

REPORT SUMMARY

REFERENCE NO: MA/14/0566			
APPLICATION PROPOSAL: Outline application for a mixed use development comprising up to 72 dwellings, up to 43 extra care apartments and provision of land for open space/community use with associated access and parking with access considered at this stage and all other matters reserved for future consideration.			
ADDRESS: LAND SOUTH OF, HEATH ROAD, COXHEATH, MAIDSTONE			
RECOMMENDATION: DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS (See Section 8 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, 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.			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Departure from the Development Plan. • Councillor Brian Mortimer has requested the application be reported to Committee for the reasons set out below. • Coxheath Parish Council wish to see the application approved and have requested the application be reported to Committee for the reasons set out below. 			
WARD Coxheath and Hunton	PARISH COUNCIL Coxheath	APPLICANT: Hillreed Homes AGENT: Hume Planning Consultancy Ltd.	
DECISION DUE DATE: 28/11/14	PUBLICITY EXPIRY DATE 23/09/14	OFFICER SITE VISIT DATE 15/04/14 & 20/10/14	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/10/1087	Erection of polytunnels for growth & production of strawberries & raspberries, the use of land for seasonal storage of caravans when not occupied for agricultural workers use and the construction of an earth bund	APPROVED	20/12/10
73/0329/MK3	Outline application for residential development	REFUSED & DISMISSED	01/11/74
71/0036/MK3	The erection of dwellings	REFUSED	17/06/71
67/0173/MK3	Residential development	REFUSED	07/09/67
60/0191/MK3	Outline for residential development	REFUSED	14/11/60
71/0036/MK3	The erection of dwellings	REFUSED	17/06/71

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site comprises agricultural land associated with Clockhouse Farm, on the south side of Heath Road in Coxheath with an area of approximately 3.2 hectares. The site is outside but immediately adjoins the settlement boundary of Coxheath village in the adopted Local Plan (2000), which runs along the west and north boundaries of the site. It is therefore in the countryside for planning purposes.
- 1.02 The site is irregular in shape and on the north boundary fronts onto Heath Road, opposite houses and the cul-de-sac Georgian Drive. There is an established deciduous hedge along this boundary. The east boundary is straight and runs alongside the access to Clockhouse Farm, and where there are a line of fruit trees. The south boundary is irregular and follows the boundary with farm accesses, buildings and storage areas. The west boundary is largely straight and follows the line of rear gardens of houses on Duke of York Way and Clock House Rise and where there is an established hedge. In the northwest corner the boundary forms a right angle where it runs around the dwelling 'The Rectory' and the 'Orchard Medical Centre' and here there is also hedging.
- 1.03 The site is split into two fields by an established hedge which runs from north to south. The land to the east of this being around one third of the site, and this is a grassed area that did not appear to be in active agricultural use at my site visit. The western land was largely covered with polytunnels. The site gently slopes to the north.
- 1.04 The site is located within the countryside for Development Plan purposes and falls within the low weald Special Landscape Area, the boundary of which runs along the south side of Heath Road. The Grade II listed dwelling, 'Clock House' is located just over 50m to the south between a complex of farm buildings.

2.0 PROPOSAL

- 2.01 This is an outline application for a mixed use development comprising up to 72 dwellings and up to 43 extra care apartments, and provision of land for open space/community use with associated access and parking. Access is being considered at this stage and all other matters are reserved for future consideration. Access would be from Heath Road in the northwest area of the site, just to the west of the cul-de-sac Georgian Drive opposite.
- 2.02 Illustrative plans have been provided to try to demonstrate that the site can accommodate this level of development, showing a building within the northeast part of the site for the extra care apartments with housing and open space over the remainder of the site to the south.
- 2.03 Affordable housing is proposed at 40% and Code for Sustainable Homes Level 4 is also proposed.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)

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- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Maidstone Borough Local Plan: SS1, SP1, SP3, SP5, H1, H2, DM2, DM4, DM10, DM30
- Draft Coxheath Neighbourhood Plan

4.0 LOCAL REPRESENTATIONS

4.01 38 representations have been received raising the following (summarised) points:

- Traffic congestion, highway safety and parking.
- Visual harm.
- Extra care building out of character.
- Harm to listed building.
- Loss of privacy.
- Loss of light and overshadowing.
- Density too high.
- Noise and pollution.
- No room in primary school or doctors.
- Infrastructure can't cope.
- Loss of agricultural land.
- Not a sustainable location for more housing.
- Archaeology not fully considered.
- Weight should not be given to draft Local Plan or Neighbourhood Plan.
- Premature in advance of the Local Plan and reference to it should not be made.
- Should conform to the Neighbourhood Plan.
- Brownfield land should be used first.
- Scale parameters should be provided.
- Loss of views.
- Devalue property.

