

# AMENDED AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 14 July 2016  
Time: 6.00 p.m.  
Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Boughton, Clark, Cox, English,  
Harwood, Hastie, Hemsley, Munford,  
Perry (Chairman), Powell,  
Prendergast, Round and Mrs Stockell

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 21 July 2016

**Continued Over/:**

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**Issued on 11 July 2016**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Debbie Snook on 01622 602030**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 30 June adjourned to 7 July 2016 - to follow
11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Items
13. 14/506264 - Land At Bicknor Farm, Sutton Road, Langley, Kent
14. 15/505906 - Grafty Green Garden Centre, Headcorn Road, Grafty Green, Kent
15. Appeal Decisions
16. Chairman's Announcements
17. **15/509015 - Land South of Sutton Road, Langley, Kent** **92 - 147**
18. **15/509251 - Land North Of Bicknor Wood, Sutton Road, Maidstone, Kent** **148 - 196**

## PART II

**To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test.**

- |   | <b>Head of Schedule 12A and Brief Description</b>   |
|---|---|
| 19. Exempt Appendix to the Report of the Head of Planning and Development Relating to Application 14/506264 (circulated separately)   | 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings        |
| 20. <b>Exempt Appendix to the Reports of the Head of Planning and Development Relating to Applications 15/509015 and 15/509251 (circulated separately in connection with application 14/506264)</b> | <b>5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</b> |

**PLEASE NOTE**

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

**BACKGROUND DOCUMENTS:** The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent ME15 6JQ.

The Chairman has agreed to take the reports of the Head of Planning and Development relating to applications 15/509015 and 15/509251 as urgent items to avoid further delay.

# Agenda Item 17



15/509015 - Land South of Sutton Road  
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**REPORT SUMMARY**

|   |  |  |                        |
|---|--|--|------------------------|
| <b>REFERENCE NO:</b> 15/509015/OUT  |  |  |                        |
| <p><b>APPLICATION PROPOSAL:</b> Outline planning application for a residential development together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (crèche/day centre/ day nursery, or B1 (office), up to 0.4ha of land reserved for C2 (residential care), the reservation of 2.1ha of land for primary education (use class D1), public open space in the form of natural green space, play facilities and informal open space together with landscaping, parking footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access.</p> <p>Please note that while the number of units has not been specified in the description of development, the <b>indicative figure is 800.</b></p> |  |  |                        |
| <b>ADDRESS:</b> Land to the South of Sutton Road, Maidstone, Kent   |  |  |                        |
| <p><b>RECOMMENDATION:</b> Delegated powers be given to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions.</p> <p>(see section 9 of report for full recommendation)</p>   |  |  |                        |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  |  |  |                        |
| <p>The development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given these issues and the fact the site is allocated for housing within the submitted draft of the Local Plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.</p>  |  |  |                        |
| <b>REASON FOR REFERRAL TO COMMITTEE</b>   |  |  |                        |
| <ul style="list-style-type: none"> <li>• Departure from the Development Plan</li> <li>• Objection from Parish Council</li> </ul>  |  |  |                        |
| <b>WARD</b><br>Sutton Vallance and Langely;<br>Parkwood   | <b>PARISH/TOWN COUNCIL</b><br>Langley  | <b>APPLICANT:</b> Countryside Properties (Ltd)<br><b>AGENT:</b> DHA Planning |                        |
| <b>DECISION DUE DATE:</b><br>30/6/16  | <b>PUBLICITY EXPIRY DATE</b><br>13/6/16  | <b>OFFICER SITE VISIT DATE</b><br>23 <sup>rd</sup> November 2015             |                        |
| <b>RELEVANT PLANNING HISTORY</b>  |  |  |                        |
| <b>App No</b><br>14/503710/PA<br>MEET   | <b>Proposal</b><br>EIA Scoping Opinion -<br>Development of Approximately<br>950 dwellings and a two form entry<br>primary school | <b>Decision</b><br>Environmental<br>Statement required                       | <b>Date</b><br>17-7-15 |
| 90/2009   | Langley Park Driving Range<br>Sutton Road<br><br>Change of use to 9-hole 3-par<br>golf course. .                                 | Refused  | 26.04.1996             |
| 94/0010   | Langley Park Driving Range   | Permitted  | 14.02.1994             |

|                |  |                  |                   |
|----------------|--|------------------|-------------------|
|                | <b>Sutton Road<br/>Variation of condition 03 of<br/>MA/89/0919 to allow retention of<br/>works/improvements to access.</b>   |                  |                   |
| <b>92/0591</b> | <b>Langley Park Driving Range<br/>Sutton Road</b><br><br><b>Variation of conditions (ix) and (xi)<br/>of MA/89/0919E and variation of<br/>condition (ii) of MA/90/1551E to<br/>allow the golf driving range and<br/>associated floodlighting to be<br/>used by the public to 10pm. on any<br/>day. .</b> | <b>Permitted</b> | <b>16.07.1992</b> |
| <b>89/0919</b> | <b>`Langley Park Farm' Sutton Road</b><br><br><b>Change of use to golf driving<br/>range and erection of covered<br/>area shop and clubroom.</b>   | <b>Permitted</b> | <b>16-11/1989</b> |

## MAIN REPORT

Members resolved to defer the application from Planning Committee on 7<sup>th</sup> July 2016 for further information to be provided on matters relating to highways and air quality issues. This version of the report consolidates the previous Urgent Updates where they alter the text of the main report. For ease of recognition, these alterations are highlighted in **bold and underlined**. Matters which have been the subject of Urgent Updates but do not alter the text of the original report are included as Appendix B. An additional Urgent Update report will be produced providing the information requested.

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is approximately 47.1 hectares, with a net developable area of 26.6 hectares. The site is situated to the south of A274 Sutton Road, to the east of Parkwood Industrial Estate, located within the Parish of Langley, on the south eastern edge of Maidstone. The application site is a draft allocation within the Submission Version of the draft Maidstone Borough Local Plan (2016) ("draft MBLP") which has recently been submitted to the Secretary of State for review. Full details of the requirements of this draft policy are set out later within this report.
- 1.02 The application site can be segregated into four distinct parts - the north western area of the site currently contains the golf driving range with an agricultural field forming the south west part of the site. The land within the central part of the site is utilised by Rumwood Nurseries with trees and shrubs currently being grown within the site. The southern area of the site bounds a small cluster of houses, including a Grade II listed building, and an oast house. The eastern parcel of land is more open and is currently used for agricultural purposes.
- 1.03 In terms of topography the land is relatively flat along the eastern portion (although the land falls away to the south) however, as one moves eastwards, the land falls as it heads towards Langley. This area of the site is the most exposed visually, and contains important long distance views across to the church which lies to the south east of the application site. This church, a Grade II\* listed structure is considered to be of significant importance within the locality.

- 1.04 Much of the site is extensively farmed at present as part of a nursery, and as such there are a number of relatively mature trees for sale within the site which would be removed prior to any development taking place. Within the grounds of the nursery is a large utilitarian structure which is used as part of the business premises.
- 1.05 An existing barn within the south-eastern parcel of the site is to be retained as part of this proposal, as it is currently in use.
- 1.06 The golf driving range contains a single storey structure which effectively runs as a small clubhouse, as well as a structure that is used by those practising. Beyond this, the land is manicured as one would expect, and is surrounded by dense vegetation. The driving range is lit at night when required.
- 1.07 The site is located to the south of the A274 which is a well trafficked route into the centre of Maidstone, and serves the outlying villages of Headcorn and Sutton Valance, as well as larger towns such as Tenterden further afield.
- 1.08 To the north of the site are a number of terraced properties that front onto the northern side of the A274 Sutton Road. Immediately to the west of the site is the Langley Park residential development – which has planning permission (ref: MA/13/1149) for a mixed use residential development – of up to 600 dwellings, with associated local centre comprising a convenience store, retail/commercial units and public house; a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conservation area; and landscaping. The first phase of development to the north adjacent to Sutton Road is under construction, and phase two has recently been permitted.
- 1.09 To the south of the site is a small cluster of housing that contains a listed dwelling (Grade II) as well as a number of properties that whilst not listed, are of some merit. These properties are set out within a fairly linear manner along a private road. Access to these properties is provided via an access road that also serves the golf driving range. Beyond these properties the land falls away to Langley Loch.
- 1.10 To the east of the site lies agricultural fields, together with a small cluster of houses that site upon the A274. The listed Grade II\* Langley Church takes a prominent position on the southern side of the A274, and is nestled within the valley.

## **2.0 PROPOSAL**

- 2.01 This is an outline planning application with all matters reserved aside from access at this point in time. The application is accompanied by an Environmental Statement and has been advertised accordingly as EIA development.
- 2.02 The proposed development is for a primarily residential scheme, with the provision of a new 1FE primary school (with flexibility to upgrade to a 2FE should this prove necessary), village centre and open space provision. Illustrative masterplans, and parameter plans have been submitted with the application which align with the Environmental Statement. 30% on-site affordable housing is proposed.
- 2.03 The original proposal included the following elements:
- a) An eastern all-vehicle access, via a new roundabout, onto the A274;
  - b) A hamlet of housing adjoining this eastern access;
  - c) The location of a 1FE primary school adjoining this eastern access.

- 2.04 Following consultation responses, most notably from Historic England and MBC's Conservation Officer as well as Highways England, amendments to the above elements were sought and the following changes were made:
- a) Replacement of eastern all-vehicle access with a bus-only single track road;
  - b) Replacement of proposed eastern roundabout with a simple 'T' junction access to the A274;
  - c) Removal of eastern hamlet and 1FE primary school adjoining the eastern access;
  - d) The provision of the 1FE primary school within the centre of the proposal, to the north of the Langley Park House hamlet;
  - e) The expansion of proposed housing east of PROW KH364.
  - f) Proposed signalisation of Junction 7 of the M20.

The amended Heads of Terms covering Section 106 contributions are listed **at the conclusion of this report.**

- 2.05 The proposal includes the provision of a roundabout access onto the A274 along the northern edge of the application site. This roundabout would be the sole means of vehicular access, although it is also proposed that a bus link be provided to the east of the site. Pedestrian links are also proposed to the west, and the south east of the site, linking in with the existing public footpaths. The existing houses forming a small hamlet including Langley Park Farm would continue to be accessed via a private road running north west to join Sutton Road.
- 2.06 The indicative masterplan submitted shows the consolidation of the majority of the housing within the two western most parcels of land, although there remains a small element of housing protruding into the eastern field – which policy OS1 of the draft local plan seeks to retain as open space. These houses are shown as low density, and to be of no more than two and a half storeys in height.
- 2.07 Internally the plans show (indicatively) a variety of densities and building heights, with the most dense elements being located centrally, feathering out to the edge. These densities range from 40dph to 25dph depending upon the location.
- 2.08 It is proposed that a 'village centre' be provided within the development. The application seeks flexibility in terms of uses, to allow for retail, health, pub/restaurants, community uses within the centre. Illustratively, this has been shown as an area within the centre of the site, located upon the main access into it. Following revisions, the primary school is proposed to adjoin the village centre.
- 2.09 The application is accompanied by a Transport Assessment which highlights a number of junction improvements that would be necessary should this application be approved. It is proposed that these enhancements be funded in part by this development – together with others within the locality.
- 2.10 The proposal suggests that there would be a significant area set aside for open space within the eastern parcel of the site with much of this proposed as wetlands, which forms part of the overarching drainage strategy for the site (being the lowest part). The proposal also shows a significant set back from the A274 (approximately 30metres) which would be set aside for soft landscaping provision.
- 2.11 Draft Heads of Terms have also been submitted which address the potential financial contributions that may be required.



### **3.0 PLANNING HISTORY/BACKGROUND INFORMATION**

3.01 There is no relevant planning application history to this particular proposal.

3.02 The Council have, however, proposed this site for housing allocation and it has been included within the draft MBLP. The allocation has been subject to consultation and significant debate through the Local Plan process and its inclusion was ratified by Full Council earlier this year. The relevant Submission draft Local Plan policy is listed below:

#### ***Policy H1 (10)***

##### ***South of Sutton Road, Langley***

*South of Sutton Road, as shown on the policies map, is allocated for development of approximately 800 dwellings at an average density of 24 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.*

##### ***Design and layout***

- 1. The majority of the natural/semi-natural open space required by criterion 1 above shall be provided on that part of the site lying to the east of PROW KH364. This area shall also incorporate SuDS surface water drainage mitigation.*
- 2. The development proposals are designed to take into account the results of a landscape and visual impact assessment undertaken in accordance with the principles of current guidance, with particular emphasis on the Loose Stream/Langley Loch and Langley Church and other heritage assets adjacent to the site.*
- 3. The proposals will be designed and laid-out to provide an appropriate and strong visual relationship between the new development and the hamlet of Langley Park, whilst preserving the setting of the existing listed buildings and protecting the amenity and privacy of existing residential properties.*
- 4. Development should be sited in order to preserve or enhance the setting of the listed buildings surrounding the site.*
- 5. A new pedestrian and cycle route will be provided running east-west from Sutton Road to Brishing Road connecting with the planned route through the adjacent site at Langley Park.*
- 6. Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials.*

##### ***Access***

- 7. Primary access will be taken from the A274 Sutton Road.*
- 8. Secondary access will be taken through site H1(5) Langley Park subject to agreement with the Highways Authority and Borough Council.*
- 9. A separate cycle and pedestrian access will be provided to site H1(5) Langley Park subject to agreement with the Highways Authority and Borough Council.*

##### ***Noise***

- 10. Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the A274 Sutton Road.*

##### ***Air quality***

- 11. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.*

### **Drainage**

12. *Development proposals will demonstrate that any necessary new or improved foul and surface water including SuDS drainage infrastructure required to serve the development to ensure no increased risk of flooding off-site, will be delivered in parallel with the development, in consultation with Southern Water and the Environment Agency.*
13. *The provision of appropriate contributions as proven necessary will be sought for the improvement of flood mitigation impacting this site.*

### **Open space**

14. *Provision of 14ha of natural/semi-natural open space in accordance with policy OS1(3) together with any additional on-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM22.*
15. *The development will provide for a primary school within the developable area of the site, the details of which shall be agreed with the local education authority.*

### **Highways and transportation**

16. *Provision of a new footway on the northern side of Sutton Road.*
17. *The provision of additional pedestrian and cycle crossings across the A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.*

### **Strategic highways and transportation**

18. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
19. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
20. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
21. *Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.*
22. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.*

## **4.0 POLICY AND OTHER CONSIDERATIONS**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan 2000: policies ENV6, ENV21, ENV28, ENV32, T2, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Submission Draft Maidstone Borough Local Plan 2016: policies SS1, SP3, SP5, SP17, H1(9), H1 (7), H2, DM1, DM2, DM3, DM11, DM12, DM13, DM14, DM23, DM24, ID1

## 5.0 LOCAL REPRESENTATIONS

5.01 Approximately 180 representations have been received raising the following main (summarised) points:

- The proposal would erode the open countryside;
- The proposal would result in unacceptable congestion;
- Loss of prime agricultural land;
- The site is remote from any railway station;
- There are insufficient doctors surgeries within the locality;
- Increased flood risk;
- It is contrary to the 2005 Langley Parish Plan;
- There is already an oversupply of housing within the locality;
- The proposal would come forward before any necessary infrastructure would be provided;
- The impact upon the sewerage system.

5.02 **(Neighbouring) Boughton Monchelsea Parish Council:** 'The Parish Council would like to comment on the additional / amended information relating to the above planning application, as follows: Whilst the new information addresses some of our minor concerns with the application, such as protecting building in the valley area and the Langley Church environs, it fails to respond to the major issues cited in our original request for the application to be refused. We wish to reiterate our original concerns with regard to anti-coalescence, sustainability and the huge impact the developments would have on the existing inadequate road network and infrastructure in the south east of Maidstone. In addition, our concerns regarding flooding downstream of the development have not been addressed.

In summary, the revised information that has been submitted by the applicant is merely 'tinkering at the edges' and has not addressed our major issues of concern at all. As advised previously, the Parish Council wish to see the application refused and I have attached a copy of our original detailed response, for your information.'

Previously, the Parish Council had recommended that the application be refused on the following grounds:

- The impact upon the highway network and local infrastructure;
- The potential impact upon flood risk;
- The impact upon sewerage and surface water run off;
- Insufficient time to consider this proposal;
- Developments in the south east of Maidstone coming together in a piecemeal fashion;
- The proposal would have an impact with regards to coalescence;
- There should be better liaison between Maidstone Borough Council and other local authorities to provide a more comprehensive housing strategy;
- The impact of the proposal upon the nearby heritage assets;
- There was insufficient public consultation.

5.03 **(Neighbouring) Chart Sutton Parish Council:** Wish to see the application refused on the basis that there is insufficient infrastructure within the locality.

5.04 **(Borough) Cllr Stockell:** Raised concerns that the application was submitted in outline form.

## 6.0 CONSULTATIONS

6.01 **Langley Parish Council:** Wish to see the application REFUSED on the following (summarised) grounds and reported to planning committee. These matters have been raised under a series of detailed letters and submissions:

- The proposal would have a detrimental impact upon the highway network. The Parish Council refer to the recent appeal decision within Boughton Lane which identified the impact upon the highway network as severe.
- The proposal is contrary to Policy ENV32 of the Local Plan. Again, reference is made to the recent appeal decision at Boughton Lane.
- The Parish Council do not believe that there is a requirement for a new primary school within the area.
- Housing is still proposed to encroach into an area identified as being suitable for open space.
- The proposal would detrimentally impact the setting of St Marys Church.
- The proposal would result in a coalescence of Maidstone and Langley.
- The proposal would harm the rural character of the area.
- The Parish Council are concerned that the proposal would be of a higher density than suggested.
- It is requested that the application specify the maximum number of dwellings proposed.
- The proposal is contrary to the Council's strategy of dispersed development.
- The site is unsustainable.

6.02 **MBC Housing Officer:** No objections. 30% affordable housing is acceptable.

6.03 **MKIP Environmental Health Officer:** No objections subject to the imposition of conditions relating to noise and air quality.

6.04 **MBC Parks & Leisure:** Suggested in-lieu payments towards off-site open space.

6.05 **MBC Landscape Officer:**

*Having reviewed section 11 of the Environmental Statement Addendum, March 2016, received on 21/03/16, concerning landscape and visual effects I would add the following comments:*

- *Paragraph 11.4.2 refers to part of the Maidstone Landscape Capacity Study in the context of the relevant site specific assessment but does not refer to the sensitivity assessment for the landscape character area. It should be noted that the site specific assessment relates to the capacity of the site to accommodate solely housing development.*
- *Paragraph 11.4.84 assumes that the existing landscape character and visual amenity will decline in the future due to the absence of regular management. There is no justification for this view given that any landowner has a duty of care to maintain their trees in a safe condition. All trees that haven't reached maturity will continue to grow but this certainly doesn't predicate instability.*
- *Paragraph 11.5.2 indicates the number of trees that are likely to be removed but clearly this will be subject to the detailed layout. I would add though that, of the U*

*category trees on site, only a small proportion are proposed to be removed. BS5837: 2012 considers these trees as being in such a condition that they cannot be realistically retained as living trees with decline/early loss expected and a life span of no longer than 10 years. It would therefore be preferable for the detailed scheme to consider the removal of most of these trees, either on a phased basis as part of a long term management plan or as part of the initial vegetation clearance phase with sufficient replanting in the overall scheme to mitigate their loss. In any case, a long term landscape management plan will be required which addresses the need for succession planting.*

- *Despite my comments, the landscape and visual effects statement broadly follows the principles of current guidelines for landscape and visual impact assessment, GLVIA 3, and I therefore raise no objection on that basis.*

6.06 **MBC Conservation Officer (22 January 2016):** Initial comments raised an objection to the proposal on the following grounds:

*'I object to this application on heritage grounds in respect of the setting of St. Mary's Church for reasons as detailed above based on the illustrative layout provided.'*

6.07 Subsequent to this response, amended plans were submitted and the Conservation officer has withdrawn his objection, on the basis that he considered there is now less than significant harm.

6.08 **MBC Spatial Policy Officer (22 January 2016):** *'It is considered that the contribution that development of the site would make to housing land supply and in terms of the economic and social roles of the planning balance would be significant. This does need however to be set against the need to consider the environmental impact of the development. It is considered that given the comments of Historic England and the Council's Landscape Officer and also the requirements of MBWLP 2000 policy ENV32, the elements of built development including the design and alignment of the proposed site access road east of PROW KH364 need to be carefully considered and changes to the layout potentially considered. Subject to the above being considered and addressed no policy objections are raised to the proposals.'*

6.09 **KCC Development Contributions:** Object to the provision of a new school within the location shown. KCC state:

*'Within the design of any new primary school, including one which is being provided to serve a new development such as this, provision for parking and drop off is required. Para 4.1.5 (page 15) of the Addendum to Planning Statement states:*

*"We are mindful that there is a likelihood that some car parking would be required, and the layout that has been designed would allow for such a provision if necessary, but in a sympathetic manner."*

*Although the detailed configuration of any school would be a matter for later consideration, it is necessary now to ensure that no impediments are imposed which would prevent the proper detailed design of the school. The County Council therefore confirms that parking and drop off provision will be required for the new primary school. This should be provided within the site area of the school and appropriate highways access should be provided by the applicant. As well as a relocation of the school site within the proposed development, the amended plan (RD155\_PP\_100 dated 3/3/16) now shows the land allocated for a school broken up into three parcels. A central rectangular parcel is proposed for a 1FE school, with an irregular shaped parcel of land*

*situated immediately to the east and west labelled as 'Residential or potential area of 0.85ha for increasing primary school site to 2FE'. The overall configuration would create 'dead' spaces which would decrease the developable area of the school, creating cost and layout problems. An expansion of an established 1FE school site with land on both the eastern and western boundaries as is proposed, would severely limit the design of the school building and add significant cost to the process when compared to a site expansion on just one boundary.*

*The County Council has made clear in its responses to both this application and the site's proposed allocation in the emerging Maidstone Borough Local Plan, that regardless of whether the proposed development generates one or two forms of pupil entry, a site of 2.05 ha is required. This request is made of every development site providing school land in Kent and is no different to other sites within the Maidstone Borough such as Langley Park or East of Hermitage Lane.*

*The request is in line with the County Council's statutory role as Local Education Authority to secure sufficient provision for an area. Whilst the second FE is not currently forecast to be required in the next five years (subject to a final mix from the applicant), over the longer term there are a number of factors which could trigger the requirement for additional pupil places. As stressed through the Local Plan process, the support of the Borough Council to ensure the provision of necessary strategic infrastructure provision alongside development is essential.*

*Notwithstanding the above, in recognition that the land beyond that required for a 1FE school may be in addition to that directly required by the development, the s106 could allow for the existing agricultural use value of the additional land to be paid to the landowner on transfer.*

*The County Council considers the amended application now presents a significantly less sustainable proposal with regards to education provision. The basis for relocation of the school site is generally understood, however there is no robust justification for the decrease in its size and detrimental reconfiguration. Therefore the proposal is not consistent with national policy. Paragraph 72 of the Framework states:*

*"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. **Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:***

- **give great weight to the need to create, expand or alter schools;** and*
- work with schools promoters to identify and resolve key planning issues before applications are submitted"*

*[My **emphasis** added]*

*It is acknowledged by the County Council – as Local Education Authority – that whilst the applicant has confirmed in broad terms the intent to fund a required primary school and provide land for its construction, the alterations proposed in the additional information and amended plans mean that **an objection is now raised.**'*

*Should the development be assessed to produce 210 or fewer pupils then KCC would require a sum of £4.5 million towards the construction of a 1FE school and should the*

*development be assessed to produce more than could be accommodated within a 1FE school then the cost of constructing a 2FE school at £6 million is requested. In both cases 2.05ha of land is required to be transferred at nil consideration.” The Draft Heads of Terms March 2016 submitted by the applicant indicates a financial contribution of £5,625 per dwelling towards the required primary school. I reiterate that this assumes the proposed development will generate a 1FE requirement and should it generate a 2FE requirement this figure will be increased.*

6.10 In addition to these comments, the County Council have also requested that the following contributions be made

- Library Bookstock £48.02 per household, equating to £38,416
- Community Learning £30.70 per household, equating to £24,560
- dwelling
- Youth Service £8.49 per dwelling equating to £6,792
- Social Care £53.88 per household equating to 43,104
- Delivery of 16 Wheelchair Accessible Homes (as part of the affordable housing element on this site), with nomination rights given in consultation with KCC Social Care.
- Towards secondary education: £11,799 per pupil generated by this proposal, which would equate to £1,887,840.

