustainable Travel
- Surface Water / Flood Risk
- Other Matters

### **Principle of Development**

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It is a core principle that the planning system is plan-led. The MBLP 2017 is the principal Development Plan Document and in the context of these proposals it is up-to-date and must be afforded significant weight.

#### Existing Use

- 6.03 Whilst policies SP11 and SP15, which have been raised by local councillors, seek to protect local shops and services within villages, they do not apply to the Application Site as it is outside of the defined village boundary. Whilst policy DM15 facilitates limited new retail services in the countryside, it does not refer to existing uses. As such, there is no policy protection afforded to the existing use.
- 6.04 The existing site retails a limited range of specialist goods and does not perform a convenience goods role. The Council is aware that the village has a limited range of local services and as part of the Local Plan Review is considering a site for local services to the south that is more centrally located.

#### Residential

- 6.05 The delivery of new homes to meet local needs is an MBC priority. The Local Plan identifies that windfall development is an important element of the overall housing delivery strategy. In the context of the Application Site's location outside of any settlement boundary, the principal starting policy consideration is DM5. The preamble to DM5 states:

*"Exceptionally, the council will consider proposals for residential development on brownfield sites in rural areas. Key considerations will include:*

- *The level of harm to the character and appearance of an area;*
- *The impact of proposals on the landscape and environment;*
- *Any positive impacts on residential amenity;*
- *What sustainable travel modes are available or could reasonably be provided;*
- *What traffic the present or past use has generated; and*
- *The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives."*

Policy DM5 itself sets out further tests, namely:

- Is the existing site of a high environmental value
- Does the density and character reflect the surrounding area



In response to the above considerations:

*Existing Character*

- 6.06 The existing site is not of a high environmental value, with utilitarian buildings / structures and a number of areas of external storage. As a consequence it does not make a positive contribution to the character and appearance of the area. However, it is a visually discreet use when seen from the road and is of an appearance not untypical in a rural area and therefore contributes to the semi-rural character of this part of the village fringe. Whilst the redevelopment of the site may be acceptable in principle, it is an expectation that the existing character of the surrounding area will not be harmed.
- 6.07 There are no records to suggest that the existing use has caused any local nuisance and as such, no weight is applied to the removal of the current land use. However, it should be recognised that subject to the existing lawful use, the planning system now affords considerable flexibility for commercial uses to change and as such, it is possible that if retained, the existing commercial use of the site could intensify.

*Landscape Character*

- 6.08 As identified above, the surrounding area is characterised by elements of linear development along road frontages. To the south the nursing home is a large building, set back in its plot, but with a significant area of hard surfaced parking. Immediately to the north of the site is a cottage and two relatively modern large detached houses. As such, the site is in effect an infill plot within this section of linear development and its re-development would not lead to, for example, coalescence.
- 6.08 The proposed development / site boundaries will not extend any farther west than the neighbouring plots and having regard to the existing character of the site, it will not materially alter the pattern of development in the area. To the west, although obviously open space, the sports pitches are by their nature of a 'maintained' appearance and are not considered to be a sensitive natural landscape. Further, they act as a buffer to the more natural / farmed landscape further west.
- 6.09 The site is not visible from any PRow and can only be viewed from glimpses from North Street and Warmlake Road, the latter in the context of views past existing dwellings, including relatively recent modern large houses.



Modern Houses to the north west of the Application Site

- 6.10 It is therefore considered that due to the site's relationship to existing built development and limited visibility from the surrounding countryside, subject to the design and character of the development, as assessed below, the principle of residential development would not harm the wider rural character of the area and therefore accords with Policy SP17 and the relevant tests within DM5.

Further DM5 considerations are assessed from 6.14 below.

#### Affordable Housing / Housing Mix

- 6.11 The Local Plan reflects the expectations in the NPPF that housing development will contribute to the needs of the area. Policy SP19 seeks a range of housing types, sizes and tenures. The proposals would deliver a range of unit sizes ranging from one to five bedroom, but with an emphasis upon smaller to medium-sized units, particularly within the affordable element. The provision of smaller units within this location is welcomed.
- 6.12 Policy SP20 requires 40% affordable housing, with a mix of 70% rent and 30% intermediate. The 7 affordable units constitute 39% and having regard to the relatively small size of the development, it would be unreasonable to seek an additional unit and thus far exceed the 40% requirement. The mix of rent to intermediate is 60:40, which whilst a small departure from the guidelines, is considered by the Housing Team to be acceptable.
- 6.13 On this basis, it is considered that the application provides an acceptable response to policies SP19 and SP20 and will make a valuable contribution to local housing needs.

