

<b>REFERENCE NO - 19/504348/FULL</b>			
<b>APPLICATION PROPOSAL</b> Demolition of existing buildings and erection of 13 detached, two storey dwellings to be developed as self-build or custom-built homes by individual owners. Creation of access roads, associated parking and turning areas and the creation of a footpath link to Maidstone Road; along with landscaping and ecological enhancement works.			
<b>ADDRESS</b> Land at Rosemead Nursery Maidstone Road Headcorn Kent TN27 9RT			
<b>RECOMMENDATION</b> Grant planning permission subject to a legal agreement to secure affordable housing and planning conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• The location of the site next to existing housing and its redevelopment for housing will secure an environmental uplift for the residents of Rosemead Gardens, provide housing in a sustainable location while making a significant contribution to addressing the unmet need for Self Build and Custom Housing.</li> <li>• The proposal will not result in any material harm to the landscape and rural character of the locality.</li> <li>• The proposal Is acceptable in design, layout and amenity terms.</li> <li>• The proposal addresses highway, wildlife and flooding considerations in an acceptable manner.</li> <li>• As such the balance of issues fall significantly in favour of the proposal.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Contrary to the views of Headcorn Parish Council as set out in the consultation section			
<b>WARD</b> Headcorn	<b>PARISH/TOWN</b> Headcorn	<b>COUNCIL</b>	<b>APPLICANT</b> Clarendon Homes <b>AGENT</b> Clarendon Homes
<b>TARGET DECISION DATE</b> 05/03/20		<b>PUBLICITY EXPIRY DATE</b> 24/01/20	

### **No Relevant Planning History**

#### **MAIN REPORT**

##### **1. SITE DESCRIPTION**

- 1.1. The application site having an area 0.95 ha is occupied by a former nursery comprising greenhouses, a piggery, poultry buildings and agricultural machinery storage with access off Stonestile Road. The site ceased to operate as a livestock holding in 2012 with the growing of produce ceasing in 2015. All buildings on the site are now redundant with some in a dilapidated state.
- 1.2. Immediately abutting the site to the east is Rosemead Gardens a ribbon of detached housing fronting Headcorn Road with a further longer ribbon of housing opposite.
- 1.3. The application site is just over 1 km to the north of Headcorn and lies in open countryside forming part of the Low Weald Landscape of Local Value. Much of the southern and western part of the site is sited within a KCC minerals safeguarding area.

##### **2. PROPOSAL**

- 2.1 Permission is sought to redevelop the site for self build/custom house (SBCH) purposes. Planning permission was originally sought for 13 dwellings but this has since been reduced to 12.

- 2.2 The application is accompanied by detailed design and layout plans showing 3 detached houses facing onto the existing access drive from Stonestile Road. The access road then follows the southern site boundary before turning north into a cu-de-sac.
- 2.3 Also proposed is a footpath from the south west corner of the site to provide pedestrian shortcut to footpaths along Maidstone Road and then to Headcorn.
- 2.4 The proposal requires the removal of some trees. Replacement and mitigation is proposed via the provision of native hedgerows and individual specimen trees and retention of trees around the southern and western boundaries.
- 2.5 Accompanying the application is a design code which addresses layout, development form, height and scale; architectural composition, public realm and materials.
- 2.6 In particular the design specifies building heights, no building or structure to shall be erected within 1m of any plot boundary, parking barns to be single storey construction and all roof pitches of all buildings be between 40 and 45 degrees.
- 2.7 A detailed materials palette specifies the use multi stock red or multi red facing bricks, clay tiles for roofing and tile hanging being red/brown or multi-reds or brown, rendering and weather boarding.
- 2.8 Reports have also been submitted addressing landscaping, ecology, renewable energy, transport, minerals, contamination risk, flood risk and drainage.
- 2.9 The renewable energy assessment in particular recommends the use of renewable materials where possible, maximum insulation to reduce energy use and air source heat pumps to provide renewable energy.

