

REFERENCE NO - 18/505561/FULL			
APPLICATION PROPOSAL Redevelopment of the site comprising the erection of 32 new dwellings, with associated garages, car barns and parking spaces, landscaping, tree planting and enhancements to existing ponds, including amenity area for nature conservation and new shared surface access road off Claygate Road.			
ADDRESS Bentletts Scrap Yard, Claygate Road, Yalding Maidstone, ME18 6BB			
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 a contribution of £79,744 towards off-site affordable housing in the borough. and the imposition of planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • Allocated site for housing under policy H1 (66). The proposed development continues to accord with the key provisions of this policy. • The character and setting of the local countryside and adjoining heritage asset will be continue to be materially improved as a result of the removal of the commercial use. • The proposal will not result in any material increase in traffic or traffic impacts compared to the extant scheme under construction for 28 houses. • The housing design and layout continues to be acceptable while open space/ ecological mitigation and enhancement measures remain unchanged. • The additional units will make a further windfall contribution towards meeting the Council's 5 year housing supply targets set out in policy SS1 of the local plan while continuing to make provision for Affordable Housing. 			
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Collier Street Parish Council			
WARD Marden And Yalding	PARISH/TOWN Collier Street	COUNCIL	APPLICANT Laddingford Developments Ltd C/o Dandara Ltd AGENT n/a
TARGET DECISION DATE 30/04/19		PUBLICITY EXPIRY DATE 13/12/18	

Relevant Planning History

18/506066: Submission of details pursuant to condition 9 (Materials) for planning permission 17/506535/FULL - APPROVED

18/505087: Submission of landscaping details pursuant to condition 14 appended to planning permission 17/506535

18/503746: Submission of Details to Discharge Condition 21 i-vi (Construction Management Plan) and Condition 22 (Vehicle Trips and Routes - Contaminated Materials) Subject to 17/506535/FULL – APPROVED

18/503198: Submission of details pursuant to Condition 17: Construction Method Statement (original application ref: 16/501263/FULL). –APPROVED

18/501632/SUB: Submission of Details to Discharge Condition 3 Part 3 (Remediation Method Statement) Subject to 16/501263/FULL – APPROVED

17/505482/SUB: Submission of Details Pursuant to Condition 8: Reptile Mitigation Strategy Details under Ref: 16/501263/FULL – APPROVED

17/505139/SUB: Submission of Details to Discharge Condition 3 Parts 1-2 (Contamination) Subject to 16/501263/FULL – APPROVED

17/506535 Redevelopment of the site comprising the erection of 28 new dwellings, with associated garages, car barns and parking spaces, landscaping, tree planting and enhancements to existing ponds, including amenity area for nature conservation and new shared surface access road off Claygate Road. APPROVED 6/7/18 subject to a legal agreement requiring the following contributions being

- £59,024.00 towards the enhancement of Yalding Primary School, £29,232 towards improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Yalding Surgery
- Contribution of £79,744 towards off-site affordable housing in the borough.

16/501263/FULL: Erection of 25 dwellings with associated garages, car barns and parking spaces, landscaping, tree planting and new pond, inclusive of amenity area for nature conservation and new shared surface access road off Claygate Road. –A- 31st July 2017 subject to a S106 Legal Agreement to secure the securing the following:

- Contribution of £59,024.00 towards the enhancement of Yalding Primary School.
- Contribution of £29,232 towards improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Yalding Surgery and The Pond Surgery.
- Contribution of £61,744 towards off-site affordable housing in the borough.

This planning permission expires in July 2020.

MAIN REPORT

1. SITE DESCRIPTION

- 1.1 The application site is occupied by an established HGV depot/scrap yard located within the open countryside off Claygate Road. The site has an area of approximately 2.5ha. The site in its original form included large areas of hardstanding and a number of sheds of industrial appearance mostly located in the eastern section of the site. A further building is located more centrally within the site at 90 degrees to the southern boundary. The majority of the site was used for open storage of HGVs and scrap materials. Sporadic trees planting defines the north and south site boundaries.
- 1.2 Abutting the site to the north, south and west of the site is open open countryside. To the east of the site there is a short linear development of residential properties fronting onto Claygate Road. Located to the east of the vehicle entrance to the scrapyards is the Pest House, a Grade II LB. The site access lies in close proximity to this building. The main part of the site is located in Flood Zone 1 with part located in Flood Zone 2.
- 1.3 Short to mid-range views of the site are available from several points along Claygate Road; including the site entrance; between the houses to the east of the site, and across the agricultural fields.