#### **Character and Appearance**

- 6.14 Both the NPPF and the Local Plan recognise that good design is a key aspect of sustainable development. Policy DM1 emphasises the importance of good quality design, whilst DM30 provides further guidance in respect of rural sites, where sensitivity to local typology is emphasised. In addition the Council has adopted its own version of BfL12 as a tool to help shape new residential development.
- 6.15 Whilst a relatively modest-sized development, the scheme has responded to a number of relevant BfL 12 measures, for example:
- 1 & 7-9 It has safe pedestrian connectivity and provides clear internal pedestrian spaces that are naturally supervised.
  - 2/3 It has access to public transport and thus the services and amenities of other villages, the urban area and town centre.
  - 4 The type and size of housing is designed to meet local needs.
  - 5 The design of the dwellings reflect local character
  - 10 Adequate car parking is provided to meet needs without dominating the layout.
  - 11 The layout ensures that private gardens are orientated to optimise natural light with communal areas conveniently positioned.
  - 12 Dwellings have practical arrangements for day to day amenities such as refuse/recycling and other storage provisions such as cycles.

Now turning to review some of the key design principles in more detail:

Layout and Density

- 6.16 The site access utilises the existing access point, which reduces any potential impacts upon the existing front hedgerow. The dwellings are set out in three broad groups, ie, southern and western boundaries, plus a cluster set around a parking court to the north. The layout serves to reduce the impact of rigid building lines by incorporating set staggered front building lines and recessed garages. House types vary across the scheme to provide a more organic appearance, particularly when viewed from the main road. The northern eastern element is more regular in form, but is well screened from North Street by mature hedgerow and trees.



- 6.17 Pedestrian access is set back from the carriageway, within the landscape areas, whilst the low level of traffic on the carriageways themselves means that they are suited to cycle use. Parking areas for the detached dwellings are set behind front building lines to reduce the visual impact of parked cars, whilst the parking court will be landscaped and discretely set behind open space.
- 6.18 The scale of the buildings is modest, with a mix of 1.5 and 2 storey houses, with units 1 and 2 inside the site entrance being limited to 1.5 stories, with a roof design that eliminates the opportunity to extend the roof mass in the future.
- 6.19 The density of the development is a little under 24 dph (gross). Even with the access road and parking courts removed from the site area, the net density is still less than 28 dph. This low density does not suggest that the site is under-developed, but reflects a number of factors such as, the site's countryside location and the requirement to ensure that the character of the scheme is appropriate to its setting. As such, the low density of the scheme accords with policies DM12 and the relevant parts of DM5.

Design & Materials

- 6.20 As previously highlighted, the scheme proposes a range of house designs in order to create variety within the scheme. The images below illustrate two of the house types, which incorporate rural typologies and good levels of detailing.



- 6.21 The proposed palette of materials is contextually sourced, with red brick, timber weatherboarding hanging tiles and clay roof tiles.

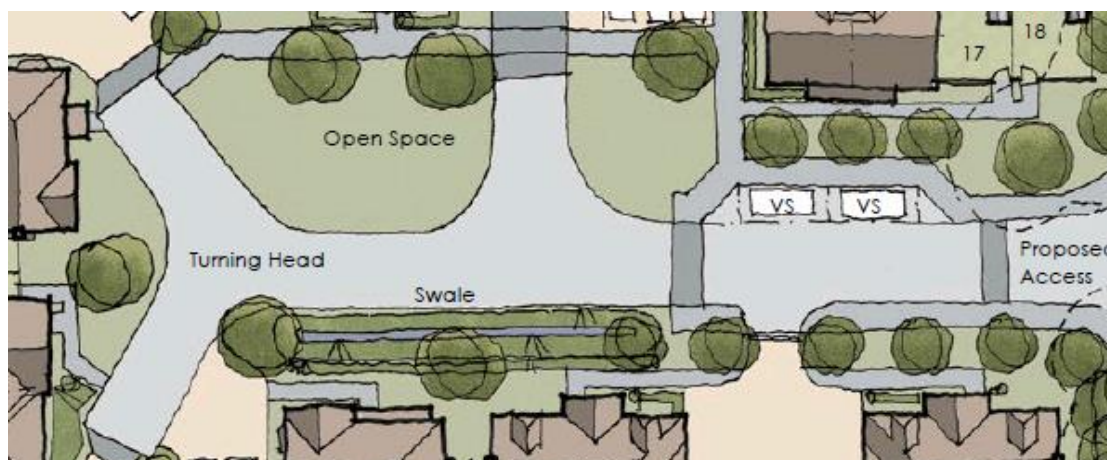
The detailed elevations show that the materials applied on each building are well proportioned.

