

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 16 January 2014
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Black, Chittenden, Collins
(Chairman), Cox, Harwood, Hogg,
Moriarty, Nelson-Gracie, Paine,
Paterson, Mrs Robertson and
J.A. Wilson

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting

Continued Over/:

Issued on 8 January 2014

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

Alison Broom

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

6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. Minutes of the meeting to be held on 9 January 2014 - to follow
10. Presentation of Petitions (if any)
11. MA 13 0693 - THE PARSONAGE, LAND EAST OF GOUDHURST ROAD, MARDEN, KENT 1 - 47
12. MA 13 0951 - LAND NORTH OF SUTTON ROAD, OTHAM, KENT 48 - 85
13. MA 13 1149 - LAND AT LANGLEY PARK, SUTTON ROAD, MAIDSTONE, KENT 86 - 132
14. MA 13 1523 - LAND WEST OF BICKNOR FARM COTTAGES, SUTTON ROAD, MAIDSTONE, KENT 133 - 171
15. Appeal Decisions 172 - 173
16. Chairman's Announcements

PLEASE NOTE

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

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

BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report.

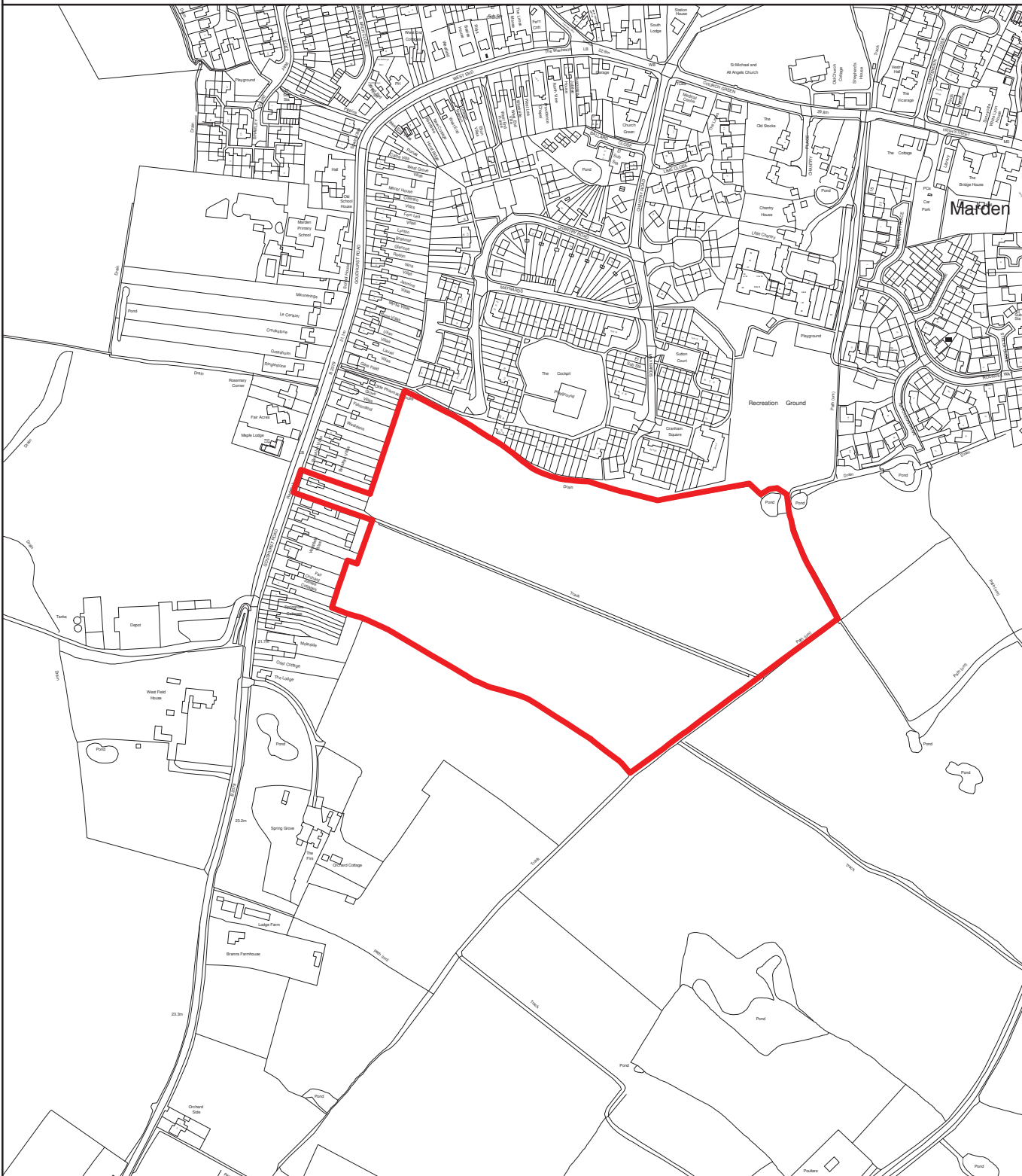
Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent, ME15 6JQ.

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0693

GRID REF: TQ7444

**THE PARSONAGE, LAND EAST OF
GOUDHURST ROAD, MARDEN.**



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:5000



Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/0693 Date: 22 April 2013 Received: 22 April 2013

APPLICANT: The John Hall Voluntary Settlement, (and H E Hall and Son Ltd.)

LOCATION: THE PARSONAGE, LAND EAST OF GOUDHURST ROAD, MARDEN, KENT

PARISH: Marden

PROPOSAL: Outline planning application for a residential development of up to 144 dwellings (use class C3), including allotments, open spaces, infrastructure, landscaping, access and associated works with details of access and layout provided at this stage as shown on drawing no.s 13001/OPA-D01, D02, D03, D04, D05, D06, D07, Site Access Plan ref:100, Landscape Masterplan 2682/PS001 together with Design and Access Statement 13001/DAS PL-001; Landscape and Open Space Strategy 2682/R001-A; Planning Statement April 2013; Statement of Community Involvement April 2013; Arboricultural Impact Assessment PJC/3146/13; Sustainable Design and Construction Statement dated 15/04/2013; PJC Ecological Assessment - Phase 1 Habit and Protected Species Survey dated April 2013; PJC Additional Report dated July 2013 on GCN, Reptile & Bat Presence; CgMs Archaeological Desk Based Assessment January 2013; Flood Risk Assessment and Wastewater Management April 2013; Transport Assessment and Travel Plan dated April 2013 and additional Technical Note dated 30 July 2013; Road Safety Audit Stage 1 11005.

AGENDA DATE: 16th January 2014

CASE OFFICER: Amanda Marks

The recommendation for this application is being reported to Committee for decision because:

- The Parish Council have requested the application be reported to planning committee due to objections expressed by residents at their parish council meeting
- It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Marden

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T13, T23, CF1

- Village Design Statement: Marden Village Design Statement
- Government Policy: National Planning Policy Framework 2012

2. **HISTORY**

MA/13/0449: Request for a screening opinion as to whether the proposed residential development of approximately 144 dwellings at The Parsonage, land east of Goudhurst Road, Marden, is development requiring an Environmental Impact Assessment: EIA Not required 4/4/2013.

3. **CONSULTATIONS**

- 3.1 **Marden Parish Council:** Marden Parish Council deplores and regrets that MBC have left itself, the Parish Council and the residents of the parish in the position where there is no local planning policy in place under which the suitability of this site compared to any other site in and around the village can be assessed on a consistent and fair basis.

Because of the significance of the application Cllrs feel that this should be decided at MBC Planning Committee.

If MBC are minded to approve this application Cllrs wish the following conditions applied:

- (1) Developer contribution to foul water sewer improvements necessary to bring the existing pumping station and pipework system up to a standard which can accommodate the extra demand placed upon it by the new development.
- (2) Developer contribution to highway improvements associated with extra traffic generated by the new development.
- (3) Developer contribution for Marden Primary School and local secondary education to accommodate the expected increase in the school-age population of the village resulting from the new development.
- (4) Developer contribution for Marden Medical Centre to accommodate the expected number of additional village residents following the new development.
- (5) For aspects not specifically addressed above, MBC/developers to also view the S106 document produced by Marden Parish Council
- (6) A management company be set up and a long term management plan be put in place to appropriately manage the drainage system, open space, play areas and allotments.
- (7) MPC would want involvement in the affordable housing scheme and to incorporate housing to be kept in perpetuity for local needs

At the Parish Council meeting last night the following comments/concerns were voiced by the members of public present:

- Localised flooding to the north west corner of the development;
- A significant amount of water flows from Plain Road area onto the land of the proposed development;
- Residents gardens along Goudhurst Road regularly flood;
- Concern over emergency vehicle access; only one road into and out of the development;
- Low water pressure especially for emergency services;
- Foul water drainage – Marden Pumping Station needs upgrading to deal with number of properties, large amount of pressure already on existing system;
- Highways – increased number of vehicles using B2079 especially since the 7.5t weight restrictions have come into force;
- Loss of wildlife habitat on development;
- Loss of trees on development.

Residents, however, did welcome:

- The inclusive of the rear access to properties along Goudhurst Road
- Layby parking in access road
- Well thought out design

In addition to the above comments, the Parish Council has submitted a S106/Developer contribution document which I believe may have been prepared in conjunction with their neighbourhood plan.

3.2 **Environment Agency:**

Considerable discussion has taken place with the Environment Agency and the applicants regarding flood risk on the site. Further information was supplied by the applicants as a result of the initial comments of the Agency seeking to address the issues that they had raised. Following their consideration of the additional information, the following comments were received from the Environment Agency.