2. PROPOSAL

- 2.1 The planning permission originally granted for the site under ref: 16/501263 permitted the erection of 25 dwellings with associated garages, car barns and parking spaces, landscaping, tree planting and a new pond with an amenity area for nature conservation and new shared surface access road off Claygate Road. An additional area of public open space and ecological habitat was also to be created to the north of the site in part of the adjoining agricultural field.

- 2.2 The existing vehicle access would be retained serving as the only vehicle access to the site. This access would be upgraded and resurfaced and the hedgerow on the west of the entrance be retained and reinforced. A spine road was proposed through the centre of the site with secondary roads branching off the spine road.
- 2.3 A central green space was proposed within the development with pedestrian links to an ecological / area of open space to the north of the development. New tree planting and landscaping was proposed around three existing ponds with a pedestrian path through this area providing a circular walk through the ecological / area of open space.
- 2.4 The proposal approved under ref:16/501263 was made wholly up of two storey units with 9 no: 3 bedroom units, 11 no: 4 bedroom units and 5 no: 5 bedroom units. The floor area of this development was 40,885 sqr feet.
- 2.5 The planning permission granted under ref: 17/506535 increased the number of dwellings by three units to 28. Dwellings comprised 4 no: 2 bedroom single storey dwellings with the remainder of the development all two storey comprising 3 no: 3 bedroom dwellings, 15 no: 4 bedroom units and 6 no: 5 bedroom units. The total floor area of the development came to 42,113 sqr feet.
- 2.6 The proposal that is the subject of this application proposes to increase the number of dwellings to 32. The dwelling mix now proposed is 4no: 2 bedroom bungalows, 6 no: 3 bedroom houses and 22 no: 4 bedroom houses. This represents a departure from the dwelling mix approved under application ref: 17/506535 in that no 5 bedroom dwellings are being provided, the number and the number of 3 bedroom homes is doubled along with a wider size range of 4 bedroom houses. The total floor area of the proposed development comes to 42424 sqr feet.
- 2.7 The area of the site to be developed for housing remains unchanged with the area identified as a nature conservation amenity area also remaining unchanged along with the pedestrian link looping through this area.
- 2.8 The developed area of the site continues to retain the core layout principles approved under application ref:16/501263 and 17/506535 with a sinuous central access road running the length of the site with development mainly fronting this road. In addition the extent of key landscaping and open space elements approved in connection with application refs: 16/501263 and 17/506535 continue to remain unchanged.
- 2.9 The following supporting information has been submitted:
- The current proposal further revises the mix of dwellings so that all dwellings fall within the 'Help to Buy' threshold.
 - Previous site remediation quotes submitted in connection with the planning application for 25 units was in the order of £1 million. Site decontamination costs have since proved to be substantially more than anticipated - it is now anticipated these will be in the order of £2,360,000;
 - The viability assessment accompanying the application concludes that with CIL contributions and along with significant site remediation costs it is no longer possible make to make any contributions towards affordable housing despite.
- 2.10 In response to the specific concerns raised by the Parish Council additional information has been submitted which is summarised below:
- Flooding/Ditch capacity:
- Proposed drainage strategy results in a reduction in surface water runoff from the site by 40 litres per second (LPS).
 - The flow rate of 13.9 LPS is based on the site area and not the number of houses.

- The 16.8 LPS runoff rate is what would have entered local watercourses if the site was undeveloped.
- The scrapyards were predominantly made up of impermeable structures and hardstanding's and the proposed development will reduce this by 43%.
- Runoff from site in its existing form was unregulated discharging into local watercourses at 452LPS in an extreme storm event.
- Proposed development will result in a 97% reduction in water runoff into local watercourses in an extreme storm event compared to previous use of the site.

Ditch along north site boundary:

- Ditch and associated ponds not been maintained for many years and were full of detritus restricting water storage capacity and flow rates.
- Were cleared under observation of an ecologist to ensure no changes were made to ponds or ditches.
- Ditch either responsibility of adjacent landowner or KCC – ditches in control of applicant will be maintained by applicant.
- Number of ditches outside applicants control that have been culverted or filled in restricting runoff.
- Believe previous owner of Wolsey Place piped section of open ditch along their west site boundary and appears to have drained westernmost pond.
- This pipe is undersized and has not been maintained forcing flows east back towards two other ponds and junction of Claygate Road.
- Believe previous owner of Wolsey Oast filled in roadside ditch at their front boundary diverting flows through a 100/150mm pipe which is undersized but includes a right angle bend at bottom of a manhole.
- This has created restrictions in local drainage ditch network but is an existing situation not created by the proposed development which will significantly reduce surface water runoff compared to the previous uncontrolled commercial use of the site.