Details of the hard landscaping will be secured by condition to ensure that the appearance of the road surfaces and parking areas are also appropriate to this rural setting.



#### Open Space & Landscape

- 6.22 Each house is provided with a private garden. The majority are generous, although the two one-bedroom units naturally have smaller, but nevertheless practical outside areas. In terms of non-private open spaces, developments of a small size such as this are rarely able to meet the full spatial requirements of Policy DM19, which if applied rigidly would require over 50% of the site area to be accessible open space. However, the site is a short walk from the public playing fields and children's play area, a short walk to the south.
- 6.23 For a development of this size, Policy DM19 requires 300 sq.m of amenity green space. The scheme provides two useable areas in the heart of the site that meet this requirement, plus there are other landscaped areas which, whilst not necessarily suited to activity, do add to the setting of the site, which features a landscaped main access road.





- 6.24 A particular feature of this area of the scheme is the swale. The applicant has provided images of similar features in other developments that they have completed. These images demonstrate that not only is this an attractive landscape element, but also, whilst modest in size, offers the opportunity for habitat creation.

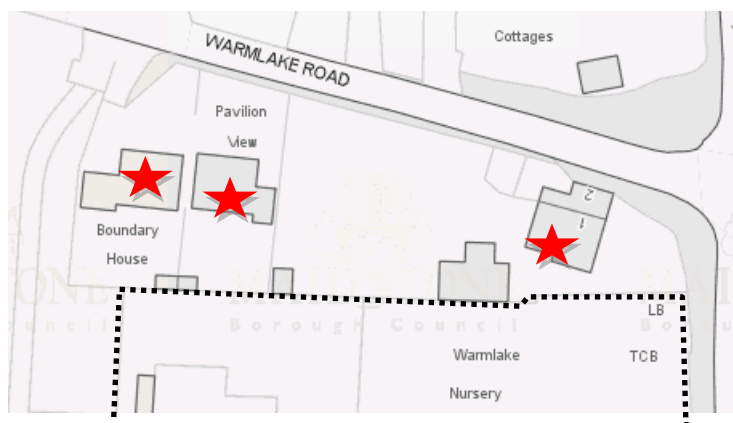


#### Ecology and Biodiversity

- 6.25 An ecological assessment has identified that the existing site offers limited habitat opportunity with no signs of protected species being present or foraging. In-part this is due to the fact that the majority of the site is hard surfaced and/or commercially active.
- 6.26 In addition to the above swale, the scheme takes the opportunity to enhance the habitat potential of the site's boundaries. It is proposed that a small number of existing low-grade trees are removed (including three sycamores) and these will be replaced as part of a scheme to enhance the site with native planting. The arboricultural assessment has been agreed by the tree officer and a tree protection scheme for the site forms part of the submission.
- 6.26 The existing mature front boundary hedgerow will be enhanced with further native planting. Residential gardens will stop short of this area to remove any potential conflicts between domestic use and ecology. A 'no-foundation' pathway to the rear of these gardens will allow access for maintenance. Along the northern boundary new native hedge and tree planting is proposed, although the scale of trees will need to be managed in order to avoid any overbearing impact on neighbours. Although a relatively narrow strip at up to circa 2 to 2.5metres, this corridor will not be used by residents and allows an ecology 'pathway' connection between the site frontage and the open space to the rear. On the western boundary, a native hedgerow will be planted, although this will be in the custody of the respective dwellings.
- 6.27 Conditions are proposed requiring approval of a biodiverse planting scheme, together with measures such as hedgehog friendly boundaries and nesting / roosting boxes and bricks as part of the built fabric.
- 6.28 To conclude on this part of the assessment is it considered that the scale and form of the development, together with the detailed design, materials and open/landscaped areas will lead to a high quality development in accordance with policies DM1 and DM30.