'We have reviewed the information submitted and our flood engineers welcome the proposal to incorporate a significant area of Type C permeable paving and swales/rills/slots drains as shown on DWG L331/001 rev c. We therefore have no objection to the proposed development based on the understanding the layout of the development as shown can accommodate these drainage structures, including front garden swales.'

No objection subject to a condition on the submission of a sustainable surface water drainage scheme. A number of informative's are also recommended.

3.3 **Southern Water:** No objection but advised that there was inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. It was further stated that the proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. They do not raise objection to the development, however they advise that either additional off site sewers or improvements to the existing sewers will need to be undertaken to ensure adequate capacity to serve the development. They request an informative be included on any planning approval to ensure the necessary legal agreement is entered into with Southern Water to undertake the necessary works.

Officer comment:

In response to the above comments, the applicant submitted a level 2 enquiry to southern water to ascertain the extent of the works which would be required. A hydraulic solution has been suggested by southern water which basically requires the upsizing of two existing stretches of pipe from 300mm to 525mm and 600mm respectively. Such works were not unexpected by the applicant, address Southern Water's original comments, and can be covered by an appropriate condition requiring the foul drainage details to be approved and implemented prior to occupation of the development.

3.4 **Upper Medway internal Drainage Board:** comment that 'the site is close to the Upper Medway Internal Drainage Board's district and has the potential to affect land drainage and flood risk within it. The site is likely to drain eventually to the Marden Beech Stream (IDB18) which is managed and maintained by the IDB.

It is noted that the applicant proposes to limit post-development surface water run off to 21/s/ha, with on-site storage provided to accommodate the 1 in 100 year storm event plus 30% to allow for the predicted effects of climate change, which is considered appropriate for this location. The Board are also pleased that the applicant intends to incorporate balancing ponds, which the Board very much supports due to the additional benefits they provide in respect of biodiversity and amenity. The applicant should be urged to maximise the use of open systems, in preference to underground storage which is also proposed.

The applicant states that the northern part of the site (4.7ha) currently drains to the north-western corner of the site, with the southern part (3.2ha) draining to the south-western corner, but proposes to discharge all surface water runoff to a single discharge points in the north-western corner. The applicant should be requested to further investigate existing drainage routes and to produce a plan which replicates pre-development run-off as much as is reasonably practicable. This investigation should include the assessment of the receiving 'down stream'

drainage system, and consider conveyance capabilities and condition. Future maintenance plans (of the drainage system) should also take this into account.'

Officer comment: The latter comments above overlap with the initial observations of the Environment Agency and have been responded to through detailed consultation between the applicant and the EA. The reason flows are diverted from the south-western corner to north-western corner, rather than replicating the existing drainage regime, is to overcome concerns from residents regarding the existing field drainage system on that side of the site.

- 3.5 **Kent Highway Services:** Further to your request for a summary of my comments relating to this application, I can confirm that my initial concerns have been adequately addressed and the Technical Note prepared by SLR provides evidence to indicate that there is ample capacity on the existing highway to accommodate the traffic generated by both the Map Depot site and the Parsonage site in the horizon year of 2018 using the worst case levels of traffic generation data in order to provide a robust assessment. The Technical Note includes the capacity analysis of the junction of the site access with Goudhurst Road, the junction of Pattenden Lane with Church Green and West End and also the junction of the High Street with Maidstone Road.

The layout is acceptable in principle; it is a flexible layout and house types could change. KCC require parking in line with IGN3 where 3 and 4 bedroom houses have 2 independently accessible spaces each, excluding garages. Where this is not possible additional on street spaces should be provided.

The site access from Goudhurst Road is 5.5m in width with a 1.8m footway along the northern side of parking bays. An emergency access/footway/cycleway runs parallel to the access and a footway link is required between the parking bays and the emergency access/footway/cycleway. Additionally the access into the site from Goudhurst Road should be provided with traffic calming in order to ensure low vehicle speeds.

Further within the site a shared surface could be provided, designing in accordance with Manual for Street guidance with 1.8m service margins each side.

Whilst I appreciate that this is an outline design, I have recommended that the following amendments be made:-

- a. The car ports/garages provided for plots 15 – 20 could be moved forward as they are currently too remote from the houses and this is likely to lead to the residents parking on street closer to their property.

- b. Additional parking spaces could be provided alongside the central greenspace between landscaping features.
- c. A double width parking space could be provided to plot number 110.
- d. The access to the garages/parking spaces for plots 85 and 93 is not shown.
- e. The access road between plots 74/75 and 85/93 could be narrowed substantially to increase pedestrian safety and ensure reduced vehicle speeds.
- f. A pedestrian link is provided on the south eastern boundary of the site please clarify the route which this links up to.
- g. With regards to on site drainage I have forwarded a copy of the details of this application to our Sustainable Drainage Engineer who may wish to make comment.

Tracking diagrams will be required at the detailed stage with the adoptable areas identified and the route and turning areas to be used by the refuse collection vehicle. Please also show tracking for the emergency service vehicle. Please note that the fire appliance needs to gain access to within 45m of all dwellings. The maximum reversing distance for fire engines is 20m.

With regards to waste collection residents should not be expected to carry waste more than 30m to the storage point and waste collection vehicles should be able to get within 25m of the storage point (shorter distances preferred).

I can also confirm that the following highway works are required:-

Please note that all highway works are subject to a Section 278 Agreement with all details to be agreed with KCC Highways & Transportation.

1. Best endeavours made to provide parking restrictions along Goudhurst Road in the vicinity of the site access. The Traffic Regulation Order to be processed and implemented at the developer's cost.
2. Provision of an interactive sign on the northbound approach to the site access and enhancements to the 30mph gateway feature also on the northbound approach to the village on Goudhurst Road.
3. The upgrading of the existing zebra crossing on Goudhurst Road to a pelican crossing.
4. Pedestrian and cycle links between the site and Chantry Way, Maynards and Roundel Way.
5. A pedestrian crossing on Church Green close to its junction with the access to Marden Station.
6. A sustainable measures based travel statement.
7. Cycle parking is required at the rail station, at the library and outside the post office.

- 3.6 **Kent County Council Public Rights of Way:** No objection to the application subject to informatives.

3.7 **Kent County Council Heritage & Conservation:** The site lies to the south of Marden a settlement with medieval origins although there are indications of activity here from the prehistoric period onwards. There is evidence of Iron Age industrial activity to the north and there is potential for associated activity to extend southwards. This application is generally fine but the 'low potential' of the site in terms of archaeological importance may be due to limited investigations. No objections are raised however, subject to the imposition of a condition to secure a programme of archaeological work.

3.8 **Kent County Council Ecology:** The potential for impacts to badgers is identified and the recommendations to ensure their protection and that of their setts should be adhered to; as should the additional surveys and recommended mitigation. The building to the west of the site was found to have potential to support roosting bats though no evidence was found. A precautionary approach is recommended when demolishing the building and additional surveys may be necessary if the work is not undertaken for a further two years. The report by PJC Arboricultural and Ecological Consultants concludes that the mature trees on the edges of the site provide good opportunities for foraging bats and that some trees in the north-east corner have potential to support roosting bats.

They further commented that they required further surveys relating to reptiles and great crested newts and the potential for bat foraging to be submitted prior to the determination of the planning application. The survey results were submitted in July by PJC Arboricultural and Ecological Consultants and the KCC Ecologist has confirmed the surveys were undertaken to an appropriate standard. They comment:

'Though the reptile survey was constrained by public interference it has confirmed that three of the widespread reptile species are present and have potential to be affected by the proposed development. All of the ponds surveyed had great crested newts present and there were low levels of bat use of the site during the bat activity surveys.

We are satisfied with the principles of the proposed mitigation and the confirmation of that any displaced reptiles or great crested newts can be accommodated within the site in retained or enhanced habitat areas. We can therefore advise that sufficient information has been provided to enable MBC to determine the application with the understanding that appropriate measures are available to mitigate for the potential ecological impacts.

We advise that a mitigation strategy should be required as a condition of planning.'

3.9 **Kent County Council (Mouchel):**

Have requested the following contributions:

- A primary school contribution of £2360.96 per applicable dwelling and £590.24 per applicable flat towards the build costs of extending Marden Primary School;
- A secondary school contribution of £2359.80 per applicable house and £589.95 per applicable flat towards the extension of a Secondary school building local to this proposed development.
- Community Learning £4134.06
- Libraries £2783.56
- Adult Social Services £2296.22

3.10 NHS Property Services (formerly West Kent PCT):

Have requested a contribution of **£121,305** based on £360 per person multiplied by predicted occupancy rates, towards the provision of enhanced healthcare needs within the NHS.

It is stated that the contribution would be used at both Marden and Staplehurst Medical Centres.

Predicted Occupancy rates

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

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

144 units x 2.34 = 336.96 persons
336.96 x £360 = £121,305

Officer comment: Since the original request was submitted, a revised contribution figure has been provided by the NHS. The contribution now sought is £35,766,43 (£248.38 per dwelling) – this is based on a pro-rata rate worked out on the amount of money the NHS has spent in anticipation of a number of new dwellings in Marden.

3.11 Natural England: Supports the recommendations made in the Extended Phase I Survey carried out by PJC Ecology in April 2013. They refer MBC to the adopted national standing advice.

3.12 MBC Landscape Officer: There are no protected trees or ancient woodland on the site.

The Arboricultural Impact Assessment produced by PJC Consultancy Ltd is considered acceptable, as are the broad principles of the Landscape Masterplan produced Lloyd bore.

My only comment relates to the group of 3 Crack Willow, G34, on the northern site boundary which is recommended for removal and replacement in the arboricultural report but appears to be shown as retained on the Landscape Masterplan. I would support the recommendation to remove and replace these trees due to their current condition.