6.11 **KCC Highways:** Object to the proposal on the severe impact that the development would have upon congestion. The comments below represent the County Council's summary of the highway objection.

*‘The amendments to the planning application have resulted in a reduced residential component and a modified access strategy. The submitted Transport Assessment Addendum April 2016 has presented the recalculated trip generation forecasts and updated capacity modelling analysis, alongside further elaboration on the applied methodology and mitigation of impact proposals.*

*The findings are consistent with the original Transport Assessment<sup>3</sup> in how they demonstrate the severe extent of congestion prevalent on the network, with extensive queuing and delays on the A229 and A274. KCC Highways does not regard any worsening of the extensive queuing and delays to be acceptable in the absence of effective measures that are supported by categorical evidence to demonstrate how the full impact of the additional development traffic will be mitigated. This accounts for the potential consequential effects of congestion on road users and local residents.*

*The residual traffic impact generated by the proposed development would result in an unacceptable worsening of conditions for road users and local residents which is likely to result in the increased use of minor roads as alternative routes, for which no mitigation is proposed.*

***The objection to the planning application must therefore be maintained due to the resulting severe worsening of congestion and associated consequential effects along the A229 and A274 corridors, and in the absence of any conclusive evidence to demonstrate that the impact of the development can be fully mitigated.***

*In the event that Maidstone Borough Council is minded to grant planning approval against the advice from the Local Highway Authority, and in the absence of an agreed strategic transport strategy, KCC Highways would seek agreement with the Borough Council on the use of monies equivalent to the value of the proposed highway works.’*

- 6.12 **KCC Growth, Environment and Transport:** The planning system is plan-led. This is the first core planning principle in the Framework (paragraph 17). The position of the County Council - as Local Highway Authority - on further development (planned or speculative) at the south eastern periphery of the Maidstone built up area has been well established in the representations made by the Authority on the emerging Local Plan.

Therefore the County Council considers that the proposed scheme seeks to pre determine critical decisions on the future spatial distribution of growth in the Maidstone Borough, wholly undermining a plan led approach to meeting the long term development and infrastructure needs. This exacerbates the implications of the current piecemeal approach to development in this part of the Maidstone Borough and the associated detrimental impact this has on the sustainable provision of necessary strategic infrastructure.

Overall, following the careful consideration of the additional information and amended plans submitted, it remains the position of the County Council that the adverse impacts of granting planning permission would continue to significantly and demonstrably outweigh any benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

Planning permission **should not be granted** by the Borough Council.

- 6.13 **Highways England:** *'We agree that the proposed development alone and in combination does not have a severe impact on M20 J7 provided that the mitigation (signalisation scheme) associated with the Kent Medical Campus is fully implemented. However, the evidence provided highlights that without mitigation the junction would operate over capacity in a 2029 scenario.'*

*We do not agree with the analysis within section 1.17.10, as the ARCADY modelling results show the proposed development would increase the queue on the M20 Westbound off slip which is already predicted to extend onto the Lane 1 (as detailed in 1.7.7). Any extension of a queue onto the carriageway would result in a severe impact in terms of highway safety.*

*In the absence of any timescales for the development of the Medical Campus M20 Junction 7 mitigation scheme or indeed certainty around its delivery it would be necessary to ensure the required mitigation is delivered by other means. Therefore we look forward to hearing your suggestions as to how this may be ensured; for example via a suitable Grampian condition to ensure development does not come forward without the appropriate mitigation in place'*

- 6.14 **KCC Ecology:** Some concern about reptile and bat surveys but assuming those are clarified the identification of ecological impacts in the ES seems adequate. Approaches to mitigating the identified impacts are outlined and these seem broadly appropriate, such that, assuming the above points are adequately addressed, we would be able to recommend that the detailed mitigation strategy could be secured by condition, if planning permission is granted. No objections subject to conditions requiring mitigation in relation to GCN, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, lighting design strategy, construction environmental management plan, and enhancements.
- 6.15 **KCC Flood Team (Lead Local Flood Authority):** Originally objected to lack of levels and embankment information for the large attenuation /wetland in the eastern area of



the site, but this has now been resolved following the submission of additional material. Suggest a condition regarding provision of further details of an overall site-wide drainage strategy

6.16 **KCC Heritage:** Raise no objections and make the following comments:

*'On the basis of present information I consider the archaeological assessment for this outline application has been reasonable although the fieldwork has been targeted and minimal. There would be a need to undertake more robust and widespread archaeological evaluation of the site prior to any detailed design scheme being agreed. On the basis of the heritage assessment so far, there are no indications of widespread, significant archaeology on the site and as such archaeology can be addressed through condition.'*

6.16 **KCC Archaeology** had the following comment on the original proposal.

- There is a need for more detailed and robust assessment of the historic buildings forming the Langley Park Farmhouse complex;
- Mitigation for Langley Park Farmhouse needs to be improved

On the basis of present information I consider the archaeological assessment for this outline application has been reasonable although the fieldwork has been targeted and minimal. There would be a need to undertake more robust and widespread archaeological evaluation of the site prior to any detailed design scheme being agreed. On the basis of the heritage assessment so far, there are no indications of widespread, significant archaeology on the site and as such archaeology can be addressed through condition

6.17 **Natural England:** No objections. 'Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.'

6.18 **UK Power Networks:** No objections.

6.19 **NHS:** Awaiting comments on the current application. On previous EIA scoping assessment, £800,000 towards local health care was requested.

6.20 **Environment Agency:** No objections subject to the imposition of suitable conditions which address the remediation strategy/contamination.

6.21 **Historic England:** *'We are grateful to the applicant for giving such careful consideration to heritage matters in this case and welcome the revisions to the scheme that have addressed each of the issues raised by my previous letter of 17 December 2015. Most notable of these changes shown on the illustrative masterplan is development now confined to the western half of the site. The omission of housing and the school from along the eastern boundary of the site avoids the harm to the significance of the grade II' listed church of St Mary described in my previous letter. We hope that the potential this amendment provides for reinforcing the characteristic long, uninterrupted views of the spire from the north can also now be exploited when it comes to applications for reserved matters.'*

*My previous concern about the erosion of the rural character in the church's setting can now be avoided, and in fact the indicative masterplan suggests enhancements to the existing landscape that have the potential to improve the setting of the church, providing that this issue continues to be given proper consideration and the applicant*

*employs the same calibre of heritage and landscaping expertise at the reserved matters stage. The treatment of the proposed busway will be crucial to avoiding this erosion of character, and the objective should be for this to look as much as possible like a rural lane cut into the landscape, and thus largely hidden from distance. The indicative sketches of the busway give us confidence that this can be achieved, but you should give particular attention to ensuring that this concept does not become diluted through the application of standard highway design. We are delighted that the previously proposed roundabout on the eastern stretch of Sutton Road has now been omitted. We are no longer concerned either about impacts on the setting of Langley Park Farm.*

*On the basis of a package of positive amendments made to the scheme Historic England is now content for planning permission to be granted.'*

- 6.22 **Southern Water:** Raise no objections to this proposal and request that should this application received planning approval, the following conditions should be imposed:

*'Construction of the development 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 Southern Water.'*

- 6.23 **Southern Gas Networks:** No objections.

- 6.24 **Kent Police:** Recommend condition regarding crime prevention.

- 6.25 **Kent Wildlife Trust:** Object to the application on the basis of insufficient information being provided, and the loss of high quality agricultural land.

- 6.26 **Sport England:** Object on a non-statutory basis to the application on the basis of insufficient sports provision being made and loss of existing golf driving range.

- 6.27 **Arriva** (local bus company): support the proposal in the following respects:  
a) provision of bus-only route from the east;  
b) provision of five-year subsidy from the development for improvements to existing buses (the 82);

Arriva suggests that provision of a bus route from the site into the Langley Park housing scheme to the west would be beneficial. In addition, turning facilities are requested at the Eastern end of the bus-only road, and a time limited free bus pass for new residents is suggested to encourage habit forming public transport use.

*"There is an opportunity to positively influence people's modal choice by making bus services as attractive as possible to new developments thus reducing the impact of extra vehicular traffic generated by the developments.*

*The changes we have suggested are an attempt to achieve that without adversely affecting other modes.*

*Notwithstanding any mitigation measures, the opportunity to upgrade the A274 for bus services must not be lost and we are pleased to know that Maidstone Borough Council are, in principle, supportive of maximising the benefit that good quality bus services can bring to the transport mix in this often congested area.*

*Fortunately, the A274 towards Maidstone between Wallis Avenue and the Wheatsheaf has some generous borders which give the opportunity to create some infrastructure improvements by reducing the variability of bus journey times and making the bus stop waiting environment more pleasant."*

6.28 The Council's design advisors, **Design South East** have considered the proposal on a number of occasions and had the following comments when they last considered the proposal on 31<sup>st</sup> March.

- The site analysis is considered and clear.
- The strong connections to the existing landscape are to be commended.
- The increased buffer on listed buildings that has been proposed in the amended scheme should be commended.
- The placing of the primary school at the centre of the scheme is commended. Is there potential for the school playing field to be used by the community in the summer? Could there be a connection between the village green and school playing field?
- The scheme would be improved by an additional connection to Langley Park.
- The village green is small but is balanced by the uplift in space created by the common/heath.
- The central access to the development does not seem a significant enough piece of infrastructure for a proposal of this size.
- Greater clarity is needed on the access arrangements of the existing private road.

6.29 The Council's Park's Department commented as follows:

The proposal provides in excess of the minimum requirement of onsite open space as a whole. It proposes a LEAP in a central location on the site. There are however shortfalls in various categories, including allotments, sports pitches or recreations areas for different ages.

In order to cover the shortfall in terms of outdoor sports facilities and other open space, in line with MDLP Policy DM22 I would suggest that a financial contribution is sought towards existing off-site facilities, namely at Senacre Recreation ground.

6.30 The Department for Communities and Local Government (DCLG) were consulted on the application on the basis of the Environmental Statement and made no comment.

## 7.0 APPRAISAL

### Local planning policies – weight

7.01 Paragraph 215 of the NPPF states that, "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*"

7.02 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031 (which will be discussed in detail below), which the draft MBLP addresses, in part, by way of site allocations for housing outside sites outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings are expected to take place in September 2016. The draft MBLP will deliver the development (and infrastructure to support it) to meet

objectively assessed over the plan period. Saved policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough and in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.

7.03 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies SP3 and H1. Consequently, although saved policy ENV28 continues to be a material planning consideration, as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF.

7.04 Paragraph 216 of the NPPF states that,

*"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

7.05 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

*"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."*

7.06 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(10) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

7.06 In conclusion and bearing in mind the fact that the Council has agreed to use draft MBLP Local Plan policies for development management purposes, the weight to give that plan and the draft site allocation policy H1(10) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

### **Principle of Development**

7.08 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

7.09 The application site is to the east of the defined settlement boundary of Maidstone. It is therefore upon land defined in the adopted Local Plan as countryside.

7.10 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:

*“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”*

7.11 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the adopted Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case. ENV32 anti-coalescence policy seeks to restrict development in South East Maidstone

7.12 Draft MBLP policy SP17, which relates to development in the countryside and, when adopted, will replace saved policy ENV28 is also relevant to the determination of this application. Draft MBLP policy SP3, relating to The Maidstone South East Strategic Development Location is also relevant, together with draft MBLP policy H1(10) which allocates the site for housing of approximately 800 dwellings. As such, whilst the site is located outside of the existing settlement boundary within the countryside, given the site's allocation for housing within an extension of the urban development boundary set out in draft MBLP policies SP3 and H1(7), the proposed development would accord with the policies of the draft MBLP, which should be accorded significant weight in the determination of this application.

7.13 It is necessary therefore to consider three main issues in relation to the proposals.

1. Does the application accord with the development plan notwithstanding its lack of compliance with saved policies ENV28 and ENV32;
2. If it does, are there other material planning considerations that indicate that the planning permission should nevertheless be withheld;

3. If it does not, do other material planning considerations indicate that planning permission should be granted.

As for Question 1, the non-compliance with saved policy ENV28 and ENV32 must be considered in the context of the site's inclusion within a planned eastern extension to the edge of Maidstone, albeit in a fully contained and screened setting. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the draft MBLP, which will alter the existing development boundary. Those allocations include this site (draft MBLP policy H1(10)). Accordingly, for the purposes of these applications only and in this specific respect, the application's non-compliance with saved policy ENV28 should be accorded limited weight in the determination of the application.

Questions 2 and 3 of the above test are addressed in the report's conclusions in paragraph 9.05.

- 7.14 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

*"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"*

- 7.15 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the Borough for the 20-year period of the emerging Local Plan (2011-31). The SHMA (January 2014) identifies an objectively assessed need (OAN) for 19,600 additional new homes over this period, which the Council's Cabinet agreed in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined OAN figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date, revised household projection figures have been published by the Government and, as a result, the SHMA has been re-assessed. At the meeting of the Council's Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Members agreed a new OAN figure of 18,560 dwellings.
- 7.16 The draft MBLP allocates housing sites considered to be in the most sustainable locations for the Borough to meet the OAN figure will allows the Council to demonstrate a 5-year supply of deliverable housing sites.
- 7.17 The annual housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The

monitoring demonstrates the Council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

- 7.18 Policy SP3 of the emerging local plan relating to the Maidstone urban area: south east strategic development location, sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(10) of the emerging plan for development of approximately 800 dwellings and sets out the criteria to be met whereby planning permission would be granted.
- 7.19 The site is located close to public transport routes and in close proximity to the Langley Park development opposite which would enhance the sustainability of the site through the provision of new retail, school and commercial development and the provision of other local services and facilities. This also represents a strong material consideration in favour of the development.
- 7.20 For these reasons, it is considered that the principle of the development is acceptable in principle, having regard to relevant national and local planning policy in the NPPF the draft MBLP, respectively. Accordingly, applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, planning permission should be granted unless the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits having regard to the policies of the NPPF considered as a whole. Accordingly, in the following paragraphs of this appraisal, detailed consideration is given to the impact of the proposed development.

#### **Environmental Statement**

- 7.21 Under EIA Regulations an Environmental Statement was submitted as part of the application material. Under Regulation 22 this was revised as part of the amendments to the proposals, namely:
- On-site revision listed in section 2.03;
  - Off-site provision off mitigation to Junction 7 of the M20.

I have been provided with all the additional information I require in line with the regulations and I consider it to be adequate.

#### **Design Quality**

- 7.22 The proposal, as far is definable given its outline status, is considered to be of high quality with an attractive indicative masterplan layout. The layout consists of a clear permeable street hierarchy centred on a mixed use hub including a primary school, community and commercial uses with direct and attractive public transport access. It includes a variety of green and public spaces, including orchards, a village green, heavily wooded areas, play areas and more informal open spaces, as well as the natural and semi natural open space forming the eastern third of the site, and providing sufficient buffers to elements requiring protection, such as the Langley Park Farm hamlet at the south of the site.
- 7.23 Officers have been successful in negotiating a range of improvements to the proposal including:
- Removal of the proposed eastern hamlet and primary school adjoining Langley;
  - Integration of the Primary school into the heart of the development;
  - Provision of landscape buffers to Langley Park Farm.

- 7.24 Design quality would be ensured through the use of a planning condition to define design parameters prior to the acceptance of more detailed reserved matter applications.

#### **Provision of educational facilities**

- 7.25 The proposal provides a 1FE primary school plus an additional area for expansion should a 2FE school be required in the future. KCC's objection appears to be largely that the implementation of the additional form of entry, potentially expanding both east and west of the original 1FE school would be a more costly process than restricting expansion to one side of the 1FE school. I consider that safeguarding of land for future school expansion can be appropriately using S106 agreement to ensure a defined piece of land is retained.

#### **Affordable Housing**

- 7.26 The adopted affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision. Policy DM13 of the emerging Regulation 19 stage Local Plan sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Policy DM13 is underpinned by Policy SP3 of the emerging Local Plan (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and 5 other strategic housing sites set out in Policies H1(5) to H1(10). As such, as the site is an allocated housing site (Policy H1(10)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances, in line with the views of the Council's housing officer.
- 7.27 It is acknowledged that policies contained within the Submission Version of the Local Plan do not carry full weight at this stage but carry significant weight in the determination of this application. The Local Planning Authority has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature.
- 7.28 As such, it is considered appropriate timing wise to apply the emerging plan policies to this allocated housing site which would bring forward earlier than anticipated, the implementation of a strategic housing site which would provide a significant proportion of the Council's strategic 5 year housing supply. Whilst a departure from the Development Plan, I am of the view that in this instance there are material considerations that indicate that a 30% affordable housing provision is acceptable in the circumstances.

#### **Visual /Landscape Impact**

- 7.29 The indicative masterplan approach is set out as part of the application material. This lays out a scheme which is designed sensitively to accord with the existing landscape and context. The site lies on a south facing slope of the Loose valley which is contained by topography and vegetation immediately on its north and west boundaries. Greensand ridges contain the valley to the east and south with Abbey Wood forming the horizon to the east at around 1km and the greensand ridge at Chart Sutton some 1.2km to the south forming the southern horizon.



7.30 **Visibility** varies across the site due to local vegetation and topography :

- the northwestern and northern parts of the site are not exposed to any sensitive viewpoints;
- the southwestern part of the site is partially screened from views from the south, by an incomplete shelterbelt along the southern boundary. The southwestern edge is visible from a limited stretch of the public footpath along the Loose valley and from farmland immediately to the south;
- The most visible part of the site is to the east of Langley Park Farm which can be seen from parts of Sutton Road, from the public footpath along the valley and from the public footpath that crosses the farmland to the south as far as Plough Wents Road. The eastern slopes however lie below the skyline formed by the ridge and shelterbelts that lie immediately to the north of the site.

7.31 **Landscaping principles include:**

- retain landscape features characteristic of the fruitbelt such as shelterbelts, hedges and parkland trees
- remove uncharacteristic detractors such as tall conifer hedges
- enhance connections to Loose stream and Langley Loch wetland and stream valley green/blue infrastructure
- reflect transition from urban to rural landscape in character of proposed settlement (from north and west to east and south) – to be reflected in densities, scale, form and character of development
- provide appropriate open space character and planting along Sutton Road frontage to reflect character transition from urban to rural

7.32 **Visual context – principles**

- retain western shelterbelt between site and Taylor Wimpey development to west for separation and backdrop
- ensure south western parcels are broken up with planting and open space, and building profiles are fragmented along the southern edge to retain rural character of Loose valley and reduce visual prominence
- retain and enhance vegetation against north edge of Langley Park Farm to provide separation and respect setting
- provide screening and open space buffer along Sutton Road to enhance setting for development and reinforce visual backdrop along ridge
- retain view cones to St Mary's church spire from eastern parts of site especially the higher parts of the ridge
- fragment development within substantial tracts of open space within eastern parts of site to reflect urban/rural transition and character of adjacent land and to reduce visual prominence
- retain and enhance Loose valley wetland character and setting for St Mary's church
- enhance blue/green infrastructure links to Loose valley
- the new single track bus way is integrated into the open space to minimise its landscape impact.

- 7.33 The eastern third, proposed to be public open space, with wetlands to the south, is the most open to external views. The setting and outlook of the listed building on site are not adversely affected.
- 7.34 While the proposal will change the character of the site from urban fringe including rural and agricultural to one that is more residential and suburban, its visual impact on the wider area will be limited.
- 7.35 In proposing an element of housing, estimated at 43 units, east of the PROW KH364, the proposal contravenes the H1(10) allocation, which suggested all of the site east of that point should be open space. The housing at this point is proposed to be at a lower density (25-30 dph) than the rest of the scheme, and at up to 2.5 storeys/11 metres, lower in height than the rest of the proposed housing. Such an element is designed to form a 'feathered edge' to the rural eastern section of the site, allowing the introduction of 'green fingers' between the built elements to soften and contain the development at its eastern edge. This is considered preferable to a 'hard' edge to west of the PROW where development is proposed to be up to 3 storeys and metres high, and more in keeping with the suburban/rural edge predominating in equivalent situations in Maidstone.
- 7.36 The impacts are considered to be as follows:
- The North West area of the site is well enclosed with a substantial green buffer to proposed to the North. The main access route will provide visibility into the site, from Sutton Road. The impact on visual impact is considered moderate.
  - The south-west field is exposed to views from the south, mainly along the western part of the lip of the valley slope. The eastern part of this area is screened from the south by an existing mature tree belt. This area is considered to have a minor to moderate visual impact.
  - The nursery area to the north of Langley Park Farm is well enclosed and contained with very few views into the site being possible. A minor impact is considered here.
  - The eastern parts of the site are relatively open on the south-east facing slopes. The spire of St Mary's Church is prominent in views and there are also views from the west along the Loose valley including a view from the lip of the south-west parcel. The majority of this area is proposed to be natural and semi-natural open space and small amount of housing proposed for this area is proposed to be at a lower density than the rest of the site **and a moderate visual impact is considered here.**

In paragraph 6.05 the Landscape Officer has considered the material submitted in respect of visual impact and does not object to the proposal in respect of its visual impact. I consider that the proposal accords with clause 2 of the H1 (10) draft allocation and is acceptable in terms of visual impact.

#### **Loss of agricultural land**

- 7.37 The eastern third of the site includes approximately 18 hectares of grade 2 and grade 3a agricultural land which would be lost to agriculture should the current proposal be approved, roughly 9 hectares each. This is a material planning issue and arguably contrary to Paragraph 112 of the NPPF which seeks to focus development on poorer quality agricultural land. This should be weighed against the fact that MBC has allocated the land for residential development and natural and semi-natural open space in its draft local plan. Secondly the Local Plan policy protecting Best and Most Versatile Agricultural Land (ENV29) is not a 'saved' policy and thus no longer applies. Thirdly the benefits to wildlife and recreation of the creation of a publicly accessible natural and semi-natural open space are considered significant. Consequently, the

loss of agricultural land should not be seen as a determining factor when balanced with the benefits of the proposal, particularly in the creation of a large amount of publically accessible open space. The Agricultural Land Quality Study of Sites in Maidstone Borough has assessed the site in the context of the quality of local agricultural land as a whole. It concludes that “while most of the land on the Malling social association is in the best and most versatile category, in Otham parish and either side of Sutton Road poorer sub-grade 3b land is dominant, with significant patches of best and most versatile land within it”.