4.02 A petition objecting to the development has been received with 1,209 signatures.

5.0 CONSULTATIONS

5.01 **Coxheath Parish Council:** Support in principle what is being proposed. Have made the following (summarised) comments:

- Generally in accordance with Neighbourhood Plan.
- Do not support draft Borough Local Plan allocation, particularly the amount of employment floorspace.
- The proposal includes an element of employment.
- Do not agree there would be an insignificant impact upon Linton Crossroads.
- Access should be a staggered 'T' junction with a facility for right turning.
- There should be pedestrian refuges.
- The site is not accessible by cycle because roads are dangerous.
- There should be adequate landscape screening through retention and strengthening.
- Should be fewer houses.

- Height should be restricted on the west boundary to that of adjoining houses.
 - More space should be provided around the Orchard Medical Centre to allow future expansion.
 - An integral part of what is proposed is the gifting of approximately one acre of land to the community of Coxheath, for the purpose of expanding existing medical practices and/or providing additional capacity. The Parish Council regards this as a very substantial community benefit, which must not be lost.
 - Community contributions should be to the local community not the area as a whole e.g. the local primary school.
 - Contributions should go towards nursery education and community recreation space.
 - Visitors, staff and delivery parking needs to be considered.
 - Garden area needed for extra care building.
 - A strip of land should be safeguarded on the south side of Heath Road to provide an off-road cycle route as per Neighbourhood Plan.
 - Support local needs housing.
 - MBC consider Coxheath should be classified as a 'Larger Village' and not a 'Rural Service Centre' which should only accept 'limited and phased' housing development.
 - The Parish Council should be involved in discussions on any s106.
- 5.02 **MBC Housing Officer:** No objections and advice provided on potential affordable housing mix.
- 5.03 **MBC Landscape Officer:** No objections subject to conditions requiring an Arboricultural Method Statement in accordance with BS5837: 2012 considering the hedgerow/trees adjacent to site boundaries together with areas of new planting and including details of protection, and a detailed landscape scheme, with implementation and maintenance details together with a long term management plan in accordance with the principles of the LCA. This should include consideration of how the boundary hedgerows can be managed and retained in the long term.
- 5.04 **MBC Environmental Health Officer:** No objections subject to conditions regarding contaminated land and air quality.
- 5.05 **MBC Parks & Leisure:** *"Based on the developer's original plan of 0.57ha being provided then we would seek an offsite contribution of £328 per dwelling rather than the usual £1575 per dwelling when no onsite open space is provided. This would be based on 72 dwellings and so a total contribution of £23616 would be requested. We would request that the offsite contribution be directed towards Stockett Lane Recreation Ground, which lies approximately 600m to the North West of the development site. Stockett Lane is owned by the Parish Council and is one of the main focal points for the area of Coxheath. It houses the local village hall and is therefore a focal hub for the community. Coxheath is currently underprovided for in terms of outdoor sports facilities and we would envisage that an off-site contribution be directed here for the improvement, maintenance, repair and renewal of the open space and play facilities at this site."*

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- 5.06 **MBC Conservation Officer:** No objections. *"Given careful detailed design and landscaping I see no reason why a development of this type on this site should not be able to be achieved without significantly affecting the setting of the Grade II Listed Clock House."*
- 5.07 **KCC Development Contributions:** *"The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution."*

Primary Education Provision: £4000 per 'applicable' house towards construction of a new primary school in south east Maidstone school and £2701.63 per applicable house towards land acquisition costs.

"The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of a new Primary School in South East Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded."

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality."

Secondary Education Provision: £2359.80 per applicable house towards new secondary school accommodation will be provided in Maidstone through extensions to provide additional accommodation.

"The proposal is projected to give rise to 14 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality."

Community Learning: £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.

"There is an assessed shortfall in provision for this service: the current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity."

Youth Services: £8.44 per household sought to be used to address the demand from the development towards youth services locally.

"Forecasts indicate that there is insufficient capacity within local Centres to accommodate the increased demand generated through the development, therefore KCC require contributions to provide increased centre based youth services in the local area."

Libraries Contribution: £16.28 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

"There is an assessed shortfall in provision: overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively."

Social Services: £15.95 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

"The proposed development will result in a demand upon social services which 'Facilities for Kent Family & Social Care' are under a statutory obligation to meet but will have no additional funding to do so."

- 5.08 **KCC Highways:** No objections subject to a financial contribution to mitigate the impact upon Linton Crossroad, bus stop improvements, pavements to the east and west of the access, and securing the access.
- 5.09 **KCC Ecology:** No objections subject to conditions.
- 5.10 **KCC Heritage:** No objections subject to a condition requiring a programme of archaeological work.
- 5.11 **UK Power Networks:** No objections.
- 5.12 **Rural Planning Ltd:** *"The proposed site here comprises some 3.2 ha (7.9 acres) of land used for fruit production (partly orchard, partly soft fruit under polytunnels) forming part of a much larger fruit farm based at the adjoining building and yards at Clock House Farm. The land lies at the south-east edge of the village, at about 125m above sea level.*

DEFRA's 1:250,000 scale mapping is insufficiently detailed to reliably define land quality on an individual field scale, however DEFRA's "Magic" website shows that a more detailed study of the site has been undertaken, showing the land to be all Grade 3a (good quality) and thus within the "best and most versatile" category, albeit the lowest grade of land within that category."