In conclusion, I raise no objection to this application on landscape / arboricultural grounds subject to conditions requiring:-

- a detailed landscape scheme, implementation proposals and a long term management plan
- compliance with the arboricultural impact assessment and tree protection plan.

3.13 **MBC Parks and Leisure:** Make the following comments: ` Having looked at the documents Parks and Leisure would be looking for an offsite contribution although this would not be for the usual £1575 per dwelling as there is some green space being provided within the development.

The main issue the department has is regarding provision of children's play. It appears that the developer wishes to provide an area for natural play and a trim trail within the development. The department has reservations over interpretations of what a "Natural Play area" consists of. This department's view of such an area would be the Natural Play Area in Mote Park (accessible from the Willington Street Entrance that was built and opened May 2011). This provides a number of varied and challenging children's apparatus in a natural setting. However this department views that a developer may see this provision differently, substituting play equipment and apparatus for simple "naturally occurring" items such as logs and rocks. We note that there is planned provision of a play area to the South of the development, however with no further information as to what size this would be and what equipment and age range it would be aimed at it is difficult to plan accordingly.

With this in mind, and considering the size of the development and the proposed positioning of the open space to the north east of the development also, this department would request an offsite contribution towards the Marden Playing Fields which is owned by Marden Parish Council. This area is considered strategically important to the village in relation to its central location and high usage by the community. A new development of this size being added to the community will no doubt see an increase in usage of this area. Marden Playing Fields would be on the boundary of this development and indeed public footpaths

run from the site of the development into the Marden Playing Fields. With the proposed development being built it would also put Marden Playing Fields as a more central location within the area of Marden and as an already established and existing open space it is highly likely to see greater usage as a result of an increase in dwellings. The location on the development of the open space is also placed on the periphery of the Marden Playing Fields, which is likely to end up as an extension to the site. Greater traffic to this area of the development will only lead to more access to the Playing Fields.

Currently the play area contained within is tired with a low satisfactory quality rating. Most of the equipment is aimed at over 6's and a teen shelter there is seldom used and is considered too close to the play area. An overhaul would be welcomed here to remove and replace a number of dilapidated items and renovate other equipment. The supply of an outdoor gym area and a wooden halfpipe type structure for wheeled sports is also lacking in this area of the borough and could be considered.

GREEN SPACE TYPE	
	Requirements
Parks and Gardens	<i>No requirement but included in other categories.</i>
Natural and Semi-Natural areas	<i>No contribution required as included in the development</i>
Amenity Green Space	<i>Some included in development.</i>
Provision for Children and Young People Equipped Play	<i>Onsite contribution indicated but a contribution towards improvements to existing facilities is requested.</i>
Green Corridors	<i>Not required.</i>
Outdoor Sports Facilities	<i>No onsite contribution required but a contribution towards improvements to existing facilities in the surrounding area.</i>
Allotments and Community Gardens	<i>Included in development</i>

Cemeteries and Grave Yards	<i>Not required</i>
	<i>Total off site contribution of £700 per property requested</i>

The table above condenses the types of green space and identifies what is potentially provided by the development. Bearing in mind that some types of green space are supplied the typical financial contribution requested per dwelling would be reduced. This department is aware that this is initially an Outline Planning Application and is subject to change and we would be happy to reconsider our request should further information regarding supply of play etc become available.

We would in this instance seek to request a contribution of £700 per dwelling x 144 = £100,800

As indicated this would be used primarily towards the improvement, provision and maintenance of outdoor sports facilities and provision for children and young people equipped play and would be used at Marden Playing Fields.'

3.14 **Environmental Health Manager:** This is a major development for a large number of dwellings. It will obviously have a major impact on the village of Marden and its residents. The usual issues of EH concern regarding a development of this type , i.e. noise, contaminated land, air quality and lighting are not included with the submitted documents. I am reasonably relaxed about this locality in terms of traffic noise affecting it. Although there are no contaminated land sites of concern within at least 500 metres, because of the present agricultural use a land contamination assessment should be submitted. Also, the issue of air quality is of importance here. The site will be introducing nearly 150 extra dwellings with probably at least that number, probably more, additional dwellings. This will have an adverse impact on local air quality and therefore an assessment should show clearly what measures would be employed to reduce emissions caused by these extra vehicles.

Officer comment: In light of communication between officers and the applicant, and attention being drawn to the travel plan submitted within the transport documents, and additional information from the applicant, the air quality condition is no longer required as this had been addressed elsewhere as part of the transport documents. Therefore, no objections subject to a condition relating to land contamination.

3.15 **MBC Housing & Communities Funding Manager:** The application is for a residential development of up to 144 dwellings, of which comprises of 40% affordable housing, with 34 dwellings for affordable rent and 23 for shared ownership. Strictly speaking in terms of rounding up, the total number of affordable dwellings provided should be 58, but the proposal is generally in accordance with policy. I can confirm that as a guide, I did suggest the following affordable mix for each tenure, as outlined in the Design and Access Statement:

RENT				
35%	-	1-Beds	(11	dwellings)
25%	-	2-Beds	(9	dwellings)
25%	-	3-Beds	(9	dwellings)
15% - 4-Beds (5 dwellings)				
SHARED			OWNERSHIP	
40%	-	1-Beds	(9	dwellings)
30%	-	2-Beds	(7	dwellings)
30% - 3-Beds (7 dwellings)				

This was based on housing need at the time both upon the council's Housing Register and the applicants registered with the Zone Agents (Moat) for shared ownership. I also advised that there is no specific policy with respect to minimum/maximum number of affordable dwellings in clusters, but generally the Council would accept clusters of around 10-12 dwellings with some effort to pepper pot, to avoid large concentrations in one area.

The indicative housing mix within the Design & Access Statement includes both the Private and Affordable housing that is proposed for the site, but it does not separate them to make it clear exactly what mix is being suggested for either tenure. It also doesn't break it down further to demonstrate what affordable units are proposed for rent and shared ownership.

I would wish for this breakdown to be given to ensure we are clear what is being proposed and that it meets or is close to the above suggested affordable mix for each tenure.

Officer comment: Further to a meeting held between the applicants, the HCF Manager and the case officer, it was agreed that it would be acceptable for the breakdown of units to be secured through the S106 Agreement and through the Reserved Matters.

3.16 **Crime Prevention Design Advisor:** It is suggested that a secured by design application be sought through a planning condition and that the applicants meet with the CPDA to discuss crime prevention through the detailed design of the site.

Officer comment: The applicant has since met with the CPDA and it is considered that the comments can be taken on board at the detailed stage.

3.17 **MBC Conservation Officer:** 'I RAISE NO OBJECTION to this application on heritage grounds subject to a condition re an archaeological watching brief during development.

The boundary of the Marden Conservation Area lies some way to the north of the application site and there is considerable modern housing development on intervening land. I therefore do not consider that development of this site would have any significant impact on the setting of the conservation area.

The archaeological assessment indicates that the land has a generally low potential for archaeological remains or deposits and there therefore appears to be no archaeological objection to development of the site.'

4. REPRESENTATIONS

4.1 Approximately 50 representations objecting to the application have been received.

The objections are summarised as follows:-

- There are existing problems with drainage capacity, the sewage pumping station and flooding in this area, the proposed development will exacerbate this;
- Do not consider the proposals adequate to address the problems of flooding in the area;
- Inclusion of ponds in a scheme unusual;
- Marden Beech and the Mill Stream flood plain will suffer;
- The development will exacerbate existing traffic congestion on Goudhurst Road and compromise highway safety;
- Plain Road needs upgrading and floods regularly;
- The impact of the Mapp depot also off Goudhurst Road needs to be addressed;
- Suggestions of car parking to be provided within the scheme for residents on Goudhurst Road;
- Additional access should be sought in the interests of safety;
- Infrastructure inadequate i.e. roads, schools, medical centre;
- Destruction of the character of the village;

- The scheme does not take into account the need for affordable housing, it will be beyond the means of locals;
- More effort relating to wildlife interests needed;
- Greenfield sites should be kept green; brownfield sites should be chosen over this;
- Destruction of trees and decline in wildlife; concern over badgers protection;
- Development too dense; overdevelopment; over crowding;
- Too few jobs in the area to support the new population;
- Insufficient shopping facilities;
- Proposal unnecessary; better sites in nearby towns, no need for further properties to let;
- Detrimental to amenity of properties either side of access in terms of noise and pollution;
- Loss of privacy;
- Unfair that allotments are being provided for new residents;
- Visual harm to the character of the area;
- More detailed plans requested;
- Environmental Impact Assessment should be submitted;
- The existing orchard should be subject to a TPO; insufficient information on harm to the environment;
- Loss of parking to residents on Goudhurst Road;
- Suggest development is pushed east to provide greater buffer between existing and proposed dwellings;
- Visual impact – the development would have an unacceptable impact on the entrance to the village.

Non-material considerations:

- Noise and disruption from not one but two large scale developments;
- Suggestion that the hefty planning application fee indicates a forgone conclusion.