### **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017 SS1, SP17, SP19, SP20, DM1, DM3, DM13, DM19, DM23, DM30,  
Supplementary Planning Documents Maidstone Landscape Character Assessment  
Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.1 Two representations received from local residents raising the following (summarised) issues
  - Loss of privacy to houses in Rosemead Gardens
  - Need to ensure that any boundary trees do not come to overshadow houses in Rosemead Gardens.
  - Will result in loss of outlook to properties In Rosemead Gardens – can currently look across site into countryside beyond and outlook across the existing buildings preferable to looking across a residential development
  - Does not understand reference to SBCH – also concerned that if left to individuals to construct will take excessive time to build out with houses being all shapes and sizes.
  - Site provides wildlife habitat which will be harmed/lost if proposed development is permitted.
  - Properties in Rosemead Gardens not on mains drainage – concerned that if proposed development also not on mains drainage but is serviced by cess pits could increase potential for flooding in an area having a high water table.
  - Site access is from Stonestile Road – this road regularly floods and situation will be made worse by the proposed development.

## 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 **Headcorn PC:** Objection Based on the current information wish to see the application refused
- 5.2 **Kent Highways:** No objection subject to conditions to secure a construction management plan, electric car charging for each unit, provision of access, on site parking and turning and completion and maintenance of the footpath and uncontrolled crossing details to the south-east of the site prior to the use of the site commencing. The applicant will need to enter into a S278 agreement with Kent Highways regarding provision of the access and the proposed footpath to Maidstone Road.
- 5.3 **MBC Landscape:** No objection subject to conditions. No protected trees on, or immediately adjacent to, this site but there are significant trees around the periphery of the site, particularly on the western and southern boundaries.

The submitted Arboricultural Report is acceptable in principle subject to a pre-commencement condition requiring a detailed Arboricultural Method Statement (AMS) in accordance with BS5837 which needs to consider demolition activities, road construction and all services and drainage and details of landscaping.

The Maidstone Landscape Capacity Study: Sensitivity Assessment - January 2015 considers the Headcorn Pasturelands to be of high overall landscape sensitivity and sensitive to change. It states that development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.

The relevant guidelines and mitigation for this area are as follows:

- Consider the generic guidelines for the Low Weald in the Maidstone Landscape Character Assessment 2012.
- New development should respect the local vernacular in scale, density and materials.
- Conserve the abundance of oak as a dominant species, and plant new isolated oaks within pasture and hedgerows to replace ageing population.
- Conserve and enhance the small scale field pattern and sense of enclosure
- Conserve the largely undeveloped rural landscape
- Resist infill linear development along Maidstone Road
- Enhance habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas.

- 5.4 **Environment Agency:** No objection subject to conditions to address possibility of site contamination and to secure details of any SUDS or any penetrative foundations to ensure there is no risk to controlled waters.
- 5.5 **KCC Flood and Water Management:** No objection subject to conditions. There is no objection to surface water drained into permeable surfacing and outfall into an existing ditch running along the east side of the access road.
- 100 year storm event is acceptable and matches greenfield runoff for the 1 year event, there is no indication of post development discharge rates for the 1 year and 30 year rainfall events.
  - Recommend clarification whether all rainfall events are discharging to 3l/s.
  - Although an allowance of 20% climate change has been included in drainage calculations and storage requirements recommend a further sensitivity check to include an allowance of 40% climate change for the 100 year storm event.

- This increased threshold may indicate flooding on site, but this can be accommodated through a suitable exceedance plan demonstrating the volume of flooding on site and the route of overflow.
- Exceedance flood routes have already been demonstrated.
- The Environment Agency's Flood Map for Surface Water shows there is a surface water flow path running throughout the site and this should be considered when preparing drainage arrangements.
- An assessment of the ditch coupled with a CCTV survey of the existing culvert needs to be carried out to ensure there is adequate capacity and the receiving watercourse/culvert is in an appropriate condition without any blockages.
- To address the above details of a SUDS and surface water drainage should be secured.

5.6 **KCC Ecology:** Further information is needed regarding Great Crested Newts; Reptiles; Bats and Barn Owls.