Condition of Claygate Road

- Responsibility of KCC. The road has been carrying HGV traffic for many years and could continue to do so if the proposed redevelopment does not occur which will bring an improvement in traffic movements.

Site junction /access

- Acceptable when planning permission previously granted for 25 and then 28 houses.

Additional Homes

- No additional floor space is being proposed but are providing smaller houses falling under the 'help to buy' threshold more appropriate to the market.
- Regarding contributions towards local infrastructure 28 dwelling would have provided £168,000. CIL contributions mean that 32 dwellings could result in contributions in excess of £450,000. This means that 4 additional houses will generate significant additional contributions compared to the extant scheme of 28 dwellings.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017 SS1, SP17, SP18, SP19, SP20, H1(66) DM1, DM4, DM5, DM12, DM19, DM20, DM23, DM24, DM30

4. LOCAL REPRESENTATIONS

Local Residents:

4.1 5 representations received from local residents raising the following (summarised) issues

- Increasing dwelling number by 4 will contribute significantly towards increasing local traffic flows on inappropriate rural roads while adding further pressure on local amenities and services. Which are already inadequate.
- Will lead to increased water discharge into road ditches. These ditches already have insufficient capacity to serve the development already permitted and additional development will further increase flood risk the locality.
- Proposed houses not in keeping with the rural agricultural character of the locality.
- Inadequate on site parking which is likely to result in overspill parking on nearby local roads.
- Increased traffic will result in harm to the free flow of traffic and highway safety in the locality.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.1 **Collier Street Parish Council:** Objects to the proposal on the following grounds:

- Proposal involves use of drainage ditch not in the ownership or control of the applicants. Who will be responsible for their maintenance.
- Ditch full for many months already, it does not have the capacity to deal with discharge from the development leading to increase flood risk in the locality.
- Observed on the 7th December 2017 that ditch was full despite no runoff from application site as levels had been reduced due to removal of contaminated material while approx. 33% of the application site was flooded.
- Given that site is already flooded have concerns how floodwater will be disposed of without causing flooding elsewhere.
- Given the likely impact of flooding want an all agencies meeting to address this before application is determined.
- In the event of application being approved wish to be consulted on any drainage details submitted as part of this or any earlier applications
- Road is in poor physical condition at junction and want repairs and improvements carried out to address this.
- Will increase pressure on local services.
- Will result in harm to highway safety and the free flow of traffic around the junction and on local roads.
- Proposal will result in the site being appearing cramped giving the development an urban feel out of character in a rural setting.

5.2 **Marden Parish Council:** Neither objects to or supports application.

5.3 **Kent Highways:** No objection subject to conditions to secure a traffic management plan, provision of access on site parking and turning and cycle parking provision and provision of pedestrian visibility splays.

5.4 **Environment Agency:** No objection subject to same conditions as appended to the planning permission for 25 houses.

5.5 **Upper Medway Internal Drainage Board:** Has granted consent to allow surface water discharge into a local watercourse/ditch at a maximum flow rate of 13.9 litres. If applicants do not comply with this then any consent granted would be invalid.

- 5.6 **KCC Flood and Water Management:** Note there has been a marginal increase in the outfall rate from 13.9 litres per second to 14 litres per second – wish to secure a SUDS scheme to address off site flooding risks.
- 5.7 **Natural England:** No objection
- 5.8 **Kent Police:** No objection
- 5.9 **Southern Water:** No objection
- 5.10 **KCC Ecology:** Sufficient ecological information has been provided in support of this application.
- 5.11 The mitigation for Great Crested Newts (GCN), reptiles and breeding birds, agreed as part of planning application 17/506535/FULL, has been implemented. Have re-reviewed the ecological surveys and mitigation strategies and are satisfied that completed surveys and mitigation strategies are still appropriate for this application. Advise there is no requirement for additional ecological information to be submitted as part of this planning application.
- 5.12 Proposal offers opportunities for enhancements to be incorporated into the built area and the ecological report has recommended appropriate enhancement measures including the removal of the non-native species and ecological enhancement plan. Ecological enhancements must be over and above mitigation. The area to the north of the site has been created as part of the ecological mitigation required for reptiles and GCN which is why only built areas referred to in relation to further ecological enhancements.
- 5.13 **MBC Landscape:** No objection though loss of some poplar trees are proposed their condition justifies their loss raise subject to the imposition of conditions to secure replacement trees and hedgerows and compliance with details of the Tree Report relating to tree retention, removal and protection during the construction phase of the development.
- 5.14 **MBC Environmental Health Officer:** No objection subject to conditions to secure site remediation, construction strategy and of electric vehicle charging points.
- 5.15 **MBC Conservation:** Consider scheme very largely the same as that already approved under application ref: 17/506535