CPRE: object strongly. They consider the application to be speculative and submitted on the back of the draft core strategy which had stated Marden could take an additional 320 houses. The interim core strategy has no such requirement. Assessment of the application should be delayed until Marden Parish Council has completed their Neighbourhood Plan. The application assumes no additional infrastructure would be required to support the development. The application would have serious adverse effects on adjacent properties. One vehicular access is inadequate; there are no vision splays onto Goudhurst Road and there is no logic to the physical shape of the application.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located on the eastern side of the B2079 Goudhurst Road on the southern side of the village of Marden. It is located behind approximately 20 dwellings which front Goudhurst Road and access is obtained midway between these dwellings (no.s 7/9 Goudhurst Road will be demolished to facilitate this). To the north of the site is a residential housing development known as the Cockpits which dates to the mid 1970's, to the west are the rear boundaries of the aforementioned properties that front Goudhurst Road, and adjacent to the eastern and southern boundaries are open countryside. Save for the access between the existing frontage properties, the application site is outside the defined settlement boundary of Marden in the Maidstone Borough-Wide Local Plan 2000.
- 5.1.2 The site is approximately 8.1 ha in size. The land is occupied substantially by commercial orchards and falls within the Low Weald Landscape Character Area. The orchard trees occupy the main part of the site together with a central shelterbelt of Alder which runs in an east to west direction. There is a ditch and also blackthorn/hawthorn hedging which runs parallel to the site on the northern and eastern boundaries, ponds can be found in the north east corner of the site along with a group of mature trees including Willow, Ash and Oak. Mature hedging can also be found along the southern boundary containing Hawthorn, Alder and Ivy; with individual trees being Ash, Oak and sycamore. The western boundary at the rear of the existing properties has intermittent hedgerows with a mix of Beech, Conifer and Willow.
- 5.1.3 In the south east corner of the site there are badger setts. Overhead power lines cross the site from north to south. There are many footpath connections within the locality permeating into the village to the north; PRow KM283 is on the eastern boundary and connects to the village in a northerly direction and the countryside to the south and east. The existing public footpath from Goudhurst Road between Gate Field and Olde Pharmacy House currently affords access into the site in the north west corner; the footpath gives access to Cockpit – the existing playing field/play area and ultimately into the village.
- 5.1.4 The site has a gentle slope from east to west; from 30 Above Ordnance Datum (AOD) to approximately 21 AOD.
- 5.1.5 Whilst the site lies outside the defined settlement boundary of Marden, it has no specific designation or allocation on the Maidstone Borough-Wide Local Plan Proposals Map 2000.

5.1.6 The site is not subject to any Tree Preservation Orders, nor is it close to or affects any Semi-Natural Ancient Woodland. The site is also not within an area of archaeological potential nor does it fall within a flood zone.

5.2 Proposal

5.2.1 The application was accompanied by a Design and Access Statement, Planning Statement, Landscape and Open Space Strategy, Statement of Community Involvement, Transport Assessment, Road Safety Audit, Flood Risk and Waste Water Management study, Sustainable Design and Construction Statement, Ecological Assessment – Phase I Habitat and Protected Species Survey, Arboricultural Assessment, Archaeological Desk Based Assessment.

5.2.2 The application is for an outline planning permission for up to 144 dwellings with matters of access and layout for consideration at the present time. This being said, the application has been accompanied by an extremely thorough, and comprehensive masterplan that clearly sets out a strong and carefully considered vision with well-thought through planning and design principles that have determined the shape and nature of the proposal. It includes a significant level of detail with regard to the design concept and its evolution including detailed assessments of other historic settlements of a similar scale within the borough. The proposal also includes the provision of allotments, significant on site open space, landscape and associated infrastructure.

5.2.3 The gross density of the application site taking into account the 8.1 ha site overall amounts to approximately 17 dwellings/ha and the net density (the area developed with housing and roads excluding the large amenity area and allotments) at approximately 4.9 ha is 30 dwellings/ha.

5.2.4 A new access road from Goudhurst Road would be provided to serve the development. The existing access was adequate to serve the previous use but for a proposal of this nature it needs to be widened. It is therefore proposed to demolish one pair of semi-detached properties numbers 7 and 9 Goudhurst Road which would enable a 5.5m access to be provided. The access would be landscaped either side and provide a segregated cycle and pedestrian footway into the site.

5.2.5 The application is in outline and therefore precise details of the mix of dwellings is yet to be finalised. This being said, a masterplan has been submitted for the site in order to establish parameters for the development, the masterplan is based on the following size units:

16 x 1 bed flats
8 x 2 bed flats

29 x 2 bed houses
48 x 3 bed houses
39 x 4 bed houses
4 x 5 bed houses

5.2.6 The total number of units proposed in the masterplan is 144. It is stated that 58 of these would be provided as affordable units which equates to 40%. Twenty-three of the units are indicated as shared equity and 35 as rented.

5.2.7 In addition to the dwellings, the application proposes the provision of approximately 11 allotments, on-site amenity and open space including a play area, trim trail and a central triangular green.

5.2.8 In terms of layout the masterplan identifies three distinct character areas to the development, of varying densities and pattern of development. 'The Street' is the densest and closest to Goudhurst Road; 'The Green' is the central area that is of a lesser density and has the feature of a village green and 'The Orchard' is the lowest density towards the eastern end of the site where the majority of open space will be provided. The masterplan (on page 26 of the Design & Access Statement received in April 2013) sets out the parameters defining the character of each of these areas. These are as follows:

The Street will have a strong, linear urban form, and a high density of 38dph, and will be made up of:

- *'Courtyards; tight knit street[s]; continuous frontages; set backs & projections; irregular roof lines; tarmac road surfaces; railings; brick walls; weather boarding; [and] render'.*

The Green will be the genius loci of the development and will be a contrasting space to The Street with a medium density of 28dph. It will be made up of a:

- *'Village green; short terraces; rear parking; fences & hedges; timber gates; informal planting; brick plinth; [and] render'.*

The Orchard will have a dispersed urban form with small blocks and individual buildings, and a low density of 18dph and will be made up of:

- *'Arcadian; lots of planting; predominantly red brick; ashlar render; clipped hedges; light coloured road surfaces; narrow lanes; [and] brick walls'.*

The Design and Access Statement (D&AS) illustrates the character areas further with reference to patterns of development from other local historic settlements including West Farleigh, Boughton Monchelsea, Sutton Valence and Headcorn.

These morphological studies and a detailed, thorough contextual and character analysis of Marden village and the site, together with an understanding of the specific site constraints and wider planning policy objectives have informed the design response of the proposal. The D&AS also includes both past and modern photographic examples reflecting the proposed form of each character area and architectural style as seen elsewhere on similar developments; a three-dimensional axonometric model; perspective images and with schematic elevational drawings of proposed dwellings within the site.

- 5.2.9 Within the site there is a clear road hierarchy throughout. The layout has been designed to naturally flow through the site with clear views, vistas and buildings arranged in relation to open spaces, road frontages and footpath networks. Parking spaces are provided throughout at an average of 1.5 per dwelling and they are in the form of off street parking, garages and rear parking courts.
- 5.2.10 A storey heights parameter plan has been submitted. This identifies that the overwhelming majority of the site will be up to two storey, with a core of up to 2.5 storey dwellings within 'The Street' character area and a small pocket of up to 2.5 storey dwellings in 'The Orchards'. These slightly taller buildings will help define the development, provide visual variety with varying rooflines, reinforce the development's legibility and act as a focal point in key locations such as on corners of the development or at the end of a vista. Other key buildings, including 'gateway', 'landmark', 'way-finding' and focal buildings are described within the D&AS and will have a unique function within the townscape proposed. In addition to the heights of these buildings, more detailed information will be required at Reserved Matters stage on the specific location, character and appearance of these key buildings.
- 5.2.11 Elevational details and perspective images have been submitted as extracts from street scenes of the different character areas. Photographic examples of materials have also been submitted. These have been chosen to reflect the traditional materials and colours found in Kent. Surface materials comprise a mix of tarmac, modular paving and bonded gravel. Granite sets are proposed to identify changes in use of the surface and as traffic calming.
- 5.2.12 The applicant's have confirmed that the dwellings will be constructed to meet Code for Sustainable Homes Level 4.
- 5.2.13 A SUDS-based surface water drainage scheme is proposed within the development and this includes the provision of attenuation ponds along the western edge of the site, the north-west corner and within the proposed village green.

- 5.2.14 The allotments are located adjacent to the north west boundary of the site; the allotments are to be available for existing and proposed residents. There is specific parking allocated for the allotment holders. The allotments are overlooked by new and existing properties.
- 5.2.15 Elsewhere in the site the main areas of open space are located approximately half way into the site wrapping around the north, east and southern elements of the development. To the north a trim/play trail is indicated running in an easterly direction parallel to a footpath which leads to the north east corner and connects to the existing play area in the village. The eastern section is less formal open space with a footpath linking the development to the existing PRow and the southern section has the more formal play equipment within a designated play area.
- 5.2.16 The proposed siting of dwellings, layout and density have all been subject to pre-application discussion. The denser element of the layout reflects the character of existing dwellings on Goudhurst Road and Cockpits; the medium to low density character areas act as a transition from the built up settlement to the countryside, securing views of the surrounding landscape. The majority of dwellings consist of houses (120) and 44 flats. The flats are predominantly at the first crossroads when entering the site. Throughout the site there is a mix of terraced, semi-detached and detached properties dispersed across the site to provide variety and interest. 'The Orchard' being the area of lowest density naturally features a majority of detached dwellings with four pairs of semi-detached dwellings.
- 5.2.17 A clear indication has been given in the application of the proposed nature of materials and design features. These details will of course need to be related to specific plots and house types at the Reserved Matters stage. However, the submission is clear on the proposed design, vernacular and high quality that it seeks to achieve. In a similar vein, boundary treatments, walls and fencing types, and the areas of public realm are indicated as quality examples, and will need to be subject to full details at a later stage.
- 5.2.18 Moving through the site there is a strong presence of street trees in the public realm. The central road frontage is defined by either buildings or landscape features. The landscape strategy is implemented from the access of Goudhurst Road with green verges either side of the access and individual tree planting and runs through the site. The scale of hard surfacing rises and falls depending on the road hierarchy. There are clearly defined footpaths through the main section of the site, changing to shared surfaces on the more minor roads. The triangular village green is framed on all sides by dwellings fronting it; and in addition to the attenuation pond the green is formally landscaped to enhance its presence.