**Great Crested Newt**

The ecology report has identified suitable Great Crested Newt (GCN) terrestrial habitat within the development site and the presence of suitable breeding ponds (one of which had confirmed GCN breeding in 2015) within 250m of the site. Therefore, as stated in the report, it is likely that this protected species will be negatively impacted in the absence of appropriate mitigation.

Further surveys required to establish the status of the GCN population in the area and to inform the Natural England licence which will most likely be required to undertake development works. Highlight that surveys cannot be undertaken until next year (March to July). Alternatively, Natural England's District Level Licence (DLL) scheme could be utilised.

Advise that either of the following be submitted to the local planning authority prior to determination of the application:

- GCN survey results and a suitable mitigation strategy;
- Confirmation of entry into the DLL scheme.

**Reptiles**

The ecology report states it is likely that reptiles are present within the development site due to the presence of suitable habitat on-site and relatively good habitat connectivity. As all species of reptile are protected, the report recommends that reptile surveys are undertaken to establish the status of the probable reptile population, which will then inform a suitable mitigation strategy.

Note that reptile surveys cannot be undertaken until next year (March to October). Advise that reptile surveys are undertaken with the results submitted to the local planning authority prior to determination of the application.

**Bats**

Whilst most of the structures on-site offer negligible roosting potential for bats, nine buildings were considered to have low roosting potential and four oak trees were considered to have high roosting potential.

As all bat species and their roosts are protected, there is a need to undertake bat emergence/re-entry surveys to establish if bats are utilising the buildings/trees (if the latter are to be impacted). This will inform the mitigation strategy and necessary licence acquisition from Natural England.

The bat survey results, along with any mitigation proposals, must be submitted to the local planning authority prior to determination of the application.

### **Barn Owls**

Evidence of barn owls (pellets and droppings) were noted in two of the open barn structures on-site, suggesting that barn owls roost within the buildings. It is stated that the buildings are unsuitable for nesting.

As a protected species, a mitigation/compensation strategy must be implemented. The ecology report recommends measures, such as pre-works surveys and external roost provision.

Advise that further details of the barn owl mitigation strategy are provided, including the types of roost opportunities to be provisioned, as well as timings and locations which must be submitted to the local planning authority prior to the determination of the application.

### **Ecological Enhancements**

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Enhancement recommendations have been made within the ecology report, however, as the results of the requested surveys/mitigation strategies (above) may influence the final enhancement plan, advise an enhancement plan is produced and submitted in conjunction with the survey results.

- 5.7 **Environmental Health Officer:** No objection subject to details of contamination, sound attenuation measures and lighting being secured.
- 5.8 **Headcorn Aerodrome:** Need to ensure that any development permitted does not constrain the lawful flying activities that are carried out.

## **6. APPRAISAL**

### **Main Issues**

6.1 The key issues for consideration relate to:

- Principle
- impact on the rural character and landscape quality of the area,
- design and layout
- amenity
- highways
- wildlife.
- Flooding

### **Principle**

- 6.2 The site lies in open countryside falling within the Low Weald Landscape of Local Value. Given the past agricultural use of the site it does not fall within the definition of previously developed land (pdl). It is therefore subject to the countryside protection policies set out in the NPPF and the local plan.
- 6.3 The NPPF at paragraph 79 seeks to avoid isolated homes in the countryside. However given the proximity to adjoining housing to the east at Rosemead Gardens, housing on the opposite Maidstone Road and that the main Headcorn settlement is only a short distance to the south it is considered the site is not isolated. The sustainability of the location is considered later in this report.
- 6.4 Turning to local plan policies, policy SP17 paragraph 4.95 (forming part of the preamble to this policy) states, amongst other things, that the countryside has an intrinsic character that should be conserved for its own sake. Other relevant considerations are that development proposals in the countryside will not be permitted unless they accord with other policies in the local plan and will not result in harm to the character and appearance of the area.