## Residential Amenity

- 6.29 There are three residential buildings that lie to the north and which 'enjoy' views towards and over the Application Site. These are 1 Warmlake Cottages, together Pavillion View and Boundary House, both of which were constructed in the former garden of the cottage/s. It isn't clear whether the cottage/s are occupied as one or two units, nevertheless, the building has windows to habitable rooms that face south.



- 6.30 Both Pavillion View and Boundary House have two storey rear elevations that face towards the western part of the Application Site. They have rear gardens of circa 12m in depth. Plot 7 within the scheme mirrors this, with similar elevations and distance from the boundary, such that the separation distances (circa 24 metres minimum) are acceptable and will provide adequate privacy and natural light. Plot 11 will have a more oblique view towards Pavillion View, but again the separation distances are acceptable and the proposed boundary planting will assist in creating privacy.
- 6.31 No.1 Warmlake Cottages is closer to the boundary and has the potential to be affected. At its closest point to the boundary it is circa 5-6 metres and circa 8 metres from the side elevation of plot 12. Other than a small bathroom window, plot 12 has a blank elevation so there would be no overlooking. The eaves height of the proposal will be circa 1 metre higher than the existing cottage, but the roof is hipped away from the boundary to help reduce the massing and the overall height capped by hidden flat roof element.
- 6.32 It is inevitable that the proposals will materially change the setting of the cottage/s, but not to such an extent that there would be a loss of amenity or an overbearing relationship. Whilst the southern side elevation of the cottage has windows that face towards the application site, the property also has its traditional front and rear aspects and is not dependant upon the southerly aspect for its amenity. It is therefore not considered that plot 12 would adversely affect the neighbour's amenity. Again plot 11 would have some oblique views towards the cottage/s, but the window to window distances will be in excess of 30m.
- 6.33 Whilst there would be some views over the garden of the cottages, firstly this is not an uncommon aspect for residential neighbours and secondly, the views are principally at the roof of a garden building within the cottage's garden. There will be some overshadowing of the neighbours garden adjacent to plots 11 and 12. But the buildings have their narrowest elevations fronting the boundary and the cottage benefits from a large rear garden, much of which will not be adversely affected.



Warmlake Cottage/s

Above – southerly (side) and western (rear) aspects

Below – easterly (front) aspect towards North Street



- 6.33 To summarise, whilst the views from these neighbouring properties will materially change, it is considered that they will retain an acceptable level of amenity in terms of privacy and natural light and thus the Application is considered to comply with Policy DM1. There is of course no right to a view in planning and it is considered that the development would not be unacceptably overbearing.
- 6.34 The neighbour also raises the concern regarding potential disturbance. However, whilst there are parking spaces adjacent to the boundary, this area has been used as part of the publicly accessible displays for the garden centre and so has an established active nature.