5.3 Principle of Development

5.3.1 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.

5.3.2 The application site is located in the countryside outside the defined settlement boundary of Marden. As stated earlier the site does however adjoin the boundary along its northern side; and the access is within the boundary as are the existing dwellings on Goudhurst Road.

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.

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.

5.3.3 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

would the development cause harm to the character and appearance of the area or the amenities of surrounding occupiers?

5.3.4 Character of the area/visual impact, landscape/ecology and residential amenity are considered later in the report.

5.3.5 In terms of other material considerations, Marden is a defined rural service centre and the application site does lie immediately south of its boundary. The village offers a good range of facilities and services including shops, pubs, a primary, school, library, medical centre surgery and railway station and a sizeable designated employment area on Pattenden Lane.

5.3.6 The National Planning Policy Framework (NPPF) advises 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. With regard to applications for new housing in the countryside, new isolated dwellings should be avoided unless they accord with the special circumstances that are listed in paragraph 55 of the NPPF. The proposal clearly does not fall within any of the special circumstances cited, but it is in a sustainable location and immediately adjoins the existing settlement.

5.3.7 It is also necessary to consider the current position with regard to housing land supply within the Borough. Members will be aware of government advice in the National Planning Policy Framework that states (Para 47) 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;'

5.3.8 The NPPF defines deliverable as:

'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'

- 5.3.9 A very recent Court of Appeal case has clarified that the housing requirement to address when considering the 5 year housing land supply in paragraph 47 of the NPPF is the full objectively assessed housing need. That figure for housing need should be an unconstrained figure i.e a figure that has not yet been reduced by applying constraints from other policies in the emerging Local Plan. It is an unvarnished household projection figure. Consequently, the housing target figure from the Regional Spatial Strategy (South East Plan) is not the correct figure to use when calculating the 5 year housing land supply as it is a constrained figure.
- 5.3.10 The NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone are currently undertaking this process with Ashford Borough Council and Tonbridge and Malling Borough Council. This SHMA will identify the scale and mix of housing, together with the range of tenures that the local population is likely to need over the plan period which would meet household and population projections. It would also address the needs for all types of housing, including affordable housing, and would cater for housing demand and will identify the scale of housing required to meet this demand.
- 5.3.11 In addition to the SHMA, local planning authorities should also prepare a Strategic Housing Land Availability Assessment (SHLAA) which will establish realistic assumptions about the availability, suitability, and the likely economic viability of land to meet the identified need for housing over the plan period. This work is currently ongoing, but the early indications are that the housing need for the Borough over the plan period (which is likely to be from 2011-2031) will be in the region of 19500 units which is a marked uplift on the RSS figure of 11080 (2006 to 2026).
- 5.3.12 In April 2013 the Council had about a 4.2 year supply of housing when assessed against a need of 11,080. The supply of housing is likely to be even lower than 4.2 years given the draft SHMA figures and the requirement to use an unconstrained figure. This lack of a five year supply is a significant factor in favour of granting permission and unless material considerations indicate otherwise, 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.
- 5.3.13 In the light of this position, I do consider that bringing forward development on this sustainably located site immediately adjacent to a rural service centre would

assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of permitting the development.

5.3.14 As was the case for the recently approved residential development at the MAP depot, reference has been made to the on-going Neighbourhood Plan work in the village and the fact that this application should not be permitted in advance of the completion of that work. Whilst work on the plan is progressing, no draft has been published for consultation. Such a plan would also need to be the subject of an examination. Given the likely timescales for this process and the current housing supply issue set out above it is not considered appropriate or reasonable to delay consideration of this application on that basis.

5.3.15 Subject to the consideration of the access and layout details of the scheme being acceptable I therefore raise no objections to the principle of development.

5.4 Considerations

As stated earlier in this report, the application is in outline and seeks consent at this stage for access and layout only. This report will first consider the issues relating to the submitted Reserved Matters and then follow on to the other matters which require consideration.

Access & Highways

5.4.1 Submitted for determination at this outline stage are the details of the new access from Goudhurst Road. As stated, it is proposed to demolish numbers 7& 9 Goudhurst Road in order to provide the required access into the development.

5.4.2 In addition to the site specific access details, there are also proposals to provide speed reducing measures on the Goudhurst Road and to upgrade the existing zebra crossing to a pelican crossing.

5.4.3 The proposed access has been designed to meet the appropriate Safety Audit tests. The central access road is 5.5m wide with a footpath running along the northern side of this. There are two private parking spaces to be provided off this access road to serve existing properties on Goudhurst Road (Redstock and the workshop behind this). A grass verge will be provided either side of the main access and a 3m wide footway/cycleway with crash bollard at the western end will allow for use by emergency service vehicles.

5.4.4 Parking will be restricted from the junction of the access in either direction as appropriate in order to maintain visibility. Details of a safety audit have been submitted with the application and KCC Highways are satisfied that the proposed access meets the necessary standards.

- 5.4.5 A Transport Assessment was also submitted for consideration with the application, this has assessed the likely volume of traffic which a proposal of this scale and nature would generate. An additional Technical Note also factors in the residential development which has not yet taken place on the map depot site. The Highway Authority are satisfied with the conclusions of the assessment in that the site is capable of delivering the proposed number of dwellings and associated traffic movements without risk to highway safety. The proposed development will therefore not have an unacceptable impact on the local highway network. KCC Highways have raised no objections to the development.
- 5.4.6 The development proposes a number of enhancements in highway and pedestrian safety terms in the vicinity of the site and also to improve road crossings in the village and cycle parking provision. These measures can be secured through a 'grampian' condition as they would be covered in any agreement under s278 of the highways Act, or through the s106 agreement in the case of the cycle parking. The site is close to local amenities and community facilities in a sustainable location.
- 5.4.7 Comment has also been made regarding the extent of parking provision on the site and the fact that insufficient spaces are provided. KCC Highways have liaised with the applicant over the number of spaces within the development. Whilst some of the house types may change in the detail stage, essentially there is common ground over the required amount of car parking. Kent Highways are satisfied that the site allows for sufficient parking. The layout indicates a mix of on and off-street, covered and parking court arrangements. As Members will be aware, KCC's parking standards have not been adopted by this Council and a balance will be struck between parking provision and the landscaping of the site.
- 5.4.8 No objections are raised to the development on highway grounds subject to the necessary conditions and informatives.

Layout

- 5.4.9 The proposed layout has been informed by the extensive research undertaken by the applicant into the evolving built form and character of Marden and its development from 1600 to the present day. It has also been the subject of considerable pre-application discussion whereby the basic principles for a strong design and layout were discussed. The proposal is also in accordance with the principles and guidance as set out in the Kent Design Guide (December 2005), in particular that design solutions should be appropriate to the context and character of the locality. It is therefore deliberate that the layout of the site has been presented in a manner which respects the existing landscape character of

the site and its surroundings, reinforcing positive design features of the locality allowing the development to sit comfortably within its context.

- 5.4.10 The layout is derived from a single access arrangement from Goudhurst Road eastwards and immediately adjacent to the linear form of the existing dwellings and their long rear gardens, expanding gently into the three character areas described in paragraph 5.2.7. This primary route links the three 'themed' character areas, determines their form, layout and the loose density as it moves further east and south to the edge of the proposed development.
- 5.4.11 The internal street pattern is well connected, maximising dwelling frontages onto green spaces, clearly legible and very permeable providing links, defined spaces and focal points within the proposed road hierarchy. In most instances dwellings are outward looking and arranged efficiently in perimeter blocks, resulting in good garden sizes and separation between dwellings. The central triangular green with its attenuation pond is a strong feature defined with landscaping and this could also be a good location for some street furniture i.e. carved wooden seats (as per examples in the illustrative landscape and open space strategy). The layout also affords ease of access whether by foot or vehicle.
- 5.4.12 As an edge of village site, the proposal correctly adopts a predominantly landscape-led approach incorporating a strong landscape structure, fundamental to a sensitive location where landscaping will be critical to soften the development and help it to respond to this rural setting. The informal nature of the landscape structure shown allows the development to blend into its location.
- 5.4.13 In particular, the proposed amenity areas on the northern, eastern and southern sides of the site provide a strong buffer appropriate to the land uses beyond. Therefore on the eastern and southern edge it respects the adjacent countryside use and to the north the fact that there are links to the playing field at Cockpits.
- 5.4.14 An allotment area is also shown on the northern boundary of the site which provides a stronger connection to the existing village boundary and acts as a buffer between existing and proposed dwellings; their siting is important as the allotments are not exclusive to the new dwellings. A proposed play trail leads to the north east corner of the site where it connects to the aforementioned play fields. Existing wildlife features are also respected by being given a healthy distance between their location and the built development. For example the badger sett in the south east corner is given a 30m protective radius as are the existing water bodies in the north east corner. In the north-west corner and along the northern boundary attenuation ponds and swales are located; this is in the areas whereby comments have been received relating to surface flooding.

SUDS have been incorporated as an integral part of the layout and in response to the characteristics of the site. Where possible, trees are incorporated into the public realm and throughout the development.