6. APPRAISAL

Main Issues

- 6.1 The planning permission granted under ref: 17/506535 was to develop this site for 28 residential units; this permission is currently in the process of being implemented.
- 6.2 The main issues for considerations are:
- whether increasing the site yield by 4 to will have any additional impact on the rural and landscape character of the area;
 - design and layout of the housing area and the site in general;
 - heritage assets;
 - amenity;
 - access/highway safety;
 - ecology/biodiversity;
 - land contamination and
 - flood risk.

Impact on rural character and landscape:

- 6.3 Development of the site is subject to policy H1(66) of the local plan which sets out the following detailed criteria for the development of the site:
- The layout of development shall reflect the rural character of the area to create the appearance of one or more clusters of farm buildings.
 - Development proposals will be of a high standard of design and sustainability, incorporating the traditional domestic and agricultural building designs and materials of Kent Vernacular architecture.
 - Lighting on the site should be carefully designed so that it minimises landscape, heritage and ecological impacts.
 - Development should preserve and/or enhance the setting of the listed building known as The Pest House at the entrance to the site.
 - The development proposals are designed to take into account the results of a landscape and visual assessment undertaken in accordance with the principles of guidance available at the time of the submission of an application. The development proposals are designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.
 - Retention, enhancement and reinforcement of existing trees and hedgerows along the site's northern and southern boundaries to provide substantial structural landscaping to screen the development from the surrounding countryside.
 - The development proposals are designed to take account of the results of a phase 1 habitat survey and any species specific survey that may, as a result, be recommended together with any necessary mitigation / enhancement measures.
 - The development should be designed to ensure that land suitable for use as Great Crested Newt habitat should not be lost to development. Any landscaping and ecological enhancements at the western end of the site should include provision of a wildlife pond. Land contamination and viability
 - It should be demonstrated that contamination of the site resulting from its scrap yard use has been remediated to the satisfaction of the local authority and the Environment Agency.
 - Any application should be accompanied by a detailed viability assessment and appraisal.
 - The submission of a flood risk assessment which has been undertaken to a methodology agreed with the Environment Agency.
 - Measures should be secured to ensure adequate site drainage, including the implementation of sustainable drainage measures. Sustainable Urban Drainage measures should seek to enhance potential Great Crested Newt habitat.
 - Appropriate improvements to, or contribution towards, the junction with Claygate Road
- 6.3 Both previous approvals for 25 and 28 dwellings on the site addressed the above and it remains to assess whether this current revised application achieves the same result.
- 6.4 The proposal continues to make the same provision for open space on the north boundary of the site which was considered to provide a good landscape / natural buffer between the proposed housing development and adjoining countryside. It was considered this buffer would also serve to limit the visual impact of the development on the open countryside and screen views from Claygate Road and soften the impact of the development.
- 6.5 Additional tree and hedgerow planting will still be carried out within the site and along the site boundaries resulting in a significant increase in landscaping/tree

planting compared to the existing site which is currently dominated by hardstanding and buildings of an industrial scale and character.

- 6.6 It should be noted the developed site area remains the same. As such though the size and design of the houses and site layout alters, taking into account that (a) the development does not exceed two storey and (b) the substantial boundary landscaping and amenity areas (which remains almost exactly as that permitted for the 28 unit scheme) will ensure the impact of the development on the wider rural landscape is not materially altered.
- 6.7 As such the proposal can be seen to comply with policies SP17 and DM30 of the local plan. In addition it also continues to meet the landscape provisions of policy H1(66) above.