7.38 The loss of this agricultural land is a material planning consideration that engages paragraph 112 of the NPPF which states:

*“112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

7.39 The Sustainability Appraisal (SA) for the Submitted Draft Local Plan (February 2016) identifies the site as being grade 2 agricultural land. Within the Summary, the SA identifies the significant loss of agricultural land in all considered alternatives (relevant are paras 3.4.33 and 3.3.12, which states *“There are negative effects on land use across all of the alternatives; with a significant loss in greenfield and agricultural land.”*

7.40 Secondly, the adopted Local Plan policy protecting Best and Most Versatile Agricultural Land (ENV29) is not a ‘saved’ policy and thus no longer applies.

7.41 Taking account of all these considerations, the proposed loss of agricultural land accords with the Development Plan, there being no saved policy addressing the issue. The harm caused by the loss of agricultural land is considered to be moderate and, in acceptable in policy terms, taking proper account of paragraph 112 of the NPPG and draft MBLP policy H1(7), which allocates the site for residential development and natural and semi-natural open space.

#### **Open Space provision and the Impact on and provision of sports and recreation facilities**

7.42 The proposal puts forward 19.77 ha of publically accessible open space in total of which 17.85 ha would be natural green space. The site area in total is 47.31 ha and therefore public open space would make up 42% and the natural green space 38% of the overall site area. This exceeds the requirement of Policy H1(10) which requires 14 ha of natural/semi natural open space.

7.43 The proposal involves the loss of an existing golf driving range, to which Sport England has objected as well as a perceived lack of sporting facilities to meet the need of the proposed population. The outline planning application allows for the provision of children’s play areas, a village green, primary school playing pitches as well as extensive informal parkland and wetland environment. No publically accessible sports pitches are proposed although the out-of-hours use of the primary school pitches could be considered and a suitable condition is suggested. In this case the provision of natural and semi-natural open space has been considered to be the priority given the importance of maintaining and enhancing the rural setting to the east of the site in the context of the South Eastern Coalescence policy ENV32, the setting of St. Mary’s Church and the importance of providing suitable natural habitat for ecological purposes. It is proposed that the provision of suitable play facilities is the subject of a planning condition.

- 7.44 The objection from Sport England and the request for in-lieu payments made by the parks department are considered to be addressed as follows:

The on-site provision of public open space, including play areas and a village square, is significantly in excess of the H1(10) requirement and while the vast majority is proposed to be natural and semi-natural open space, it could be used for other recreational purposes, in line with the quantum required by Submitted Draft Local Plan Policy **DM22**. A condition regarding the provision of open space is suggested. As a consequence, the provision of off-site in-lieu payment is considered excessive.

#### **Historic Environment**

- 7.45 As mentioned by Historic England and MBC's Conservation Officer, the amended scheme addresses concerns regarding the impact on the grade II\* listed St Mary's Church, and the outlook upon it is considered much improved. No adverse impact is caused to the listed building Langley Park Farm, to the South of the site, which is proposed to be protected by a landscape buffer to its north, as well as by the playground for the proposed primary school. This is considered to provide an appropriate relationship. A condition is suggested to secure that buffer. As a consequence, the proposal is considered to involve less than substantial harm to a designated heritage asset and therefore will not conflict with Paragraph 134 of the NPPF. I will apply the public benefit test in my conclusion.

The concerns of KCC Archaeology in respect of the need for more detailed and robust assessment of the historic buildings forming the Langley Park Farmhouse complex is not considered to be necessary at this stage given the outline nature of the application and Historic England's positive comments. It is therefore proposed to be covered this assessment through a reserved matter condition.

#### **Highways Issues**

- 7.46 The applicant proposes the following in relation to the relevant H1(10) Submission draft Local Plan Policy requirements:

**16. *Provision of a new footway on the northern side of Sutton Road***

- 7.47 There is an existing, continuous footway on the northern side of Sutton Road which is provided to a reasonable standard. Furthermore, a high quality shared use route will be created across the site, set back from Sutton Road and taking advantage of the proposed area of parkland and common bisecting the site from north to south. This will have a beneficial effect on pedestrians and cyclists travelling from west to east in terms of minimising any severance effects resulting from the proposed development and enhancing amenity by enabling residents of the site, as well as the adjacent residential developments, to access the proposed primary school and village centre, Langley village and the surrounding Public Rights of Way network within a semi-rural setting away from the A274.

**17. *The provision of additional pedestrian and cycle crossings across the A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.***

**21. *Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.***

- 7.48 Pedestrian access to the site will be achieved via footway provision at the vehicular site accesses and enhancements to crossing facilities to the surrounding Public Rights of Way network. The crossing of Public Footpath KH369 from north to south across Sutton Road will be enhanced through the proposed reduction of the speed limit from 40mph to 30mph, as well as the installation of dropped kerbs and tactile paving. Similar improvements are proposed on Sutton Road to the south of the site, where Public Footpath KH365 crosses the A274. This latter enhancement will facilitate pedestrian trips between Langley village and the on-site services and facilities. The western site access roundabout will incorporate pedestrian crossing facilities within the splitter island on the A274 (west) arm. This will enable pedestrians and cyclists travelling to/from Maidstone to link in to the shared use route that is proposed to run along the frontage of Site H1(9) – Bicknor Farm – which will in itself connect to the pedestrian and cycle infrastructure being provided in relation to the consented development of Sites H1(6) – North of Sutton Road – and H1(7) – North of Bicknor Wood – and onwards towards Maidstone Town Centre.
- 7.49 The masterplan allows for a cycle connection to Langley Park and onwards towards Park Wood.

**18. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.***

- 7.50 The proposal offers proportionate financial support to the enhancement of the Route 82 service, operated by Arriva which would provide reliable and high-quality bus services between the site and Maidstone Town Centre. Maidstone Borough Council has already secured substantial contributions towards bus prioritisation measures on the A274 Sutton Road and as such, the off-site highway and transportation mitigation strategy in respect to Land South of Sutton Road has focussed on junction capacity improvements (which will also benefit bus service reliability) and the aforementioned bus service enhancements.

**19. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.***

**20. *Improvements to capacity at the A229/A274 Wheatsheaf junction.***

- 7.51 The Transport Assessment accompanying the planning application in respect to Land South of Sutton Road has assessed the potential impact and detrimental effects that could result from the vehicle trip generation of the proposed development, with consideration given to the other committed and proposed developments in the local area. Assessment of local junctions using industry-standard traffic capacity models has concluded that the proposed development would have a limited impact on their operational capacity in most cases. It is acknowledged, however, that mitigation would be required at the following key junctions on the local network:-

- A229 Loose Road / Armstrong Road / Park Way;
- A229 Loose Road / A274 Sutton Road / Cranborne Avenue;
- A274 Sutton Road / St Saviours Road;
- A274 Sutton Road / Wallis Avenue;
- A274 Sutton Road / Willington Street;
- A20 Ashford Road / Willington Street; and
- M20 Junction 7.

- 7.52 Upon modelling the capacity of these junctions with the proposed improvement schemes in place, it has been concluded that they would operate in a fashion that would successfully mitigate the increase in traffic from the proposed development and those other developments off Sutton Road considered in the Transport Assessment, for which Section 106 contributions for multi-modal capacity enhancements to the Sutton Road corridor have recently been secured by Maidstone Borough Council. Moreover, in most cases, a degree of planning gain would be provided by these mitigation schemes, which are considered to accord fully with the objectives of the Maidstone Integrated Transport Strategy and to which proportionate financial contributions can be made by the proposed residential developments in South East Maidstone.
- 7.53 It is proposed that the application provides the following mitigation in respect of the above:
- £1.46m for the signalisation of Junction 7 of the M20;
  - £1.08m Bus Prioritisation on A274
  - £1.435m for bus subsidy on A274.
  - Equivalent to £169,136 Improvement of the junction of Armstrong Road/Park Way;
  - Equivalent to £128,320 Improvement of the junction of A20 Ashford Road/Willington Street;
  - Equivalent to £371,068 A274 Sutton Road/St. Saviours Road (suggested to be dealt with by Grampian condition).

Please note that the above contributions are subject to further negotiation and may alter.

**22. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.***

- 7.54 As noted above, the applicants have discussed the potential for bus service enhancements with Arriva – the commercial operator of the high-frequency Route 82 service between Maidstone Town Centre and Park Wood Parade. The company has confirmed that it is willing in principle to extend the service to Land South of Sutton Road at a 15-20-minute daytime frequency. Arriva is also willing to investigate the upgrading of Route 82 to its high specification “Sapphire” brand, which is operated by buses equipped with free Wi-Fi, power sockets, high quality seating and audio-visual announcements. It is anticipated that the service would route direct to Maidstone Town Centre via Sutton Road, thereby offering residents of the proposed and adjacent developments with a viable and attractive alternative to car travel for journeys to and from town centre destinations.

***Highways and transport mitigation - additional considerations***

- 7.55 The applicant also proposes improvements to public footways, a high quality internal shared use route, an extension to the 30mph speed limit on A274, public transport improvements as well as substantial contributions to improve M20 Junction 7.

**Highways and Transport mitigation conclusion**

- 7.56 The approach is considered to be consistent with the need for a balanced approach to transportation, including the provision of attractive alternatives to the private car which was a significant factor in the consideration of the Adopted Maidstone Borough-Wide Local Plan, Policies T2 and T3, which states: “*Policy T1 of the local plan is concerned with a gradual, rather than abrupt, change from wider to more restricted access by*

*private cars. This shift is evidenced by policy restrictions on long-term (e.g. all-day) parking provision and a progressive introduction of bus priority lanes on the major radial routes. The combination of Policies T2 and T3 on the one hand and Policies T13 and T14 on the other will have the effect of influencing modal choice in favour of public transport and the more economical use of road space” (the Maidstone Borough-Wide Local Plan Inspector’s Report November 1999, Paragraph 6.2, Page 463).*

- 7.57 KCC Highways have strongly objected to the proposal on the basis that the development would have severe impact upon traffic congestion and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.58 MBC have commissioned transport consultants Mott MacDonald (MM) to assess the likely impact of the proposal, and other relevant planning applications in the area. MM have reviewed all information that has been submitted by the applicant’s transport consultant DHA Transport and have considered KCC’s response in detail. Furthermore, MM have liaised with DHA Transport to clarify any outstanding matters.
- 7.59 As set out in section 6.10 of this report, the KCC response bases its objection on the “worsening of congestion and associated consequential effects along the A229 and A274 corridors”, “the absence of effective measures that are supported by categorical evidence to demonstrate how the full impact of the additional development traffic will be mitigated” and the “consequential effects of congestion on road users and local residents”.
- 7.60 The original Transport Assessment dated October 2015, subsequent Technical Notes and the Transport Assessment Addendum dated April 2016 contain detailed assessments of all the key junctions in the vicinity of the proposed site as well as towards the centre of Maidstone. Where increased delays and queuing was identified, the applicant proposes mitigation. This is the case for the following junctions:
- A229 Loose Road / Park Way / Armstrong Road
  - A229 Loose Road / A274 Sutton Road / Cranborne Avenue (Wheatsheaf Junction)
  - A274 Sutton Road / St Saviours Road
  - A274 Sutton Road / Willington Street and A274 Sutton Road / Wallis Avenue
  - A274 Sutton Road / Horseshoes Lane
  - A20 Ashford Road / Willington Street

*A229 Loose Road / Park Way / Armstrong Road*

- 7.61 The modelling included in the Transport Assessment dated October 2015 is based on the following mitigation measures:
- Relocation of the controlled pedestrian crossing from the A229 Loose Road north to the south arm of the junction;
  - Provision of a new controlled pedestrian crossing to the north of the junction, approximately at the existing pedestrian bridge, which would operate independently;
  - Installation of ‘Puffin’ technology on the relocated pedestrian crossing; and
  - Provision of separate ‘left’ and ‘ahead’ lanes on the Park way arm of the junction.
- 7.62 The results presented in the TA show the practical reserve capacity in 2029 to increase from -41.2% to -30.1% in the AM peak and -24.8% to -9.1% in the PM peak when

comparing committed development with existing junction layout and with development flows with the above mitigation.

A229 Loose Road / A274 Sutton Road / Cranborne Avenue (Wheatsheaf Junction)

7.63 The modelling included in the Transport Assessment dated October 2015 is based on the following mitigation measures:

- Installation of 'Puffin' technology on all controlled pedestrian crossings; and
- Cranborne Avenue arm one-way only, no entry into the junction.

7.64 The results presented in the TA show the practical reserve capacity in 2029 to increase from -31.8% to -16.3% in the AM peak and -40.1% to -19.8% in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.

Please note that this junction is already fully funded, as shown in the apportionment table and therefore it is not proposed that the application contributes to it.

A274 Sutton Road / St Saviours Road

7.65 The modelling included in the Transport Assessment dated October 2015 is based on the following mitigation measures:

- Remarking of the northbound A274 nearside flare to allow left and ahead traffic use;
- Creation of a two-to-one merge lane on the northbound A274 exit; and
- Modifications to the A274 right turn in to St Saviour's Road.

7.66 The results presented in the TA show the practical reserve capacity in 2029 to reduce from -15.3% to -18.6% in the AM peak and to remain unchanged (-31.9% to -31.7%) in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.

A274 Sutton Road / Willington Street / Wallis Avenue

7.67 The modelling included in the Transport Assessment Addendum dated April 2016 is based on the following mitigation measures:

- The widening of the A274 Sutton Road to provide two carriageway lanes in each direction between its junctions with Wallis Avenue and Willington Street;
- The provision of two-to-one lane merges on the Sutton Road (north) exit of the A274 / Wallis Avenue junction and Sutton Road (south) exit of the A274 / Willington Street junction;
- The extension of the right-turn lane on the Willington Street arm of the A274 / Willington Street junction; and
- The provision of a controlled pedestrian crossing on the Sutton Road (north) arm of the A274 / Wallis Avenue junction.

7.68 The results presented in the TA Addendum show the practical reserve capacity in 2029 to increase from -38.2% to -10.1% in the AM peak and -46.4% to -19.9% in the PM peak on Wallis Avenue and from -43.7% to -23.4% in the AM peak and -45.9% to -30.6% in the PM peak on Willington Street when comparing committed development with existing junction layout and with development flows with the above mitigation.



A274 Sutton Road / Horseshoes Lane

- 7.69 The modelling included in the Transport Assessment Addendum dated April 2016 is based on localised widening of the Horseshoes Lane arm.
- 7.70 The results presented in the TA Addendum show the RFC on Horseshoes Lane in 2029 to improve from 0.973 to 0.872 in the AM peak and from 1.104 to 0.685 in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.

A20 Ashford Road / Willington Street

- 7.71 The modelling included in the Transport Assessment dated October 2015 is based on the provision of a left turn flare on the A20 (east) approach to the junction.
- 7.72 The results presented in the TA show the practical reserve capacity in 2029 to increase from 35.2% to 33.1% in the AM peak and from 51.8% to 39.2% in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.
- 7.73 MM considers that except for A274 Sutton Road / St Saviours Road where the mitigation proposed does not entirely mitigate the impact of the development traffic, the results demonstrate that with the proposed junction layouts and development traffic, all junctions perform comparatively better than with existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 and A229 corridors, although the new access junction would add some very limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by reduced delays at existing improved junctions. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.
- 7.74 The applicant also proposes improvements to public footways, a high quality internal shared use route, an extension to the 30mph speed limit on A274, public transport improvements as well as substantial contributions to improve M20 Junction 7.
- 7.75 Overall MM concludes that with the appropriate mitigation measures, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32. I concur with the advice of MM and consider that the highways impact is not severe.
- 7.76 Adopted Borough Plan T2 seeks to promote bus preference measures on A274. Policy T3 seeks to ensure this by suggesting development which does not provide adequate public transport measures should be refused. Maidstone commissioned Mott MacDonald to produce the A274 Corridor Study to illustrate the potential for bus priority measures in the area of the site and concludes as follows:

**7.1 A274 Corridor Study Summary and Conclusions.**

- 7.1.1 *Buses already experience considerable delay due to traffic congestion along this corridor. A number of large residential-led developments have been consented or proposed in line with housing allocations set out in MBC's Draft Local Plan. The developments, together with*

*background growth in traffic that is anticipated, will increase congestion and delays.*

7.1.2 *Analysis presented in the transport assessment supporting the planning application for Langley Park (Site F in Figure 3.1) concludes that, even with some limited junction improvements, the corridor will have reached its vehicle capacity before that development was fully occupied. Consequently the transport assessment assumed that a proportion of trips would be diverted to buses.*

7.1.3 *In the light of these forecasts, a good level of priority for buses is necessary in order to make travelling by bus a realistic option along the study corridor. This report sets out the principles behind the design of bus priority measures, and then demonstrates how they have been applied to the study corridor resulting in proposals for schemes along the length of the corridor within the urban area.*

7.77 The proposal provides £1.08m towards bus prioritisation and is considered to accord with T2 and T3. **Mitigation of the proposal includes measures such as bus priority junctions where buses can move to the front of the traffic queue at a traffic light junction; increasing road capacity through road widening and improvements to bus shelters, access and information in line with Policy T2.**

7.78 Overall MM concludes that with the appropriate mitigation measures, listed above, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32. I have reviewed the proposed mitigation and concur with MM's analysis. **KCC Highways fails to demonstrate by reference to relevant and reliable evidence that granting permission for the amended proposal would cause any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and that the residual cumulative impacts of development are severe. Even if the 'as developed' scenario would potentially be 'materially worse', it does not follow that permission should necessarily be refused as the assessment must balance any worsening of the already severe conditions against the benefits of the proposal. In this case, the Council is satisfied that the applicant has submitted reliable evidence to demonstrate that the 'as developed' mitigated scenario would be 'no worse' or 'no materially worse' than the existing scenario and cannot therefore be considered to be severe. As such, it is considered that the proposal would accord with paragraph 32 of the NPPF.**

#### **Drainage & Flood Risk**

7.79 The proposed drainage strategy used the wetlands at the south east corner for attenuation purposes. Levels and embankment information of attenuation ponds has now been provided to KCC drainage and the previous objection is withdrawn. The requirement of an overall site-wide drainage strategy at detailed design stage would be covered by condition.

#### **Ecology**

7.80 The provision of over 19.77 hectares of natural and semi-natural open space in the form of parkland, common or heath land, orchards and wetland represents a welcome increase in wildlife habitat. Public access to wildlife would also be increased. Kent Wildlife Trust have suggested further details of mitigation in relation to Great Crested Newts, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, lighting design strategy,

construction environmental management plan, and enhancements. It is suggested that these matters are covered by condition.

### **Other Matters**

#### **Noise and Air quality**

- 7.81 The illustrative masterplan proposes a substantial buffer of approximately 30 metres proposed between the proposed development and the A274. Environmental Health do not object with the proposal providing suitable conditions regarding noise and air quality are included, which are proposed.

#### **Residential amenity**

- 7.82 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 7.83 Saved policy ENV28 states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 7.84 The application is in outline so the vast majority of details, apart from access, are to be resolved at a future point. Given the proposed design and density in line with the Submission Draft Local Plan policy H1 (10), I consider that suitable internal layout can be achieved. The inclusion of extensive green buffers proposed and existing retained vegetation as well as extensive open space and tree belts will provide substantial screening for existing residential uses.
- 7.85 Whilst a number of objections have been received with regards to the impact upon residential properties, it is considered that there would be no significant harm caused by this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.
- 7.86 With regards to the additional traffic movements, the majority of these will be along the main thoroughfares of Sutton Road, Willington Street and Wallis Avenue, via the new access created to the North of the site. Whilst a number of objections have been received concerning potential rat running through the lanes and narrow tracks surrounding the site as a direct result, the proposed highway mitigation initiatives set out above would alleviate any potential increase in traffic which may result, thereby negating any need to use surrounding roads.
- 7.87 Following the adoption of the recommended mitigation measures, the development is not considered to be contrary to any of the national, regional or local planning policies.
- 7.88 With regards the noise impact, the proposed development is not expected to have an 'adverse impact' on health or quality of life.
- 7.89 Environmental Protection have been consulted and raise no objection to the conclusions of the assessments. As such, subject to the relevant conditions, it is considered that the proposed development is not likely to result in an unacceptable impact existing or future residents in respect of additional noise, or air quality.

## 8.0 COMMUNITY INFRASTRUCTURE

8.01 Any request for contributions needs to be scrutinised in accordance with Regulation 122 of Community Infrastructure Levy Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets 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.

8.02 Regulation 123 states that there are not more than four obligations existing for each of the proposed measures.

8.03 The following contributions are proposed and considered to be compliant with Regulations 122 and 123.

### **Affordable Housing**

8.04 The adopted affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision. Draft MBLP policy DM13 sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Policy DM13 is underpinned by draft MBLP policy SP3 (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and 5 other strategic housing sites set out in Policies H1(5) to H1(10). As such, as the site is an allocated housing site (Policy H1(9)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances, in line with the views of the Council's housing officer.

8.05 The proposal includes the provision of a wide variety of community infrastructure listed below:

### **Social Infrastructure including:**

- The provision of on-site health facilities or an appropriate contribution of £800,000 towards the Orchard Langley Surgery and/or Wallis Avenue Surgery.
- The provision of a site and construction of a primary school on the site, allowing potential for future expansion (size of school to be determined).
- Provision of £600,000 towards on-site **or off-site** community facilities.
- Provision of 30% affordable housing including 16 Wheelchair Accessible Homes
- Provision of 19.77 hectares of public open space;
- Provision of a Landscape ecological management plan

- Secondary education: £1,887,840. towards the expansion of the Cornwallis School
- Community learning £24,560  
(Towards the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);
- Youth Services £6,792  
(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;
- Library bookstock £38,416  
(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)
- Social Care £43,104  
(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);
- Suitable financial mitigation is proposed to compensate for elements of open space requirements should they not be provided onsite.

#### Highways

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

#### **Significant highways and transport improvements, namely:**

- A new pedestrian and cycle route will be provided running east-west
- from Sutton Road to Brishing Road connecting with the planned route
- through the adjacent site at Langley Park.
- The provision of additional pedestrian and cycle crossings across the
- A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.
- Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus
- infrastructure improvements.
- Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.
- Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.
- Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.

The above to be addressed as follows:

- £1.46m for the signalisation of Junction 7 of the M20;
- £1.08m Bus Prioritisation on A274

- £1.435m for bus subsidy on A274.
- Equivalent to £169,136 Improvement of the junction of Armstrong Road/Park Way;
- Equivalent to £128,320 Improvement of the junction of A20 Ashford Road/Willington Street;
- Equivalent to £371,068 A274 Sutton Road/St. Saviours Road (suggested to be dealt with by Grampian condition).
- Improvements to public footpath KH365 to a cycle track, Surface of KH369, surface of KH365 and dedication as cycle link.

8.06 The proposed contributions, as listed above and elsewhere in this report are considered to be necessary to make the proposed development acceptable.