- 5.13 **NHS:** Seek a contribution of £93,384.

"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 local surgery premises:

- Orchard Medical Centre
- Stockett Lane Surgery

The above surgeries are within a 2 mile radius of the development at Heath 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."

5.14 **Environment Agency:** No objections subject to conditions relating to surface water drainage.

5.15 **Southern Water:** Outline that there is currently inadequate capacity in the local network to provide foul sewage disposal and there are no public surface water sewers in the area to serve the development.

“Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.”

5.16 **Kent Police:** No objections however the applicant should liaise on any reserved matters to design out crime.

6.0 APPRAISAL

Principle of Development

6.01 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.

6.02 The application site is outside but adjoining the defined settlement boundary of Coxheath. It is therefore upon land defined in the Local Plan as countryside.

6.03 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.”

6.04 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.

6.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly

whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).

- 6.06 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;'

- 6.07 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 and 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) found that there is the "objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet 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 objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 6.08 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings.
- 6.09 Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the five year target.
- 6.10 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.11 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Coxheath is a settlement defined as a 'larger village' in the emerging Local Plan, which outside of the town centre and urban area, are considered to be settlements capable of accommodating further development. The settlement offers a good range of key services including a primary school, healthcare services, employment, shops, a regular bus service to Maidstone town centre, and secondary schools nearby. As such, the site is considered to be at a sustainable location and immediately adjoins the existing settlement.

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- 6.12 The draft Local Plan, which has been out to Regulation 18 public consultation, is proposing 450 dwellings at Coxheath under 4 site allocations (including this site), and the application site is allocated for a mixed use development of 40 dwellings and up to 7,700m² of B1(a) and/or B1(c) (office or light industry) employment floor space (policy RMX1(4)). Planning applications for housing are under consideration for 3 of the 4 sites and another application at the west end of the settlement, not included with of the draft allocations, was recently deferred at planning committee (18/12/14) for further information.
- 6.13 The proposal is in conflict with the draft policy in that it is not providing B1 floor space but instead extra care apartments. The Spatial Policy team have outlined that this would have an impact upon employment floorspace provision within the emerging Local Plan. However, it is considered that as this is an emerging policy, it does not yet carry sufficient weight to form grounds for objection to the alternative use proposed, which will nonetheless provide employment.
- 6.14 In the light of the above five year supply position, bringing forward development on this sustainably located site, immediately adjacent to a sustainable settlement would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 6.15 Representations have been received referring to the emerging Neighbourhood Plan (NP) both in terms of the weight it should be given and whether the proposals comply. (For this application site, the draft NP seeks 30 units of market housing, 28 units of local needs housing, 42 units of two storey extra care accommodation for the elderly, badger sett protection, and approximately 1 acre of land gifted for the community to facilitate the building of new GP healthcare facilities). Whilst work on the NP is progressing, there are key stages ahead. Discussions with MBC are currently being held as to the need for further revisions to the draft plan (which may require further lead public consultation), and there needs to be independent examination and referendum.
- 6.16 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to the 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 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 weight that may be given)*
- 6.17 In view of the key stages ahead in the adoption process, the unresolved and continued discussions with the lead authority over key issues such as affordable housing and relationship to emerging local Plan (spatial strategy) to which Maidstone has an Objectively Assessed Need (OAN) and evidence base, it is considered that limited weight can be given to the draft NP in this case. The NP is a material consideration, however, at this stage, it is not considered grounds to either approve or refuse planning permission due to any compliance or conflict.

- 6.18 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact, access/highway safety, heritage impact, residential amenity, infrastructure, ecology, and drainage.

Visual/Landscape Impact

- 6.19 The site is visible from Heath Road and the main impact would be experienced when approaching the village from the east. Otherwise views of the site from public vantage points are relatively limited or screened. So whilst development of the site would inevitably result in a visual and character change from the current agricultural land, the main impact would be largely limited to Heath Road, would therefore be localised, and there would be no significant medium to long range impacts. The presence of surrounding development immediately to the west, south and north means that the site would not result in any significant protrusion into open countryside, and it would be seen in the context of these built up areas. In terms of the morphology of the settlement, development has grown on the four sides of the crossroads in the centre of the village forming blocks in each quarter. The proposal would complement this form of development and not represent an extension of development away from the main built-up areas of the settlement, or be out on a limb. For these reasons, it is considered that development of the site would cause low harm to the landscape and the impact would be localised.

