

<b>REFERENCE NO - 20/505611/SUB</b>			
<b>APPLICATION PROPOSAL</b> Submission of Details to Discharge Condition 18 - Foul and surface water sewerage disposal subject to 14/502010/OUT.			
<b>ADDRESS</b> Hen & Duckhurst Farm, Marden Road, Staplehurst (Dickens Gate Development)			
<b>RECOMMENDATION – APPROVE</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The statutory undertaker (Southern Water) is proposing a scheme to provide foul drainage capacity for the development and is advising that it will provide sufficient capacity. On this basis it is recommended that the details are approved.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>Councillor Perry has requested the application is considered by the Planning Committee for the reasons set out in his comments.</li> </ul>			
<b>WARD</b> Staplehurst	<b>PARISH COUNCIL</b> Staplehurst	<b>APPLICANT</b> Barratt Homes <b>AGENT</b> Barratt Homes	
<b>DECISION DUE DATE:</b> 22/01/21	<b>PUBLICITY EXPIRY DATE:</b> N/A	<b>SITE VISIT DATE:</b> 05/07/21	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
14/502010	Outline application for the Erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.	APPROVED	03/02/17
17/506306	Approval of reserved matters application for the erection of 250 dwellings (Appearance, Landscaping, Layout and Scale being sought) and details of Conditions 5, 7, 9, and 10 relating to phasing, landscaping and ecology, pursuant to 14/502010/OUT (Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.)	APPROVED	15/06/18
18/505338	Submission of details pursuant to Condition 17: Sustainable surface water	APPROVED	17/02/19

	drainage scheme and condition 18 (foul and surface water sewerage disposal) for the first 50 dwellings only (original application ref: 14/502010/OUT).		
19/506336	Submission of Details to Discharge Condition 18 (Foul Water Sewerage Disposal) for 192 houses subject to 14/502010/OUT	APPROVED	14/09/20
20/501035 /HEDGE	Hedgerow removal notice - To establish access and working area for southern water sewer connection for a development	Hedgerow Retention Notice Issued	03/07/20
21/500117 /HEDGE	Hedgerow Removal Notice - Temporarily fully remove a 6m section of hedgerow, partly adjacent to the southern side of Marden Road and partly from an adjoining track with associated peripheral hedgerow plants to enable temporary construction access	Hedgerow Retention Notice Issued	05/03/21

## **1.0 DESCRIPTION OF SITE**

1.01 This application to discharge a planning condition relates to the 'Hen and Duckhurst' approved housing development on the west edge of Staplehurst and to the north of Marden Road. The development of 250 houses is under construction with some properties occupied and is known as 'Dickens Gate'. The site is allocated for housing under policy H1(48) of the Local Plan.

## **2.0 PROPOSAL**

2.01 This application is seeking approval for Condition 18 of the original outline permission relating to foul drainage. Foul drainage has been approved for up to 192 houses so far under applications 18/505338/SUB and 19/506336/SUB using the current capacity/infrastructure but with controlled flows and this submission seeks approval for the full 250 houses.

Condition 18 states:

*The development hereby permitted shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Southern Water. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features and shall be completed in full prior to the first occupation of the dwellings hereby permitted.*

*Reason: To ensure that foul and surface water is satisfactorily managed and disposed of from the site and in the interests of protection of local wildlife.*

2.02 The proposals for foul drainage have been worked up with the statutory undertaker (Southern Water) and involve the installation of a below ground

attenuation tank near to the existing pumping station to the southwest of the site on the south side of Marden Road. The attenuation tank would provide additional capacity to mitigate the pumping station being overwhelmed and provide full capacity for the 250 houses.

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

- Maidstone Borough Local Plan (2011-2031): SP10, ID1, H1(48)
- Staplehurst Neighbourhood Plan: PW1, H4
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** 3 representations received raising the following (summarised) points:

- Of the opinion that the applicant can do no more with regards to the resolving problems with sewage and so raise no objections.

4.02 **Councillor Perry** requests the application is considered by the Planning Committee and states as follows:

*"In the light of the major issues with foul water dispersal that were experienced by residents on the Hen and Duckhurst site and in the Marden Road area, a meeting took place between Helen Grant and the Chief Executive of Southern Water to discuss how this can be resolved. As a result, Southern Water has agreed to undertake an urgent review in which all options will be considered. As one of the Ward Members I would wish this application to be brought before the Planning Committee for a decision if Officers were minded to approve."*

### **5.0 CONSULTATIONS**

5.01 **Southern Water:** Have outlined their proposals to provide foul drainage capacity and recommend that the submitted details are approved.

### **6.0 APPRAISAL**

6.01 This is a condition discharge application where the only consideration is whether the proposals to provide foul drainage capacity for the 250 houses are acceptable or not. The reason for the condition is to ensure foul water is satisfactorily managed and disposed of from the site.

6.02 Relevant to foul drainage, the site allocation policy (H1(48)) in the Local Plan states permission will be granted if:

*13) A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.*

6.03 The site allocation policy (H4) in the Neighbourhood Plan states that the site can be developed for up to 250 houses provided:

*8) The development makes provision for an adequate sewerage connection and for the protection of existing sewers on the site or their diversion, in accordance with the requirements of Southern Water.*

6.04 Southern Water (SW) are the statutory undertaker/service provider who have an obligation to provide foul drainage capacity for the new development. They have decided that an attenuation tank on the opposite side of the road is appropriate to provide foul drainage capacity and prevent the pumping station from being overwhelmed. They have advised that this will be sufficient to accommodate foul drainage from the development, and officers have no grounds or evidence to disagree with this solution. The proposals therefore provide a connection to the local sewerage system at the nearest point of adequate capacity (with the proposed improvements) in collaboration with the service provider (SW), in accordance with criterion 13 of the Local Plan site policy and criterion 8 of the site policy in the Neighbourhood Plan.

6.05 SW are currently carrying out these upgrade works and anticipate them to be completed by January 2022. SW are statutorily obliged to provide this, have proposed measures to accommodate the development, and are in the process of providing this capacity.

6.06 Members will be aware that two hedgerow removal notices were sought by SW in order to install the attenuation tank and these were not allowed. SW have clarified that because of this they used an alternative access route into the field off a private track (where an access already exists) which avoided the hedge, and the attenuation tank has been moved further away from the hedge alongside Marden Road. To ensure the connection sewer from Marden Road into the culvert can be made, SW will tunnel deep under the hedge for this section of sewer to be installed.

6.07 Finally, the applicant has confirmed that wildlife friendly drainage gullies have been used at the site in line with the condition.

## **7.0 CONCLUSION**

7.01 The statutory undertaker (Southern Water) has proposed and is providing a scheme to provide capacity for the development and is advising that it will provide sufficient capacity. On this basis it is recommended that the details are in accordance with the relevant Local Plan and Neighbourhood Plan policies and should be approved.

## **8.0 RECOMMENDATION**

Approve the details submitted to discharge condition 18.