## **9.0 CONCLUSION**

9.01 The proposed development is contrary to saved policy ENV28 in that it represents housing development outside a settlement boundary in the adopted Local Plan and saved policy ENV32 in that it represents development in the countryside within the Southern Anti-Coalescence Belt constituting moderate harm. However, the proposal delivers the allocation of the site for housing and open space within the submitted draft MBLP, which should be accorded significant weight. Draft MBLP policy SP3, which identifies south east Maidstone as the most sustainable location for housing growth with supporting infrastructure, is also relevant. The proposal will deliver housing growth in accordance with the national planning policy priority to boost significantly the supply of housing in paragraph 47 of the NPPF. Accordingly, for the purposes of these applications only and in this specific respect, the applications' non-compliance with saved policies ENV28 and ENV32 should be accorded limited weight in the determination of the application. I do not consider that the proposal conflicts with saved policy ENV21.

9.02 The site is in a sustainable location adjoining the settlement boundary of Maidstone in the Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant intrusion into open countryside beyond existing developed areas. Appropriate community infrastructure is proposed to be provided to meet the needs created by the proposal as well as a substantial amount of affordable housing. Drainage issues are mitigated. There are no objections from the Environment Agency in terms of flooding. There are no significant ecology objections or any other matters that result in a sustained objection to the development.

9.03 In accordance with policy guidance in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). I consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment. I have considered the likely impact on the historic environment and consider that the public benefits outweigh the less than substantial harm to listed buildings. As such, I consider the development would perform well in terms of economic, social and environmental roles required under the NPPF and would constitute sustainable development.

- 9.04 The development would be acceptable in terms of its impact on the landscape, drainage, biodiversity, neighbours' living conditions and highways subject to appropriate planning conditions and obligations. In relation to biodiversity, taking into account mitigation and conditions measures, it is likely there would be an improvement and enhancement of the ecological value of the site, bearing in mind the previous mainly agricultural use of the site.
- 9.05 I have considered the proposal in relation to Section 38(6) of the 2004 Act and paragraph 14 of the NPPF. It is considered that any adverse impacts would be limited and would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF and other material considerations listed above are sufficient grounds to depart from saved policies ENV28 and ENV32. I do not consider that there are other planning considerations that indicate planning permission should be withheld.
- 9.06 The proposal represents a high quality scheme in line with draft MBLP policy H1(10) and is considerably improved as a consequence of negotiations and amendments. **The proposed housing element east of the PROW369 is not considered to be a substantial alteration to the allocation.** Overall the proposal is considered acceptable in planning terms subject to conditions and a legal agreement.
- 9.07 For all of these reasons, I consider that planning considerations indicate that planning permission should be granted.

## 10.0 RECOMMENDATION

**DELEGATED POWERS be given to the Head of Planning and Development to grant permission SUBJECT TO the conditions as set out below, Urgent Update(s) AND the completion of a suitably worded legal agreement ensuring the delivery of the highway improvements, together with all other Heads of Terms set out in the Urgent Update, to be negotiated and agreed upon in conjunction with the Head of Mid Kent Legal Services.**

Condition will be provided in a published urgent update prior to Committee.

## 10.1 Conditions

**Proposal: Outline planning application for a residential development together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (crèche/day centre/ day nursery, or B1 (office), up to 0.4ha of land reserved for C2 (residential care), the reservation of 2.1ha of land for primary education (use class D1), public open space in the form of natural green space, play facilities and informal open space together with landscaping, parking footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access.**

## **RESERVED MATTERS**

**1. The development shall not commence for each phase of the development until approval of the following reserved matters has been obtained in writing from the Local Planning Authority before a development within that phase or sub-phase :-**

- a. Layout b. Scale c. Appearance d. Landscaping**

**The details pursuant to condition 1 a) shall show the provision of satisfactory facilities for the storage of refuse.**

**Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.**

#### **TIME LIMITS**

**2. The first application for approval of the reserved matters for any phase of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission with the last application for approval of reserved matters for any phase or of the development to be made to the LPA within four years from the date of this permission.**

**The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**

**Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.**

#### **LANDSCAPING**

**3. The development shall not commence (including any demolition, ground works, site clearance) for the relevant phase until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for that phase, 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 in the course of development [and long term management of the landscaping]. The development shall be carried out in accordance with the approved details and the approved landscaping scheme as regards its terms on long term maintenance for each phase may be amended during the lifetime of the development provided such variations are submitted to and approved in writing by the Local Planning Authority.**

**The landscape scheme for each phase shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:**

- a) High quality detailed and structural landscaping within the phase or within the wider development if such structural landscaping is not application for each phase**
- b) Retention and enhancement of boundary vegetation unless otherwise specified excluding the openings required for access points).**
- c) The provision of a protective buffer zone adjacent to the existing boundary with the Langley Park Farm hamlet.**
- d) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;**
- e) Proposed finished levels and contours**
- f) Works necessary to any existing Public Rights of Way within that phase;**
- g) Car parking layouts;**
- h) Other vehicle and pedestrian access and circulation areas;**
- i) Hard surfacing materials;**
- j) Written planting specifications;**
- k) Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);**



l) Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc and including a specification of Play Areas [including their long term management and maintenance]

m) Implementation programme setting out timing for completion of the various parts of the hard and soft landscaping works.

The works shall be carried out strictly in accordance with the approved details

Reason: To ensure a satisfactory development in the interests of amenity.

4. All hard and soft landscape works submitted and approved pursuant to condition 1 for each phase of the development shall be carried out in accordance with the details approved pursuant to condition 1 and relevant landscaping scheme pursuant to condition 3 in accordance with the implementation programme approved as part of the relevant landscape scheme pursuant to condition 3. Any trees or plants whether new or retained which within a period of 5 years from the completion of that phase 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, unless the Local Planning Authority gives written consent to any variation. The play areas shall not thereafter be used for any other purpose other than as play areas.

Reason: To ensure a satisfactory development in the interests of amenity.

#### PLANTING

5. All planting, seeding or turfing comprised in the relevant landscaping scheme pursuant to condition 3 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner.

Reason: To ensure a satisfactory external appearance to the development.

#### PHASING

6. A phasing plan for the development shall be submitted to the Local Planning Authority as part of the first reserved matters application, and approved in writing by the Local Planning Authority showing the boundary of each phase. This shall include the phasing for the delivery of the local centre including the A1 use hereby permitted. The development shall be carried out in accordance with the approved phasing plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

#### NON-RESIDENTIAL USES

7. Where the non-residential uses hereby permitted include an A1 use then in relation to such development the permitted development rights with the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be restricted such that no development consisting of a change of use from A1 to any other use shall be permitted at any time by this permission or the Town and Country (General Permitted Development)(England) Order 2015.

Reason: To ensure the vitality of a local centre.

#### ECOLOGY

**8. Prior to the commencement of development of each phase (including any demolition, ground works, site clearance) a method statement for the mitigation of ecological impacts (including reptiles, nesting birds and retained habitats including the stream and hedgerows) for that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

**The content of the method statement shall include the:**

- a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;**
- b) Practical measures (both physical measures and sensitive working practices) to avoid, reduce and/or mitigate impacts and achieve stated objectives;**
- c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;**
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;**
- e) Times when specialist ecologists need to be present on site to oversee works;**
- f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similarly competent person.**

**The works shall be carried out strictly in accordance with the approved details**

**Reason: To protect and enhance biodiversity.**

**9. Prior to the commencement of development (including ground works, demolition and site clearance) of each phase an ecological design strategy (EDS) addressing habitat creation and enhancement, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

**The EDS shall include the following:**

- a) Purpose and conservation objectives for the proposed works.**
- b) Review of site potential and constraints.**
- c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.**
- d) Extent and location/area of proposed works on appropriate scale maps and plans.**
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.**
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.**
- g) Persons responsible for implementing the works.**
- h) Details of initial aftercare and long term maintenance.**
- i) Details for monitoring and remedial measures.**
- j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.**

**The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.**

**Reason: To protect and enhance biodiversity.**

**10. Prior to commencement of development (including ground works, demolition and site clearance) on each phase a Construction Environmental Management Plan (CEMP:Biodiversity) which shall be informed by the ecological design strategy (EDS) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:**

- a) Risk assessment of potentially damaging construction activities;**
- b) Identification of "biodiversity protection zones" clearly depicted on a map**

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The roles and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Detailed protective species mitigation strategies.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of ecological preservation.

11. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 month) within 1 year from the date of the planning consent, the ecological measures are set out in the Section five of the Environmental Statement shall be reviewed and where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely ecological impacts that might arise from any changes. The further surveys shall be submitted to the Local Planning Authority for approval.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the original ecological measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority. The amended details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP:Biodiversity) which shall be submitted to the Local Planning Authority and shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of biodiversity protection.

#### LIGHTING

12. Details of a lighting design strategy for biodiversity for the each phase shall be submitted to and approved in writing by the local planning authority prior to the occupation of the relevant phase of development. The development shall be carried out in accordance with the approved details.

The strategy shall:

- a) Identify those areas/features within the phase that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity.

### TREES

13. The development shall not commence on any phase until an Arboricultural Method Statement for that relevant phase in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development.

14. No development shall commence on any phase until a full Arboricultural Implications Assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the development and the existing trees on the relevant phase and any areas identified for new planting including buffer zones, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

The AIA should include survey data on all trees on the phase, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-

- Protection of trees within total exclusion zones;
- The location and type of protective fencing;
- The location of any main sewerage and water services in relation to trees;
- The location of all other underground services, i.e. gas, electricity and telecommunications;
- The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;
- Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;
- Suggested locations for the site compound, office, parking and site access;
- The replacement planting necessary to compensate for any necessary losses.

Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the phase. The development shall be implemented in accordance with the approved AIA.

Reason: To ensure the proposed development is satisfactorily integrated with its immediate surroundings and provides adequate protection of trees.

### HEDGE PROTECTION

15. All existing hedges shall be retained unless removal has been agreed in writing prior to their removal, or as specified in approved plans.

Reason: in order to maintain existing landscaping and wildlife habitat.

#### MATERIALS

16. The development shall not commence for any phase until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces for that phase have been submitted to and approved in writing by the Local Planning Authority and the phase of development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

#### ARCHAEOLOGY

17. The development shall not commence for any phase until a programme of archaeological work for that phase in accordance with a written specification and timetable has been submitted to and approved by the Local Planning Authority. The works in that phase shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

#### SLAB LEVELS

18. The development shall not commence for any phase until details of the proposed slab levels and ridge heights of the buildings and the existing site levels for that phase have been submitted to and approved in writing by the Local Planning Authority and the development in that phase shall be completed in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

#### CONTAMINATION

19. The development shall not commence for any phase until the following components of a scheme to deal with the risks associated with contamination of that phase have been submitted to and approved, in writing, by the local planning authority.

1) A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination within the phase.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken within the phase. 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.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). 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 phase. Any material brought onto the phase shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The development in that phase shall be carried out in accordance with the approved details.

Reason: In the interests of public safety and pollution prevention.

#### EXTERNAL APPEARANCE

20. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

#### FOUL WATER

21. The development shall not commence until details of foul water drainage, which shall include details of on-site drainage and as necessary off-site improvements to the local network have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The details shall include phasing of the occupation of the development commensurate with the timescales for the improvement works to be carried out. The development shall be carried out in accordance with the approved details. The development shall be occupied in accordance with the approved phasing details.

Reason: In the interest of pollution and flood prevention.

#### HIGHWAYS AND ACCESS

22. No occupation of each phase of the development hereby permitted shall take place until the highways, cycle routes and footway improvements within or physically adjoining that phase have been completed. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to first occupation of any dwelling in each phase:

- a) treatment of the private road from Sutton Road to the Langley Park Farm hamlet;
- b) on-site cycle routes
- c) on-footways and PROWs
  
- d) on-site highways

Reason: In the interests of sustainable transport.

#### 23. BUS ONLY ROAD

No occupation shall take place until details of the bus-only road and bus turning facilities at the eastern end of the bus-only road at the junction with Sutton Road have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to the occupation of 300<sup>th</sup> dwelling.

Reason: In the interests of sustainable transport.

#### CONSTRUCTION

24. Prior to commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i) working hours on site;
- ii) the parking of vehicles of site operatives and visitors;

- iii) the loading and unloading of plant and materials;
- iv) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;
- v) the storage of plant and materials used in constructing the development;
- vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;
- vii) wheel washing facilities;
- viii) measures to control the emission of dust and dirt during construction;
- ix) measures to control noise and vibration during construction;
- x) a scheme for the recycling or disposal of waste resulting from construction works.
- xi) Code of Construction Practise (see below)

#### **25. CODE OF CONSTRUCTION PRACTICE (MAJOR SITES)**

Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- a) An indicative programme for carrying out the works
- b) Measures to minimise the production of dust on the site(s)
- c) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- d) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- e) Design and provision of site hoardings
- f) Management of traffic visiting the site(s) including temporary parking or holding areas
- g) Provision of off road parking for all site operatives
- h) Measures to prevent the transfer of mud and extraneous material onto the public highway
- i) Measures to manage the production of waste and to maximise the re-use of materials
- j) Measures to minimise the potential for pollution of groundwater and surface water
- k) The location and design of site office(s) and storage compounds
- l) The location of temporary vehicle access points to the site(s) during the construction works
- m) The arrangements for public consultation and liaison during the construction works

#### **HISTORIC BUILDINGS**

26. The details required by condition 1 shall show the phase/phases of development directly adjoining the Langley Park Farmhouse hamlet shall be informed by a historic buildings assessment of the Langley Park Farmhouse hamlet which shall be submitted at the relevant reserved matters stage.

Reason: To ensure that historic buildings are protected in the layout of the relevant phases adjoining Langley Park Farmhouse hamlet.

#### **EDUCATION DUAL USE OF PLAYING FIELD**

27. Prior to first use of the school, details of a community use agreement setting out how the playing field of the school can be used by alternative community uses. The details shall set out payment mechanisms, and long term maintenance arrangements to accommodate the increased community use. The details shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be carried out in accordance with the approved details thereafter.

Reason: in the interests of community accessibility.

#### JUNCTION IMPROVEMENTS

28. No part of the development shall be occupied until such time as junction improvements at the junction of Sutton Road and St Saviours Road are carried out. Full details of such works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full to the satisfaction of the Local Planning Authority in consultation with the Local Highways Authority, prior to the occupation of any dwelling.

Reason: In the interests of highway capacity and safety.

#### RENEWABLE ENERGY

29. The construction of the development shall not commence until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

Reason: to ensure a sustainable and energy efficient form of development.

#### NUMBER OF DWELLINGS

30. The number of dwellings shall be limited to a maximum of 800.

Reason: In order to ensure satisfactory design, highways impact and residential amenity.

#### DRAINAGE

31. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

32. Prior to commencement of development I a detailed sustainable surface water drainage design for the site compliant with Flood Risk Assessment and Drainage Strategy (PBA 30833/2004 Rev W, March 2016) and design parameter drawings (PBA 30933/2004/001 and PBA 30833/2004/001 Rev F), shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:

i. 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 onsite before being discharged at to the receiving watercourse.

ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.

iii. Appropriate allowances for climate change have been incorporated into design.

The development shall be carried out in accordance with the approved details.

33. 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.

#### DUCTING OF SERVICES

34 Prior to the first use of any commercial and non-residential premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: in the interests of amenity.

#### 35. PLUG-IN AND LOW EMISSION CHARGING INFRASTRUCTURE

The development shall provide charging points for low-emission plug-in vehicles to dwellings with dedicated off-street parking.

The development shall provide at least one publicly accessible double charging point (22kW or faster) for plug-in vehicles to be installed within the development prior to its occupation and maintained for at least the following five years (specifications to be agreed with the Local Planning Authority and Kent County Council).

Reason: In the interests of sustainable transport and the avoidance of pollution.

#### PROVISION OF BUS FACILITIES AND ACCESS

36. Prior to the construction of the relevant phase of development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure the development is fully connected to pedestrian routes and the surrounding area and to improve quality and access to bus services along the A274 Sutton Road, in the interests of sustainable transport.

#### ACCESS TO WEST

**37. The details pursuant to condition 1 shall include a layout that would enable the provision of two links up to the immediate boundary to the land to the west, granted planning permission MA/13/1149, as shown on submitted drawing RD1557 PP 100 Rev. R and the indicative masterplan. Construction of the following shall occur prior to the occupation of that relevant phase of development.**

- a) **a vehicular road to allow bus movements, pedestrian and cycle access up to the immediate boundary of the site;**
- b) **A pedestrian and cycle route up to the immediate boundary of the site;**

**All other phases shall comprehensively link in to these routes**

**At no time shall development take place that would preclude this accesses being provided up to the immediate boundary of the site.**

**Reason: In the interests of permeability and good design.**

#### **BUILDING HEIGHTS**

**38. No building within any p shall exceed the height specified for buildings within that plot as set out in the drawing number submitted RD1557 PP 103Rev. N.**

**Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.**

#### **ADHERENCE TO ENVIRONMENTAL STATEMENT**

**39. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement submitted with the application unless provided for in any other condition attached to this permission.**

**Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.**

#### **APPROVED DRAWINGS**

**40. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: RD 1557 PP 100 Rev R ; RD1557 PP 101 Rev R ; RD1557 PP 102 Rev M; RD1557 PP 103 Rev N : RD1557 PP 104 Rev M;**

**Reason: For the purposes of clarity and to ensure the quality of the development is maintained.**

#### **PROVISION OF ACCESS ROAD**

**41. There shall be no occupation of the development hereby permitted until the provision of a new accesst from the Sutton Road (A274) as shown as Drawing Number RD1557 PP 101 Rev R alongside bus strategy to serve early phases and the bus only access shall be provided in accordance with condition 23 above.**

**Reason: In the interests of highway safety and to promote public transport use.**

#### **PUBLIC ACCESS TO OPEN SPACE**

**42.The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be**

placed or erected, unless otherwise agreed in writing by the Local Planning Authority, to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

#### CRIME PREVENTATION

43. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention.

#### DESIGN PRINCIPLES STATEMENT

44 A Design Principles Statement shall be submitted and approved by the Local Planning Authority. No construction of the development hereby permitted shall take place until a Design Principles Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring high quality design.

#### INFORMATIVES:

Construction As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

#### Noise and Vibration transmission between properties

Attention is drawn to Approved Document E Building Regulations 2010 “Resistance to the Passage of Sound” – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

#### Refuse Storage and disposal (Maidstone)

The applicant should have regard to the Environmental services guidance document “Planning Regulations for Waste Collections” which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection are adequate.

#### Gas safety Informative

Please note there is a low/medium/intermediate pressure gas main near your site.

There

should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure

system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is

**used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.**

**Informative Waste to be taken off site Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:**

- **Duty of Care Regulations 1991**
- **Hazardous Waste (England and Wales) Regulations 2005**
- **Environmental Permitting (England and Wales) Regulations 2010**
- **The Waste (England and Wales) Regulations 2011**

**Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.**

**If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.**

Section 106 Heads of terms

|  |   |
|--|---|
| <u>Health Facilities - contribution of £800,000 (actual figure to be confirmed) towards health at the Orchard Langley Surgery and/or Wallis Avenue Surgery. Or the provision of on-site health facilities to be determined at reserved matters stage</u>   | <u>£1,000 Per dwelling</u>  |
| <u>Primary Education provision of a primary school on a site of a minimum of 1.2 hectares but cascade approach to allow for 2.1 hectares if the needs of the development requires it, through reserved matters process. If required the additional land to be provided at agricultural land value.</u> | <u>£5,625 per dwelling (assuming 1 Form Entry School required).</u> |
| <u>Community Facilities - £600,000 towards on or off-site community facilities, proposed as part of the development.</u>   | <u>£750 per dwelling</u>  |
| <u>Provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 16 Wheelchair Accessible Homes</u>   |   |
| <u>Provision of a minimum 19.77 hectares of public open space as shown on drawing number RD1557 PP 104 Rev. M</u>  |   |
| <u>Secondary education: £1,887,840. towards the expansion of the Cornwallis School</u>   | <u>£2359.80 per dwelling</u>  |
| <u>Community learning £24,560</u><br><u>(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);</u>   | <u>£30.70 per dwelling</u>  |
| <u>Youth Services £6,792</u><br><u>(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby</u>  | <u>£8.49 per dwelling</u>   |
| <u>Library bookstock £38,416</u><br><u>(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)</u>   | <u>£48.02 per dwelling</u>  |

|  |                              |
|--|------------------------------|
| <u>Social Care £43,104</u><br><u>(Towards cost of providing additional services for this proposed development, namely: accessibility improvements to a Community Building local to the development where social care services are delivered by KCC or a third party.</u>   | <u>£53.88 per dwelling</u>   |
| <u>Provision of a travel plan, public transport incentives, including free taster tickets for local buses and a contribution towards monitoring of the travel plan</u>   |                              |
| <u>Landscape and Ecological Management Plan, to include:</u><br><u>a) Description and evaluation of features to be managed.</u><br><u>b) Aims and objectives of management.</u><br><u>c) Management prescriptions for achieving aims and objectives.</u><br><u>d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).</u><br><u>e) Details of the body or organisation responsible for implementation of the plan.</u><br><u>f) Details of on-going species and habitat monitoring; and</u><br><u>g) Provision for remedial measures.</u><br><u>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</u> |                              |
| <u>TOTAL (excluding highways)</u>  |                              |
|  | <u>£9,875.89per dwelling</u> |

### Highways

Appropriate contributions for highways mitigation as finalised under delegated authority on the basis of the attached appendix.

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a pro-rata basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

Significant highways and transport improvements, namely:

(please note these elements are subjection to further negotiations)

- £1.46m for the signalisation of Junction 7 of the M20;
- £1.08m Bus Prioritisation on A274
- £1.435m for bus subsidy on A274.

- Equivalent to £169,136 Improvement of the junction of Armstrong Road/Park Way;
- Equivalent to £128,320 Improvement of the junction of A20 Ashford Road/Willington Street;
- Equivalent to £371,068 A274 Sutton Road/St. Saviours Road (suggested to be dealt with by Grampian condition).
- Improvements to public footpath KH365 to a cycle track, Surface of KH369, surface of KH365 and dedication as cycle link.
- Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.
- A new pedestrian and cycle route will be provided running east-west from Sutton Road to Brishing Road connecting with the planned route through the adjacent site at Langley Park.
- The provision of additional pedestrian and cycle crossings across the A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.

Design Quality assurance

- The establishment of a 'monitoring committee' prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development with such members to include an officer of the Council, two elected members of the Council and a representative of the developers (contribution toward the set of this committee).