Design Issues

- 6.20 Details of layout, scale, appearance and landscaping are not being considered at this stage. However, illustrative plans are provided showing 72 dwellings over the southern part of the site and the extra care building in the northeast corner. This equates to a density of around 35 dwellings per hectare, which I consider suitable for this edge of village site. This is also similar to adjoining development to the west (38 per ha) and not dissimilar to that to the north, and so would not be out of character.
- 6.21 Whilst layout is not being considered, the illustrative plans clearly show an intention to provide the apartments towards the front of the site. The illustrative footprint shown is much larger than nearby houses in scale but there are buildings with a similar size footprint just to the northwest at the NHS 'Heathside Centre'. Also related to this, the illustrative plans indicate this building may be three storeys in height to the sides, albeit with the third floor cut into the eaves. Nearby buildings are largely two storey and some single storey, and are domestic in scale, so I consider that a full three storeys would be out of character. I consider 2.5 storeys with rooms in the roofspace could be acceptable but this would have to be designed well and set back further back into the site, rather than fronting the road where it would appear out of character. Therefore I consider a condition would be appropriate to limit height to 2.5 storeys and specify a distance back from Heath Road where this height could be used.
- 6.22 In terms of guiding any reserved matters application, I do not consider it necessary to place any limitations or parameters on appearance as there is a mix of architecture within the area. I do not consider any layout parameters such as set-back distances are necessary (apart from any three storey element) as there is an irregular building line to the west. However, I do consider it appropriate to seek to retain some of the key features of the site which in this case is mainly boundary landscaping. The hedge line along the northern boundary with Heath Road is a positive and highly visible

feature of the site so I consider this landscaped edge should be retained. The fruit tree line along the eastern boundary with the farm access should also be retained and strengthened, this being the approach to the village. In addition strong landscaping is necessary in the northeast corner. The hedge lines along the west and northwest boundaries should be retained. The south boundary features limited landscaping and I consider the provision of a strong landscaped boundary is important which would also separate the development from the farm complex. There is an established hedge which runs from north to south towards the east side of the site and my view is that this should be incorporated into the development where possible and a condition can be worded appropriately.

- 6.23 As layout is not being considered, public open space would be considered in detail at the reserved matters stage. It is appropriate to attach a condition that requires public open space in the detailed design, and/or any necessary off-site financial contribution.
- 6.24 The development will be designed to achieve Code for Sustainable Homes Level 4 which can be secured by condition.

Highways Issues

- 6.25 Access is being considered at this stage and the primary access would be onto Heath Road with an emergency access via the farm entrance. The new access to Heath Road would be a staggered to Georgian Drive opposite. New pavements would be provided either side of the access. To the west the pavement would meet the existing footway outside the Orchard Medical Centre. To the east the new footway will extend along the site frontage to the junction with Clockhouse Farm. Dropped kerbs and tactile paving will be provided across the proposed vehicular access and the access at Clockhouse Farm.
- 6.26 KCC Highways have assessed the application and have raised no objections to the proposed access from a safety point of view. Nor have they raised any safety issues regarding the additional traffic from the development on local roads. As such, it is considered that there are no highway safety issues resulting from this development.
- 6.27 The Transport Assessment has assessed the cumulative traffic impact of development as identified in the draft Local Plan for Coxheath and also the deferred planning application for 55 dwellings on land north of Heath Road (MA/13/1979). A future assessment including 5 years growth has also been carried out as advised by KCC. This indicates that the Heath Road/Stockett Lane/Westerhill Road junction would not be adversely affected by the introduction of the development traffic. In terms of the Linton Crossroads, the modelling indicates that the junction currently operates within capacity with some arms close to capacity with significant queue lengths. Taking into account the cumulative impact of development at Coxheath, Linton Crossroads would operate over capacity with congestion and it would add to queue lengths and to the delays.
- 6.28 Therefore a financial contribution is being sought to a design and capacity assessment of the existing traffic signals in order to produce a mitigation scheme (either roundabout or enhanced signals) that would allow the junction to cope with the future demand. KCC Highways have requested a contribution of £1000 per dwelling, which would be secured from the draft housing sites and any other major sites proposed within the village. This is expected to cover the design and capacity works (£10,000) and the actual improvements and would be secured under a s106 agreement. I consider this would mitigate the traffic impact of the development here.

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- 6.29 Parking and layout is not being considered at this stage but I consider a suitable level of parking could be provided and balanced against achieving a well-designed scheme and layout.

Heritage

- 6.30 'Clock House' is a Grade II listed dwelling located just over 50m to the south between a complex of farm buildings. Representations have been received which consider the listed building would be harmed. The Conservation Officer has taken these views into account but considers that with careful design and landscaping, there is no reason why a development of this type on this site could not be achieved without significantly affecting the setting of the Grade II Listed Clock House.

Residential Amenity

- 6.31 Details of layout and appearance are not being considered however my view is that the development could be designed to prevent any unacceptable impact upon nearby properties in terms of privacy, light and outlook. I also consider the proposed properties could be designed to benefit from sufficient amenity.
- 6.32 An air quality mitigation statement has been submitted to reduce the impact the development would have on air quality including measures such as a green travel plan and electric charging points. This has been assessed by Environmental Health and it is recommended that a condition requiring a sustainable travel statement be provided, which can be attached.
- 6.33 Issues of increased noise and pollution for the development has been raised, however, I do not consider any noise created by people living at the site or associated noises with its use would result in any demonstrable harm to local amenity. Nor do I consider any pollution impacts would warrant objection and steps to mitigate impacts upon air quality would be provided.

