

## REPORT SUMMARY

<b>REFERENCE NO - 12/0986</b>			
<b>APPLICATION PROPOSAL</b>			
Outline application for residential development for up to 112 dwellings with associated development, including demolition of existing dwellings/police building in Weald Close with all matters reserved for future consideration.			
<b>ADDRESS</b> Land Rear Of Police Headquarters, Sutton Road, Maidstone, Kent			
<b>RECOMMENDATION – DELEGATED POWERS TO APPROVE</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
The development of the site for residential would represent sustainable development and accord with the emerging housing allocation. The loss of sports pitches would be mitigated to an acceptable level given the alternative provision proposed and available in the locality.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Contrary to Statutory Consultee – Sport England			
<b>WARD</b> Shepway South Ward	<b>PARISH COUNCIL</b> N/A Maidstone	<b>APPLICANT</b> Kent Police Authority <b>AGENT</b> DHA Planning	
<b>DECISION DUE DATE</b> 20/01/14	<b>PUBLICITY EXPIRY DATE</b> 20/01/14	<b>OFFICER SITE VISIT DATE</b>	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/11/0234	An application for a screening opinion for a residential development comprising up to approximately 115 No. dwellinghouses	Environmental Statement is Not Required	11 March 2011
<i>Summarise Reasons</i> – The development will not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and that EIA is not required.			
MA/12/0987	Land to Rear Of Kent Police Training School off St Saviours Road, Maidstone – Outline application for residential development for up to 90 dwellings with associated development with all matters reserved for future consideration.	On this agenda	
<i>Summarise Reasons</i> – To be determined; recommendation for delegated powers to approve.			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an area of land approximately 4 hectares in area located to the rear of the Kent Police headquarters buildings that front onto Sutton Road. The site itself is on the west side of Lansdowne Avenue and is open in nature and has private sports pitches laid out. The site is within the urban area of Maidstone and Park Wood ward although adjacent to both Shepway North and South wards. The site is an allocated site in the emerging Maidstone Borough Local Plan H1(21).

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- 1.02 Although the site is laid out as sports pitches in planning terms I do not consider the use to be recreation. The site is part of the operational land of Kent Police and if used in connection with the existing HQ use e.g. vehicle parking or storage there would be no change of use.
- 1.03 The police HQ is a collection of significant buildings that are conspicuous from Sutton Road and due to their character and set back from the road provide an attractive addition to this part of the street scene. Other than the Kent Police buildings the majority of the surrounding area is characterised by residential development. The properties on Lansdowne Avenue, Coverdale Avenue and Queen Elizabeth Square are generally two storey properties with a mix of detached, semi detached and small rows of terraced properties. A similar style and mix of properties continues east through the estate roads towards the Morrisons food store. To the north west of the site the area of Grove Road and Camp Way are characterised by residential properties in rows of 6 terraced properties together.
- 1.04 There is a row of trees running along the edge of Lansdowne Road and these are protected by a tree preservation order that was served in 2013. The south western and the north western boundaries are characterised by substantial tree lined boundaries.
- 1.05 There is a registered public right of way KB27 that runs along the south western boundary linking Pested Bars Road with Grove Road and this would be unaffected by the development.
- 1.06 The site is not within flood zone 2 or 3 and there are no areas of ancient woodland in the immediate vicinity of the site.

## **2.0 PROPOSAL**

- 2.01 The application is in outline form and for residential development up to 112 dwellings with all matters reserved for future consideration. The indicative layout shows two vehicular access points from Lansdowne Avenue and the mix of properties show 28 flats and 6 coach houses with the remainder of the development being predominantly family housing of three, four and five bedroom houses. There are 214 car parking spaces shown across the development including 20 to be used for the football pitches. The density of the development would equate to 39 dwellings per hectare across the developable part of the site.
- 2.02 The scheme includes the demolition of buildings within Weald Close and the rationalisation of the playing fields in the northern part of the site to provide one adult football pitch and two other pitches for U11/U12 and a combined pitch for use by U9/U10 and U13/U14. Whilst these pitches would provide a similar facility for the use of private clubs and the Police they would not be available for general public use.
- 2.03 The residential element is shown in indicative form to replicate the general pattern of the surrounding area with larger detached dwellings fronting onto Lansdowne Avenue and clusters of development within the site.
- 2.04 The design and access statement submitted includes how a typical residential development can achieve Code for Sustainable Homes level 3. At this stage there is no formal assessment due to the fact that there is no house builder on board and no detailed design of the dwellings.