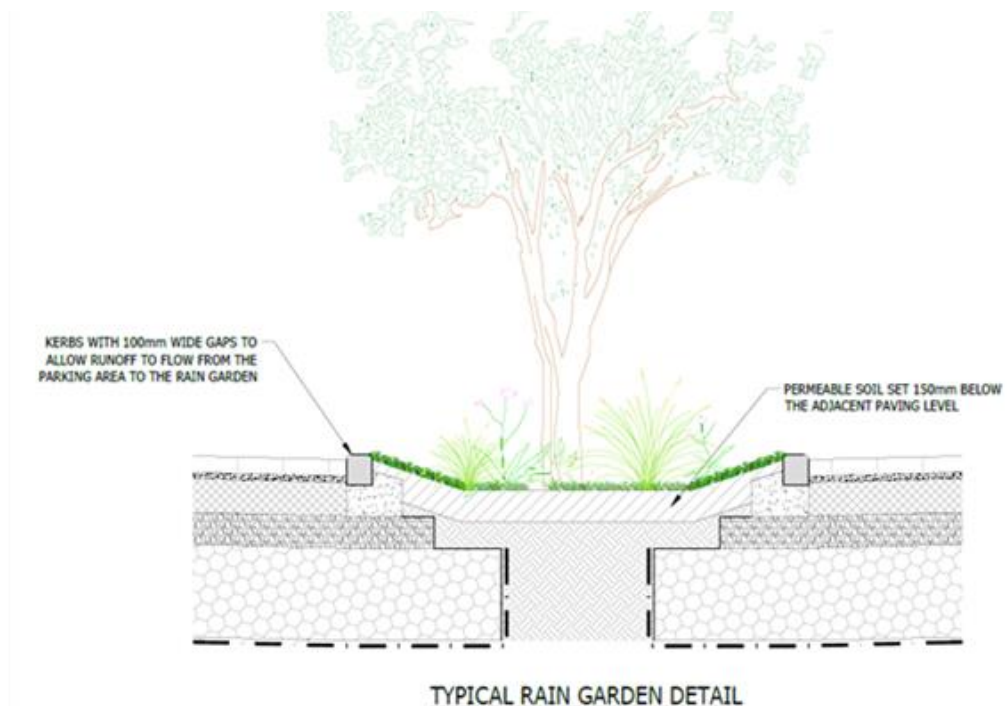
### **Highways & Sustainable Travel**

- 6.35 The Application is accompanied by a transport statement and safety audit. KCC raise no objection to the site access location or design and consider that the scheme has an acceptable level of parking for residents and visitors. Appropriate turning areas are provided within the scheme for service vehicles. As such the proposals accord with policies DM21 and DM23.
- 6.36 Visibility at the junction is good in both directions. A pavement extends along the site frontage from the crossroads down to the village and the site is a relatively short walk to the limited amenities at Haven Farm and also the village hall / playing fields. The bus stop in front of the site gives access to the twice hourly No.12 service to both Maidstone and Headcorn.

- 6.37 As such, residents have a range of non-car options and it is considered that, as required by policy DM5, the site would represent a sustainable location for residential development.

### **Surface Water / Flood Risk**

- 6.38 The site and surroundings are not located within an area at risk of surface water or other forms of flooding.
- 6.39 In contrast to the currently predominantly hard surfaced site, the scheme proposes a sustainable drainage system which incorporate a number of measures:
- Below ground infiltration tanks under roadways and parking areas
  - Household geocellular soakaways
  - A shallow grassed/naturalised swale
  - Six 'raingarden' planting beds



### **Other Matters**

- 6.40 A ground investigation report suggests that there is no likelihood of contamination or other adverse ground conditions.
- 6.41 Whilst the application does not include specific renewable energy measures, it is recommended that conditions require (i) EV charging to dwellings with on-plot parking and latent provision to communal areas to respond to future resident demand (ii) the installation of solar PV to the flat roof element of the three terraced blocks to power common areas or external lighting and to the southern or westerly elevations of detached houses where they are not visible from the internal street.



- 6.42 Whilst an objector requests that the affordable housing be re-located, this is not considered to be an appropriate request and runs contrary to the principles of creating balanced communities.
- 6.43 Affordable housing is secured through a s106 agreement and the Housing Team consider the minor variations from tenure mix guidelines to be acceptable. The provision of smaller units in this location is welcomed.
- 6.44 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

### **Public Sector Equality Duty**

- 6.45 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7.0 CONCLUSION**

- 7.1 The proposals are considered to represent good quality design and provide the opportunity to deliver sustainable housing on previously developed land. There will be no adverse impacts upon the countryside. Whilst there will be some impacts upon residential neighbours, the design and layout seeks to minimise these to an acceptable level, whilst new boundary planting will further mitigate net impacts.

## **8.0 RECOMMENDATION –**

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

S106 Heads of Terms:

- 1) The provision of 7 (seven) affordable units comprising 4 affordable rent and 3 intermediate units.
- 2) A s106 monitoring fee.

### **Proposed Conditions**

#### Time Limit

- 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.