APPENDIX A

**SE Maidstone Highway Mitigation Apportionment Table - based on suggested pro rata contributions to deliver Highway Mitigation for each site.**

| Schedule  | Scheme   | Importance | Cost  | Cost notes   | Funds secured  | Gap  | No. Contributions | Planning ref.                            | Site name  | Funding  | Status   | Notes   |
|-----------|--|------------|---|--|--|--|-------------------|--|--|--|--|---|
| Transport | Bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction | Critical   | 100 - £3,840,000  | Motts corridor analysis - taking the higher option due to potential cost hikes                                       | £2,688,000 of which £2,422,200 is available for bus measures | Taking the higher figure of costs for mitigation - shortfall of £1,417,000 | 3                 | MA/13/1149<br>MA/13/0951<br>MA/13/1523   | Langley Park (H1-5)<br>N Sutton Road (H1-6)<br>W BF Cottages (H1-6)  | 1,800,000<br>558,000<br>330,000                                | Committed<br>Committed<br>Committed  | TW paid first £450,000 to KCC<br>Bellway have paid £621,569.62 to KCC   |
|           | PROPOSED   |            |   |  |  | shortfall of £1,417,000 as above   | 5                 | MA/15/509015<br>MA/15/509251             | Land South of Sutton Road (H1- 800 units x 10)<br>Land North of Bicknor Wood (H1-7)  | £1350=£1,080,000<br>250 units x £1350 = £337500                | to be delivered by S106  | shortfall divided by 1050 homes (both allocations) = £1,350 per dwelling  |
|           | Willington Street/Wallis Avenue and Sutton Road  | Critical   | KCC (Amev scheme) - £1,800,000, Countryside see Countryside costing sheet | KCC scheme - £1,534,200, Countryside £1,016,880  | 268,800  |  | 3                 | MA/13/1149<br>MA/13/1523<br>MA/13/1523   | Langley Park (H1-5)<br>W BF Cottages (H1-6)<br>W BF Cottages (H1-6)  | 180,000<br>30,000<br>33,000                                    | Committed<br>Committed<br>Committed  | Currently proposed to be provided via LGF funding but could be incorporated in apportionment process if necessary   |
|           | PROPOSED   |            |   | Agreed at meeting on 11.05.16 with all developers that higher KCC costs would be used for apportionment.             |  | shortfall as £1,531,200 above  | 5                 | MA/15/509251<br>MA14/506264              | Land North of Bicknor Wood (H1-7)<br>Bicknor Farm (H1-9)   | 250 units x £2,945 = £736,250<br>271 units x £2,945 = £798,095 | to be delivered by S106<br>to be delivered by S106   | shortfall divided by 521 homes (both allocations) = £2,938 per dwelling   |
|           | Junction 7 - signalisation   | Critical   | 13/1163 -s106 signalisation   | PROPOSED SIGNALISATION of Junction   | Clause 14.2 of S106  | No costing identified - just provision                                     | 1 currently - 2   | MA/13/1163<br>MA/15/509015               | Maidstone Medical Campus<br>Land South of Sutton Road (H1-   | No funding - S106<br>1,460,000                                 | Committed<br>to be delivered by  | £1,460,000-800 = £1,825 per dwelling  |
|           | A229/A274 Wheatsheaf junction  | Critical   | 483,000   |  | 714,000  | -231,000   | 3                 | MA/14/503167<br>MA/12/0986<br>MA/12/0987 | Cripple Street<br>KP Training (H1-28)<br>KP HQ (H1-27)   | 108,000<br>270,000<br>336,000                                  | Committed<br>Approved<br>Approved  | split between SE6/HTUA1 and already funded<br>split between SE6/SE7<br>split between SE6/SE7  |
|           | The A274 Sutton Road   | Essential  | 2,700,000   | Revenue to be deducted   | 0  | 2,700,000  |                   |  |  |  |  |   |
|           | PROPOSED   |            |   |  |  |  | 3                 | MA/15/509015<br>MA/14/506264             | Land South of Sutton Road (H1- 10)<br>Bicknor Farm (H1-9)  |  | to be delivered by S106<br>to be delivered by S106   | Land South of Sutton Road 800 x £1793.75 per dwelling = £1,435,000<br>contribution towards shortfall 271 x £1,350 per dwelling = £365,850   |
|           | A229 Loose Road/Park Way/Armstrong   | Critical   | 236,789   | Costing provided by Allen Dadswell - off site highway improvements. Costing divided by allocated sites 1120 dwelling | 0  | 236,789  | 4                 | MA/15/509015                             | Land South of Sutton Road (H1- 10)<br>New Line Learning, Boughton Lane (H1-29)<br>Boughton Lane, Boughton Monchelsea and Loose (H1-53)<br>Boughton Mount, boughton Lane H1-54) |  | to be delivered by S106<br>to be delivered by S106<br>to be delivered by S106<br>to be delivered by S106 | Land South of Sutton Road 800 x £211.42 per dwelling = £169,136<br>New Line Learning - 220 x £211.42 per dwelling = £46,512.4<br>Boughton Lane, Boughton Monchelsea 75 x £211.42 per dwelling = £15,856.50<br>Boughton Mount, 25x£211.42 per dwelling = £5,285.50 |
|           | A20 Ashford Road/Willington Street   | Critical   | 198,877   | Costing provided by Allen Dadswell - off site highway improvements   | 0  | 198,877  | 2                 |  | Land South of Sutton Road (H1- 10)<br>West of Church Road, Oatham (H1-8)   |  |  | Land South of Sutton Road 800 x £160.4 per dwelling = £128,320<br>West of Church Road - 440 x £160.4 per dwelling = £70,576   |

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Highway Mitigation Cost Apportionment  
 Land South of Sutton Road costs per dwelling £1,825 per dwelling for J7, £1,350 per dwelling for bus prioritisation, £1,793.75 per dwelling for Bus Services along A274, £211.42 per dwelling for A229 Loose Road/Park Way/Armstrong Junction and £160.4 per dwelling for A20 Ashford Road/Willington Street Total **£5,340.57** per dwelling.  
 Bicknor Farm - £1,350 per dwelling for bus service, £2,938 per dwelling for Willington Street, TOTAL **£4,288** per dwelling.  
 Land North of Bicknor Wood - £2,938 per dwelling for Willington Street and £1,350 per dwelling for Bus Prioritisation along A274, Total **£4,288** per dwelling.



**Appendix B – Material from Urgent Update reports no otherwise incorporated into this report.**

Local Plan Context

On 20 May 2016, the Council submitted the draft Maidstone Borough Local Plan (2016) ("draft MBLP") to the Secretary of State for independent examination.

Therefore, the determination of this application requires the Committee to consider two Local Plans carefully and this matter is discussed below.

1. Maidstone Borough-wide Local Plan 2000 (MBWLP 2000):

The MBWLP 2000 is the development plan for the purposes of the statutory test in section 38(6) of the 2004 Act, by which the application must be determined.

The National Planning Policy Framework (NPPF) directs that relevant policies in a development plan adopted prior to the NPPF should be given weight according to their consistency with policies within the NPPF.

The draft MBLP seeks full alignment with the NPPF. Crucially, it sets out the full objectively assessed need (18,560) for housing and allocates land to fulfil this requirement in accordance with the national planning policy priority in paragraph 47 of the NPPF to boost significantly the supply of housing to meet objectively assessed needs.

The draft MBLP development strategy, *inter alia*, identifies strategic residential development to the North West and South East of Maidstone, and sets out site allocations. The south eastern area is shown as being part of the open countryside in the MBWLP 2000 and 'saved' policies such as ENV28 and ENV32 apply.

However, the MBWLP 2000 clearly did not set out objectively assessed housing need for the period 2011 to 2031. Therefore, inevitably, one of the results of catering for housing growth is that settlement boundaries must change.

For these reasons and in the particular circumstances of the present case, the failure of this application to accord with saved policies ENV28 and ENV32 in this respect is a matter that should not be accorded significant weight in the determination of this application. That being said, the precise level of weight to be accorded is a matter for the Planning Committee.

2. Draft Maidstone Borough Local Plan ("draft MBLP"):

In February 2016, Full Council authorised the draft MBLP for submission to the Secretary of State for independent examination. In doing so, the Council endorsed the draft MBLP as a sound and legally compliant local plan. For this reason, significant weight should be attached to the draft MBLP in the determination of planning applications. Furthermore, the

Council relies upon the delivery the housing development in the draft MBLP site allocations to demonstrate a housing land supply in excess of 5 years.

### Head of Terms

Propose the additional entry: The establishment of a 'monitoring committee' prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development with such members to include an officer of the Council, two elected members of the Council and a representative of the developers (contribution toward the set of this committee).

### **Representations**

#### **Local Residents**

- A Petition of 496 signatures has been received 27<sup>th</sup> June 2016 objecting to the proposed development. All of the issues raised in the petition have been addressed in the Committee report.
- KCC Ecology – minor shortfalls to reptile and bat surveys, no objection
- Kent Wildlife Trust – holding objection in light of lack of some detail for habitat mitigation.
- Local Lead Flood Authority (LLFA). No objection subject to conditions.
- Environmental Health – No objection, subject to conditions regarding contamination, noise and travel plans.
- Applicants Education response - Two form entry primary school is unlikely to be required as a consequence of the proposal.

#### **Officer Comment**

The above points have been address in the committee report and conditions.

**Langley Parish Council** has reiterated its earlier objection as follows:

- Prematurity of granting planning permission;
- Loss of agricultural land;
- Concerns over density and urban design; and had added a further objection:
- Reference to parallels to a recent planning appeal at Boughton Lane (APP/U2235/A/14/2227839);

#### **Officer Comment**

It is considered that it would be wholly unreasonable for the Council to refuse to determine this application on the basis of waiting for the Local Plan to be examined. Nor is there considered to be grounds for the application to be refused on the basis of a decision being 'premature' in advance of the examination. Following NPPG advice on the matter, the site is allocated within the submitted Local Plan and is an integral part of the Plan. As such, this application would not undermine the plan-making process from the Local Planning Authority's perspective.

The loss of agricultural land and density and urban design are addressed within the report.

In terms of the recent planning appeal at Boughton Lane a direct parallel between the cases cannot and should not, under planning law, be made: each application should be dealt with on its own merits. In any event the material difference in that case there was no highways mitigation specified unlike this case where comprehensive highways mitigation involving a number of development is proposed.

**Kent County Council** have reiterated their objections on the grounds of potential need for a two form entry primary school; need for car park and drop-off design and highways concerns, even if the number of units were reduced.

**Officer Comment**

The proposed Section 106 Heads of Terms allows the provision of a 2 Form Entry Primary School if the development requires it, and safeguards an area for future expansion in any event. Details of car parking and drop-off design would be addressed through reserved matters. The number of units is proposed to be limited by condition to 800, in line with the draft H1 (10) Local Plan Policy.

**Helen Whately MP** has raised serious concerns regarding this application being decided in advance of the examination in public of the submitted Maidstone Local Plan.

**Officer Response**

It is considered that it would be wholly unreasonable for the Council to refuse to determine this application on the basis of waiting for the Local Plan to be examined. Nor is there considered to be grounds for the application to be refused on the basis of a decision being 'premature' in advance of the examination. Following NPPG advice on the matter, the site is allocated within the submitted Local Plan and is an integral part of the Plan. As such, this application would not undermine the plan-making process from the Local Planning Authority's perspective.

**Countryside Properties** have written to agree the proposed apportionment process for highways mitigation.

# Agenda Item 18



15/509251 - Land North of Bicknor Wood  
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**REPORT SUMMARY**

|   |   |   |
|---|---|---|
| <b>REFERENCE NO:</b> 15/509251/OUT  |   |   |
| <b>APPLICATION PROPOSAL:</b> Outline application for <b>residential development</b> with associated vehicular, pedestrian and cycle access, and associated works, including provision of public open space. (All matters reserved for future consideration with the exception of access).   |   |   |
| <b>ADDRESS:</b> Land North of Bicknor Wood, Sutton Road, Maidstone, Kent  |   |   |
| <b>RECOMMENDATION:</b> Delegated powers be granted to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions.<br><br>(see Section 9 of report for full recommendation)  |   |   |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b><br><br>The development is proposed in a sustainable location, which immediately adjoins an existing settlement and is not considered to result in significant planning harm. Given these issues and the fact the site is allocated for housing within the submitted version of the draft Local Plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.   |   |   |
| <b>REASON FOR REFERRAL TO COMMITTEE:</b><br><br><ul style="list-style-type: none"> <li>• Departure from the Development Plan</li> <li>• Objection from Statutory Consultee</li> <li>• Referral from two Parish Councils.</li> </ul>   |   |   |
| <b>WARD:</b><br>Downswood & Otham   | <b>PARISH/TOWN COUNCIL:</b><br>Otham        | <b>APPLICANT:</b> Bellway Homes<br><b>AGENT:</b> DHA Planning |
| <b>DECISION DUE DATE:</b><br>17/06/2016   | <b>PUBLICITY EXPIRY DATE:</b><br>10/06/2016 | <b>OFFICER SITE VISIT DATE:</b><br>various site visits        |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b><br><br><p>15/507187/ENVSCR - Environmental Screening Opinion - Development of up to 300 dwellings and associated infrastructure – EIA not required.</p> <p>15/506840/FULL - Temporary change of use of land for the storage of topsoil prior to distribution (Retrospective) – Approved.</p> <p>13/0951/FULL - Full application on land to north of Sutton Road (Bellway Imperial Park site to the south of the application site) for residential development of 186 dwellings comprising a mixture of 2, 3 ,4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works – Approved.</p> <p>14/506264/FULL – Full application on land at Bicknor Farm, Sutton Road (Jones Homes site to the southeast of the application) – for residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure.</p> |   |   |

## MAIN REPORT

Members resolved to defer the application from Planning Committee on 7<sup>th</sup> July 2016 for further information to be provided on matters relating to highways and air quality issues. This version of the report consolidates the previous Urgent Updates where they alter the text of the main report. For ease of recognition, these alterations are highlighted in **bold and underlined**. Matters which have been the subject of Urgent Updates but do not alter the text of the original report are included as Appendix B. An additional Urgent Update report will be produced providing the information requested.

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is a parcel of agricultural (arable) land, of approximately 14 hectares in area, situated to the north of A274 Sutton Road, to the south of White Horse Lane and to the east of Gore Court Road, located on the south-eastern edge of Maidstone.
- 1.02 To the north the site is bound by White Horse Lane, surrounded by residential development along Gore Court Road and Church Road to the northeast and residential development along White Horse Lane to the northwest.
- 1.03 The eastern boundary of the site is defined by a mature tree lined hedgerow, surrounded by agricultural land with residential development along Honey Lane beyond.
- 1.04 There are no existing landscape features within the Site itself and well-established hedgerows along Gore Court Road and White Horse Lane provide a degree of visual enclosure. Bicknor Wood screens views from Imperial Park to the south, and along the eastern boundary an avenue of lime trees filters views from the east.
- 1.04 To the south of the application site is 'Bicknor Wood' – an area of woodland classified as Ancient Woodland. Immediately to the south of Bicknor Wood is the Imperial Park housing development of 186 houses (13/0951/FULL). This land is promoted by Bellway Homes and is currently under construction.
- 1.05 To the southeast is Bicknor Farm; this land is being promoted by Jones Homes and currently has a full planning application pending (14/506264/FUL) for the provision of 271 dwellings.
- 1.06 To the west the site is bounded by Gore Court Road, surrounded by residential development situated on the south-eastern edge of Maidstone. To the south west of the site is an open playing field associated with a community centre at the southern end of Titchfield Road.
- 1.07 The topography of the site is relatively flat, with a slight slope from the lowest point in the northwest corner to the highest point in the southeast corner.
- 1.08 The site adjoins the settlement boundary of Maidstone, located outside settlement confines, within the countryside. Within the Emerging Local Plan, the site has a residential allocation in draft MBLP policy H1(7).

## 2.0 PROPOSAL

- 2.01 **This is an outline application for residential development, together with areas of open space, landscaping and access. Access is to be considered in detail at this stage with all other matters reserved for future consideration. The development proposed more open space and more developable area than Policy H1 (7) which suggests the site is suitable for approximately 190 units with 3.99ha of open space, at a density of approximately 27 dwelling per hectare. The indicative scheme shows approximately 250 units with 5.8ha of open space and the suitable woodland and landscape buffers required by the policy. This leads to a density of 17.8 dwellings per hectare gross, 30.5 dwellings per hectare net**
- 2.02 The indicative plans submitted with the application seek to demonstrate that the site can accommodate this level of residential development, show a potential layout with the main access road to the west off Gore Court Road, entering the site via a tree lined avenue, looping around the site with a number of shared surface lanes running off with green lanes and private drives around the perimeter of the site. Landscape buffers are shown along the western, southern, eastern and northern boundaries, with an area of open space running through the centre of the site.
- 2.03 Vehicular access to the application site will be provided from Gore Court Road via Sutton Road and the Imperial Park development. The existing junction connecting Gore Court Road to Sutton Road will be closed off and the new Imperial Park junction will take cars off Sutton Road, through Imperial Park and onto Gore Court Road. A new priority junction is proposed to the southwest of the application site off Gore Court Road. This will allow vehicles to access Church Road via Gore Court Road and White Horse Lane via the proposed new route running through the application site.
- 2.04 As the proposed new route through the application site provides direct access to White Horse Lane and given the poor visibility at the existing White Horse Lane / Gore Court Road junction – the proposed development seeks to downgrade the western end of White Horse Lane; limiting this part of White Horse Lane to pedestrian and cyclists only.
- 2.05 Several landscape features comprising parts of the Site's physical fabric, would be modified or removed, as follows:
- Small areas of hedgerow will be removed to accommodate vehicular access to the Site from Gore Court Road and White Horse Lane. The majority of the perimeter hedgerow will be retained and reinforced.
  - A few small gaps would be made in the hedgerow along the northern and western
  - Boundaries of the Site to allow for pedestrian and cycle access.
  - The replacement of an arable field with residential land, public open space and a new woodland belt.
  - The existing junction between Gore Court Road and White Horse Lane will be altered with an approximate 100m section of White Horse Lane becoming closed to traffic and being used for cycle/pedestrian access only.
  - At its south western boundary, the original proposal involved the removal of a minor element of ancient woodland (Bicknor Wood) and 3 TPO trees in order to accommodate the widening of Gore Court Road and introduction of a footpath along this edge of the road

## **AMENDED PROPOSAL**

2.06 As a consequence of consultation responses, particularly in regard to the outlook of local residents to the west of the site and the impact upon the ancient wood land, the proposal was amended in the following respects:

- Provision of a green buffer on the western boundary of the site, on Gore Court Road **of a width of 15m**;
- Provision of a footpath via the south eastern corner of the site, providing a more direct access south towards Sutton Road and access to public transport;
- A realignment of the proposed access road to the south west into the open space associated with the community building at the south of Titchfield Road;
- As a consequence of the proposed road realignment, the 3 TPO trees originally proposed for removal are retained and there is no loss of ancient woodland.

## **3.0 PLANNING HISTORY/BACKGROUND INFORMATION**

3.01 The site was initially promoted through the call for sites submission undertaken by Maidstone Borough Council in 2013, supported within the Regulation 18 Local Plan Consultation undertaken in 2014 and subsequently included within the draft Maidstone Draft Local, which has been submitted to the Secretary of State for Independent Examination. Draft MBLP Policy H1(7) allocates Land North of the Bicknor Wood for the provision of approximately 190 dwellings at an average density of 27 dwellings per hectare.

### ***Policy H1 (7)***

#### ***North of Bicknor Wood, Gore Court Road, Otham***

*North of Bicknor Wood, as shown on the policies map, is allocated for development of approximately 190 dwellings at an average density of 27 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.*

*The site will not be released until:*

- 1. Access from Sutton Road to Gore Court Road is completed in association with site H1(6) North of Sutton Road; and*
- 2. A woodland belt ranging from a minimum of 40 metres to 80 metres in width linking the eastern section of Bicknor Wood to East Wood is planted.*

#### ***Design and layout***

- 3 An undeveloped section of land will be retained on the eastern part of the site.*
- 4 Provision of a 15 metre wide landscape buffer along the site's boundary with Bicknor Wood incorporating a pedestrian route and cycle way, which will be constructed and planted before the occupation of the first dwelling.*
- 5 Provision of a woodland belt ranging from a minimum of 40 metres to 80 metres in width to link the eastern section of Bicknor Wood to East Wood.*

#### ***Access***

- 6 Access will be taken from Gore Court Road connecting to the spine road on site H1(6) North of Sutton Road.*

#### ***Air quality***

- 7. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.*



**Open space**

8. *Provision of approximately 3.99ha of open space within the site together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM22.*

**Highways and transportation**

9. *Pedestrian and cycle links to existing residential areas, White Horse Lane and Gore Court Road and Bicknor Farm (policy H1(9)).*
10. *Widening of Gore Court Road between the new road and White Horse Lane.*

**Strategic highways and transportation**

11. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
12. *Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.*
13. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
14. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
15. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor."*

- 3.02 An Environmental Screening Opinion for development of up to 300 dwellings and associated infrastructure (15/507187/ENVSCR) was submitted in September 2015 and confirmed an Environmental Impact Assessment is not required.
- 3.03 Two pre-application advice meetings were held with the Council in August and September 2015, which involved the input of Design South East as the Council's design advisors.

**4.0 POLICY AND OTHER CONSIDERATIONS**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan (2000) Saved Policies SSC2, ENV6, ENV21, ENV26, ENV28, ENV32 and ENV35; T2, T3, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015) and Landscapes of Local Value (2015)
- Maidstone Integrated Transport Strategy 2012-2026
- Submission version of the draft Maidstone Borough Local Plan (2016) SS1, SP3, SP5, SP17, H1(9), H1 (7), H2, DM1, DM2, DM3, DM11, DM12, DM13, DM14, DM23, DM24, ID1
- Agricultural land classification survey of m potential development sites in Maidstone Borough, Report 1030/1 21<sup>st</sup> November 2014.
- MBC Landscape Capacity: Site Assessments 2015

## 5.0 LOCAL REPRESENTATIONS

5.01 Approximately 70 representations have been received raising the following main (summarised) points:

- Development in the countryside.
- Additional traffic and congestion on Sutton Road, Church Road, White Horse Lane, Honey Lane, Otham Street and Gore Court Lane.
- Accumulated ancient woodland pressure.
- Difficulty of Gore Court Road and Sutton Road Junction may encourage people to join A274 via Imperial Park.
- Overdevelopment and amount of development.
- Additional traffic will result in danger for pedestrians/ cyclists.
- Danger with no pavements present on Gore Court Road.
- Impact on the surrounding rural area.
- Loss of views.
- Loss of trees.
- Water and other infrastructure to support the living and lifestyle of these new homes.
- Increase in noise, light pollution and emissions.
- Flooding potential of site, Gore Court Road and White Horse Lane.
- Lack of capacity in local schools and doctor surgeries.
- Loss of agricultural land.
- Poor visibility on emerging from private driveways and access roads near Otham.
- Concerns about possible impact on ground nesting birds, most notably skylarks.

## 6.0 CONSULTATIONS

6.01 **Otham Parish Council** - Wish to see the application refused on the following (summarised) grounds and wish for the application to be reported to planning committee.

- The impact that the allocations will have on Otham.
- There is a need to preserve an area of green space on this side of Maidstone.
- Amount of development inappropriate.
- Capacity of surrounding roads.
- Impact on listed buildings.
- Increase risk of flooding.
- Inadequate protection for the ancient woodland.
- Shortage of surgeries, hospitals, schools and shops in the area.
- Previously refused application.

6.02 **Downswood Parish Council** - Wish to see the application refused on the following (summarised) grounds and wish for the application to be reported to planning committee.

- Impact on character of area.
- Impact on listed buildings.
- Sewage capacity.
- Traffic concerns.
- Rural activities will suffer as a result of development.
- Impact on ecology.