2.05 There is an area set aside for a toddler play area but again at this outline stage there are no further details in relation to the size or type of equipment of the number of pieces.

2.06 The agent has indicated that Kent Police are willing to enter into a Section 106 agreement to secure a justified level of affordable housing and the justified financial contributions. However, they do state that any request for contributions would impact on the ability of Kent Police to invest the capital receipts from the site into the service. It is stated that they would be happy to accept a clause requiring the investment into Maidstone of any amount that is reduced from other community requirements.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	4	4	0
No. of Storeys	0	2 – 4	2 – 4
Parking Spaces	0	214	214
No. of Residential Units	0	112	112
No. of Affordable Units	0	42 (40%)	42

### 4.0 PLANNING CONSTRAINTS

TPO 5 of 2013 Group of Trees - G2 - Consisting of 11 Maple, 15 Lime and 4 Sycamore

Urban Area Air Quality Management Area

### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
 National Planning Practice Guidance (NPPG)  
 Maidstone Borough-Wide Local Plan (2000): ENV6, ENV24, T2, CF1, CF6, CF8  
 Affordable Housing DPD (2006)  
 Open Space DPD (2006)  
 Maidstone Borough Local Plan Regulation 18 Consultation 2014: SS1, SP2, H1(21), DM2, DM4, DM10, DM12, DM14, DM16, DM23, DM24, ID1

### 6.0 LOCAL REPRESENTATIONS

6.1 25 letters of objection have been received on the following summarised grounds:-

- The density is too high to provide a suitable layout with private space.
- Impact on the access road and increased traffic throughout the estate and onto Sutton Road.
- Loss of trees.
- Inadequate infrastructure to cope with the development including medical facilities and education facilities.
- Insufficient parking and impact on, on street parking that is already high due to Police and Morrisons employees.
- Loss of open space and sporting facilities.
- Impact on wildlife and biodiversity.
- The development would be a security risk being close to the police headquarters buildings.

- Overlooking and loss of privacy impacting on residential amenity.
- There is too much affordable housing in the area.

## 7.0 CONSULTATIONS

### 7.01 Sport England have objected to the application stating:-

“It is understood that the development is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or is on land that forms part of, or constitutes a playing field, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (SI 2010/2184) Schedule 5. Sport England responds to this application as a statutory consultee on the basis that the land has been used as a playing field at any time in the last five years and remains undeveloped; or has been allocated for use as a playing field in a development plan; or involves replacement of the grass surface of a playing pitch on a playing field with an artificial surface.”

They are critical of the assessment of playing fields stating:-

“The assessment area is restricted to Parkwood and the surrounding wards. Therefore this only gives an overview of the demand and supply for pitches in a particular part of the Borough. The assessment is not a borough wide one and therefore does not examine demand and supply in other parts of the Borough where there may be shortages of pitches. The Assessment itself under paragraph 1.39 states that Sport England may also request a full Local Authority Playing Pitch Assessment to be carried out.

There does not appear to be any evidence that the Assessment has been led by a steering group which includes representation from all relevant Local Authority departments and key partners, who can check and challenge the data collection and the findings.

The data collection relating to the supply of pitches seems to be mainly website based. There has been no consultation with local clubs to examine their access requirements, access barriers, latent demand, accessibility to pitches and the quality of the existing pitches that they use, for example, are they over played or underplayed. The assessment is based on quantitative data and not qualitative. Without undertaking club surveys and site assessments to understand club's accessibility issues and the quality of the existing supply of pitches and their playability, the assessment is not considered robust.

The findings of the assessment that there are sufficient playing pitches (for all sports) in the Parkwood Ward area, without using the existing playing pitches on the Police Head Quarters Site and the Police College site (with the exception of the mini soccer pitch on the Police College site) is at variance to the comments of The Football Association. If the assessment was robust and the conclusions accurate, then The Football Association would agree that the site is surplus to sporting requirements.”

As such Sport England cannot consider that the application/assessment meets the exception of

“A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing

field provision in the catchment, and the site has no special significance to the interests of sport.”

The objection states:-

**“that the proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned;”**

- 7.02 **MBC Parks and Open Space Team** raise no objections to the application stating that they are satisfied that the assessment of pitch provision is adequate and that the loss of private pitches would not result in a deficiency in the provision of playing fields in the area. Parkwood Recreation ground, the closest pitches MBC have to the Police sites have got two senior and one junior pitch and the senior pitches are not in use at all.