- 6.5 In addition the distinctive landscape character of the Low Weald will be conserved and enhanced as a landscape of local value and separation of individual settlements will be retained.
- 6.6 Policy SP19 relating to housing mix requires, amongst other things, that large development schemes will be expected to demonstrate that consideration has been given to custom and self-build plots as part of the housing mix.
- 6.7 Policy DM30 sets out design principles in the countryside stating amongst other things that new buildings should, where practical, be located adjacent to existing buildings or be unobtrusively located and well screened by existing and propose vegetation reflecting the landscape character of the area. There is also a requirement to submit a Landscape and Visual Impact Assessment in appropriate circumstances.
- 6.8 Self build/custom housing (SBCH) is identified as an alternative means of housing provision which Councils are required to satisfy on the basis of 'demand' identified in the SBCH register. Policy SP19 above sets out the Councils current policy approach to SBCH.

**Need for Self Build Housing:**

- 6.9 The Self Build and Custom Housebuilding Act 2015 places a duty on the Council to keep a register of individuals and associations who wish to acquire serviced plots of land to secure this type of development. It also requires the Council to have regard to these registers in carrying out its planning and other functions while bringing an absolute requirement to make provision for SBCH identified in the accounting period.
- 6.10 The Self-Build register for the period 31 Oct 2018 to 30 October 2019 identified, amongst other things, 82 people having registered an interest in Maidstone. It should be noted only one SBCH scheme has currently been permitted at the Grafty Green Garden Centre for 14 dwellings ref: 15/505906/FULL. SBCH is also being delivered indirectly via CIL as since 1<sup>st</sup> October 2018 there have been 29 CIL exemptions approved for self builds. The guidance is not clear however as to whether meeting the need for SBCH by CIL exemption counts towards overall provision.

**Housing Supply:**

- 6.11 Turning to whether there is any support for the proposal in housing supply terms, policy SS1 of the local plan places considerable reliance on windfall sites in meeting a 5 year housing supply. The Council is currently able to demonstrate a 6.5 year supply of housing land.
- 6.12 Consideration of the proposal therefore rests turns on whether the provision of SBCH is so overriding in housing need terms as outweigh any harm that may be identified to the rural and landscape character of the area and whether this can be lessened by appropriate mitigation.
- 6.13 The application site lies within the countryside and being formerly in agricultural use is not classed as pdl. Its redevelopment for housing can therefore only be justified in policy terms on the basis of whether there are special circumstances applying both to the proposed use and the specific site circumstances which justify an exception being made here.
- 6.14 Dealing first with the site context, though currently vacant the possibility of the agricultural/nursery use recommencing cannot be discounted. If this were to occur houses abutting the site to the east could suffer noise, disturbance and visual intrusion. Redevelopment of the site for housing would prevent this from occurring while securing a use more compatible with the adjoining housing.

- 6.15 Regarding siting sustainability, the site is a short distance to the north of Headcorn. Maidstone Road is a heavily trafficked principal route used by public transport with bus stops nearby. There is a footpath on the opposite of Maidstone Road with some street lighting in the direction of Headcorn. The proposed development will be linked by footpath to Maidstone Road on a line running to the south of Rosemead Gardens.
- 6.16 Based on the above it is considered the site occupies a sustainable location in relation to local services and public transport. As such given the specific circumstances of the site next to existing housing, its redevelopment for Self build/custom housing (SBCH) has the potential to secure an environmental uplift for the residents of Rosemead Gardens, will provide housing in a sustainable location while making a significant contribution to meeting the demand for SBCH.
- 6.17 The proposal is therefore considered acceptable in principle. Further assessment therefore turns on the detailed impacts of the proposed development.