Layout / Design

- 6.8 Policy H1(66) requires that the layout of development reflect the rural character of the area to create the appearance of one or more clusters of farm buildings. In addition it requires proposals to be of a high standard of design and sustainability, incorporating the traditional domestic and agricultural building designs and materials of Kent Vernacular architecture. Policy H1(66) originally sought to limit development of the site to 10 units. However high site remediation costs meant development of the site was only viable with 25 units. This more intense development format still permitted the concept of housing zones to be retained and which remained the case for the uplift in numbers to 28 units.
- 6.9 The approved development for 28 houses was divided into four housing zones with changes in materials and architectural styles defining each housing zone. The external materials palette took its cues from the nearby listed building and surrounding rural properties. Materials included brick and clay tile-hanging, black and white weatherboarding, facing brickwork and ragstone boundary walls. Houses were all two storeys in height generally fronting onto the roads and open spaces within the site.
- 6.10 A central green space was proposed within the development with pedestrian links to an ecological area to the north of the development. New tree and landscaping was proposed around three existing ponds in the northern part of the site. A pedestrian path was proposed through this area providing a circular walk through the site. All these elements are retained as part of the current proposed
- 6.11 As such the current proposal very much respects the layout concept already approved for 28 houses. Though spacing between some dwellings has been reduced, block spacing and privacy distances nevertheless continue to be acceptable. As such, though the character of the development continues to move towards a more urban spectrum, in the context of an inward looking, enclosed and self contained site divorced from its surroundings by screening and having no external street frontage visible from outside the site, no objection is identified to the revised layout. It is nevertheless acknowledged that policy H1(66) seeks to give the impression of one or more clusters of farm buildings.
- 6.12 Turning to the current proposal it still retains the concept of 4 housing zones. Zone 1 continues from the site access up to where it abuts housing fronting and looking onto the central area of public open space (Zone 2). To the west of this there is a grouping of houses mainly fronting a square courtyard (Zone 3) with the layout finally tapering off to a cul de sac of 6 detached houses (Zone 4).
- 6.13 Turning to the design of the proposed dwellings they continue to exhibit traditional detailing with the use of the pitched roofs, tile hanging along with the size, design

and proportions of doors and windows. Materials have been specified representing a traditional palette of materials appropriate to the locality.

- 6.14 Taking into account what has already been approved the proposal continues to meet the key provisions of policy H1(66).

Amenity

- 6.15 It has already been concluded in connection with the extant permissions for 25 and 28 dwellings that redevelopment of the site for housing will bring a substantial uplift to the area in terms of reduced noise, disturbance, traffic generation and visual intrusion when compared to the previous use. Increasing dwelling numbers by a further 4 will have no material impact in these respects.

- 6.16 In addition, the impact on the outlook and amenity on neighbouring properties will not be materially altered by the proposed layout changes. Regarding the amenity of future residents the proposal continues to meet acceptable block separation and privacy standards. The proposal is therefore considered to comply with policy DM1 of the Local Plan

Heritage Impacts

- 6.17 The Pest House, a Grade II Listed Building, abuts the site entrance. The Pest House is currently in a poor state of repair though planning permission and Listed Building Consent have been granted for its renovation and improvement.

- 6.18 The assessment now is whether the proposed layout changes will have any additional material impact on the character and setting of the Pest House compared to the scheme for 28 dwellings already approved. The submitted details show that in design and layout terms the revised scheme does not materially alter the character and setting of the Pest House compared to what has already been approved.

- 6.19 As such there continues to be no heritage objection to the proposal.

Highways / accessibility

- 6.20 The existing vehicle access will continue to be upgraded and resurfaced along with retention of a willow tree. This tree was shown to be retained when planning permission was granted for 28 houses and this remains the case. Traffic movements generated by 4 further dwellings will not significantly add to overall traffic entering and leaving the site. As such in the absence of objection from Kent Highways there continues to be no justification for felling this tree or objecting to the proposal on highway safety grounds.

- 6.21 The extant consent for 28 dwelling was subject to a construction management plan condition and both Kent Highways and the EHO wish to see this condition reimposed. However planning conditions should not be used to supplement or provide controls already available under other legislation. In this case both Kent Highways and the Environmental Health have the relevant powers. As such there is no planning justification for reimposing this condition.

Community infrastructure contributions and affordable housing

- 6.22 The development places extra demands on local services and facilities which need to be met. In addition provision should be made for Affordable Housing (AH) to meet the requirements of policy SP20 of the local plan.