They have requested a sum of £1575 per dwelling, a total of £176,000 to be spent at improvements to play areas and open space at Mangravet Recreation Ground which is a short distance away from the development and specifically has a gap in play provision for 5 to 9 year olds. It is also envisaged that with a large increase in families moving into the area that the rest of this park will see an increase in usage and so toddler and teen provision will also need further addressing. Also the play area at Queen Elizabeth Square, which is in need of improvement would have money directed to it from this development. In terms of sports pitches this should be directed to improvements to sports pitches at Park Wood recreation ground. In addition, Mote Park is a destination park that is visited by residents from all over the borough of Maidstone. The Adventure Zone play area in Mote Park is heavily used and is in constant need of updating and replacing equipment.”

- 7.03 **Kent Highway Services** raise no objections to the application subject to seeking contributions as follows:-

In addition to this information being provided and subject to this being satisfactory I would recommend that the following highway improvements/contributions are made:-

1. A contribution of £3000 per dwelling is required towards the provision of a bus lane along the A274 Sutton Road. This scheme has been identified in the Maidstone Integrated Transport Strategy and will serve to provide reliable journey times and maintain bus frequency without adding to congestion. These planning applications will increase the demand for such a service as these sites are significant in size and are located some distance from the town centre.
2. Controlled access restrictions at the Pested Bars Road private police access. (This has been suggested by the applicant).
3. Improvements to linkages with the local public rights of way network, including new footway/cycleway alongside Lansdowne Avenue – this would improve access to New Line Learning. (This has been suggested by the applicant).
4. Existing on street parking along Lansdowne Avenue/ Queen Elizabeth Square is likely to lead to problems of congestion/obstruction this should be addressed in a manner which would not lead to vehicles being able to speed along this straight stretch of road.
5. Consideration should be given to the provision of a toucan crossing on the A274 to the east of the junction of Queen Elizabeth Square and modifications to the existing

footway along the eastern side of Molehill Copse Primary School between Sutton Road and Middlesex Road in order to link the proposed footway/ cycleway along Lansdowne Avenue/Queen Elizabeth Square with the existing cycle route along Middlesex Road.

- 7.04 **Environment Agency** originally raised objections on the grounds that there was no Flood Risk Assessment submitted. However, following submission of this document comments received raise no objections to the development and recommend conditions in relation to contaminated land and surface water drainage.
- 7.05 **MBC Environmental Health Manager** has no objections, subject to a condition relating to air quality and informatives. In addition, the mitigation measures suggested in the acoustic assessment submitted by Loven Acoustics, dated 24<sup>th</sup> April 2012, should be followed implicitly.
- 7.06 **MBC Housing** raise no objection to the application subject to the provision of 40% affordable housing.
- 7.07 **Kent County Council** are seeking the following contributions:-
- Primary – there is a need right across the Town for Primary. This is being mitigated by the building of new Primary School(s) and monies are being collected towards the build and land costs. These amount to £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs. Applicable meaning all units except 1 bed units of less than 56sqm GIA.
  - Secondary – KCC require contributions towards additional places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house & £589.95 per applicable flat. Any s106 Agreement would include a provision for these developments only (due to the historic date of the applications), that should the developments be built out prior to March 2018, the Secondary contribution alone will be refunded. The s106 will need to include the Secondary contribution, as there is no guarantee of build out dates.
  - Community Learning – £30.70 per dwelling to provide additional classes through dedicated Adult Education centres and through outreach Community learning facilities local to the development
  - Youth service – £8.44 per dwelling to provide centre based youth services locally
  - Libraries – £145.73 per dwelling towards expansion of Library services locally and additional bookstock & equipment
  - Social Care – £53.88 per dwelling towards:-
    - improvement works to enhance local community facilities to ensure full DDA access to clients to participate in community activities and groups, and provision of additional capacity to core social care facilities and centres locally for all Social Care clients (Older Persons, and also clients with Learning or Physical Disabilities); plus
    - Assistive Technology (also referred to as Telecare): installation of technology items in homes (including: pendants, fall sensors, alarms, etc.) to enable existing & future clients to live as independently and secure as possible in their own homes.

Whilst Kent Police may be arguing for a reduction, police funding is a Home Office issue, not a planning issue; and we trust MBC and their Members will consider this matter appropriately under relevant Planning legislation.

7.08 **KCC Ecology** state:-

“Much of the site comprises amenity grassland of limited ecological value. However, there are areas of potential ecological interest:-

- Suitable habitat for reptiles is present in the southern corner of the site;
- A compost heap and grass cutting pile present opportunities for grass snake egg laying and hibernation in the western corner of the site;
- Trees with potential to provide bat roosting opportunities are present along the north-western boundary, in the southern corner of the site and adjacent to the south-western boundary;
- Badger use of the southern corner of the site has been confirmed.”