**Impact on the landscape character and rural setting of the locality:**

- 6.18 The generic development guidelines for the Low Weald in the Maidstone Landscape Character Assessment 2012 are as follows.
- New development should respect the local vernacular in scale, density and materials.
  - Conserve the abundance of oak as a dominant species, and plant new isolated oaks within pasture and hedgerows to replace ageing population.
  - Conserve and enhance the small scale field pattern and sense of enclosure
  - Conserve the largely undeveloped rural landscape
  - Resist infill linear development along Maidstone Road
  - Enhance habitat opportunities around water bodies and ditches by promoting a framework of vegetation in these areas.
- 6.19 The design, density and layout of the development will be assessed later. The intention to retain and enhance existing boundary trees is in line with the guidelines. However given the existing developed nature of the site, its location behind existing housing fronting Maidstone Road and that the existing drainage ditch lies outside the application site area, the remaining guidelines do not easily apply to this site.
- 6.20 Turning to the wider landscape impacts, the Landscape and Visual Impact Assessment (LVIA) submitted with the application states the site has significant native tree planting along the west and south boundaries. The proposal will retain mature native oaks while replacing declining trees with semi-mature trees along the southern site boundary.
- 6.21 The LVIA concedes the site is visible from a footpath to the west but the proposed dwellings are likely to be well-screened from most viewpoints. A very small part of the built form, consisting of roofs will be just visible beyond existing and proposed tree planting.
- 6.22 The LVIA's key conclusions are that views from the surrounding countryside will be minimal with the existing mature native trees surrounding the site being effective in screening longer range views from footpaths to the west and south. In addition replacement tree planting and the continuing growth of native trees around the site periphery will develop to screen the proposal site from most viewpoints in the long term.
- 6.23 It is considered that subject to tree retention, additional landscaping as proposed along with controls over lighting the LVIA's conclusions can be supported. The impact of the proposal on the rural and landscape character of the Low Weald

Special Landscape Area is therefore acceptable and accords with policy SP17 of the local plan.

**Design and Layout:**

- 6.24 Dealing first with design, the generic guidelines for the Low Weald are that new development should respect the local vernacular in scale, density and materials. The design of the proposed individual dwellings, which will be safeguarded via the design code can be seen to broadly comply with these requirements.
- 6.25 It is acknowledged that in density and layout terms the development is suburban in character and if the site was in an isolated rural location this could be significant. The site is not in an isolated rural location with the proximity to Rosemead Gardens (which also suburban in character). With the limited harm to the wider landscape and need to optimise proposals for SBCH where site circumstances permit (having regard to the lack of provision to date in meeting the demand for SBCH) it considered the proposal is acceptable in scale and density terms.

**Amenity**

- 6.26 Dealing first with that of the future residents, in terms of block spacing, garden sizes and maintenance of privacy it is considered the development satisfies the provisions of policy DM1 of the local plan in relation to these matters. In terms of aural amenity, the Environmental Health Officer seeks assurances that future residents would not be materially affected by noise from traffic using Maidstone Road. As the site is set well back and separated from Maidstone Road by houses in Rosemead Gardens it is considered that, subject to details of sound attenuation measures being approved, the aural amenity of future site residents will be safeguarded.
- 6.27 Turning to the impact on the outlook and amenity of residents in Rosemead Gardens, with the size and design of the proposed dwellings 'back to back' separation distances of between 20 and 25 metres is considered sufficient to maintain reasonable levels of privacy and outlook in accordance with the provisions of policy DM1 of the local plan.
- 6.28 It should also be taken into account that if the agricultural use of the site was to be resumed this would be unconstrained in planning terms. As such a potentially extremely unneighbourly use could locate. The redevelopment of the site for residential purposes is therefore likely to provide far greater amenity safeguards to houses abutting the site in Rosemead Gardens.
- 6.29 Concern has been raised that redevelopment of the site will result in loss of outlook i.e. views across the site to open countryside beyond. However subject to development meeting the amenity provisions of policy DM1 in relation to maintaining sufficient outlook, the loss of a wider view is not a material consideration in the determination of this application.
- 6.30 Such an approach is not inconsistent with policy SP17 which seeks to protect the rural/landscape character of the area in the wider public interest rather than in the interests of good neighbourliness which is addressed by policy DM1.
- 6.31 The remaining amenity considerations relate the provision of the footpath to provide a pedestrian shortcut to Maidstone Road. This footpath will access directly onto Maidstone Road. There is no footpath on this side of the road though there is a footpath on the opposite. Public safety is a material planning consideration and Maidstone Road is a busy main route. **It is therefore essential that a crossing is provided and this will need to be negotiated with Kent Highways.**
- 6.32 There is also the issue of security. The proposed footpath will be just over 80 metres in length and lighting should be provided for security purposes.