- The churchyard at St Nicholas is nearly full and therefore additional burial ground land will soon be required.
- Shortage of surgeries, hospitals, schools and shops in the area.
- Previously refused application.

6.03 **KCC Biodiversity** - have reviewed the information which has been submitted with the planning application and make the following comments:

MBC must be satisfied that the benefits of the proposed development clearly outweigh any potential deterioration of the ancient woodland within the site boundary. KCC Biodiversity have reviewed the mitigation and advise that the mitigation proposed is likely to reduce impacts from the proposed development on the area of ancient woodland and recommend that the production and implementation of a management and monitoring plan is approved as a condition of planning permission.

No breeding bird survey was carried out as part of the planning application and as the development (if granted) will result in a loss of an arable field we had concerns that it might be used by ground nesting birds. However the information provided by the applicant has satisfied us that there was no requirement for a breeding bird survey to be carried out.

KCC Biodiversity recommend that a detailed management plan and detailed lighting plan to be submitted with the reserved matters application and would expect the site layout for a reserve matters scheme (if granted) to demonstrate that the ecological enhancements will be incorporated in to the site.

6.04 **Natural England** – Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Spot Lane Quarry SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

6.05 **Environmental Health** – raise no objection subject to conditions and informatives attached if permission is granted.

6.06 **Kent Wildlife Trust** – raise no objection subject to the following recommendations:

- There is a site management plan submitted at reserved matters stage, supported by condition here at outline. This would clearly address any mitigation issues relating to habitats and species.
- A lighting strategy is conditioned in order to avoid any negative impact upon Bicknor Wood.

- 6.07 **Southern Water** - *Following initial investigations, Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned proposal.*

*Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable." And "Construction of the development 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 Southern Water."*

- 6.08 **UK Power Networks** – raise no objection.
- 6.09 **Kent Police** - recommend condition imposed if planning permission is granted relating to crime prevention.
- 6.10 **Southern Gas Networks** – raise no objection.
- 6.11 **Rural Planning Ltd** – the development of the 6 ha BMV land here would be another cumulative loss of some significance to the area, albeit it may be fair to observe that so long as it were to be managed in its current form as a single field, the choice of cropping types will tend to be restricted to the potential offered by the poorer quality land which occupies the larger proportion of the field as a whole.
- 6.12 **KCC Archaeology** – confirms the development is supported by a Desk-based Archaeological Assessment by CgMs. This DBA provides reasonable baseline information and in general I agree with their approach. The DBA has been passed to the HER for future reference. I recommend that the setting of the historic Gore Court parkland is sympathetically considered and that landscaping proposals enhance the historic character of Gore Court parkland and recommend that provision is made for a full programme of archaeological work and is secured by condition.
- 6.13 **KCC Transportation** - strongly objects to major residential-led development in this location on grounds which can be summarised accordingly:
- The allocation of the site in the emerging Maidstone Borough Local Plan is based on a development strategy that is not justified by proportionate evidence and is not consistent with national planning policy;
  - The residual traffic impact generated by the proposal would have adverse implications on the operation of the A229/A274 and A20 corridors, resulting in an unacceptable worsening of the extensive road congestion that is already prevalent;
  - A holding objection is therefore raised in the absence of any conclusive evidence to demonstrate that the impact of the development can be fully mitigated; and

- Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh any benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

- 6.14 **Heritage, Landscape and Design** – confirm the Landscape and Visual Impact Assessment is considered acceptable in principle. They welcome the amendments that secure the three B grade mature trees (protected by TPO) and the avoidance of any loss of an area of ancient woodland.

The Council's Landscape Capacity: Site Assessments 2015 considers the site to have a moderate landscape capacity to accommodate housing and outlines the following characteristics and guidance:

*Landscape Character Sensitivity:*

- *Medium sized, arable field with limited character within itself, but borrowing a sense of place from a wider mosaic of woodland and parkland outside the site boundary*

*Visual Sensitivity:*

- *Woodland belts and parkland trees at Gore Court enclose the site and intercept views*
- *There would be some views from houses on the urban edge*

*Landscape Value:*

- *Ancient woodland belts, to the north, south and east of the site also mostly covered by TPO*
- *Public rights of way along northern and eastern boundaries of the site*
- *Gore Court to the north is a listed building*

*Opportunities and Constraints:*

- *Retain trees and woodland belts and integrate into a wider landscape framework to address cumulative effects*

*Mitigation:*

- *Build upon existing boundary tree planting to screen new development and provide a setting for public rights of way*
- *Consider the wider setting of Gore Court to the north.*

- 6.15 **KCC PROW & Access** - repairs and improvements to the surface of footpath KM87 could be requested due to its importance to new residents completing non-motorised journeys.

- 6.16 **Upper Medway IDB** –no comment.

- 6.17 **Arriva Bus Services** – have commented on the three current applications on the A274 (Bellway Homes, Jones Homes and Countryside Properties site). With regards to this application, Arriva state the development is shown as being accessed only from Gore Court Road and White Horse Lane. Due to its relatively small size it would be unable to support its own bus service therefore it is important good quality direct pedestrian paths are provided to bus stops on the A274 where frequent bus services will, ultimately, be available.

6.18 **NHS S106 Request** - seeks a health care contribution of £244,584.

*In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:*

- Wallis Avenue Surgery
- Mote Medical Practice
- Northumberland Court
- Downswood Surgery
- Grove Park Surgery

*The above surgeries are within a 1 mile radius of the development at Sutton Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity. NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.*

*The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.*

*Predicted Occupancy rates*

- 1 bed unit @ 1.4 persons
- 2 bed unit @ 2 persons
- 3 bed unit @ 2.8 persons
- 4 bed unit @ 3.5 persons
- 5 bed unit @ 4.8 persons

*For this particular application the contribution has been calculated as such:*

| <b>Predicated Occupancy Rates</b> | <b>Total Number in Planning Application</b> | <b>Total Occupancy</b> | <b>Contribution Sough (occupancy x £360)</b> |
|-----------------------------------|---|------------------------|--|
| 1.4                               | 6   | 8.4                    | £3,024                                       |
| 2                                 | 80  | 160                    | £57,600                                      |
| 2.8                               | 90  | 252                    | £90,720                                      |
| 3.5                               | 74  | 259                    | £93,240                                      |
|                                   |   |                        |  |
|                                   |   |                        | £244,584                                     |

NHS Property Services Ltd therefore seeks a healthcare contribution of £244,584, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

6.19 The Council's Conservation officer has no objection to the proposals.

## 6.20 Design South East

The Council's design advisors Design South East have considered the proposal on a number of occasions. The scheme was presented to the South East Design Panel at pre-application stage and they commented on the original submitted proposal as follows:

- *links to the adjoining new developments and Sutton Road are important.*
- *A substantial green corridor link on the western edge is important, especially if some minor loss of the ancient wood cannot be avoided. This will help enable a wildlife corridor to link the ancient wood to the wood to the north of the site.*
- *Agree the formal northern entrance, opening up the main entrance with more open space and introducing a more formal avenue as well.*
- *We suggest thinking through dog-walking circuits on the site to help avoid pressure on the ancient woodland.*
- *If a footpath winding beneath them could be designed, can the TPO trees be retained.*

Following revisions, they further considered the scheme on 26<sup>th</sup> May and had the following comments:

*There have been very positive changes in response to the last surgery comments :*

- *The main change is to the site red line to include land to enable a road access, which will now not need to take part of the Ancient Woodland or the 4 TPO trees. This is very positive.*
- *The site's west boundary now includes a buffer green area, again very positive. In the last surgery session however we suggested a green corridor through the site should connect to the Ancient Woodland on its west boundary. To take it just this one step further to complete the green link would be worthwhile achieving.*
- *We also suggested there could be a more formal housing arrangement at the entrance, echoing the formality of the second northern entrance. Could the two aims be combined?*
- *SUDS? Is the new soft rectangle next to the LEAP an informal depression open for playing or a more severe sloped SUDS feature likely to be unsympathetically fenced? If so could a better SUDS arrangement be found, such as distributing the water to the lower lying site edge? This space next to the LEAP could then be a very good informal kick about area.*
- *Strongly welcome the new footpath link to the adjoining land. However could it link to the end of the nearest access road, so families with children will naturally take it to walk down to the bus stops and schools?*

## 6.21 Lead Local Flood Authority

We note some revised details have been submitted for this development, however no further information regarding the site's drainage proposals has yet been provided, in particular information to demonstrate a suitable outfall for surface water from the site as stated in our previous consultation response dated 10<sup>th</sup> December 2015. If new information has been provided we would appreciate a direct link to the document(s). Based on the information available, KCC therefore are unable to remove our objection until a drainage strategy has been provided demonstrating adequate management of surface water for the proposed development via an outfall fully compliant with our Drainage and Planning Policy Statement.

6.22 **Highways England** have been consulted on the revised proposal. No comments have been received.

6.23 **KCC Education and Community Services** have requested the following contributions:

Primary Education:

- Langley Park Primary School construction: £964,000;
- Langley Park Primary School site acquisition: £651,092;

Secondary Education: £568,711;  
(Towards the Third Phase of the expanding Cornwallis School)

Community learning £7674  
(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);

Youth Services £2,121  
(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;

Library bookstock £12,003  
(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)

Social Care £13,470  
(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);

Provision of wheel care homes as part of the affordable housing element;  
Provision of on-site broadband (as reserved matters condition).

6.24 The Council's Park's Department commented as follows:

The proposal provides in excess of the minimum requirement of onsite open space as a whole. It proposes a LEAP in a central location on the site. There are however shortfalls in various categories, including allotments, sports pitches or recreations areas for different ages.

In order to cover the shortfall in terms of outdoor sports facilities and other open space, in line with MDLP Policy DM22 I would suggest that a financial contribution is sought towards existing offsite facilities, namely at Senacre Recreation ground.

## 7.0 APPRAISAL

### Local planning policies – weight

7.01 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*



- 7.02 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031 (which will be discussed in detail below), which the draft MBLP addresses, in part, by way of site allocations for housing outside sites outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings are expected to take place in September 2016. The draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed over the plan period. Saved policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough and in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.

The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies SP3 and H1. Consequently, although saved policy ENV28 continues to be a material planning consideration, as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF.

- 7.03 Paragraph 216 of the NPPF states that,

*"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

- 7.04 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

*"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."*

- 7.05 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(7) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

- 7.06 In conclusion and bearing in mind the fact that the Council has agreed to use draft MBLP Local Plan policies for development management purposes, the weight to give that plan and the draft site allocation policy H1(7) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

### **Principle of Development**

- 7.07 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

- 7.08 The application site is to the east of the defined settlement boundary of Maidstone. It is therefore upon land defined in the adopted Local Plan as countryside.

- 7.09 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:

*“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”*

- 7.10 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the **adopted** Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case.

- 7.11 Draft MBLP policy SP17, which relates to development in the countryside and, when adopted, will replace saved policy ENV28 is also relevant to the determination of this application. Draft MBLP policy SP3, relating to The Maidstone South East Strategic Development Location is also relevant, together with draft MBLP policy H1(7) which allocates the site for housing of approximately 190 dwellings. As such, whilst the site is located outside of the existing settlement boundary within the countryside, given the site's allocation for housing within an extension of the urban development boundary set out in draft MBLP policies SP3 and H1(7), the proposed development would accord with the policies of the draft MBLP, which should be accorded significant weight in the determination of this application.

7.12 It is necessary therefore to consider three main issues in relation to the proposals.

1. Does the application accord with the development plan notwithstanding its lack of compliance with saved policy ENV28;
2. If it does, are there other material planning considerations that indicate that the planning permission should nevertheless be withheld;
3. If it does not, do other material planning considerations indicate that planning permission should be granted.

As for Question 1, the non-compliance with saved policy ENV28 must be considered in the context of the site's inclusion within a planned eastern extension to the edge of Maidstone, albeit in a fully contained and screened setting. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the draft MBLP, which will alter the existing development boundary. Those allocations include this site (draft MBLP policy H1(7)). Accordingly, although this application does not comply with ENV28 as it proposes development in the 'countryside', limited weight should be accorded to that non-compliance, as the site is allocated for development in the draft MBLP. The proposal is considered to accord with the development plan in relation to other policies.

Questions 2 and 3 of the above test are addressed in the report's conclusions in paragraph 8.05.

7.13 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that local planning authorities should;

*"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"*

7.14 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the Borough for the 20-year period of the emerging Local Plan (2011-31). The SHMA (January 2014) identifies an objectively assessed need (OAN) for 19,600 additional new homes over this period, which the Council's Cabinet agreed in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined OAN figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date, revised household projection figures have been published by the Government and, as a result, the SHMA has been re-assessed. At the meeting of the Council's Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Members agreed a new OAN figure of 18,560 dwellings.

- 7.15 The draft MBLP allocates housing sites considered to be in the most sustainable locations for the Borough to meet the OAN figure will allows the Council to demonstrate a 5-year supply of deliverable housing sites.
- 7.16 The annual housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the Council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 7.17 Policy SP3 of the emerging local plan relating to the Maidstone urban area: south east strategic development location, sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(7) of the emerging plan for development of approximately 190 dwellings and sets out the criteria to be met whereby planning permission would be granted.
- 7.18 The site is located close to public transport routes and in close proximity to the Langley Park development opposite which would enhance the sustainability of the site through the provision of new retail, school and commercial development and the provision of other local services and facilities. This also represents a strong material consideration in favour of the development.
- 7.19 For these reasons, it is considered that the principle of the development is acceptable in principle, having regard to relevant national and local planning policy in the NPPF the draft MBLP, respectively. Accordingly, applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, planning permission should be granted unless the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits having regard to the policies of the NPPF considered as a whole. Accordingly, in the following paragraphs of this appraisal, detailed consideration is given to the impact of the proposed development.

### **Design Quality and the Quantum of Development**

- 7.20 The illustrative proposal indicates a design providing a generous amount of green space and sensitive boundary treatment that will help to screen the development and set it attractively in the landscape. The proposed access road forms an axis through the scheme, with a clear hierarchy of roads provided from it. Footpaths have been used to maximise permeability to adjoining land while seeking to minimise impact upon wildlife. Overall the design appears high quality and in keeping with its setting.
- 7.21 Officers have been successful in negotiating a range of improvements to the proposal including:
- **The introduction of an additional landscape buffer of a minimum of 15m in width for the entire western edge of the site excluding the access road and associated footway;**
  - Provision of an addition footpath to the south eastern corner of the site;
  - Retention of 3 trees subject to a TPO and avoidance of loss of any ancient wood land.

- 7.22 The Council's design advisors Design South East have considered the proposal and are very positive about the improvements that have been negotiated.
- 7.23 **Draft MBLP Policy H1(7) suggests an allocation of approximately 190 dwellings. While the current housing application does not formally specify the number of dwelling, the indicative design shows a minimum of 250 dwellings. The indicative layout taken together with spatial requirements including open space and green buffers shows that the site is suitable for a greater amount of development than that put forward in Policy H1(7). In order to ensure a suitable level of development is not exceeded, a condition is suggested limiting the amount of development of up to 250 units. The proposal's delivery of housing is fully consistent with the policy priority to significantly boost the supply of housing in accordance with Paragraph 47 of the NPPF.**

#### **Affordable Housing**

- 7.24 The adopted affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision. Draft MBLP policy DM13 sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Draft MBLP policy DM13 is underpinned by draft MBLP policy SP3 of the emerging Local Plan (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and five other strategic housing sites (as set out in draft MBLP policies H1(5) to H1(10)). As such, as the site is an allocated housing site (draft MBLP policy H1(7)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances, in line with the views of the Council's housing officer.
- 7.25 It is acknowledged that policies contained within the draft MBLP do not carry full weight at this stage, as draft MBLP has been submitted to the Secretary of State, they should be accorded significant weight in the determination of this application. The Council, as local planning authority, has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature.
- 7.26 As such, it is considered appropriate to apply and accord significant weight to relevant draft MBLP policies to this application relating to an allocated housing site which would bring forward the implementation of a strategic housing site and would provide a significant proportion of the Council's strategic five-year housing supply. Whilst the application does not comply with saved policy ENV28, and may be considered a departure from the Development Plan, other material planning considerations must also be taken into account, including the delivery of much-needed affordable housing. A 30% affordable housing provision is acceptable in the circumstances. The housing officer accepts this proportion.

#### **Visual/Landscape Impact**

- 7.27 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 7.28 The immediate surrounding landscape is of a gentle spread of undulating land across

a mix of agricultural and wooded landscape, before localised and more extensive hills and dip slopes rise and fall in the terrain of the wider landscape. The topography of the site area reflects the immediate surrounding landscape, and is relatively level with a gentle fall across the site area predominantly from the eastern edge toward the north western corner of the site area.

### **Landscape Character Impact**

- 7.29 The developers have submitted a Landscape and Visual Impact Assessment as part of their application.
- 7.30 This report concludes that the proposed development would not give rise to any **Major** or **Major-Moderate** adverse landscape or visual effects. The Site benefits from a high level of visual containment and the development layout includes the provision of a minimum 40m width proposed woodland along the eastern boundary and a minimum 15m width landscape buffer adjacent to Bicknor Wood to the south of the Site. In terms of landscape character, there will be a **Minimal** effect to the Gore Court Farm LCA which means that overall, the fundamental qualities and characteristics of the surrounding landscape character and wider setting would prevail. In keeping with general planning policy assumptions, effects on landscape are presumed to be **Adverse**, although the addition of the proposed woodland belt would be a positive contribution to landscape character.

In terms of visual impacts, there will be a **Moderate** to **Slight** effect on the visual receptors immediately adjoining the Site. The effects on views are presumed to be **Neutral**, or on balance, **Adverse**, depending upon the screening effects of the proposed mitigation vegetation. Overall, there would be a Minimal effect on the village of Otham, and there are no views of the proposed development from the Conservation Area which means it would not have an impact on the special qualities and setting of this area. There would be no discernible views of the proposed development from wider areas and there would be no widespread visual effects up receptors beyond the immediate vicinity of the Site. For the vast majority of visual receptors within the study area there will be **Negligible** or no effect.

- 7.31 The proposed development has been designed to comply with the particular requirements set out in this policy, and has also responded sensitively to the surrounding landscape character in order to protect and retain existing characteristic landscape features. A comprehensive landscape and Green Infrastructure strategy is proposed which identifies opportunities and important assets of the Site in order to enhance these key features and introduce new public open space and recreation facilities
- 7.32 The provision of landscape and wildlife buffers, of varying widths, in line with policy H1(7) will help to screen the development from adjoining uses, helping to mitigate its impact. The provision of approximately 5.8 hectares of open space within the site will provide an open outlook and setting to the development and is in line with Submission Draft Local Plan Policy DM22 *Publicly accessible open space and recreation*. Suitable financial mitigation is proposed to cover other elements of open space requirements not provided on site.
- 7.33 The landscape officer has considered the LVIA and concludes that it and the proposal is acceptable in terms of the proposals impact upon landscape character and in terms of the assessment provided in the MBC Landscape Capacity: Site Assessments 2015. Following the submission of amendments, the landscape officer considers the proposal to be acceptable in landscape terms, the proposal's impact on

the ancient woodland and TPO trees would be protected by one or more suitably worded planning conditions.

- 7.34 In conclusion while it is considered that the proposal conflicts with ENV28, it is not considered that the development harms the character and appearance of the area and no other considerations outweigh this conclusion.

#### **Loss of agricultural land**

- 7.35 The site consists of 14 ha of agricultural land of which about 6 ha towards the south-eastern corner of the field, is considered to be *"best and most versatile"* land, comprising Grade 3a (good quality) and Grade 2 (very good quality) in roughly equal proportions. The remainder of the site is indicated as poorer quality (Grade 3b). While the development of the 6 ha BMV land here would represent a cumulative loss of some significance to the area, as long as it were to be managed in its current form as a single field, the choice of cropping types will tend to be restricted to the potential offered by the poorer quality land which occupies the larger proportion of the field as a whole. The Agricultural Land Quality Study of Sites in Maidstone Borough has assessed the site in the context of the quality of local agricultural land as a whole. It concludes that "while most of the land on the Malling social association is in the best and most versatile category, in Otham parish and either side of Sutton Road poorer sub-grade 3b land is dominant, with significant patches of best and most versatile land within it".
- 7.36 The loss of this agricultural land is a material planning consideration that engages paragraph 112 of the NPPF which states:
- "112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."*
- 7.37 The Sustainability Appraisal (SA) for the Submitted Draft Local Plan (February 2016) identifies the site as being grade 2 agricultural land. Within the Summary, the SA identifies the significant loss of agricultural land in all considered alternatives (relevant are paras 3.4.33 and 3.3.12, which states *"There are negative effects on land use across all of the alternatives; with a significant loss in greenfield and agricultural land."*
- 7.37 Secondly the adopted Local Plan policy protecting Best and Most Versatile Agricultural Land (ENV29) is not a 'saved' policy and thus no longer applies.
- 7.38 Taking account of all these considerations, the proposed loss of agricultural land accords with the Development Plan, there being no saved policy addressing the issue. The harm caused by the loss of agricultural land is considered to be moderate and, in acceptable in policy terms, taking proper account of paragraph 112 of the NPPG and draft MBLP policy H1(7), which allocates the site for residential development and natural and semi-natural open space.

### Highways Issues

7.39 Paragraph 32 of the NPPF states that all development which generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.40 The housing allocation Policy H1(7) of the Submission Version of the Local Plan sets out the following Highways and Transportation criteria required to gain planning permission:

6. *Access will be taken from Gore Court Road connecting to the spine road on site H1(6) North of Sutton Road.*
9. *Pedestrian and cycle links to existing residential areas, White Horse Lane and Gore Court Road and Bicknor Farm (policy H1(9)).*
10. *Widening of Gore Court Road between the new road and White Horse Lane.*
11. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
12. *Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.*
13. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
14. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
15. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor."*

All of the above elements are proposed in the scheme current before the Committee, **apart from:**

14. *Improvements to capacity at the A229/A274 Wheatsheaf junction*

**This improvement is** already fully funded as shown in the Apportionment table in Appendix Two. Not further funding is therefore required by the current proposal in this respect.

7.41 The applicant has submitted a Transport Assessment and associated Transport Technical Notes, which consider the traffic and transportation implications and present capacity testing of highway junction models in close vicinity of the site and whether they have sufficient capacity with the additional development traffic flows. Highway mitigation measures are subsequently recommended to address the increase in traffic associated with the application site, committed development sites



and surrounding housing sites where planning applications have been submitted to the Council but not as yet determined.