7.09 **KCC Archaeology** raise no objections to the application stating:-

“The site of the application lies within an area of archaeological potential associated with Iron Age and Romano British activity. Recent archaeological work in this area has located several Iron Age and Roman-British settlement and activity sites nearby and the course of a Roman road runs along the south western boundary.

Earthworks which may be associated with this activity were recorded to the north west and south. Although some of these earthworks have probably been destroyed underneath the housing estate, some could well survive. If these earthworks survive and can be directly associated with the Iron Age and Romano-British activity, they would be considered to be important remains.”

A condition is recommended to be attached to any approval to ensure that archaeological evaluation works are undertaken and if necessary preservation works.

7.10 **Southern Water** do not raise objections but state that there is inadequate capacity in the local network to provide foul sewage and 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 appropriate infrastructure. An informative is requested to be attached to any approval.

7.11 **UK Power Networks** raises no objections to the proposed works.

7.12 **Kent Police Architectural Liaison Officer** raises no objections to the application and recommends a condition to ensure the reduction of crime within the scheme.

## 8.0 **APPRAISAL**

### **Background**

8.01 The application was submitted in May 2012. However, this was without a Flood Risk Assessment and this was not submitted until the end of November 2013 along with additional transport data and information relating to sports pitch use and provision.

- 8.02 Following the receipt of this information a re-consultation exercise was undertaken in early 2014. The application was then awaiting the confirmation of the highway improvements from the three strategic sites further along Sutton Road.

### **Principle of Development**

- 8.03 The application site is a greenfield site within the designated urban area. There are a number of nearby facilities including doctor's surgeries, schools and retail facilities. There are bus routes nearby into Maidstone and I consider that the site is in a sustainable location. In terms of the National Planning Policy Framework, whilst the content encourages the use of brownfield sites the main thread through the NPPF is for sustainable development and the development of sites such as this within the urban area are examples of sustainable development.
- 8.04 A number of sites have been considered as part of the Council's initial call for sites and this site was included and forms part of the housing allocations in the Regulation 18 Consultation 2014, site H1(21). The settlement hierarchy of the emerging local plan seeks to direct development to the urban area in the first instance followed by Rural Service Centres and then larger villages. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.
- 8.05 It is certainly the Council's view that in general terms the site is appropriate for residential development. It is clear from the allocations and recent decisions on major housing schemes that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a 5 year land supply means that some housing on greenfield sites is inevitable.
- 8.06 The number of dwellings proposed of 112 would be able to be accommodated on the site with a variety of layouts possible the density of approximately 39 dwellings per hectare would not be harmful to the character of the area.
- 8.07 Therefore, I consider that the general principle of residential development on the site to be acceptable. The key considerations are the impact on highways and junction capacity and the visual impact on the area.

### **Loss of Sports Pitches**

- 8.08 Across the two sites, the headquarters site and the training school site, there are two senior football pitches (HQ site) and 1 mini football pitch (Under 10), 1 Junior pitch (Under 11 boys under 12 girls) and 1 larger Junior pitch (under 12, 13, 14, 15 and 18 boys teams and under 16 girls). The proposed pitches to be located on part of the HQ site would result in one adult football pitch and two other pitches for U11/U12 and a combined pitch for use by U9/U10 and U13/U14. Therefore, there would be a net loss of pitches if consent were to be granted for residential development on these sites.
- 8.09 Sport England have objected to the application on the grounds that the proposal would result in the loss of sports pitches. The land is currently laid out as sports pitches and is in use for such purposes to certain private clubs. However, the site is operational land of Kent Police and can be used for any purpose in connection with the use of the site as the Kent Police Headquarters, which may include sport, storage, parking, etc.