Infrastructure

- 6.34 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan.
- 6.35 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -
- 6.36 It is:
- (a) necessary to make the development acceptable in planning terms;*
 - (b) directly related to the development; and*
 - (c) fairly and reasonably related in scale and kind to the development.*
- 6.37 The following contributions have been sought:

"The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional

impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution."

6.38 For primary education provision, £4000 per 'applicable' house is sought towards construction of a new primary school in south east Maidstone school and £2701.63 per applicable house towards land acquisition costs.

6.39 I have questioned (as have the Parish Council) why monies would not be going towards Coxheath primary school. KCC have explained that,

"Coxheath primary school has already been expanded to 2 forms of entry. There is no potential to expand the school further.

The proposed provision of a new 2FE school at Langley Park is a strategic provision for this part of Maidstone – it will meet the additional pupils from the consented Langley developments, plus population demand from the surrounding area. It is the only scheme to add primary education provision for the locality that is a) required and b) planned. It is therefore appropriate that contributions from Coxheath are sought against the provision of the new school. Not all the pupils living in the new Coxheath housing developments will go to the Langley Park school – this will be according to parental preference and the demand for places. However the additional capacity provided by Langley Park will ensure that there is sufficient capacity to meet the requirement for school places within Coxheath and the surrounding locality."

6.40 For secondary education £2359.80 per applicable house towards new secondary school accommodation in Maidstone through extensions.

6.41 For community learning, £30.70 per household is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.

6.42 For youth services, £8.44 per household is sought to be used to address the demand from the development towards youth services locally.

6.43 For libraries, £16.28 per household is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

6.44 For social services, £15.94 per household is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

6.45 Justification for the contributions is outlined at paragraph 5.07 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

6.46 In terms of healthcare, the NHS are seeking a contribution of £93,384 towards improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at the Orchard Medical Centre and Stockett Lane Surgery (both in Coxheath). I consider that this request has been sufficiently justified (see paragraph 5.13) to mitigate the additional strain the development would

put on health services and complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

- 6.47 As outlined above, a contribution towards mitigating the impact of the development on the Linton Crossroads will also be sought and is considered to pass the CIL tests.

Affordable Housing

- 6.48 Affordable housing is proposed at 40% in line with the 2006 DPD and emerging policy. MBC Housing has advised on the tenure split and house size mix to meet the current need and the applicant is agreeable to this. This will be finalised under the legal agreement.

Ecology

- 6.49 A phase 1 walk over survey of the site has been carried out. Issues identified were the presence of a badger sett beneath a metal storage container at the south end south of the site, the potential for bats roosting in fruit trees along the east boundary, and areas of suitable habitat for reptiles (although further survey work is not deemed necessary). Further survey work relating to the badger sett and bats (endoscopic surveys of trees) has been carried out at the request of KCC Ecology. In terms of badgers, a mitigation strategy is proposed for removal of the storage container and the sett would be retained and protected on site. Trees potentially suitable for roosting bats were surveyed and no evidence of their use was found. However, enhancement is recommended including bat boxes and appropriate lighting. Existing reptile habitat would be retained and enhanced with protection and planting. KCC Ecology has reviewed the information and are raising no objections subject to conditions.

Drainage

- 6.50 In terms of surface water, SUDs techniques would be used so as not to increase run-off beyond the current situation. This could involve soakaways, permeable surfacing, and water containers. The flood risk assessment demonstrates that these methods would be suitable and the Environment Agency has raised no objection subject to a condition to provide specific details of the surface water drainage strategy.
- 6.51 In terms of foul drainage, Southern Water outline that there is currently inadequate capacity in the local network to provide foul sewage disposal and there are no public surface water sewers in the area to serve the development. They state that, *"Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location."* I would therefore propose a condition that details of foul drainage are submitted for approval prior to commencement and no dwellings are occupied until adequate arrangements are in place.

Other Matters

- 6.52 An archaeological desk-based assessment has been carried out which has been assessed by the County Council. The site lies within a general area for early prehistoric remains and Iron Age activity associated with the Scheduled Boughton Iron Age Camp to the north east and associated earthworks in the wider area. There

is potential for archaeology to survive on this site and as such a condition is recommended requiring a programme of work.