- 6.23 Since the planning permission for 28 dwellings was granted the Council has adopted its Community Infrastructure Levy (CIL) charging schedule. Developer contributions were previously sought for improvements to Yalding Surgery and St Margaret's Primary School, Yalding. Both represent local infrastructure improvements to which CIL is now applicable.

- 6.24 However AH falls outside the CIL charging schedule. It therefore needs to be addressed as part of this application.
- 6.25 Requests for developer contributions must be assessed in accordance with Regulation 122 of the Act. This has strict criteria setting out that any obligation must meet the following requirements: - It is:
(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.
- 6.26 Policy SP20 of the local plan requires on site AH at 40% unless it can be demonstrated on viability grounds that such a requirement would make the scheme unviable. It was concluded in connection with the proposals both for 25 and 28 units that provision for AH be made off site in the form of a financial contribution.
- 6.27 Turning to the current proposal, the viability assessment submitted by the applicant concluded that CIL contributions would be just under £300,000. Developer contributions secured by S106 agreement for the proposal for 28 units was just under £170,000. CIL contributions will therefore deliver an increase of just under £130,000 towards local infrastructure provision. CIL contributions are mandatory and non negotiable.
- 6.28 Lack of AH provision despite the uplift in unit numbers needs to be assessed against paragraph 4.134 of the local plan which states, amongst other things, that the council will only consider reducing planning obligations if fully justified through a financial appraisal model or either appropriate evidence. This wording permits the Council to apply other considerations as to how much weight should be given to viability evidence. Given the extant proposal for 28 units delivered an AH contribution of £79,744 failure to make any AH contribution of this revised proposal means the proposal fails the provisions of policy SP20. In the light of the above the applicants have agreed to maintain the level of the AH contributions at £79,744 which will be secured by legal agreement.
- 6.29 In the circumstances it is considered the scheme continues to represent a balanced proposal by delivering local infrastructure improvements and AH in accordance with the provisions of policy SP20 of the local plan.

Biodiversity considerations:

- 6.30 An Extended Phase 1 Habitat Survey, bat survey and great crested newt and reptile survey was submitted in connection with application ref:16/501263. Under ref: 17/505482/SUB a reptile mitigation strategy has been approved.
- 6.31 The proposed layout continues to include an area of ecological enhancement to the north of the housing development approximately 0.5ha in size providing ecology mitigation and enhancement for the site. There continues to be green spaces, ponds and tree / landscaping planting proposed within the site. Existing ponds adjacent the site to the north will be incorporated into the ecological area and will benefit from site decontamination.
- 6.32 The ecological mitigation and biodiversity benefits incorporated into the open space in the northern part of the site continue to be acceptable subject to a detailed mitigation, enhancement and management strategy for the open space being secured by condition.

Other matters

- 6.33 The site is located in Flood Zone 1 with some areas of the site in Flood Zone 2. The application for 28 dwellings was supported by an Flood Risk Assessment and drainage strategy. The Environment Agency, Southern Water, and KCC Sustainable Drainage raised no objection on flood risk, foul or surface water drainage grounds subject to appropriate conditions.
- 6.34 However the proposed uplift in unit numbers has been the subject of objection from the Collier Street Parish Council on flooding grounds. The applicants have responded as follows.
- The scrapyard was predominantly made up of impermeable structures and hardstanding. The proposed development will result in a 97% reduction in water runoff into local watercourses in an extreme storm event compared to the previous use of the site.
 - The ditch along north site boundary and associated ponds have not been maintained for many years and were full of detritus restricting water storage capacity and flow rates These have now been cleared.
 - Ditch either responsibility of adjacent landowner or KCC – ditches in control of applicant will be maintained by applicant.
 - Number of ditches outside applicant's control that have been culverted or filled in restricting runoff.
- 6.35 The Upper Medway Internal Drainage Board has agreed a run off figure with the applicants which will be secured by on site attenuation measures. However the key point is that given the scale of development already permitted, an uplift in the number of units by 4, particularly as impermeable areas remain substantially as permitted, means that drainage related concerns cannot be supported.
- 6.36 The application has been accompanied by a detailed energy and sustainability statement based on the super-efficient insulation, absolute air-tightness, and harvesting the sun's energy through south-facing windows to keep as much heat inside homes as possible. In addition use of grey water and water efficient appliances will all be standard fixtures in each house. It is considered that the range of measures set out in the energy statement will in combination result in an energy efficient development. The provisions of the energy statement should be secured by condition.
- 6.37 There is also a requirement that surface water drainage should continue to be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can be dealt with by condition.
- 6.38 The applicants advise that site decontamination has now taken place. Formal confirmation of this via a closure report needs to be the subject of a condition (condition 5).
- 6.39 The development needs to be screened as to whether it should have been accompanied by an Environmental Impact Assessment. It is concluded the development is not of a scale or impact justifying an Environmental Impact Assessment. It should be stressed this is a technical assessment which has no bearing on the consideration of the planning merits of the proposed development which is carried out above.