- 5.4.15 The varying road widths and surface treatments are of a rural character and dimensions which will help to tighten up the development. Some of the areas could have minor alterations introduced when the Reserved Matters are submitted at a later date, i.e. additional trees in the public realm and reduced areas of hardsurfacing. The design of the 'home-zone' area to the south of 'The Green' is a weaker area within the overall scheme, as it appears too wide and 'urban' in character for the function of this space. The design of this element will need to be redesigned at the Reserved Matters stage.
- 5.4.16 The general arrangement of the dwellings within the site is considered to provide an acceptable layout. The three storey blocks at the first crossroads are designed to provide a strong entrance and sense of arrival, and define this key space as one enters into the development. The dwellings located around the central green, are designed to enclose and front onto the green. Some of dwellings in this locality such as those immediately adjacent to junctions will be dual aspect and will need to be articulated accordingly to 'turn the corner' along the adjacent roads. The Reserved Matters stage will be expected to show this level of detail. The dwellings throughout the site which overlook the green spaces not only act as a frame (in the case of the central green particularly) by providing a sense of enclosure visually but also serve to ensure that the areas have natural surveillance.
- 5.4.17 Overall I consider that the site layout is of an appropriate density at 30dwellings/ha (net), which strikes a balance between the need to make efficient use of the land on the edge of a village location. I also consider that the proposed density shown throughout the site respects the existing pattern and form of the nearby dwellings. The higher density closer to Goudhurst Road is appropriate, as is the reduction moving east and south to the countryside. This overall density is slightly less than the recently approved development at the Map depot which was 31.9dwellings/ha.

Other matters for consideration

Visual Impact and Design

- 5.4.18 A key consideration in relation to the application is the visual impact of the development on the character of the area and the wider countryside, and how it responds to the sensitivities of a rural village edge location. Clearly this development is set behind the existing frontage of dwellings on Goudhurst Road

and therefore the main change will be felt at the point of access. Whilst at present there is a fairly low impact track from Goudhurst Road to a field gate into the site, this will change significantly to a formally engineered wider access to serve the development. The access will be designed to safety audit standards and therefore landscape softening at the immediate junction of the new road with Goudhurst Road will be limited. Adjacent to the main access will be the emergency access into the site. This being said, the character of Goudhurst Road is likely to change along this stretch from the implementation of the development on the Map depot site which will arguably detract from the impact the new access road will have.

5.4.19 The main views of the site are localised. Views will be most prominent from the rear of the properties which front Goudhurst Road and from the houses and flats on Cockpits immediately north of the site. Views will be afforded from the PRoW which runs parallel to the site to the east and the footpath to the north from Goudhurst Road to Cockpits and the playing fields; in both instances views will be through retained trees and hedgerows. In terms of the impact on the wider area, views are more limited. The development would be seen in the context of the existing village built form and will form an extension to the boundary of development. Together with the Map depot development it is my view that the site will sit comfortably within its new context. The site is not visible in longer distance views from the High Weald Special Landscape Area around Winchett Hill/Goudhurst village. From the north, views of the site are again limited. This is due to the railway line which is on an embankment at this point. This railway line is bounded by trees and provides a strong visual barrier in the landscape.

5.4.20 Views from the east are currently long distance from the rear of dwellings in Albion Road. It is however acknowledged that another planning application is under consideration for a residential development on the fields between these dwellings and the application site. Clearly should that application be found acceptable and a permission implemented then there would be short range views between the two sites.

5.4.21 The backdrop to this development will be the existing dwellings to the north and west. Further to the south, the adjacent fields and field boundaries of trees and hedgerows limit views; the restricted views mean that the developments' main visual impact would be localised. Clearly the proposed development will come closer to the public footpath KM244 and the existing dwellings at Cockpits and Goudhurst Road. However, given the extensive open amenity area to be provided to the north, east and west of the site and the context of existing development into which the new development will be inserted, I consider that the visual separation is acceptable and that the loss of the current orchard land

would not be so harmful to the character of the area as to warrant and justify refusal.

- 5.4.22 In design terms a raft of illustrative materials has been submitted within the excellent D&AS submitted with the application, along with examples of house styles. The materials have been informed by the traditional materials and colours in rural Kent, and predominantly taken from those found in local Conservation Areas. Materials are cited as follows *'black and white weatherboard, pastel coloured render, clay hanging tiles, plain tiles and slate, and some key buildings having red and blue brick laid to Flemish bond pattern as seen in 'The Blue House' and several other buildings in Marden'*. The range of materials proposed will define the character areas and add visual interest to the development. It will be important at the Reserved Matters stage to ensure that the detail remains within the palette range of materials stated in this application. This can be subject to a planning condition to ensure the scheme does not lose its focus when details are submitted.
- 5.4.23 Thought has also been given to the materials used on the hard surfacing throughout the site. A mix of tarmac, modular paving and bonded gravel will be used depending on the road hierarchy. Granite setts will be used for traffic calming and as a means to identify a change from footpath to car parking space.
- 5.4.24 A building height parameters plan also identifies the overall scale of development within the site. The proposed house types vary and it must not be forgotten that this is a matter for full consideration at the Reserved Matters stage. Street scene elevations have been submitted across the site which give a clear indication in the urban grain in the three different character areas. For example, the tight knit in 'The Street', more informal feel in 'The Green' to the opening out into a dispersed pattern in 'The Orchard'. In a similar vein boundary treatments also reflect the different character areas. Railings and walls are characteristic of 'The Street', picket fences and low hedges are more prevalent in 'The Green' and hedges and shrubs dominate 'The Orchard'.
- 5.4.25 The applicants have confirmed and demonstrated that the dwellings will be constructed to achieve Code Level 4 of the Code for Sustainable Homes. This will result in a development that will be energy efficient in terms of construction and future energy/resource use.
- 5.4.26 I raise no objections to the development on the grounds of visual impact or design.

Residential Amenity

- 5.4.27 The proposed dwellings will not have an unacceptable impact on the privacy or amenity of existing adjacent dwellings. As the final design of the dwellings is a matter for future consideration, in the case of sensitivity between existing and proposed dwellings details can be ironed out through the submission of the design.
- 5.4.28 There is a distance ranging between 38m to 45m from the rear wall of dwellings in Goudhurst Road to the forwardmost face of the frontage dwellings within this scheme which face west. Properties in Cockpits to the north which face this development have a distance ranging from 15m (one plot) to upwards of 25m whereby the new dwellings front onto the rear of the existing. These four dwellings are orientated in this fashion as they front the allotments which lie between them, the site landscaped site boundary and Cockpits. With the visual separation and consideration given to the design of the closest plot I am satisfied that the distance between the two will not give rise to a loss of privacy or cause harm to amenity.
- 5.4.29 Appropriate privacy will be maintained within the new development as a result of the site layout.
- 5.4.30 No objections are raised to the development on the grounds of impact on residential amenity.

Landscaping and ecology

- 5.4.31 An illustrative landscape and open space strategy has been submitted with the application. This provides for an acceptable framework to serve the development, both within the developed area, along the site boundaries and including the proposed open space/amenity areas.
- 5.4.32 An Arboricultural Assessment has also been submitted as part of the application. The details within this are considered to be acceptable by the Landscape Officer subject to conditions that their recommendations are abided by.
- 5.4.33 The landscape strategy considers the existing landscape character of the area; the vegetation; topography; aquatic habitat; public access and views. Proposed planting comprises substantially native species in response to the underlying character of the landscape and in order to promote biodiversity.
- 5.4.34 The proposed landscape treatment is broken down into four types of planting as follows: Parkland Trees; Street tree planting; aquatic/marginal planting and

amenity shrub planting. In some instances ornamental species are introduced amongst a native palette – this contributes to the variety of colour, texture, fragrance and winter interest. Importantly some non-native species also act as habitat and food sources for birds, insects and other small animals.

5.4.35 I consider the principles shown in the landscape masterplan to be acceptable. Detailed planting plans will be required and can be secured by appropriate condition.

5.4.36 The ecological impact of the development has also been considered. The KCC ecology team are satisfied with the assessment made and the proposed mitigation measures. They also consider that an ecological management plan should be submitted.

5.4.37 A number of ecological enhancement measures are indicated on the landscape masterplan, such as the provision of sculptural log piles and artificial refugia in carefully selected areas; bird and bat boxes and the provision of new plant species which provide fruit and berry's for native wildlife.

5.4.38 The attenuation basins and nearby drainage ditch and other aquatic margins will also be planted with a range species to enhance invertebrate species on the site. I consider that in order to ensure that the landscaping scheme and ecological enhancements are compatible that a condition be imposed to require a specific site-wide ecological enhancement plan to be submitted.

5.4.39 Subject to the recommended safeguarding conditions being imposed as set out above, no objections are raised on ecological or landscape grounds.

5.4.40 Subject to the consideration of the access and layout details of the scheme being acceptable I therefore raise no objections to the principle of development.

Other Matters

5.4.41 As indicated earlier, objections have been submitted on the grounds of flooding. Residents have advised that flooding takes place at the rear of their properties in Goudhurst Road and that the drainage infrastructure is inadequate without the development taking place. The proposed development together with the recently approved Map depot development, would compromise the drainage capacity further and exacerbate the problems already experienced by residents.

5.4.42 The site does not lie within an identified zone for flooding. This being said, due to the scale of built development the Environment Agency, Southern Water and the Upper Medway Internal Drainage Board have been consulted and a drainage strategy and flood risk assessment have been submitted.

- 5.4.43 Being a Greenfield site the onus has been on the applicant to show that run-off from the site in its developed state would be no greater than in its current state. The calculations also need to take into account the 1:100 year storm event and a 20% allowance for the effects of climate change.
- 5.4.44 As can be seen from the consultee responses, after some clarification and 'tweaking' of the scheme, the Environment Agency are satisfied that the proposal is acceptable in terms of surface water drainage and water storage capacity.
- 5.4.45 Subject to the conditions specified by the Agency no objections are raised to the development on flood risk grounds.
- 5.4.46 Concerns have also been raised regarding the inadequacy of the local sewage infrastructure. Following consultation with Southern Water by the applicant it would appear that there are simple means of improving the existing foul water sewers in the vicinity of the site – this involves replacing two sections of pipe work in the existing sewer network with increased diameter pipes. The applicants have confirmed their agreement to undertaking these works and the relevant upgrades will be made. These improvements will be achieved through an agreement between the applicants and Southern Water under s104 of the Water Industry Act 1991.
- 5.4.47 Finally, whilst the site is not within a safeguarded area of archaeological potential there is a possibility that items of historic interest are located within the site. An archaeological watching brief condition has been recommended by KCC Heritage Conservation. I consider this to be reasonable and appropriate and will ensure that in the event any items of interest are found, appropriate investigation work will be undertaken.