- 8.10 The sports pitches are therefore not designated for this purpose in planning terms and are not secured for such a use through any agreement (planning or otherwise). The site is available to some private clubs through arrangements with Kent Police but is not available for use by the general public and therefore has limited public benefit. Furthermore, the arrangements with Kent Police could cease at any time and the facility withdrawn from use. Therefore, whilst the pitches exist and are in use I do not consider that they are available to the general public and cannot be secured in any way due to the planning status of the land.
- 8.11 The application proposes the creation of pitches in a rationalised way, making better use of the land and would be available for private clubs in a similar arrangement that currently exists. This arrangement would result in the replacement of pitches from both this site and the accompanying site at the training school; however, there would be a net loss in terms of the numbers of pitches available. Kent Police do not wish to commit to the public provision of these pitches for the future due to security concerns and potential future operational changes. They would however, be available in a similar way to the current pitches.
- 8.12 The application is accompanied by an assessment of playing field provision and the Council's Parks and Open Spaces team have considered the submissions and the application. It has been demonstrated that the sports pitches in the area are underused and have capacity and therefore the loss of these private pitches would not harm the general provision of sporting provision in the surrounding area. The Council's Parks and Open Spaces team confirm the under use of the Council facilities and state that the senior pitches at Park Wood recreation ground do not have any teams booking them as their home pitch. Given this situation and the provision of some replacement pitches the section do not object to the application and the applicant's agent has stated that money towards the improvement of Council facilities could be secured through a section 106 agreement.
- 8.13 Overall, whilst I note that there is an objection from Sport England on the loss of the pitches I have considered the fact that they are private pitches and not secured in any way, the capacity and provision in the local areas, the fact that private pitches are being relocated and provided in the site and the consultation response raising no objections from the Council's Parks and Open Spaces team, which is based on local knowledge, and have concluded that the loss of these sports pitches is not sufficient to warrant a refusal. Furthermore, had it been considered that the loss of the pitches was unacceptable this would have had to be balanced against the fact that the Council does not have a 5 year land supply and this would have weighed heavily in the favour of approval of the application.

### **Visual Impact**

- 8.14 The site is a greenfield site and its development for residential and other development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed, even though it is in outline form.
- 8.15 The proposed residential portion of the site would be surrounded by other residential properties on two sides (north west and south east), the playing fields and the police site to the north east and the footpath and fields to the south west.
- 8.16 The introduction of development into this part of the site would not in itself cause significant harm to the character of the area but the detail and the pattern and heights of the development would need careful consideration at the reserved matters stage.

- 8.17 The key boundaries are the heavily tree lined boundaries on the north west and south west boundaries and it will be important in any reserved matters application that these are supplemented and in the case of the south west boundary are respected as a softer edge to the development due to the open areas of countryside that lie beyond. I consider that a suitably worded condition could be imposed to ensure that this landscaped edge is secured.
- 8.18 The site is clearly visible from Lansdowne Road and there would be short and medium views of the site from locations along the road. There would be some views through the trees along footpath KB27 that runs along the south west boundary of the site. There would be no long range views of the site that would cause significant harm.
- 8.19 Views of the new development would be seen primarily against the backdrop of other built development. This would be either the Mangravet estate of Grove Road and Camp Way, the development along Lansdowne Road, Coverdale Avenue and Queen Elizabeth Square or the operational buildings within the HQ site.
- 8.20 Any trees that would be lost through the creation of the access or due to the layout of the development will have to be assessed at the reserved matters stage with appropriate assessments at that time.
- 8.21 Therefore I consider that the visual impact of the development whilst it would change the character of the site there would not be any significant wider visual harm that would be harmful to the character and appearance of the area. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site. The detailed impacts of the dwellings and their scale and design will be considered in the reserved matters application.

### **Highways**

- 8.22 The application was submitted with an accompanying transport assessment that included a traffic survey and trip generations in accordance with the TRICS database. The assessment also attaches a no trip 'off-set' value against the existing use of the site and I consider this to be the correct approach.
- 8.23 Lansdowne Road itself is a private road owned and maintained by Kent Police. It is a concrete carriageway measuring approximately 5.0 metres wide, with a footway on the eastern side set back behind a grass verge. Lansdowne Avenue and the northern section of Queen Elizabeth Square currently provide access to Kent Police operational uses to the west, plus residential development to the east. In order that an appropriate level of highway infrastructure is provided to support existing and proposed development, Lansdowne Avenue would require minor modification to bring it up to the standards prescribed in Kent Design (2006), and the geometric standards for a Major Access Road set out therein. Such a class of access can provide for the equivalent of 300 houses.
- 8.24 Assuming a Major Access Road requirement, Lansdowne Avenue will need to undergo minor widening to bring the carriageway from 5.0 metres wide to 5.5 metres wide along the length prior to the proposed accesses, including provision of footways and possibly cycleways adjacent to the carriageway on the west side as a minimum.
- 8.25 The surrounding road network is such that the majority of vehicle movements would be onto Sutton Road. The assessment concludes that the development would impact

on the strategic junctions along the A274 up to 1.7%. The A274 Sutton Road has been identified as requiring improvement and the provision of an additional lane with bus priority measures along the A274 Sutton Road. This scheme has been identified in the Maidstone Integrated Transport Strategy and will serve to provide reliable journey times and maintain bus frequency at peak times without adding to congestion. Contributions to this scheme have been secured from recent planning permissions on the strategic housing allocations following their traffic assessments that also considered the traffic impact of the two Kent Police sites. This planning application will increase the demand for such a service as these sites are significant in size and are located some distance from the town centre.