Existing Conditions

- 7.42 The A274 Sutton Road forms one of the major routes from areas to the south and east of Maidstone into the town centre. It also provides a route (via the B2163 through the villages of Langley Heath and Leeds) to Junction 8 of the M20. Junction 8 of the M20 is some 6km northeast of the Site. At the point adjacent to the site frontage, Sutton Road is a two-way single lane carriageway with an approximate width of 7.5 metres and is subject to a 40mph speed limit.
- 7.43 Approximately 300m south west of the southwest corner of the site, Sutton Road becomes more urban in nature and this is reflected by the 30mph speed limit, which is introduced at this location together with street lighting.
- 7.44 Approximately 1km south east of the site, Horseshoes Lane forms a simple priority junction with the A274 Sutton Road and forms the signposted route from the northwest to Langley Heath and Leeds villages, which in turn provides onwards travel to Junction 8 of the M20.
- 7.45 Approximately 1.5km to the west of the site, the A274 Sutton Road forms a staggered signal controlled junction with Willington Street and Wallis Avenue. This includes the provision of a toucan crossing in the centre of the stagger and signposted cycle routes to Maidstone Town Centre, with a controlled pedestrian crossing on Willington Street and uncontrolled pedestrian crossing of Wallis Avenue.
- 7.46 Pedestrian routes in the vicinity of the site provide connections to existing bus stops, employment sites, surrounding residential areas, schools, health services and local centre shops.
- 7.47 Regular bus services served by 3 routes are currently accessible within short walking distance of the site. Future residents and their visitors will have the opportunity to access the site by a choice of travel modes.
- 7.48 The local and wider highway network in the vicinity of the site is of a good standard and is suitable for providing access to the proposed development. A review of accident records for the most recently available five-year-period shows that there are no particular highway safety concerns relating to the existing operation of local roads.
- 7.49 The proposed road layout includes the closure of Gore Court Road at its junction with Sutton Road, in order to ensure primary vehicular access to the site is provided via the Imperial Park site .
- 7.50 KCC Highways has raised a holding objection to the proposal on the basis that there is no conclusive evidence to demonstrate that the impact of the development can be fully mitigated and would have a severe impact upon traffic conditions on the A274/A229 and A20 and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.51 MBC have commissioned transport consultants Mott MacDonald (MM) to assess the likely impact of the proposal, and other relevant planning applications in the area. MM have reviewed all the information that has been submitted by the applicant's

transport consultant Icení and have considered KCC's response in detail. Furthermore, MM have liaised with Icení to clarify any outstanding matters.

7.52 The KCC response is dated 25 January 2016 and raises a holding objection based on the site being remote with limited scope "for local journeys to be undertaken by means other than the private car", the submitted Transport Assessment not containing appropriate assessments of the junctions affected by development traffic, the lack of mitigation proposed, and the "worsening delays for road users and local residents" resulting "in the increased use of minor roads as alternative routes".

7.53 Icení's Transport Note dated 17 May 2016 contains detailed assessments for the key junctions and proposes mitigation where increased delays and queuing was identified. The following junctions were assessed:

- A274 Sutton Road / Imperial Park, mitigation proposed in form of signalisation
- A274 Sutton Road / Willington Street / Wallis Avenue, mitigation proposed
- A274 Sutton Road / New Road, junction within capacity with development flows
- A274 Sutton Road / Horseshoe Lane, additional queuing limited and not considered severe
- A20 Ashford Road / Willington Street, impact of development flows shown to be minimal, no detailed assessment undertaken

*A274 Sutton Road / Imperial Park*

7.54 The modelling included in the Transport Note dated 17 May 2016 is based on the signalisation of this junction.

The results presented in the Transport Note show the practical reserve capacity in 2030 to reduce from 7.7% to 7.1% in the AM peak and -0.5% to -2.7% in the PM when comparing committed development and with development flows both tested with the proposed layout. Whilst the PM peak is marginally over the desirable limit in both scenarios, the difference in queue is small, increasing from 40.1 to 42.9pcu.

*A274 Sutton Road / Willington Street / Wallis Avenue*

7.55 The modelling included in the Transport Note dated 17 May 2016 is based on the following mitigation measures:

- The widening of the A274 Sutton Road to provide two carriageway lanes in each direction between its junctions with Wallis Avenue and Willington Street; and
- The provision of two-to-one lane merges on the Sutton Road (north) exit of the A274 / Wallis Avenue junction and Sutton Road (south) exit of the A274 / Willington Street junction;

The results presented in the Transport Note show the practical reserve capacity in 2030 to increase from -38.1% to -19.4% in the AM peak and -39.2% to -20.4% in the PM peak over the whole junction when comparing committed development with committed junction layout and with development flows with the above mitigation.

*A274 Sutton Road / New Road*

7.56 The modelling included in the Transport Note dated 17 May 2016 is based on the existing layout of this junction, a priority junction.

The results presented in the Transport Note show the ratio of flow to capacity (RFC) in 2030 to be significantly below the desirable maximum of 0.85, rising from 0.50 to

0.54 in the AM peak and 0.35 to 0.38 in the PM peak when comparing committed development and with development flows both tested with the existing layout.

*A274 Sutton Road / Horseshoes Lane*

- 7.57 The modelling included in the Transport Note dated 17 May 2016 is based on the existing layout of this junction, a priority junction.

The results presented in the Transport Note show the ratio of flow to capacity (RFC) in 2030 to be above the theoretical maximum of 1, rising from 1.14 to 1.25 in the AM peak and 0.60 to 0.68 in the PM peak for the right turn movement out of Horseshoes Lane when comparing committed development and with development flows both tested with the existing layout. The queuing in the AM peak increases from 17 to 23 vehicles.

- 7.58 MM considers that the results demonstrate the proposed junction layouts with development traffic to perform comparatively better than the existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 corridor, although the signalised Imperial Park junction would add some limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by reduced delays at the improved A274 / Willington Street / Wallis Avenue junction. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.
- 7.59 The applicant proposes a footpath via the south eastern corner of the site providing a direct link to A274 Sutton Road and the facilities located at Langley Park, a footpath along Gore Court Road, as well as funding towards public transport improvements.
- 7.60 Overall MM concludes that with the appropriate mitigation measures, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32.
- 7.61 KCC Highways has raised a objection to the proposal on the basis that there is no conclusive evidence to demonstrate that the impact of the development can be fully mitigated and would have a severe impact upon traffic conditions on the A274/A229 and A20 and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.62 As part of a combined package of A274 highways improvements provided in Appendix B, this proposal provides the following mitigation:
- Signalisation of A274 Sutton Road/Imperial Park;
  - £736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements
  - £337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.

Please note these contributions are proposed to date and subject to further negotiations and resolution.

- 7.63 The above contributions equate to £2,938 per dwelling for Willington Street junctions improvements and £1,350 per dwelling for Bus Prioritisation along A274. Total £4,288 per dwelling Total £1,072,000
- 7.64 MM considers that the results demonstrate the proposed junction layouts with development traffic to perform comparatively better than the existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 corridor, although the signalised Imperial Park junction would add some limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by reduced delays at the improved A274 / Willington Street / Wallis Avenue junction. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.
- 7.65 The applicant proposes a footpath via the south eastern corner of the site providing a direct link to A274 Sutton Road and the facilities located at Langley Park, a footpath along Gore Court Road, as well as funding towards public transport improvements.
- 7.66 As such the approach is considered to be consistent with the need for a balanced approach to transportation, including the provision of attractive alternatives to the private car which was a significant factor in the consideration of the Adopted Maidstone Borough-Wide Local Plan, Policies T2 and T3. **Mitigation of the proposal includes measures such as bus priority junctions where buses can move to the front of the traffic queue at a traffic light junction; increasing road capacity through road widening and improvements to bus shelters, access and information in line with Policy T2.**

**The Maidstone Borough-Wide Local Plan** states: "Policy T1 of the local plan is concerned with a gradual, rather than abrupt, change from wider to more restricted access by private cars. This shift is evidenced by policy restrictions on long-term (eg all-day) parking provision and a progressive introduction of bus priority lanes on the major radial routes. The combination of Policies T2 and T3 on the one hand and Policies T13 and T14 on the other will have the effect of influencing modal choice in favour of public transport and the more economical use of road space" (the Maidstone Borough-Wide Local Plan Inspector's Report November 1999, Paragraph 6.2, Page 463).

- 7.67 Overall MM concludes that with the appropriate mitigation measures, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32. I have reviewed the proposed mitigation and concur with MM's analysis. **KCC Highways fails to demonstrate by reference to relevant and reliable evidence that granting permission for the amended proposal would cause any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and that the residual cumulative impacts of development are severe. Even if the 'as developed' scenario would potentially be 'materially worse', it does not follow that permission should necessarily be refused as the assessment must balance any worsening of the already severe conditions against the benefits of the proposal. In this case, the Council is satisfied that the applicant has submitted reliable evidence to**

**demonstrate that the 'as developed' mitigated scenario would be 'no worse' or 'no materially worse' than the existing scenario and cannot therefore be considered to be severe. As such, it is considered that the proposal would accord with paragraph 32 of the NPPF**

7.68 Additional highways objections:

- Additional traffic and congestion on Sutton Road, Church Road, White Horse Lane, Honey Lane, Otham Street and Gore Court Lane.
- Difficulty of Gore Court Road and Sutton Road Junction may encourage people to join A274 via Imperial Park.
- Additional traffic will result in danger for pedestrians/ cyclists.
- Danger with no pavements present on Gore Court Road.
- Poor visibility on emerging from private driveways and access roads near Otham

7.69 Response to the above objections:

With regards to the additional traffic movements, the majority of these will be along the main thoroughfares of Sutton Road, Willington Street and Wallis Avenue, via the new access created through Imperial Park. Whilst a number of objections have been received concerning potential rat running through the lanes and narrow tracks surrounding the site as a direct result, the proposed highway mitigation initiatives set out above would alleviate any potential increase in traffic which may result, thereby negating any need to use surrounding roads. In any event, there is no evidence to show that using surrounding roads would provide a quicker, shorter, indirect route than the main thoroughfares.

7.70 The impact of additional traffic has been addressed in previous section of this report and is considered acceptable taking into account the mitigation measures proposed, including the signalisation of the Imperial Park, Sutton Road junction which will form the primary access to the site. No road safety issues have been identified by the highways authority.

7.71 The proposal provides additional footways and footpaths between the site and the A274 as well as providing a 5.5m wide road access including pedestrian pavements and considerably than the existing access via the southern end of Gore Court Road. The western section of White Horse Lane to the north of the site is proposed to be closed to vehicular traffic and would become a pedestrian and cycle route only. It is considered that the proposal would provide a safer environment for pedestrians and cyclists, with more direct and attractive routes to A274 to the South.

**Drainage & Flood Risk**

7.72 The site is within Zone 1 (Low Probability) - land assessed as having a less than 0.1% (1 in 1000) annual probability of river or sea flooding. The Environment Agency were consulted in August 2015, prior to the application being submitted and indicated that this site has a low probability of flooding, however there may be surface water drainage issues at this site. The EA also noted that they are no longer the statutory consultee for surface water drainage, a role which fell to KCC as Lead Local Flood Authority (LLFA). KCC Drainage consider that there is insufficient information to demonstrate that surface water is adequately managed. Information that is specifically required includes a drainage schematic which shows where the proposed attenuation basin is to be located, the assumed discharge point from the site and how the entirety of the developed area is to be managed not just the impermeable surfaces. While the lack of resolution of this issue is unfortunate, considering the

outline nature of the application I propose that this matter is addressed through a reserved matter condition.

### **Ecology**

- 7.73 The site is bounded by Bicknor Wood to the south, and is in close proximity to East Wood to the north, both of which have been identified as ancient woodland. Safeguarding measures, including an appropriate buffer zone and compensation in the form of native planting, are set out to mitigate and compensate for any potential negative effects resulting from the proposals. No statutory or non-statutory designations are present within or adjacent to the site, whilst ecological designations in the wider area are considered sufficiently removed from the site such that no adverse effects to them are anticipated
- 7.74 **Habitats** - The site is dominated by a single, large arable field bordered by woodland, a line of trees and hedgerows. Part of the field was uncultivated at the time of survey and supported semi-improved grassland and ruderal species, which are also present at marginal areas of the arable field. Bramble thicket is also present along the southern site boundary. Sections of adjacent roads also fall within the site boundary.
- 7.75 **Fauna** - None of the trees present within the main site were considered to offer bat roosting potential. Hedgerows, the line of trees and adjacent off-site woodland forming the southern site boundary offer commuting and foraging opportunities for bats within the locality. During the bat activity surveys undertaken at the site a limited number of species and low levels of activity were recorded using the site. A site visit in August 2015 recorded a number of Badger latrines to be present, all located within the north-west corner of the site. As such, it is considered that the site is occasionally used by foraging Badger; however, no setts were recorded to be present. Hedgerows provide some limited potential for other mammals such as Hedgehog. Suitable habitat in the form of hedgerows and trees is present for nesting birds whilst no reptiles were recorded during the surveys undertaken.
- 7.76 **Enhancements.** The proposals offer opportunities for considerable biodiversity enhancements through the planting of a 40 metres minimum wide band of native trees and shrubs along the eastern site margin, the creation of an green buffers along the southern site margin, western and northern site boundaries, planting of new hedgerows comprising native species, provision of integrated bat and bird boxes, cut-throughs in garden fences for small mammals such as Hedgehog, and establishment of ecological management. It is considered that the proposals would deliver a substantial ecological benefit compared to the baseline situation.
- 7.77 The proposals represent an opportunity to provide increased connectivity between areas of woodland and ecological enhancements for a range of wildlife within the site and the local area. The proposed green buffers, to Bicknor Wood to the South and West and East are compliant with Natural England's standing advice and will help to minimise any adverse impact on its ecology, extending potential foraging areas and movement corridors. This would be reinforced by conditions restricting external lighting.
- 7.78 Evidence has been provided that appears to show the presence of skylarks on the site. KCC Ecology has commented on the material as follows:  
*"Information has been submitted by residents detailing that skylarks are present within the site. The applicants ecologists has reviewed the additional information and*

*have assessed that due to the size of the site there is only likely to be two skylark territories present within the site.*

*We advise that if planning permission is granted the proposed development will result in the loss of potential skylark nesting habitat as the suitable nesting habitat cannot be recreated elsewhere within the proposed development site.*

*The proposed development will result in the creation of a vegetated buffer between the woodland and the development area. While this will not be used by nesting skylark (or other farmland birds) it may increase opportunities for foraging skylarks in adjacent habitats.*

*Due to the habitat requirements of ground nesting birds it is very difficult to mitigate for the loss of habitat within development proposals. We advise that MBC should be considering a strategic approach to addressing the loss of suitable ground nesting bird habitat as a result of housing developments across the whole district.”*

- 7.79 The proposed development will result in the loss of potential skylark nesting habitat as the suitable nesting habitat cannot be recreated elsewhere within the proposed development site. The information submitted by the applicant's ecologist has detailed that due to the size of the development it will result in the loss of low numbers of potential skylark territories and KCC Ecology agree that due to the large area of suitable habitat within the surrounding area the loss of this site is unlikely to have a significant impact on the local skylark population.
- 7.80 The applicant would breach wildlife legislation if they killed/injured skylark or destroyed a nest during the construction period. The applicant has outlined within their ecology survey measures which if implemented would avoid killing/injuring breeding birds. Through the proposed condition for the precautionary mitigation MBC will be able to demonstrate measures which will avoid the killing/injury of skylark and / or destruction of skylark nests during the construction. That legislation provides protection and the applicants has satisfied me that appropriate avoidance/mitigation measures are acceptable in planning terms. In these circumstances it is not considered that the loss of habitat is sufficient to refuse planning permission.

### **Residential amenity**

- 7.81 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.82 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 7.83 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 7.84 The application is in outline so the vast majority of details, apart from access, are to be resolved at a future point. Given the proposed design and density **broadly** in line with the Submission draft Local Plan policy H1 (7) of 27 DPH, I consider that suitable internal layout can be achieved. The inclusion of extensive green buffers proposed and existing retained vegetation at the edges of the proposal will provide substantial screening for existing residential uses.
- 7.85 Whilst a number of objections have been received with regards to the impact upon residential properties within Otham and Langley, due to the distance between this site and the village, it is considered that there would be no significant harm caused by

this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.

### **Community Infrastructure**

- 7.86 Any request for contributions needs to be scrutinised in accordance with Regulation 122 of Community Infrastructure Levy Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets 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.

Regulation 123 states that there are not more than four obligations existing for each of the proposed measures.

The following contributions are proposed and considered to be compliant with Regulations 122 and 123:

#### Affordable housing

- 30% affordable housing provision including suitable wheelchair accessible provision.
- Provision of a minimum of 5.8 hectares of open space and management plan

#### Highways

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

As currently drafted the Apportionment table suggests the following highway contributions;

- £736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements
- £337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.

Heath care contribution of £244,584.



Primary Education:

- Langley Park Primary School construction: £964,000
- Langley Park Primary School site acquisition: £651,092

Secondary Education: £568,711  
(Towards the Third Phase of the expanding Cornwallis School)

Community learning £7,674  
(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);

Youth Services £2,121  
(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;

Library bookstock £12,003  
(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)

Social Care £13,470  
(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);

Suitable financial mitigation is proposed to provide elements of open space requirements not provided onsite.

Improvements to PROW KM87 and off-site PROWs where identified.

## 8. CONCLUSION

- 8.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the adopted Local Plan. However, the proposal delivers the allocation of the site for housing and open space within the submitted draft MBLP, which should be accorded significant weight. Draft MBLP policy SP3, which identifies south east Maidstone as the most sustainable location for housing growth with supporting infrastructure, is also relevant. The proposal will deliver housing growth in accordance with the national planning policy priority to boost significantly the supply of housing in paragraph 47 of the NPPF. I consider that these considerations should outweigh the application's conflict with saved policy ENV28 and I do not consider that the proposal conflicts with saved policy ENV21.
- 8.2 The site is in a sustainable location adjoining the settlement boundary of Maidstone in the adopted Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant intrusion into open countryside beyond existing developed areas. Appropriate community infrastructure is proposed to be provided to meet the needs created by the proposal as well as a substantial amount of affordable housing. Drainage issues are yet to be fully considered but suitable mitigation for the development would need be achieved if the proposal was to be implemented. There are no objections from the Environment Agency on the grounds of flood risk. There are no **overriding** ecology objections or any other matters that result in an objection to the development. **As highlighted in 7.72, The LLFA object but this would be addressed by condition.**

- 8.3 In accordance with policy guidance in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). I consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment. As such, I consider the development would perform well in terms of economic, social and environmental roles required under the NPPF and would constitute sustainable development.
- 8.4 The development would be acceptable in terms of its impact on the landscape, biodiversity, the ancient woodland, on neighbours' living conditions and highways subject to appropriate planning conditions and obligations. In relation to biodiversity, taking into account mitigation and conditions measures, it is likely there would be an improvement and enhancement of the ecological value of the site, bearing in mind the previous agricultural and monocultural use of the site.
- 8.5 I have considered the proposal in relation to Section 38(6) of the 2004 Act and paragraph 14 of the NPPF. It is considered that any adverse impacts would be limited and would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF and other material considerations listed above are sufficient grounds to depart from the saved policy **ENV28**. I do not consider that there are other planning considerations that indicate planning permission should be withheld.
- 8.6 The proposal represents a high quality scheme in line with draft MBLP policy H1(7) and is considerably improved as a consequence of negotiations and amendments. Overall the proposal is considered acceptable in planning terms subject to conditions and a legal agreement.
- 8.7 For all of these reasons, I consider that planning considerations indicate that planning permission should be granted.

## 9. RECOMMENDATION

**DELEGATED POWERS be given to the Head of Planning and Development to grant permission SUBJECT TO the conditions as set out below, the Urgent Update(s) AND the completion of a suitably worded legal agreement ensuring the delivery of the highway improvements, together with all other Heads of Terms set out in the Urgent Update, to be negotiated and agreed upon in conjunction with the Head of Mid Kent Legal Services.**

Condition will be provided in a published urgent update report prior to Committee.

### 9.2 Conditions

**PROPOSAL: Outline application for a residential development with associated vehicular, pedestrian and cycle access, and associated works, including provision of public open space. (All matters reserved for future consideration with the exception of access).**

## **RESERVED MATTERS**

**1. The development shall not commence (excluding any demolition, ground works, site investigations, site clearance) for each phase or sub-phase of the development until approval of the following reserved matters has been obtained in writing from the Local Planning Authority before a development within that phase or sub-phase :-**

- a. Layout b. Scale c. Appearance d. Landscaping**

**The details pursuant to condition 1 a) shall show the provision of satisfactory facilities for the storage of refuse.**

**Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.**

## **TIME LIMITS**

**2. The first application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission with the last application for approval of reserved matters to be made to the LPA within 4 years from the date of this permission.**

**The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;**

**Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.**

## **LANDSCAPING**

**3. The development shall not commence (excluding any demolition, ground works, site investigations, site clearance) for the relevant phase until there has been submitted to and approved in writing by the Local Planning Authority 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 in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:**

**a) High quality detailed and structural landscaping located within the application site.**

**b) Retention and enhancement of boundary vegetation (excluding the openings required for access points).**

**c) The provision of a 15m wide protective buffer zone along the entire western boundary of the site, excluding the access road, visibility splays and associated footways.**

**d) The provision of a 15m wide protective buffer zone along the entire southern boundary of the site, adjacent with Bicknor Wood, excluding footways.**

**e) The provision of a largely 40m wide minimum protective buffer zone along the entire eastern boundary of the site.**

**f) The provision of a protective buffer zone along the entire northern boundary of the site, excluding the access road, sight lines, and associated footways.**

**g) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;**

**h) Proposed finished floor levels and contours**

**i) Works to necessary Public Rights of Way;**

**j) Car parking layouts;**

**k) Other vehicle and pedestrian access and circulation areas;**

- l)Hard surfacing materials;
- m)Written planting specifications;
- n)Schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate);
- o)Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc and including a specification of Play Areas including their long term management and maintenance
- p) Implementation programme.

The works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure a satisfactory development in the interests of amenity.

4. All hard and soft landscape works submitted and approved pursuant to condition 1 (d) for each phase or sub phase of the development shall be carried out in accordance with the approved details for that phase or sub phase.. The works shall be carried out prior to the occupation of any part of the development on that phase/sub phase or in accordance with a programme previously agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained 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, unless the Local Planning Authority gives written consent to any variation. The play areas shall not thereafter be used for any other purpose other than as play areas.

Reason: To ensure a satisfactory development in the interests of amenity.

#### PLANTING

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

#### PHASING

6. A phasing plan for the development shall be submitted to the Local Planning Authority as part of the first reserved matters application, and approved in writing by the Local Planning Authority showing the boundary of each phase. The development shall be carried out in accordance with the approved phasing plan unless agreed otherwise in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

#### ECOLOGY

7. Prior to the commencement of development of each phase or sub phase (including any demolition, ground works, site clearance) a method statement for the mitigation of ecological impacts (including reptiles, great crested newts, nesting birds

and retained habitats including the stream and hedgerows) shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works, including risk assessment of potentially damaging construction activities;
- b) Practical measures (both physical measures and sensitive working practices) to avoid, reduce and/or mitigate impacts and achieve stated objectives;
- c) Extent and location of proposed measures, including identification of 'biodiversity protection zones' shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Times when specialist ecologists need to be present on site to oversee works;
- f) Persons responsible for implementing the works, including role and responsibilities on site of an ecological clerk of works or similarly competent person.

The works shall be carried out strictly in accordance with the approved details.

Reason: To protect and enhance biodiversity.

8. Prior to the commencement of development of each phase or sub phase an ecological design and management strategy (EDS) addressing habitat creation, management and enhancement, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area, a buffer zone to the stream and green corridors across and around the site.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term management and maintenance.
- i) Details for monitoring and remedial measures.
- j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter unless otherwise agreed in writing.