5.5 S106 Contributions

- 5.5.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations and paragraph 204 of the NPPF 2012.

These have strict criteria that set out that any obligation must meet the following requirements: -

- (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.

- 5.5.2 The summarised matters below are sought within a completed Section 106 and are discussed in full later in this section.

Affordable Housing at 40% would be required in accordance with policy AH1 of the Affordable Housing DPD (2006).

Healthcare contribution of £35,766.43 towards the improvement of facilities and services at Marden medical centre and Staplehurst medical centre.

Primary school contribution of £2360.06 per applicable house and £590.24 per applicable flat towards primary school expansion at Marden Primary school

Secondary school - £2359.80 per applicable dwelling and £589.95 per applicable flat towards the extension of existing local secondary schools in Maidstone to cater for the additional demand for places.

Library contribution of £2783.56 toward the provision of bookstock and services at local libraries for the additional demand on the resource.

Community learning contribution of £4134.06 towards new/expanded facilities and services for adult education centres and outreach community learning facilities

Adult Social Services: £2296.22 to be used towards provision of Telecare and enhancement of local community facilities to ensure full DDA compliant access to clients.

The provision of additional cycle parking facilities at Marden Station.

The provision of the open space, green and allotments within the site.

The making of an off-site contribution of £700 per dwelling towards the upgrading of Marden Playing Fields.

5.5.3 The Council's policy AH1 in its affordable housing DPD requires the provision of a minimum of 40% affordable housing on schemes of 15 units and above. The proposal includes the provision of 40% units of affordable housing. They would be a mix of social rent and shared equity. The split contained within the affordable housing DPD requires 60% of the affordable housing to be affordable rent and 40% for other forms of affordable housing. The development achieves this. I consider that the provision of 40% affordable housing is in accordance with the affordable housing DPD and therefore complies with the requirements of the Development Plan.

5.5.4 Mouchel on behalf of Kent County Council has requested a contribution towards primary school expansion. Evidence has been submitted that the schools in the vicinity (Marden and Collier Street) are nearing capacity and that the projections over the next few years show that capacity would be exceeded. I therefore consider that the requested contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

5.5.5 There is also a request for a contribution towards the extension of applicable local secondary schools. There has been evidence submitted that the secondary

schools in the local area are nearing capacity and that the projections over the next few years that capacity would be exceeded. Therefore contributions are sought from new developments on the basis that the demand for places arising from these developments cannot be accommodated within existing secondary schools. Therefore the extension to the school would be meeting the need arising from this development. I therefore consider that the requested contribution complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

- 5.5.6 KCC have identified that there would be an additional requirement for bookstock at the local library on the basis that the development would result in additional active borrowers and therefore seek a contribution. I consider this request to be compliant with policy CF1 and to meet the tests set out above.
- 5.5.7 A community learning Community learning contribution is sought towards new/expanded facilities and services for adult education centres and outreach community learning facilities. I consider that this request is justified, compliant with policy CF1 and the applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.
- 5.5.8 A contribution towards adult social services to be used towards provision of Telecare and enhancement of local community facilities to ensure full DDA compliant access to clients. Telecare provides electronic and other resources to aid independence including falls, flooding or wandering alarms, secure key boxes and lifeline. I consider that this request is justified, compliant with policy CF1 and than applicants have agreed to provide such a contribution. Again, I consider that this request meets the three tests as set out above, and as such, it is appropriate to require this contribution be made.
- 5.5.9 The proposed provision of additional cycle parking spaces will aid the sustainability of the development and provide increased incentives to use other modes of transport than the private car. This is in line with the advice in the National Planning Policy Framework and meets the three tests and as such I consider it appropriate this contribution is made.
- 5.5.10 A Healthcare contribution towards the improvement of doctors surgeries at Marden medical centre and Staplehurst medical centre. NHS Property Services have demonstrated that the development will generate additional demand that cannot be accommodated in the surgeries. I consider that the request meets the three tests and is compliant with policy CF1.
- 5.5.11 The applicants have also offered obligations to secure the provision of the open space, green and allotments within the site. The open space and green would be

managed by a management company. Details of the management arrangements for the allotments would need to be secured through the s106 agreement. I consider that that the proposed provision does meet the three tests and is in compliance with the Council's adopted Open Space DPD, policy OS1.

5.5.12 In addition, the applicants have agreed to meet the requested off-site contribution of £700 per dwelling for the improvement, provision and maintenance of outdoor sports facilities and provision for children for the upgrading of Marden Playing Fields. This area is considered strategically important to the village in relation to its central location and high usage by the community. A new development of this size being added to the community will no doubt see an increase in usage of this area.

5.5.13 whilst the Cockpits Play Area is closer to the site than the Marden Playing fields it has recently benefited from refurbishment and does not contain a large enough area for provision of outdoor sports, the element which not provided for on the application site. I consider that that the proposed provision does meet the three tests and is in compliance with the Council's adopted Open Space DPD, policy OS1.

5.5.14 The applicants have indicated a willingness to enter into a S106 Agreement as set out at the end of this report.

6. CONCLUSION

6.1 The development site is located in the countryside outside the defined boundary of Marden village and as such represents a departure from development plan policy and would normally warrant refusal. However, as has been set out in this report, there are material considerations which suggest that a different decision could be justified.

6.2 Due to the location of this site as an extension to the southern boundary of the village, the site would be read alongside this and not as a stand alone development. It is not therefore considered that the development would cause unacceptable harm to the countryside; the suggested materials and design of the dwellings would be finalised through the reserved matters, but from the level of detail submitted it is clear that the site offers the potential to enhance the village in this location or at the very least not cause visual harm.

6.3 The sustainable location of the site cannot be disputed and being adjacent to a Rural Service Centre does accord with the advice in the national Planning Policy Framework also considered earlier in the report.

- 6.4 The current lack of a five-year housing land supply has become apparent. This development would help to reduce the deficit but not, due to its location and resultant impact on the wider area, in a manner that would cause unacceptable harm to the character and visual amenities of the area.
- 6.5 For the reasons discussed in this report, the principle of development is considered acceptable in this instance. The development would also be acceptable in highway terms, in its impact on residential amenity and following detailed submission and mitigation, in terms of landscaping, ecology and drainage.
- 6.6 Subject to the prior completion of a s106 agreement in accordance with the heads of terms considered above and the imposition of appropriate conditions, I recommend that permission should be granted.

7. **RECOMMENDATION**

SUBJECT TO:

A: The prior completion of a s106 legal agreement, in such terms as the Head of Legal Services may advise to secure:

- The provision of a minimum of 40% affordable housing.
- A healthcare contribution of £248.38 per dwelling towards the improvement of services and facilities at the Marden medical centre and Staplehurst medical centre.
- Primary school contribution of £2360.06 per applicable house and £590.24 per applicable flat towards primary school expansion.
- Secondary school -£2359.80 per applicable dwelling and £589.95 per applicable flat towards the extension of existing local secondary schools to cater for the additional demand for places.
- Library contribution of £2783.56 toward the provision of bookstock and services at the local library for the additional demand on the resource.
- Community learning contribution of £4134.06 towards new/expanded facilities and services for adult education centres and outreach community learning facilities.
- Adult Social Services: £2296.22 to be used towards provision of Telecare and enhancement of local community facilities to ensure full DDA compliant access to clients.
- The provision of additional cycle parking facilities at Marden Station
- Details of the provision and subsequent management of the open space (including play area), green and allotment areas within the site.
- A contribution of £700 per dwelling to be used towards the upgrading of Marden Playing Fields

The HEAD OF PLANNING BE GIVEN DELEGATED POWER TO GRANT PERMISSION subject to the following conditions and informatives:

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

- a. Scale b. Appearance c. 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.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted (in accordance with the materials palette set out in the Design and Access Statement) 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.

3. The development shall not commence until, details of all fencing, walling, railings (which shall be in accordance with the boundary treatment for each character area as set out in the Design and Access Statement) 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 buildings 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.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

5. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity.

6. The development shall not commence until a detailed scheme for the parking/turning areas is submitted and approved in writing, the approved scheme shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for both private and public areas, using primarily indigenous species and in accordance with the principles set out in the landscape strategy which shall include:
 - The retention of existing tree lines along the site boundaries, and enhancements to the boundary where necessary;
 - The use of a range of natural flowering and berry bearing species of trees;
 - Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and road verges;
 - The provision of bird and bat boxes within the development;
 - Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and

Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity.

8. 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 setting and external appearance to the development.

9. A management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open space areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of the future management arrangements for the proposed allotments and for the management of communal parking areas. The 'plan' shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the management plan shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped and open space areas.

10. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

11. 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.

12. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The paving shall be permeable in nature as indicated in the application documents. The overall surfacing shall follow the proposals for each character area as set out in the Design and Access Statement. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

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

Reason: To prevent light pollution in the interests of the character and amenity of the area.

14. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;
 - i) Details of the roof overhangs and eaves.
 - ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
 - iii) Details of the junction of the timber boarding and the brickwork, and other material change with brickwork.

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

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area.

15. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies, front garden swales and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

16. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

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

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

Reason: To secure a high standard of design.

18. No development shall take place 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 having regard to the topography of the site.

19. No development shall take place until the applicant has secured and has implemented 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 enable the recording of any items of historical or archaeological interest.