- 8.26 The improvements sought have been identified in the emerging policy in the emerging Maidstone Borough Local Plan H1(21). In addition, policy T2 of the adopted Maidstone Borough-Wide Local Plan (2000) seeks to secure in areas identified as bus and hackney carriage corridors as defined on the proposals map dedicated bus lanes, priority to buses at junctions, prioritisation within traffic management schemes and enhanced waiting facilities for passengers. The Sutton Road corridor is one such designated corridor. The part funding of the scheme has been secured through the section 106 agreements for the strategic housing allocations in the south east of Maidstone with the completed Unilateral Undertaking under Section 106 defining the highway improvement scheme as:-

*Mitigation works to the A274 Sutton Road comprising the widening of the inbound carriageway of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road, incorporating bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction. In addition the provision of two new bus stops, serving the eastbound and westbound services on the A274 between the two junctions as described, comprising of new shelters, bus boards and real time bus information.*

- 8.27 The scheme has been costed and is apportioned to developments at a level of £3000 per dwelling. The contribution to the improvements are justified in accordance with policy T2 of the Maidstone Borough-Wide Local Plan (2000) and emerging policy H1(21) and I consider it appropriate that this is secured from the proposed development.
- 8.28 Concern has been raised by residents regarding the level of on street car parking particularly from the employees of Kent Police and Morrisons and the fact that it will get worse from the development. The indicative layout shows an adequate level of parking to accommodate the needs of the new development and whilst there appears to be a matter of inconvenience that occurs due to on street parking there is no evidence that it impacts on highway safety.

### **Heads of Terms**

- 8.29 The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. These are set out below:-
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.

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- 8.30 The NHS have requested £94,348 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and The Vine Surgery all of which are within 2 miles of the site. It is clear that the proposed development of up to 112 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.31 The contributions towards highway improvements and bus service have been outlined in section 9.19 - 9.21 above and are deemed to meet the required tests of the CIL Regulations.
- 8.32 The Council's Parks and Open request £1575 per dwelling to cover the improvement of open space in the vicinity of the site and have identified Mangravet Recreation Ground being a short distance away from the development and specifically has a gap in play provision for 5 to 9 year olds. It is also envisaged that with a large increase in families moving into the area that the rest of this park will see an increase in usage and so toddler and teen provision will also need further addressing. Also the play area at Queen Elizabeth Square, which is in need of improvement would have money directed to it from this development. In terms of sports pitches this should be directed to improvements to sports pitches at Park Wood recreation ground. In addition, Mote Park is a destination park that is visited by residents from all over the borough of Maidstone. The Adventure Zone play area in Mote Park is heavily used and is in constant need of updating and replacing equipment. It is clear that the proposed development of 112 dwellings would result in additional demand placed on the sports facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution. This level of contribution could be re-examined at reserved matters stage depending on whether any open space is proposed on site.
- 8.33 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs. The new school will be constructed on the Langley Park site a short distance from the application site. There will be a greater demand placed on the local schools from the occupants of the new 112 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 8.34 In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards additional secondary school places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house & £589.95 per applicable flat. There will be a greater demand placed on the local schools from the occupants of the new 112 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 8.35 Kent County Council have sought contributions of £30.70 per dwelling towards community learning, which would be £3,438.40 for 112 dwellings. The contribution would be used to pay for adult learning classes or Outreach Adult Learning in Maidstone. It is clear that the proposed development of 112 dwellings would result in additional demand placed on the health facilities and I consider that it would be

appropriate if approving the application to secure the appropriate level of contribution.