- 6.53 The land is categorised as Grade 3a agricultural land and thus within the "best and most versatile" category. The NPPF advises that account should be given to the economic and other benefits of the best and most versatile agricultural land. In this case, it is considered that the need for housing, in view of the lack of a 5 year supply, is sufficient to outweigh the loss of the agricultural land and that the loss is not sufficient grounds to object to the development.
- 6.54 The Parish Council have stated that they should be involved in discussions on any s106 agreement. The allocation of any funding towards primary schools, upgrading of footpaths and cycle routes, the allocation of such monies would be the responsibility of KCC and not the Parish Council. The Parish Council considers more space should be provided around the Orchard Medical Centre to allow future expansion and the land should be gifted. This is a matter between the landowner, the Parish Council and the NHS. Notwithstanding this, layout is not being considered at this stage and so any approval does not hinder further discussions on this matter. The Parish Council also consider a strip of land should be safeguarded on the south side of Heath Road to provide an off-road cycle route as per the draft NP. The NP does not hold sufficient weight to insist on such measures or refuse the application on this basis.
- 6.55 Other issues raised in representation but not considered above include the loss of views and devaluation of property. The loss of a view is not grounds to refuse an application and the loss of value to property is not a planning consideration or grounds to object.

7.0 CONCLUSION

- 7.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 7.2 The site is at a sustainable location adjoining the settlement boundary of Coxheath in the Local Plan, which offers a good range of facilities and services, and public transport links. The site would represent a logical expansion of the village in keeping with its morphology, with the visual impact being localised and not resulting in any significant protrusion into open countryside. There are no highway objections and contributions would be secured to mitigate impacts upon the Linton Crossroads. Appropriate infrastructure would be provided and affordable housing. There are no heritage, ecology, or amenity objections, or any other matters that result in an objection to the development.
- 7.3 I have taken into account all representations received on the application, including the petition. Considering the low level of visual harm caused by the development, in the context of a lack of 5 year housing supply, I consider that the low adverse impacts 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 is sufficient grounds to depart from the adopted Local Plan. Therefore I recommend permission is approved and that Members give delegated

powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and the following conditions.

8.0 RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

- The provision of 40% affordable residential units within the application site.
- Contribution of £4,000 per applicable house and towards construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs. Contribution of £2360 per applicable house towards secondary education provision in Maidstone.
- Contribution of £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.
- Contribution of £8.44 per household sought to be used to address the demand from the development towards youth services locally.
- Contribution of £16.28 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £15.94 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- Contribution of £93,384 towards extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery.
- Contribution of £1,000 per dwellings towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

CONDITIONS

Note: this is a draft list of conditions and may be subject to change. Any amendments or additional conditions will be addressed via an urgent update.

1. The outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

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

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Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year 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, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

2. The development shall not commence 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 and to safeguard the trees on site.

3. The development shall not commence 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. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include consideration of how the boundary hedgerows can be managed and retained in the long term.

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

4. 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.

5. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a habitat management plan detailing how all the ecological enhancements and protected species mitigation will be managed long term. The site shall be managed in accordance with the approved habitat management plan thereafter.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

6. The development shall not commence 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;

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Reason: To ensure a satisfactory appearance to the development.

7. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

8. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

9. The development shall not commence until details of the proposed slab levels 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;

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

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

11. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A 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

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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.

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

12. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

- 1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
- 2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

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

13. No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors.

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

Reason: In the interest of residential amenity

14. Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter.

The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area

15. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before 85% of the dwellings are occupied.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance

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16. The details of layout and scale as required under condition 1 shall limit the housing development to 2.5 storey's and shall specify a distance back from Heath Road where this height could be used.

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

Case Officer: Richard Timms

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

14/0566

Amended Conditions

Please find below an amended set of conditions to supersede entirely those on the Agenda:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year 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.

2. The development shall not commence 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 should include the following details:

- (i) Details for the long-term management of retained hedgerows and tree lines.

- (ii) New tree and hedge planting within the northeast corner of the site.

- (iii) New tree and hedge planting along the south boundary of the site.

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

3. The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- i) Description and evaluation of features to be managed;
- ii) Ecological trends and constraints on the site that might influence management;
- iii) Aims and objectives of management;
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions;
- vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii) Details of the body or organisation responsible for implementation of the plan;
- viii) On-going monitoring and remedial measures.
- ix) Specific details for the retention and protection of the badger sett.
- x) Specific details for the protection, maintenance and enhancement of reptile habitat.
- xi) Specific details of any lighting which shall be designed to minimise the impact upon wildlife.

- xii) Specific details and locations of the biodiversity enhancement measures outlined within the 'PJC Ecology letter dated 17th June 2014'.
- xiii) Biodiversity enhancement measures within the structure of buildings.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- 4. The development shall not commence 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.

- 5. The development shall not commence 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.

- 6. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- 7. The development shall not commence until details of the proposed slab levels 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;

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

- 8. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- 9. The development shall not commence 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.

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

10. The development shall not commence until a sustainable travel statement has been submitted to and approved in writing by the Local Planning Authority which shall incorporate the mitigation measures outlined in the Air Quality Mitigation Statement.

Reason: In the interests of pollution prevention.

11. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors.

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

Reason: In the interest of residential amenity

12. The development shall not commence until details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection have been submitted to and approved in writing by the Local Planning. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area.

13. The development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before 85% of the dwellings are occupied.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance

14. The development shall not commence until details of foul water drainage, which shall

include details of on-site drainage and 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 approved details shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

15. The approved details of the access, emergency access, new footways and dropped kerb crossing/tactile paving as shown on drawing no. 07-013-003 RevB shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of road safety.