Plans

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

*20.127 - 101 - Existing Site Layout Plan & Site Location Plan*  
*20.127-100 Rev B Proposed Site Layout*  
*20.127-102 Proposed Landscaping Plan*  
*20.127-150 Rev A Plot 1 Plans & Elevations*  
*20.127-151 Rev A Plot 2 Plans & Elevations*  
*20.127-152 Rev A Plot 3 Plans & Elevations*  
*20.127-153 Rev A Plots 4 & 5 Plans & Elevations*  
*20.127-154 Rev A Plot 6 Plans & Elevations*  
*20.127-155 Plot 7 Plans & Elevations*  
*20.127-156 Rev A Plot 8 Plans & Elevations*  
*20.127-157 Rev B Plots 9-11 Plans & Elevations*  
*20.127-158 Rev A Plots 12-14 Plans & Elevations*  
*20.127-159 Rev A Plots 15-18 Plans & Elevations*  
*20.127-200 Rev A Garages & Car Ports Plans & Elevations (Sheet 1 of 2)*  
*20.127-201 Rev A Garages & Car Ports Plans & Elevations (Sheet 2 of 2)*  
*20.127-250 Rev B Streetscenes*  
*20.127-500 Rev B Unit Mix Plan*  
*20.127-501 Rev B Unit Heights Plan*  
*20.127-502 Rev C Parking Plan*  
*20.127-503 Rev C Refuse Plan*  
*20.127-504 Rev B Unit Tenure Plan*  
*2005090-005E Preliminary Foul & Surface Water Drainage Strategy*  
*2005090-003E Preliminary Levels Strategy*  
*20136-3 Tree Protection Plan*

Reason: To clarify which plans and technical / environmental details have been approved.

Contamination

- 3) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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

Material Samples

- 4) The construction of the dwellings shall not commence above slab/podium level until written details and virtual 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 by the Local Planning Authority. The development shall be constructed using the approved materials.  
Reason: To ensure a satisfactory appearance to the development.

Renewable Energy

- 5) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved with a target to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. Measures shall include:
- (i) EV charging points to each dwelling with on-plot parking and latent provision to bays within the parking court/s
  - (ii) The provision of solar PV to the southern or westerly roofs of detached or semi-detached dwelling and to the flat roofed elements of the terraced blocks.
- The approved details shall be installed prior to first occupation and maintained thereafter;  
Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

Landscaping & Biodiversity

- 6) The works shall not commence above slab/podium level until details of both hard and soft landscape works have been submitted for approval by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first occupation.

The soft planting scheme shall demonstrate that the use of native planting is utilised in a manner that optimises wildlife habitat opportunities and identify management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens

All planting, seeding and turfing specified in the approved landscape details shall be completed no later than the first planting season (October to February) following first use or occupation. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 7) The development hereby approved shall not commence above slab level until details for a scheme for the fabric-led enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks and measures to accommodate solitary bees. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

Slab Levels

- 8) The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing(s);

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

Boundary Treatments / Acoustic Protection

- 9) The development hereby approved shall not commence above slab level 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. Such details shall include an acoustic fence / wall between the parking court area and neighbouring property. The details shall also include measures to allow hedgehog friendly gravel boards.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

Tree Protection

- 10) The tree protection measures identified in the *Arboricultural assessment and method statement dated 26<sup>th</sup> October 2020 – 20136-AA-AS* shall be implemented prior to the commencement of any works on site, including works of demolition. . All trees to be retained must be protected by barriers and/or ground protection in accordance with the approved details. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

Parking/Turning Implementation

- 11) The approved details of the cycle parking and vehicle parking/turning areas shall be completed before the 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 thereto.

Reason: In the interests of road safety.

Boundary Windows



- 12) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the northern first floor elevations of plots 11 and 12 hereby permitted;  
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- 13) Before the development hereby permitted is first occupied, the proposed northern elevation windows at first floor on plots 11 and 12 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.

Access

- 14) The approved details of the access point to the site shall be completed before the commencement of the use of the relevant land or buildings hereby permitted and, any approved sight lines shall be retained free of all obstruction to visibility above 1.0 metres thereafter.  
Reason: In the interests of highway safety.

SUDs

- 15) Any part of the development hereby approved shall not be occupied prior to the completion of the relevant part of the SuDS scheme shown on approved drawing 2005090-005 Rev E.  
Reason: To reduce the impact of flooding both to and from the proposed development and third parties and pursuant to the National Planning Policy Framework 2012.

External Lighting

- 16) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;  
Reason: In the interest of visual amenity

Case Officer: Austin Mackie