- 8.36 There is a request of £8.44 per dwelling sought by Kent County Council, which would be £945.28 for 112 dwellings. This contribution would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area. It is clear that the proposed development of 112 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.37 There is a request from Kent County Council to provide £145.73 per dwelling which would be £16,321.76 for 112 dwellings. This would be used to provide for expansion of Library services locally and additional bookstock & equipment to deal with the addition usage from this development. It is clear that the proposed development of 112 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.38 Kent County Council has sought contributions of £53.88 per dwelling, which would be £6,034.56 for 112 dwellings towards adult social services. The projects identified include the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible. It is clear that the proposed development of 112 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.39 The applicant's agent has stated that they consider the appropriate level of affordable housing provision to be 30% in accordance with emerging policy DM24. However, the Council's adopted DPD (2006) requires the provision of 40% affordable housing. There is no housebuilder on board and there are no options on the land. Therefore, there has been no viability information submitted as part of the application. In the absence of a viability justification the consideration falls to the adopted development plan being that of the 40% level. The Peter Brett study undertaken on behalf of the Council indicated the level of 30% to be appropriate if dwellings were constructed to level 4 of the Code for Sustainable Homes. Therefore I consider the appropriate level of affordable housing to be 40%.
- 8.40 The agents for Kent Police have stated that they are seeking to maximise the revenue received for the site to allow the police to invest more money into the service. Therefore, consideration should be given to whether any of the requested contributions should be set aside and an equivalent amount secured through the Section 106 to be spent on the police service within the Borough of Maidstone. I have considered the possibility of diverting monies from the above requests to Kent Police. Within the emerging Local Plan policy ID1 relates to the delivery of infrastructure. This policy includes a list of infrastructure priorities for residential development, the list is as follows:-
- 1 Affordable Housing
  - 2 Transport
  - 3 Open Space
  - 4 Public realm

- 5 Health
- 6 Education
- 7 Social Services
- 8 Utilities
- 9 Libraries
- 10 Emergency Services

8.41 I consider that on the basis of the above priority list and in the absence of any adopted policy or priority list that there should be no redirection of the contributions requested from the other services that have requested monies to Kent Police.

**Other Matters**

8.42 The closest residential properties would be those on the opposite side of Lansdowne Road and those backing onto the site from Grove Road. The properties in Grove Road are positioned with their rear gardens adjacent to the application site and those in Lansdowne Road are separated by the road itself. The distances between these existing dwellings and the application site are such that the development can be designed in a way to ensure that the amenity levels of the occupiers are maintained without any harmful levels of loss of privacy, loss of light, overwhelming impact or light pollution. I do not consider that the erection of new dwellings would result in a particular noise generator that would lead to disturbance of residents.

8.43 The applicant is not proposing level 4 on the Code for Sustainable Homes but instead is proposing to achieve level 3. It is disappointing that the applicant has not sought to achieve Code level 4 as sought through Policy DM2 of the Maidstone Borough Local Plan Regulation 18 Consultation 2014. However, this application was submitted prior to level 4 being the normally requested level by the Council and as there are no detailed designs a detailed assessment cannot be undertaken. After consideration, I propose a condition securing a minimum of level 3 of the Code for Sustainable Homes and informatives encouraging the detailed elements to reach level 4 and to incorporate renewable energy generation in the construction.

8.44 An ecological survey has been submitted as part of the outline application and this demonstrates that a significant portion of the site is low quality in terms of its ecological value by virtue of the fact that it is playing fields. However, it does highlight the fact that suitable habitat for reptiles is present in the southern corner of the site and there are trees with potential to provide bat roosting opportunities present along the north-western boundary, in the southern corner of the site and adjacent to the south-western boundary. Furthermore, badger use of the southern corner of the site has been confirmed. These matters need to be addressed in any reserved matters application and should be protected and enhanced through any layout.

8.45 The flood risk assessment that was submitted has demonstrated that there would be no significant flood risk to the development and also that through the integration of sustainable drainage systems that there would be no significant surface water run off problems from the site. The Environment Agency have raised no objections to the application on this basis.

8.46 Concern has been raised by the residents that the dwellings would be too close to the headquarters building and represent a security risk. I do not see the correlation between these properties and a risk given the high number of residential properties that exist in the immediate vicinity of the Kent Police site.

- 8.47 There have been representations stating that there is adequate affordable housing in the area and no more is required. This is contrary to the established development plan policies that seek further provision and the comments of the Council's Housing department that require 40% to be provided.