CONCLUSIONS

- 7.1 This is an allocated site for housing under policy H1 (66). The proposed development continues to accord with the key provisions of this policy.
- 7.2 The character and setting of the local countryside and adjoining heritage asset will be continue to be materially improved as a result of removal of the commercial use.

- 7.3 The proposal will not result in any material increase in traffic or traffic impacts compared to the extant scheme under construction for 28 houses.
- 7.4 The housing design and layout continues to be acceptable while open space/ecological mitigation and enhancement measures remain unchanged.
- 7.5 The additional units will make a further windfall contribution towards meeting the Councils 5 year housing supply targets set out in policy SS1 of the local plan while continuing to make provision for affordable housing.
- 7.6 The balance of issues continue to fall in favour of the development and that planning permission should be granted subject to a 106 agreement to deliver the AH contribution agreed with the applicant.

8. 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):

- Contribution of £79,744 towards off-site affordable housing in the borough.

and the imposition of the planning conditions as set out below:

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. Finished floor levels for non-sleeping and sleeping accommodation shall be a minimum of 300mm and 600mm respectively above the estimated flood level for the site. Reason: To avoid flood risk.
3. A bound surface shall be used for surfacing for the first 5 metres of the access from the edge of the highway and provision for cycle parking shall be as shown on the approved plans. Reason: In the interest of the free flow of traffic and highway safety and to encourage the use of sustainable transport.
4. No access to serving individual properties or groups of properties shall 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 and the free flow of traffic.
5. Before first occupation of any identifiable development phase a Closure Report shall be submitted for prior approval in writing by the Local Planning Authority which shall include full verification details including 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; Reason: In the interest of health and safety.
6. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and

intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open infiltration features located within the curtilage of the site. It should be demonstrated that water discharge into a local watercourse/ditches shall not exceed a maximum flow rate of 13.9 litres per sec. Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions and in the interests of flood prevention.

7. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.
8. External materials to be used in connection with the development hereby approved shall be as already approved under application ref: 18/506066. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure a satisfactory appearance to the development.
9. Prior to first occupation of the development hereby approved details shall be submitted for prior approval in writing of bio diversity enhancements including a timetable for provision and management being the installation of bat and bird nesting boxes and native species planting. The installation of the bat and bird nesting boxes and native species planting shall be carried out in accordance with the approved details. Reason: In the interests of bio diversity.
10. The site access, parking and turning shown on the approved plans shall be provided before first use of any part of the development which they serve and shall be retained at all times thereafter without any impediment to their intended use. Reason: In the interest of highways safety and the free flow of traffic.
11. The recommendations set out in paragraphs 4.1-4.47(inc) of the Ecological Appraisal and Protected Species Report Rev A dated December 2017 shall be carried out in accordance with the manner, timeframes and maintenance measures specified. Reason: In the interest of ecology and biodiversity enhancement.
12. The reptile mitigation strategy submitted pursuant to condition 8 appended to planning permission ref: 16/501263 and approved under ref:17/505482 shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. Reason: In the interest of ecology and biodiversity enhancement.
13. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure suitable foul and surface water sewerage disposal is provided.
14. Prior to any part of the development hereby approved reaching damp proof course details of a scheme of landscaping, 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 during the course of

development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified; Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the setting of adjacent listed buildings.