16. Bus stop improvements comprising raised kerbing at the two nearest existing stops to the east of the site access each side of Heath Road shall be completed before the commencement of the use of the land.

Reason: In the interests of sustainable transport use and road safety.

17. 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.

18. The methodology for the removal of the storage container in relation to the badger sett shall be carried out in strict accordance with that detailed within the 'PJC Ecology letter dated 17th June 2014' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity protection.

19. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 4 has been achieved.

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

20. The details of landscaping submitted pursuant to condition 1 shall provide for the following:

- (i) Retention of the hedge line along the northern boundary of the site with Heath Road.
- (ii) Retention and strengthening of the tree line along the eastern boundary of the site with the access to Clockhouse Farm.
- (iii) Retention of the hedge lines along the western and northwestern boundaries of the site.
- (iv) Incorporation of the hedge line within the site that runs from north to south into the layout where appropriate.

Reason: To ensure a satisfactory appearance and setting to the development.

21. The details of scale as required under condition 1 shall show no buildings over a height of 2.5 storeys (any third floor to be within the roof space). The details of layout as

required under condition 1 shall show no 2.5 storey buildings within 25 meters of Heath Road.

Reasons: To ensure a satisfactory appearance to the development.

22. The details of layout as required under condition 1 shall show the provision of on-site public open space, or a financial contribution towards off-site public open space as an alternative provision, or a combination of both.

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

23. In respect of the details of access only, the development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. SK03 received on 07/04/14, and 07-013-003 RevB received on 05/09/14.

Reason: For the purposes of clarity and highway safety.

RECOMMENDATION

My recommendation remains unchanged subject to the amended conditions outlined above.

The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to a legal agreement and conditions

14/0566

Amendment to Heads of Terms

In respect of the financial contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads), delegated powers are sought for officers to finalise the amount, rather than the £1000 per dwelling currently specified. The £1000 per dwelling was originally estimated by Kent Highways, however, consultants are currently carrying out an assessment on behalf of MBC of options for improvement, which would enable a more accurate figure to be produced. This work is expected to be completed in March. The amendment sought is as follows:

- ***Contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development (final amount to be clarified by officers).***

Amended Condition

I wish to amend condition 3 to refer to the use of any cord wood within the site and wildlife friendly drainage gullies in the interest of biodiversity protection and enhancement as follows:

3. *The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:*
 - i) *Description and evaluation of features to be managed;*
 - ii) *Ecological trends and constraints on the site that might influence management;*
 - iii) *Aims and objectives of management;*
 - iv) *Appropriate management options for achieving aims and objectives;*
 - v) *Prescriptions for management actions;*
 - vi) *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);*
 - vii) *Details of the body or organisation responsible for implementation of the plan;*
 - viii) *On-going monitoring and remedial measures.*
 - ix) *Specific details for the retention and protection of the badger sett.*
 - x) *Specific details for the protection, maintenance and enhancement of reptile habitat.*
 - xi) *Specific details of any lighting which shall be designed to minimise the impact upon wildlife.*
 - xii) *Specific details and locations of the biodiversity enhancement measures outlined within the 'PJC Ecology letter dated 17th June 2014'.*
 - xiii) *Biodiversity enhancement measures within the structure of buildings.*
 - xiv) *Details of the location of cord wood to be retained on site.*
 - xv) *Details of wildlife friendly drainage gullies.*

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

Coxheath Parish Council

Members have been sent a letter from the Parish Council outlining that they support the outline application because they consider it is in line with the draft Coxheath Neighbourhood Plan. They request the following is included within the Section 106 (summarised):

- The Section 106 gives the Parish Council control of land around the medical centre and they be party to the agreement so that the community benefits from any return generated when the land is developed for healthcare use. That the Section 106 financial contribution allows new development for healthcare purposes on this land.
- Paragraph 6.39 is incorrect to imply that the school cannot be expanded. The school and the Parish Council are in discussions with KCC Education on this and we ask, therefore, that the education Section 106 is not earmarked for a new school at Langley but delegated to officers to take account of those discussions.
- A proportion of the affordable housing should be for local needs and this should be within the Section 106 agreement.
- A safe crossing point from the development to the Library and the rear entrance to the school.
- Land is safeguarded in parallel with the road on the north side of the site for the safe cycle route to Cornwallis School and the proposed Linton Park and Ride site, as proposed in the Coxheath Neighbourhood Plan.
- The density and character for the development of this site should not be compared, as in paragraph 6.20, with the adjoining 'Avante' site. The 'Avante' site was a 'John Prescott £60,000 house site and is completely different in density and character from the rest of Coxheath.

Officer Comment

As outlined in the main report (paragraph 6.54), the future use of the land around the medical centre is a matter between the landowner/applicant, the NHS and the Parish Council. Notwithstanding this, layout is not being considered at this stage and so any approval does not hinder further discussions on this matter or potential medical expansion here.