## **9.0 CONCLUSION**

- 9.01 The application site is a greenfield site within the urban area in easy reach of a number of services and facilities as well as a well used bus route. The development of this site for residential purposes would represent an example sustainable development and would conform to the aspirations of the NPPF. Furthermore, the site, being within the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct development to the urban area of Maidstone in the first instance followed by Rural Service Centres and then larger villages. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.
- 9.02 The development of the site would result in the loss of sports pitches and whilst there would be some replacement on the HQ site there would be a net loss. This has drawn an objection from Sport England who consider that the assessment undertaken does not justify the loss of pitches. However, the Council's parks and open space team consider that the small loss of these private pitches that cannot be secured for provision in any way is not unacceptable due to the fact that a number of the nearby sports pitches are underused with 2 pitches in park wood recreation ground not used at all. Therefore, on balance it is considered that this matter would not warrant refusal. Furthermore if the net loss of pitches was considered unacceptable this would have to be balanced against the fact that the Council does not have a 5 year supply of housing and this would weigh heavily in favour of the grant of permission.
- 9.03 The matters of detail are for the reserved matters stage. However, the general densities and indicative house types and layout are similar to the pattern and type of the surrounding residential area and in any case a refusal on detail could not be sustained at this outline stage.
- 9.04 The demand on the surrounding education, health and community facilities generated by the occupants of the proposed dwellings would be mitigated by contributions towards these services. The Council requires the provision of 40% affordable housing in accordance with the 2006 adopted DPD and the road widening scheme with bus prioritisation measures along Sutton Road has been costed and contributions secured in legal agreements from other sites along Sutton Road. All of these requirements for inclusion within a legal agreement are justified and meet the required legislative tests. The applicant has sought to set aside some community contributions with an equivalent amount secured through the Section 106 to be spent on the police service within the Borough of Maidstone. I have considered the possibility of diverting monies from the above requests to Kent Police. However, I consider that on the basis of the priority list contained in the emerging policy ID1 and in the absence of any adopted policy or priority list that there should be no redirection of the contributions requested from the other services that have requested monies to Kent Police.
- 9.05 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

## 10.0 RECOMMENDATION

Subject to the prior completion of a legal agreement in such terms as the Head of Legal Services advises to secure the following:-

- The provision of 40% affordable housing.
- £3000 per dwelling towards Mitigation works to the A274 Sutton Road comprising the widening of the inbound carriageway of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road, incorporating bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction. In addition the provision of two new bus stops, serving the eastbound and westbound services on the A274 between the two junctions as described, comprising of new shelters, bus boards and real time bus information.
- £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school.
- £2359.80 per applicable house & £589.95 per applicable flat towards the extension of a secondary school within Maidstone.
- £1575 per dwelling towards improvement to Mangravet recreation ground, Queen Elizabeth Square play area, sports facilities at parkwood recreation ground or Mote park Adventure Zone.
- £94,348 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and The Vine Surgery all of which are within 2 miles of the site.
- £30.70 per dwelling towards community learning for adult learning classes or Outreach Adult Learning in Maidstone.
- £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area.
- £145.73 per dwelling to provide expansion of Library services in Maidstone and additional bookstock & equipment.
- £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible.

### GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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
  - d. Access
  - e. Landscaping

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



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2. The details of landscaping submitted pursuant to condition 1 above shall provide for the following:
  - (i) Retention of the tree screens along the western boundary and south western boundary.
  - (ii) Provision of a landscaped buffer to supplement the tree screens along the western boundary and south western boundary.
  - (iii) Retention of the trees along Lansdowne Road where possible and the planting of suitable replacements if any trees have to be removed.
  - (iv) An updated arboricultural implications assessment and tree protection plan to reflect the proposed details of layout.
  - (v) A detailed arboricultural method statement.

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

3. The details of layout as required under condition 1 shall show housing addressing Lansdowne Road and replicating the pattern of existing properties.

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

4. The reserved matters application(s) shall be accompanied by updated ecological surveys including any required mitigation and enhancement measures to improve biodiversity;

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

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 a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and to ensure the long term management/maintenance of the SUDS.

7. The development shall not commence until details of foul water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution prevention.

## Planning Committee Report

8. No part of the development shall be occupied until the following works have been constructed and completed:

- (i) The widening of Lansdowne Road to 5.5m in accordance with the transport assessment.
- (ii) Controlled access restrictions at the Pested Bars Road private police access.

Reason: In the interests of highway safety, pedestrian safety and sustainability.

9. The dwellings shall achieve at least Level 3 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 3 has been achieved.

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

10. No development shall commence until a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local planning authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of air quality.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:-
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii following on from the evaluation, any safeguarding measures to ensure preservation *in situ* of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

12. No part of the development shall be occupied until the following works have been constructed and completed:

- (i) The sports pitches are laid out and available for use as shown on the layout plan.

Reason: In the interests of adequate sports provision.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

## Planning Committee Report

Reason: There is always the potential for unexpected contamination to be identified during development groundworks.

### INFORMATIVES

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

Case Officer: Peter Hockney

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.