Reason: To protect and enhance biodiversity.

9. No development shall take place (including ground works, vegetation clearance) on each phase or sub phase, until a Construction Environmental Management Plan (CEMP:Biodiversity) which shall be informed by the ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones" clearly depicted on a map

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The roles and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Detailed protective species mitigation strategies.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of ecological preservation.

10. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 18 months from the date of the reserved matters planning consent, the ecological measures are set out in the Section six of the Bicknor Green, Land North of Bicknor Wood, Maidstone, Kent Ecological Appraisal (Ref:ECO4320.EcoApp.vf shall be reviewed and where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely ecological impacts that might arise from any changes. The further surveys shall be submitted to the Local Planning Authority for approval.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed, the original ecological measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority. The amended details shall be incorporated into the Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP:Biodiversity) which shall be submitted to the Local Planning Authority and shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of biodiversity protection.

#### LIGHTING

11. Details of a "lighting design strategy for biodiversity" for each phase of the site shall be submitted to and approved in writing by the local planning authority prior to occupation of the relevant phase of the development. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

**c) Include measures to reduce light pollution and spillage.**

**All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.**

**Reason: In the interest biodiversity protection and visual amenity.**

**TREES**

**12. The development shall not commence for the relevant phase until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To ensure a satisfactory external appearance to the development.**

**13. No development shall commence on any phase or sub-phase until a full Arboricultural Implications Assessment (AIA) which shall be informed by the Landscape and Ecology Management Plan (LEMP) and the construction environmental management plan (CEMP:Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. Such study shall consider the exact relationship between the proposed development and the existing trees on the site and any areas identified for new planting including buffer zones, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).**

**The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-**

- **Protection of trees within total exclusion zones;**
- **The location and type of protective fencing;**
- **The location of any main sewerage and water services in relation to trees;**
- **The location of all other underground services, i.e. gas, electricity and telecommunications;**
- **The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones;**
- **Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread;**
- **Suggested locations for the site compound, office, parking and site access;**
- **The replacement planting necessary to compensate for any necessary losses.**

**Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site. The development shall be implemented in accordance with the approved AIA unless otherwise agreed in writing by the LPA.**

Reason: To ensure the proposed development is satisfactorily integrated with its immediate surroundings and provides adequate protection of trees.

#### HEDGE PROTECTION

14. All existing hedges shall be retained unless removal has been agreed in writing prior to their removal, or as specified in approved plans.

Reason: in order to maintain existing landscaping and wildlife habitat.

#### MATERIALS

15. The development, above ground level for the relevant phase or sub-phase, shall not commence for the relevant phase or sub-phase until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

#### ARCHAEOLOGY

16. The development shall not commence for the relevant phase or sub phase until a programme of archaeological work in accordance with a written specification and timetable has been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

#### SLAB LEVELS

17. The development above ground level shall not commence for the relevant phase or sub phase until details of the proposed slab levels and ridge heights of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory form of development.

#### CONTAMINATION

18. The development shall not commence for the relevant phase or sub phase 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 preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). 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.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). 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;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved unless otherwise agreed in writing by the LPA.

Reason: In the interests of public safety and pollution prevention.

### HIGHWAYS AND ACCESS

19. No construction above DPC level of each phase or sub phase of the development hereby permitted shall take place until details of the following highways, cycle route and footway improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and then the approved works shall be carried out in full prior to first occupation of any dwelling:

a) the treatment of the White Horse Lane between Gore Court Road and the new access road;

b) the closure of Gore Court Road between the edge of the site and Sutton Road and replacement with PROW including footway and cycleway.

c) Closure of Gore Court Road at its junction with A274.

d) Closure of White Horse Lane between Gore Court Road and the approved site access, and replacement with PROW including footway and cycleway.

e) on-site footways (shall be constructed before the dwellings to which they serve are first occupied), including the provision of a PROW to the Bicknor Farm site to the south west. At no time shall development take place that would preclude this accesses being opened up.

f) all footways, cycle routes and highways on site shall be constructed before the dwellings to which they serve are first occupied.

Reason: In the interests of good accessibility and sustainable travel.

### CONSTRUCTION

20. No development of the site, phase or sub phase shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

i) working hours on site;

ii) the parking of vehicles of site operatives and visitors;

iii) the loading and unloading of plant and materials;

iv) traffic management, including delivery times, lorry routing, traffic control and construction access, as necessary;

v) the storage of plant and materials used in constructing the development;

vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;

vii) wheel washing facilities;

viii) measures to control the emission of dust and dirt during construction;

ix) measures to control noise and vibration during construction;

x) a scheme for the recycling or disposal of waste resulting from construction works.

xi) Code of Construction Practise.

### JUNCTION IMPROVEMENTS

21. The access shall be constructed in accordance with the approved plan 10-T007 47A at the time of the development. Signalisation of the junction of A274 and Imperial Park, shall be carried out prior to occupation of any dwelling in accordance with details which have first been submitted to and approved in writing by the local planning authority in consultation with Kent Highways

Reason: In the interests of highway safety.

### RENEWABLE ENERGY

22. The development shall not commence above ground level until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

Reason: to ensure a sustainable and energy efficient form of development.

### NUMBER OF DWELLINGS

23. The number of dwellings shall not be more than 250.

Reason: In order to ensure satisfactory design and residential amenity.

### DRAINAGE

24. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To prevent pollution of controlled waters and comply with the NPPF.

25. Development shall not begin (with the exception of a haul road) until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:

i. 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 onsite before being discharged at an agreed rate to the receiving watercourse.

ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.

iii. Appropriate allowances for climate change have been incorporated into design.

26. 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.

#### FOUL WATER

27. The development shall not commence (excluding a haul road) until a drainage strategy detailing the proposed means of foul water and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker.

Construction of the development 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 Southern Water.

The development shall be carried out in accordance with the approved schemes and timetable.

Reason: In the interest of pollution and flood prevention.

#### SUSTAINABLE TRAVEL

28. A Sustainable Travel Statement must be submitted to and approved from KCC Highways and the Local Planning Authority. It will include, as a minimum, the following measures, to be implemented prior to occupation:

##### Welcome Pack

1. A Welcome Pack available to all new residents as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:
2. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations
3. Approximate time it takes to walk or cycle to various local facilities
4. Site specific public transport information including up to date public transport timetables
5. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
6. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.
7. Information on public transport season tickets and offers
8. Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives
9. Information on the health, financial and environmental benefits of sustainable travel
10. Discounted tickets for local buses and/or vouchers for bike maintenance/parts at local shops, to be negotiated.

##### Car Club

At least one parking bay to be allocated to a residential or publically accessible car club vehicle, available for use on occupation. A successful car club scheme will require dedicated marked and signed car parking spaces for vehicle(s) to be provided ideally available also to members not living in the development. Developer contribution shall include:

- i. Traffic Regulation Orders and Associated road markings/signage
- ii. Incentives for new residents to join the car club (£30 free driving credit per dwelling)
- iii. Lease of the vehicle(s) for the first 6 months.

#### Plug-in and low emission charging infrastructure

Domestic: Dwellings with dedicated off-street parking to be provided with charging points for low-emission plug-in vehicles.

Publicly Accessible (in development including 10 or more flats with no dedicated off-street parking): at least one publicly accessible double charging point (22kW or faster) for plug-in vehicles to be installed within the development prior to its occupation and maintained for at least the following five years (specifications to be agreed with the LPA and KCC).

Reason: In the interests of sustainable transport and the avoidance of pollution.

#### PROVISION OF BUS FACILITIES AND ACCESS

29. Prior to construction of the development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure the development is fully connected to pedestrian routes and the surrounding area and to improve quality and access to bus services along the A274 Sutton Road.

#### LIFETIME HOMES

30. No development shall take place until details of the provision of a minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

Reason: In the interests of good design.

#### DESIGN PRINCIPLES STATEMENT

31. No construction of the development above ground level hereby permitted shall take place until a Design Principles Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring high quality design

#### APPROVED DRAWINGS

32. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing 15042 –S101A – Site Location Plan; Drawing 15042 - C09A - Development Parameter Plan; Drawing 10-T007 47A - Proposed Highway Alignment; Drawing 10-T007 63B - Proposed Footway Arrangement.

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

#### PUBLIC ACCESS TO OPEN SPACE

33. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be

placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

#### CRIME PREVENTATION

34. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention

#### EXTERNAL APPEARANCE

35. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

#### INFORMATIVES:

Construction As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

#### Noise and Vibration transmission between properties

Attention is drawn to Approved Document E Building Regulations 2010 “Resistance to the Passage of Sound” – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

#### Refuse Storage and disposal (Maidstone)

The applicant should have regard to the Environmental services guidance document “Planning Regulations for Waste Collections” which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection are adequate.

#### Gas safety Informative

Please note there is a low/medium/intermediate pressure gas main near your site. There

should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

**Informative Waste to be taken off site Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:**

- **Duty of Care Regulations 1991**
- **Hazardous Waste (England and Wales) Regulations 2005**
- **Environmental Permitting (England and Wales) Regulations 2010**
- **The Waste (England and Wales) Regulations 2011**

**Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.**

**If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.**

### 9.3 Section 106 Heads Of Terms

|  |                                     |
|--|-------------------------------------|
| <b><u>Health Facilities - contribution of contribution of £244,584 (actual figure to be confirmed) towards health at at one of the following Wallis Avenue Surgery; Mote Medical Practice; Northumberland Court ; Downswood Surgery ; Grove Park Surgery</u></b> | <b><u>£978.34 Per dwelling</u></b>  |
| <b><u>Primary Education</u></b><br>- <b><u>Langley Park Primary School construction: £964,000;</u></b><br>- <b><u>Langley Park Primary School site acquisition: £651,092;</u></b>  | <b><u>£6,460 per dwelling</u></b>   |
| <b><u>Open Space Mitigation £68,000 towards existing offsite facilities at Senacre Recreation ground</u></b>   | <b><u>£272 per dwelling</u></b>     |
| <b><u>Provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 2 Wheelchair Accessible Homes</u></b>   |                                     |
| <b><u>Provision of a minimum 5.8 hectares of public open space</u></b>   |                                     |
| <b><u>Secondary education: £568,711 towards the third phase of the expansion of the Cornwallis School</u></b>  | <b><u>£2274.84 per dwelling</u></b> |
| <b><u>Community learning £7,674 (Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);</u></b>   | <b><u>£30.70 per dwelling</u></b>   |

|  |                               |
|--|-------------------------------|
| <u>Youth Services      £2,121</u><br><u>(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby)</u>  | <u>£8.49 per dwelling</u>     |
| <u>Library bookstock    £12,003</u><br><u>(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)</u>  | <u>£48.02 per dwelling</u>    |
| <u>Social Care    £13,470</u><br><u>(Towards cost of providing additional services for this proposed development, namely: accessibility improvements to a Community Building local to the development where social care services are delivered by KCC or a third party.)</u>   | <u>£53.88 per dwelling</u>    |
| <u>Landscape and Ecological Management Plan, to include:</u><br><u>a) Description and evaluation of features to be managed.</u><br><u>b) Aims and objectives of management.</u><br><u>c) Management prescriptions for achieving aims and objectives.</u><br><u>d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).</u><br><u>e) Details of the body or organisation responsible for implementation of the plan.</u><br><u>f) Details of on-going species and habitat monitoring; and</u><br><u>g) Provision for remedial measures.</u><br><u>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</u> |                               |
| <u>TOTAL (excluding highways)</u>  | <u>£10,126.27per dwelling</u> |

Highways

Appropriate contributions for highways mitigation as finalised under delegated authority on the basis of Appendix A.

Appendix A of the report seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a pro-rata basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

**Significant highways and transport improvements, namely:**

**(please note these elements are subject to further negotiations)**

**Highway contributions**

- **£736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements**
- **£337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.**

**Design Quality assurance**

- **The establishment of a 'monitoring committee' prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development with such members to include an officer of the Council, two elected members of the Council and a representative of the developers (contribution toward the set of this committee).**

**Appendix A**



SE Maidstone Highway Mitigation Apportionment Table - based on suggested pro rata contributions to deliver Highway Mitigation for each site.

| Schedule  | Scheme   | Importance | Cost   | Cost notes   | Funds secured  | Gap  | No. Contributions | Planning ref.                            | Site name  | Funding  | Status   | Notes   |
|-----------|--|------------|--|--|--|--|-------------------|--|--|--|--|---|
| Transport | Bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction | Critical   | 100 - £3,840,000   | Motts corridor analysis - taking the higher option due to potential cost hikes                                       | £2,688,000 of which £2,422,200 is available for bus measures | Taking the higher figure of costs for mitigation - shortfall of £1,417,000 | 3                 | MA/13/1149<br>MA/13/0951<br>MA/13/1523   | Langley Park (H1-5)<br>N Sutton Road (H1-6)<br>W BF Cottages (H1-6)  | 1,800,000<br>558,000<br>330,000                                | Committed<br>Committed<br>Committed  | TW paid first £450,000 to KCC<br>Bellway have paid £621,569.62 to KCC   |
|           | PROPOSED   |            |  |  |  | shortfall of £1,417,000 as above   | 5                 | MA/15/509015<br>MA/15/509251             | Land South of Sutton Road (H1- 800 units x 10)<br>Land North of Bicknor Wood (H1-7)  | £1350=£1,080,000<br>250 units x £1350 = £337500                | to be delivered by S106  | shortfall divided by 1050 homes (both allocations) = £1,350 per dwelling  |
|           | Willington Street/Wallis Avenue and Sutton Road  | Critical   | KCC (Ameys scheme) - £1,800,000, Countryside see Countryside costing sheet | KCC scheme - £1,534,200, Countryside £1,016,880  | 268,800  |  | 3                 | MA/13/1149<br>MA/13/1523<br>MA/13/1523   | Langley Park (H1-5)<br>W BF Cottages (H1-6)<br>W BF Cottages (H1-6)  | 180,000<br>30,000<br>33,000                                    | Committed<br>Committed<br>Committed  | Currently proposed to be provided via LGF funding but could be incorporated in apportionment process if necessary   |
|           | PROPOSED   |            |  | Agreed at meeting on 11.05.16 with all developers that higher KCC costs would be used for apportionment.             |  | shortfall as £1,531,200 above  | 5                 | MA/15/509251<br>MA14/506264              | Land North of Bicknor Wood (H1-7)<br>Bicknor Farm (H1-9)   | 250 units x £2,945 = £736,250<br>271 units x £2,945 = £798,095 | to be delivered by S106<br>to be delivered by S106   | shortfall divided by 521 homes (both allocations) = £2,938 per dwelling   |
|           | Junction 7 - signalisation   | Critical   | 13/1163 -s106 signalisation  | PROPOSED SIGNALISATION of Junction   | Clause 14.2 of S106  | No costing identified - just provision                                     | 1 currently - 2   | MA/13/1163<br>MA/15/509015               | Maidstone Medical Campus<br>Land South of Sutton Road (H1-   | No funding - S106<br>1,460,000                                 | Committed<br>to be delivered by  | £1,460,000-800 = £1,825 per dwelling  |
|           | A229/A274 Wheatsheaf junction  | Critical   | 483,000  |  | 714,000  | -231,000   | 3                 | MA/14/503167<br>MA/12/0986<br>MA/12/0987 | Cripple Street<br>KP Training (H1-28)<br>KP HQ (H1-27)   | 108,000<br>270,000<br>336,000                                  | Committed<br>Approved<br>Approved  | split between SE6/HTUA1 and already funded<br>split between SE6/SE7<br>split between SE6/SE7  |
|           | the A274 Sutton Road   | Essential  | 2,700,000  | Revenue to be deducted   | 0  | 2,700,000  |                   |  |  |  |  |   |
|           | PROPOSED   |            |  |  |  |  | 3                 | MA/15/509015<br>MA/14/506264             | Land South of Sutton Road (H1- 10)<br>Bicknor Farm (H1-9)  |  | to be delivered by S106<br>to be delivered by S106   | Land South of Sutton Road 800 x £1793.75 per dwelling = £1,435,000<br>contribution towards shortfall 271 x £1,350 per dwelling = £365,850   |
|           | A229 Loose Road/Park Way/Armstrong   | Critical   | 236,789  | Costing provided by Allen Dadswell - off site highway improvements. Costing divided by allocated sites 1120 dwelling | 0  | 236,789  | 4                 | MA/15/509015                             | Land South of Sutton Road (H1- 10)<br>New Line Learning, Boughton Lane (H1-29)<br>Boughton Lane, Boughton Monchelsea and Loose (H1-53)<br>Boughton Mount, boughton Lane H1-54) |  | to be delivered by S106<br>to be delivered by S106<br>to be delivered by S106<br>to be delivered by S106 | Land South of Sutton Road 800 x £211.42 per dwelling = £169,136<br>New Line Learning - 220 x £211.42 per dwelling = £46,512.4<br>Boughton Lane, Boughton Monchelsea 75 x £211.42 per dwelling = £15,856.50<br>Boughton Mount, 25x£211.42 per dwelling = £5,285.50 |
|           | A20 Ashford Road/Willington Street   | Critical   | 198,877  | Costing provided by Allen Dadswell - off site highway improvements   | 0  | 198,877  | 2                 |  | Land South of Sutton Road (H1- 10)<br>West of Church Road, Oatham (H1-8)   |  |  | Land South of Sutton Road 800 x £160.4 per dwelling = £128,320<br>West of Church Road - 440 x £160.4 per dwelling = £70,576   |

Highway Mitigation Cost Apportionment

Land South of Sutton Road costs per dwelling £1,825 per dwelling for J7, £1,350 per dwelling for bus prioritisation, £1,793.75 per dwelling for Bus Services along A274, £211.42 per dwelling for A229 Loose Road/Park Way/Armstrong Junction and £160.4 per dwelling for A20 Ashford Road/Willington Street Total £5,340.57 per dwelling.

Bicknor Farm - £1,350 per dwelling for bus service, £2,938 per dwelling for Willington Street, TOTAL £4,288 per dwelling.

Land North of Bicknor Wood - £2,938 per dwelling for Willington Street and £1,350 per dwelling for Bus Prioritisation along A274, Total £4,288 per dwelling.

**Appendix B – Material from Urgent Update reports no otherwise incorporated into this report.**

Local Plan Context

On 20 May 2016, the Council submitted the draft Maidstone Borough Local Plan (2016) ("draft MBLP") to the Secretary of State for independent examination.

Therefore, the determination of this application requires the Committee to consider two Local Plans carefully and this matter is discussed below.

1. Maidstone Borough-wide Local Plan 2000 (MBWLP 2000):

The MBWLP 2000 is the development plan for the purposes of the statutory test in section 38(6) of the 2004 Act, by which the application must be determined.

The National Planning Policy Framework (NPPF) directs that relevant policies in a development plan adopted prior to the NPPF should be given weight according to their consistency with policies within the NPPF.

The draft MBLP seeks full alignment with the NPPF. Crucially, it sets out the full objectively assessed need (18,560) for housing and allocates land to fulfil this requirement in accordance with the national planning policy priority in paragraph 47 of the NPPF to boost significantly the supply of housing to meet objectively assessed needs.

The draft MBLP development strategy, *inter alia*, identifies strategic residential development to the North West and South East of Maidstone, and sets out site allocations. The south eastern area is shown as being part of the open countryside in the MBWLP 2000 and 'saved' policies such as ENV28 and ENV32 apply.

However, the MBWLP 2000 clearly did not set out objectively assessed housing need for the period 2011 to 2031. Therefore, inevitably, one of the results of catering for housing growth is that settlement boundaries must change.

For these reasons and in the particular circumstances of the present case, the failure of this application to accord with saved policies ENV28 and ENV32 in this respect is a matter that should not be accorded significant weight in the determination of this application. That being said, the precise level of weight to be accorded is a matter for the Planning Committee.

2. Draft Maidstone Borough Local Plan ("draft MBLP"):

In February 2016, Full Council authorised the draft MBLP for submission to the Secretary of State for independent examination. In doing so, the Council endorsed the draft MBLP as a sound and legally compliant local plan. For this reason, significant weight should be attached to the draft MBLP in the determination of planning applications. Furthermore, the

Council relies upon the delivery the housing development in the draft MBLP site allocations to demonstrate a housing land supply in excess of 5 years.

### **Representations**

Since drafting report a number of further objections have been received, summarise below:

#### **Local Residents**

- Highways impacts: amount of traffic, narrowness of existing roads, road safety and rat running;
- Lack of school place and other of local services
- Loss of Otham village identity
- Damage to wildlife, loss of hedgerows
- Poor state of repair of roads and inadequate footways
- Inadequate bus services
- Poor drainage
- Negative impact on listed buildings and the conservation area.
- Loss of agricultural land
- Inadequate infrastructure.
- Need for a holistic approach to all housing sites
- Premature to determine in advance of the new local plan
- Opening up future development potential .
- Should the scheme be approved it should only be accessed via Imperial Park

**Otham Parish Council** had the following additional objections:

- Should the scheme be approved it should only be accessed via Imperial Park
- Skylarks are nesting on the site and should be protected.

#### **Officer Response**

The proposal to access the development exclusively from Imperial Park would not conform with the Submitted Draft Local Plan Policy H1 (7) and H 1(8) in seeking to widen Gore Court Road between the new road and White Horse Lane. Such a suggestion is not considered conducive to good design as it would create an isolated enclave separated from surrounding roads. It would also mean that existing traffic would continue to use the narrow pathless Gore Court Road rather than the 5.5 metre new road which includes 2 metre wide footways.

The other points raised above have been addressed in the Committee report, but it may be helpful to highlight some relevant issues below:

- The Conservation Officer has not objection to the proposal;
- The highways apportionment table seeks to ensure all local housing sites contribute to the necessary infrastructure.

**Lead Local Flood Authority (LLFA)** made the following comments:

The key points for consideration at the site are:

1. No discharge point/connection has been identified that has been demonstrated to be feasibly delivered
2. Infiltration rate assumption has implications for the amount of area allocated for surface water management.

With the present information submitted, the concern is that the indicative layout would not be able to accommodate any additional requirements for surface water

attenuation or provide any space for a pumping station if connection to another surface water sewer was needed.

It is possible that a connection with a surface water sewer is not available at all. If that was the case I am not sure what mitigation would be available as a “Plan B” has not been identified by the applicant.

**Officer Response**

The LLFA objection is discussed in section 7.72 of the main report. In the recommendation it is proposed that the resolution of drainage issues is dealt with via condition at an early stage in order to ensure that no development is carried out without mitigation. If inadequate mitigation were proposed, planning permission for the reserved matters application would be withheld and the development would not be permitted to commence.

**Helen Whately MP** has raised serious concerns regarding this application being decided in advance of the examination in public of the submitted Maidstone Local Plan.

**Officer Response**

It is considered that it would be wholly unreasonable for the Council to refuse to determine this application on the basis of waiting for the Local Plan to be examined. Nor is there considered to be grounds for the application to be refused on the basis of a decision being ‘premature’ in advance of the examination. Following NPPG advice on the matter, the site is allocated within the submitted Local Plan and is an integral part of the Plan. As such, this application would not undermine the plan-making process from the Local Planning Authority’s perspective.