- 6.33 There is also the need to provide security and privacy to properties abutting the footpath and a mix of landscaping and security fencing should address this.

**Highways:**

- 6.34 Vehicle access will be gained using the existing access onto Stonestile Road. Compared to the traffic generating capacity of the former nursery use it is not considered that peak hour traffic generated by 12 houses is likely to materially exceed this. As such in the absence of objection from Kent Highways it is not considered the proposal will result in material harm to the free flow of traffic or highway safety on local roads.
- 6.35 It should be noted that Kent Highways recommend a construction management plan condition. However this is a matter addressed by other legislation and guidance makes clear that planning conditions should not seek to duplicate controls available elsewhere.

**Wildlife**

- 6.36 Before the application is determined KCC Ecology require surveys of protected species identified on the site which may influence the wildlife enhancement plan which currently proposes the following measures:
- Provision of hedgehog nesting boxes
  - Provision of 12cm square gaps under any new fencing to allow hedgehogs access into all garden areas.
  - Provision of ready-made bird boxes (sparrow terrace timber boxes or house martin nests for instance 1 or mix of open-fronted and hole-nesting boxes and constructed from woodcrete)
  - Provision of bat roosting spaces within the new buildings
  - Provision of bat friendly planting within the gardens
  - Provision of owl boxes in trees
  - Establish climbing plants on walls and other vertical structures.
  - Establish wildflower plug/bulb planting in amenity grassland and private gardens.
  - Integration of Sustainable Drainage Systems.
  - Consider using grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage, or Gravel turf.
- 6.37 The applicants advise that they have carried out the requested surveys and this information has been forwarded to KCC Ecology. KCC Ecology's response to this additional information will be drawn to members attention as an update.

**Flooding:**

- 6.38 KCC Flood and Water Management advise it raises no objection in principle to surface water draining into permeable surfacing and decanting into an existing ditch running along the east side of the access road. This is subject to it being demonstrated that there is sufficient on site attenuation to ensure the capacity of the drainage ditch is not exceeded, details of which can be secured by condition.
- 6.39 The Environment Agency's (EA) concerns are mainly to do with ensuring ground water is not contaminated by the proposed development. The EA do not raise flood related concerns. In the circumstances it is considered there is no objection to the proposal on flood risk grounds.
- 6.40 Foul water from the proposed development will connect by gravity to an on-site package treatment plant. The treated effluent will outfall to the ditch within the site. An Environmental Permit will be submitted to the EA prior to works commencing to ensure such an approach does not pollute local watercourses.

**Community infrastructure Levy contributions and affordable housing (AH)**

- 6.41 SBCH is CIL exempt. Requests for other contributions must be assessed in accordance with Regulation 122 of the Act and any obligation must meet the following requirements being-
- (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.
- 6.42 In this case AH must be provided in accordance with Policy SP20 of the local plan. As the site is located in a rural area 40% of the development should comprise AH unless it can be demonstrated that achieving policy compliant AH targets is not feasible on economic viability grounds.
- 6.43 The application is accompanied by a viability assessment (VA). Independent assessment of the VA concluded a contribution of £285,000 could be secured towards AH. On reassessment the applicants have increased their contribution to £240,000. As this results in a shortfall of £45,000 the applicant's revised offer has been referred back to the independent assessors and its response will be reported to members as an update.
- 6.44 It is acknowledged that AH should normally be provided on site. However as this is an SBCH scheme the inclusion of AH would go against the Governments intentions to widen the opportunities for individuals and organisations to provide housing in accordance with their own means and aspirations. If on site AH is not being provided provision in an off site scheme should be considered. No such scheme is identified. The purchase of nearby dwellings should also be considered. However even the maximum developer contribution is insufficient to purchase even a single dwelling in this area. Given the foregoing it is therefore appropriate to make provision for AH by means of a developer off site financial contribution secured by legal agreement.
- 6.45 As a final consideration, development of the site may require piling for all/some of the proposed dwellings resulting in a significant increase in costs. This would have to be met via a reduced AH contribution. Any legal agreement should therefore include a review mechanism addressing this eventuality.