With regard to the primary school, paragraph 6.39 is a quote from Kent County Council. I have sought clarification once more on this point from KCC who state as follows:

"Discussions are planned in the coming weeks with the school. The ability for the school to expand is still considered unlikely at the moment given current information, however in recognition that new information obtained through these discussions or feasibility studies of the site/property may alter the situation KCC can agree to consider to use the contributions on a project closest to the development to include first considering Coxheath PS. However should the school not be able to accommodate increased provision for whatever reason the contributions will be required to cascade to the next closest project in order to mitigate the increased demand.

Suggested wording is:

"the Education contribution to be directed towards education provision at the closest appropriate location to the development capable of accommodating increased provision, dependent upon the outcome of a feasibility study & costings of any project"

Further comments outline that,

"The difficulty in expanding Coxheath PS is a result of expansion from 1 form of entry (1FE) to 2FE having already occurred in 2011/12. The school is therefore currently in the transition to 2FE, as the additional class is added at Reception each year and will take 7 years until the school has a capacity of 420 pupils.

I believe that expansion to 3FE would be difficult but currently do not have a feasibility which provides the evidence of whether this is viable. You will be aware that there is desire locally to direct s106 funds from the local development/s to Coxheath PS. The revised s106 request wording is therefore designed to allow funds to potentially be directed to Coxheath PS, whilst protecting our ability to spend funds towards the new school at Langley Park, which has firm commitment as a project."

KCC have altered their position at the last minute, or not kept MBC up to date. However, it is advised that delegated powers are given to officers to explore the potential for contributions to go to Coxheath Primary School. It is recommended that a time limit (6 weeks) is applied to seeking clarification on feasibility and costings so this is not open-ended as this would be unreasonable for the applicant. If this matter is not resolved by KCC, then the monies would go towards Langley Park. Importantly, either solution would still mitigate the impact of the development upon education provision.

An amendment to the Heads of Terms is recommended as follows:

- ***Contribution of £4,000 per applicable house towards construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs; or a contribution towards the expansion of education provision at Coxheath Primary School if deemed feasible (Amount to be finalised by officers. If amount is not finalised within 6 weeks, contributions will go to the new primary school in south east Maidstone).***

In terms of local needs housing, I have discussed this with my housing colleagues who state as follows:

"A previous Local Housing Need Survey has been undertaken which identified a potential need, and despite a change in our Allocation Scheme policy, there is some evidence that we would have some applicants on our housing register of which would have a form of local connection to Coxheath. The development also appears to be providing a range/mix of affordable units (i.e. 1-beds) of which would meet local need in accordance with calculated bed need on our housing register. Also as local needs provision has not already been applied to a scheme in Coxheath, I am happy for a proportion to be provided on this site."

On this basis it would be appropriate to provide some local needs housing on this site. I therefore recommend a change to the Heads of Terms as follows:

- ***The provision of 40% affordable residential units within the application site of which a proportion shall be for local needs housing.***

In terms of a crossing point on Heath Road and safeguarding of land for a cycle route, there is a pedestrian crossing point just to the west of the site with dropped kerbing and tactile paving, and a more comprehensive crossing is not deemed necessary by Kent Highways or the applicants transport consultant, nor is this proposed. As outlined in the main report (paragraph 6.54), the provision of a cycle route is not deemed necessary or reasonable to provide, and justification based on the draft Neighbourhood Plan is not sufficient.

The 'Avante' site is an existing significant development next to the site, and forms the context for this application site. As outlined in the main report (paragraph 6.20), the density is similar to the 'Avante' development and not dissimilar to that to the north, and so would not be out of character in its context.

Representation

Members have been sent a letter from 'RACE' (Residents Against Coxheath Expansion) referring to Coxheath Parish Council. Reference is made to a number of issues including highway safety, infrastructure, loss of agricultural land, and amenity. Reference is made to brownfield land within Maidstone and that this should be used first.

Officer Comment

These planning matters have been addressed in the main report. In terms of brownfield land, Members must decide the application before them on its own merits, and in the absence of a 5 year supply, the NPPF states that that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. As outlined in the report, it is considered that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at this sustainable location.

RECOMMENDATION

My recommendation remains unchanged subject to the amended heads of terms (set out below for clarity) and amended condition 3 above.

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

- The provision of 40% affordable residential units within the application site of which a proportion shall be for local needs housing.
- Contribution of £4,000 per applicable house towards construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs; or a contribution towards the expansion of education provision at Coxheath Primary School if deemed feasible (Amount to be finalised by officers. If amount is not finalised within 6 weeks, contributions will go to the new primary school in south east Maidstone).
- Contribution of £30.70 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development.
- Contribution of £8.44 per household sought to be used to address the demand from the development towards youth services locally.
- Contribution of £16.28 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £15.94 per household sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.

- Contribution of £93,384 towards extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery.
- Contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development (final amount to be clarified by officers).

The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to conditions