15. The approved landscaping scheme shall be carried out in the first available planting season following first occupation of any identified development phase of the development hereby permitted. Any seeding or turfing which fails to establish or any trees or plants which, within 5 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: To ensure a satisfactory landscaped setting for the development.
16. The boundary details shown on drawing no: LN35-1200.07 rev P2 shall be implemented prior to first occupation of the dwelling/s to which they relate and retained as such at all times thereafter. In addition openings of sufficient size shall be provided in garden fences between dwellings to allow free movement of wildlife between gardens and the adjoining countryside. Reason: In the interests of amenity and wildlife.
17. The development hereby approved shall be constructed at the levels shown on drawing nos: LN35-810.01 P2 & LN35_810.02 P2. Reason: In the interests of amenity.
18. No external lighting shall be placed anywhere within the site without first obtaining the prior consent in writing from the Local Planning Authority. The submitted details shall include details of the type of luminaire and output, measures to shield and direct light and illuminance contour plots showing both vertical and horizontal components. Lighting shall only be installed in accordance with the approved details. Reason: In the interest of amenity.
19. The refuse strategy and collection details shown on drawing no: LN35_1200.05 P1 shall be implemented prior to first occupation of any dwelling to which they relate. Reason: In the interests of amenity, the free flow of traffic and highway safety.
20. The development hereby approved shall be carried out in accordance with the provisions of the Tree Survey carried out by LaDellWood dated September 2018 in particular drawing no:2537/17/B/2 rev A. Reason: To ensure a satisfactory external appearance to the development and to safeguard the trees on site.
21. Prior to the occupation of the dwellings hereby permitted, a minimum of one electric vehicle charging point shall be installed at every residential dwelling with dedicated off street parking, and shall thereafter be retained for that purpose. Reason: To secure improvements in air quality.

22. Prior to first occupation of the any dwelling, the provisions set out in the energy and sustainability statement dated September 2018 and prepared by Briary Energy shall be implemented and maintained at all times thereafter. Reason: To ensure an energy efficient form of development.

23. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - LN35_1100.01 Rev P1 – House Type 202
 - LN35_1100.02 Rev P2 – House Type 304
 - LN35_1100.03 Rev P1 – House Type 401
 - LN35_1100.04 Rev P1 – House Type 401
 - LN35_1100.05 Rev P2 – House Type 401
 - LN35_1100.06 Rev P1 – House Type 402
 - LN35_1100.07 Rev P1 – House Type 402
 - LN35_1100.08 Rev P1 – House Type 402
 - LN35_1100.09 Rev P1 – House Type 404
 - LN35_1100.10 Rev P1 – Double Garage
 - LN35_1100.11 Rev P1 – Single Garages
 - LN35_1100.12 Rev P1 – Substation
 - LN35_1100.13 Rev P1 – House Type 304
 - LN35_1200.01 Rev P2 – Site Location Plan
 - LN35_1200.02 Rev P2 – Planning Layout
 - LN35_1200.03 Rev P2 – Planning Layout – House Types
 - LN35_1200.04 Rev P2 – Planning Layout – Storey Heights
 - LN35_1200.05 Rev P1 – Planning Layout – Refuse Strategy
 - LN35_1200.06 Rev P1 – Planning Layout – Fire Strategy
 - LN35_1200.07 Rev P2 – Planning Layout – Boundary Treatments
 - LN35_1200.08 Rev P3 – Site Entrance & Access Plan
 - LN35_1200.09.01 Rev P1 – Street Scenes (Sheet 1 of 2)
 - LN35_1200.09.02 Rev P1 – Street Scenes (Sheet 2 of 2)

810.01 Rev P2 – Drainage Plan Sheet 1
810.02 Rev P2 – Drainage Plan Sheet 2

LN35 800.01 Rev P2 and 810.02 Rev P2.

T15166_Collier_02R1 – Topographical Survey 1 of 5 – Rev A
T15166_Collier_02R1 – Topographical Survey 2 of 5 – Rev A
T15166_Collier_02R1 – Topographical Survey 3 of 5 – Rev A
T15166_Collier_02R1 – Topographical Survey 4 of 5 – Rev A
T15166_Collier_02R1 – Topographical Survey 5 of 5 – Rev A

Reason: In the interests of amenity.

INFORMATIVES

1. The site lies on clay geology and all precautions must be taken to avoid discharges and spills to the ground and controlled waters both during and after construction. For advice on pollution prevention, the applicant should contact the Environment Agency.

2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council

(KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. 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>

3. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
4. The site has a population of variegated archangel, an invasive non-native species listed on schedule 9 of the wildlife and countryside act 1981 (as amended) which makes it an offence to plant or otherwise cause it to grow in the wild. Planning consent for a development does not provide a defence against prosecution under this act. Measures will need to be undertaken to ensure that the plant is eradicated prior to commencement of development to ensure that no offences may occur.
Enhancement

Case Officer: Graham Parkinson