**Other matters**

- 6.46 The development needs to be screened as to whether it should have been accompanied by an Environmental Impact Assessment. Given the scale and impact of the development it is considered it is not significant enough to justify an Environmental Impact Assessment. It should be stressed this is purely a technical assessment which has no bearing on the consideration of the planning merits of the development carried out above.

**Public Sector Equality Duty**

- 6.47 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.

**Conclusions and balancing exercise:**

- 6.48 The key conclusions are as follows:
- The location of the site next to existing housing and its redevelopment for housing will secure an environmental uplift for the residents of Rosemead Gardens, provide housing in a sustainable location while making a significant contribution to meeting the demand for SBCH.
  - Will not result in any material harm to the landscape and rural character of the locality.
  - Is acceptable in design, layout and amenity terms.

- Addresses highway, wildlife and flooding considerations in an acceptable manner.

6.49 It is therefore considered the balance of issues fall significantly in favour of the proposal and it is recommended that planning permission be granted as a consequence.

## **7. RECOMMENDATION**

The Head of Planning and Development BE GIVEN 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 towards the provision of affordable housing (sum to be finalised) subject to a review mechanism in the event that all/some of the dwelling require piled foundations.

GRANT planning permission subject to the following conditions:

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

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

2. The development hereby approved shall only be constructed in accordance with the definition of self-build and custom housebuilding as set out in the Housing and Planning Act 2016 and in the first instance be occupied for period of no less than 3 years from the date of first occupation by the person/s who carried out/commissioned construction of the houses hereby approved.

Reason: To reflect the special circumstances of the case as the site is not allocated for new housebuilding or in an area where new housebuilding would normally be permitted.

3. Prior to any dwelling hereby approved reaching damp proof course level the access, highway layout, on site turning, visibility splays onto Stonestile Road (and within the application site) and footpath link to Maidstone Road shall all be provided as shown on drawing nos: PL01 rev B, LE01 rev A and PL16 rev B. They shall be retained at all times with no impediment to their intended use for the life of the development.

Reason: In the interests of highway safety and to secure free flow vehicular and pedestrian traffic.

4. Prior to any dwelling hereby approved reaching damp proof course level details of an uncontrolled pedestrian crossing onto Maidstone Road (including its maintenance) shall be submitted to and approved in writing by the Local Planning Authority. The crossing shall be ready for use prior to first occupation of any dwelling hereby permitted and retained for the life of the development.

Reason: In the interests of pedestrian safety.

5. Prior to any dwelling hereby approved reaching damp proof course level details of lighting to the pedestrian footpath linking the site with Maidstone Road shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed before first occupation of the development hereby

approved and retained for the life of the life of the development.

Reason: In the interests of health, safety and security of the users of the footpath and in the interests of amenity.

6. An electric car charging point shall be provided prior to first occupation of each unit and retained for the lifetime of the development.

Reason: To encourage the use of sustainable transport.

7. The development hereby approved shall be subject to the provisions of submitted design code.

Reason: In the interests of visual amenity.

8. Prior to each dwelling hereby approved reaching damp proof course details and samples of the materials to be used in the construction of the external surfaces, (including hard surfacing) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall be constructed using the approved materials.

Reason: In the interests of visual amenity.

9. Prior to first occupation of the development hereby permitted a landscaping scheme (which shall include landscaping along the route of the proposed footpath) designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

10. The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Reason: In the interest of visual amenity of the area.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

11. The construction of each dwelling hereby permitted shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) for each dwelling including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS5837:2012 "Trees in relation to design, demolition and construction - Recommendations" has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or

ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas.

Reason: To safeguard existing trees and proposed landscaping in the interests of visual amenity.

12. Prior to any part of the development hereby permitted reaching damp course details of a sustainable surface water drainage scheme shall be submitted for prior approval in writing by the Local Planning Authority. The submitted details, which shall include a management and maintenance programme for the lifetime of the development, shall be implemented prior to the first occupation of the any of the dwellings hereby approved and managed and maintained in accordance with the approved details.

Reason: In the interests of sustainability, flood protection and to protect groundwater from pollution.

13. 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 amenity and to safeguard the night-time rural environment.

14. Prior to any part of the development hereby approved reaching eaves levels details of all means of enclosure (including that to enclose the proposed footpath to Maidstone Road) shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure to the proposed footpath will be provided before first occupation of any of the dwellings hereby permitted while other means of enclosure will be provided before first occupation of the dwelling to which they relate. The approved means of enclosure shall be retained for the life of the development hereby permitted.

Reason: In the interests of amenity.

15. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- 1) A site investigation to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning

authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of pollution protection and health and safety.

16. A Closure Report shall be submitted prior to first occupation of the relevant residential dwelling. The closure report shall include full verification details as set out in 2 of the preceding condition. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: In the interests of pollution protection and health and safety.

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To prevent the pollution of groundwater.

18. Prior each of the individual dwelling reaching damp proof course details shall be submitted to and approved in writing by the Local Planning Authority of schemes to demonstrate that the internal noise levels within each dwelling and external noise levels in back gardens and other relevant amenity areas conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice. The work shall be carried out prior to first occupation of any of the dwellings and retained for the life of the development.

Reason: In the interests of aural amenity.

17. The nature conservation recommendations/enhancement shall be implemented as set out in the KB Ecology Report, Preliminary Ecological Appraisal Ref No 2018/09/03 and dated the 8<sup>th</sup> January 2019.

Reason: To safeguard wildlife interests.

18. The development hereby permitted shall be carried out in accordance with the following drawings nos: EX01, 02, PL17 and 18, EX03-10(inc), LE01 rev A, PL01 rev B, 02 rev B, 03, 04 rev A, 05 rev A, 06 rev A, 07 rev A, 08 rev A, 09 rev A, 10 rev A, 11 rev A, 12 rev A, 13 rev A, 14 rev A, 15 rev a, 16 rev B, 19 and 20,

Reason: In the interests of amenity.

### **INFORMATIVES**

- 1) The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. Recommend that where soil contamination is present, a risk assessment is carried out in accordance with Environment Agency guidance 'Piling into Contaminated Sites'. Piling will not be permitted where there is an unacceptable risk to Controlled Waters.
- 2) Details submitted to discharge the drainage conditions attached to this planning permission shall demonstrate that surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.
- 3) The drainage scheme shall also demonstrate that:

- silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

Whilst the proposal to discharge at 3l/s for the 100 year storm event is acceptable and matches greenfield runoff for the 1 year event there is no indication of post development discharge rates for the 1 year and 30 year rainfall events.

Clarification is also required as to whether all rainfall events are discharging to 3l/s.

Although an allowance of 20% climate change has been included in drainage calculations and storage requirements a further sensitivity check should be carried out to include an allowance of 40% climate change for the 100 year storm event.

Provision of an exceedance plan demonstrating the volume of flooding on site and the route of overflow.

The Environment Agency's Flood Map for Surface Water shows there is a surface water flow path running throughout the site and this should be considered when preparing drainage arrangements.

Also required is an assessment of the ditch coupled with a CCTV survey of the existing culvert to ensure there is adequate capacity and the receiving watercourse/culvert is in an appropriate condition without any blockages.

A verification Report on surface water drainage is also required demonstrating a suitable modelled operation of the drainage system containing information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

- 4) Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact [flood@kent.gov.uk](mailto:flood@kent.gov.uk) for further information.
- 5) The submitted details state that foul water from the proposed development will connect by gravity to an on-site package treatment plant with the treated effluent decanting into local watercourses. An Environmental Permit therefore will need to be obtained from the Environment Agency prior to works commencing to ensure such an approach does not pollute local watercourses.
- 6) It will be necessary to enter into a section 278 Agreement regarding provision of the access and proposed footpath onto Maidstone Road.
- 7) The southern and western part of the site is sited within a KCC minerals safeguarding area and you should contact KCC for its views how this is likely to affect the proposed development.