20. No development shall take place until precise details of the proposed water bodies have been submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of shallow areas, and deeper, cooler areas, as well as the planting regime for the pond.

Reason: In the interests of biodiversity.

21. No development shall take place until a sustainable surface water drainage scheme (SUDS) for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not to increase the risk of flooding both on or off site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: In the interests of sustainable design and to minimise the risk of flooding both on site and elsewhere.

22. The details of the landscaping of the site required to be submitted by Condition 1 shall include details of a scheme for the preparation, laying out and equipping of a play area, amenity area and trim trail as identified in the Design and Access Statement and the land shall be laid out in accordance with the approved details.

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. 'No development shall take place until there has been submitted and approved in writing by the Local Planning Authority, a set of Design Codes for each of the Character Areas, building on the parameters/characteristics as outlined in the Design & Access Statement (received in April 2013), outlining detailed information on elements such as layout, heights, massing, building typologies (including orientation and location), public realm and boundary treatments for each phase or development parcel.

Reason: To ensure high design quality is maintained as the development is implemented.

Reason: To ensure a suitable development of the site.

24. The landscaping plan pursuant to condition 1 shall show the provision of allotments within the application site, in general accordance with the submitted masterplan. The details submitted shall include the positioning of the plots, and the boundary treatments around them.

Reason: To ensure that the allotments are delivered as per the submitted masterplan.

25. 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 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 scheme, 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: To protect controlled waters.

26. No development shall take place until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority. This shall include provision of parking facilities throughout the construction period; wheel washing facilities; provision of measures to prevent the discharge of surface water onto the highway; provision of construction vehicle loading/unloading and turning facilities. The strategy shall be submitted, approved and implemented prior to commencement of the development.

Reason: In the interests of highway safety operations.

27. There shall be no occupation of the development hereby permitted until the provision of the highway and pedestrian safety enhancements as set out in the application, these shall include cycle parking at the railway station, interactive sign board on Goudhurst Road and enhanced pedestrian crossing on Goudhurst Road. The details shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety.

28. There shall be no occupation of the development hereby permitted until the details of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be undertaken in accordance with these approved details.

Reason: In the interests of highway and pedestrian safety.

29. Prior to the first occupation of the development the following works between a dwelling and the adopted highway shall be completed:

- i) Footways and/or footpaths, with the exception of the wearing course;
- ii) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway and pedestrian safety.

30. No development shall take place until a detailed mitigation and enhancement strategy to protect ecological interests has been submitted to and approved in writing by the Local Planning Authority. The purpose of the strategy is:

- i) to ensure the protection/translocation of displaced reptiles or great crested newts;
- ii) provide follow-up surveys and mitigation to ensure protection for the badger habitat/species;
- iii) undertake a precautionary approach to the demolition of the existing building to the west of the site (provide a further bat survey if the building is not demolished within two years of the date of this permission);
- iv) enhance existing ecological habitats within the site periphery;
- v) all recommendations set out in the PJC Ecological Report and supplementary

information dated 30 July 2013 shall be adhered to and the approved details submitted pursuant to this condition shall be fully implemented.

Reason: In the interests of maintaining and enhancing ecological interests within the site.

31. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing no.s 13001/OPA - D01; D02; D03;D04;D05; DP06;DP07; 2682/PS001; ref 100; Design and Access Statement; Landscape and Open Space Strategy; Transport Assessment; Flood Risk and Waste Water Management; Sustainable Design and Construction Statement; Ecological Assessment Phase 1 (and additional information dated 30 July 2013); Arboricultural Assessment and Archaeological Desk Based Assessment as submitted on 22 April 2013.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Informatives set out below

Water conservation techniques should be incorporated into the design of all new development. If domestic appliances are to be provided in the new properties, the applicant is asked to consider installing water and energy efficient models/devices. All new homes should be designed to achieve a minimum water efficiency of 105 litres per person per day.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH or www.southernwater.co.uk.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other

materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The resulting developer who takes forward the Reserved Matters application is strongly advised to contact the Local Planning Authority in advance of submission to discuss the detailed aspects of design, hardsurfacing and landscaping prior to submission.

The applicant is advised of the following in relation to the PRoW:

- 1.No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
- 2.There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of the Public Rights of Way & Access Service;
3. There should be no close board fencing or similar structure over 1.2 metres erected which will block out views;

- 4.No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
5. No materials can be brought onto site or stored on the Right of Way.
6. The granting of planning permission confers no other permission or consent or right to close or divert any PRow at any time without the express permission of the Highway Authority.



48

49





50



51



52





54



55





57





59

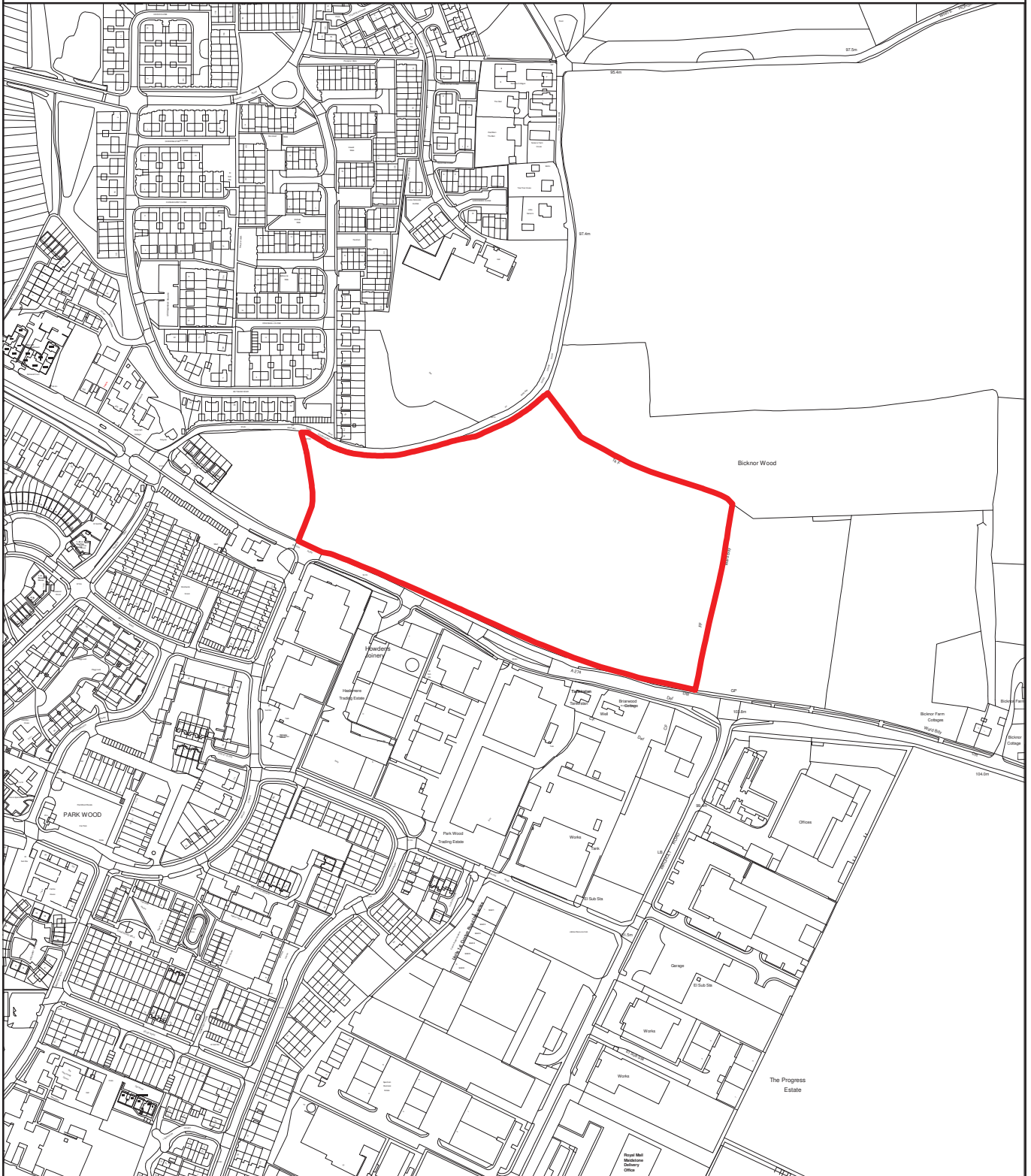
Agenda Item 12

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/0951

GRID REF: TQ7952

LAND NORTH OF SUTTON ROAD,
OTHAM.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:5000



Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/0951 Date: 29 May 2013 Received: 31 May 2013

APPLICANT: Bellway Homes (South East) Limited

LOCATION: LAND NORTH OF, SUTTON ROAD, OTHAM, KENT

PARISH: Maidstone, Otham

PROPOSAL: Full application for residential development of 186 dwellings comprising a mixture of 2, 3, 4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works in accordance with the design and access statement; sustainability assessment; cultural heritage assessment; submitted house types; transport assessment; flood risk assessment (including drainage assessment); phase 1 and 2 site investigation; planning statement; landscape and visual impact assessment; noise assessment; ecological assessment; statement of community involvement; air quality assessment submitted on the 4 June 2013 and layout plans submitted on 28 October 2013.

AGENDA DATE: 16th January 2014

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council.
- Cllr Moriarty has requested that the application be brought to Planning Committee for the reason set out within the report.
- It is a departure by virtue of the provision of 30% affordable housing rather than 40% as set out within the DPD.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H1, T2, T13, ENV6, ENV49
- Emerging Maidstone Local Plan: SS2(b); Draft Integrated Transport Plan
- Government Policy: National Planning Policy Framework 2012; Ministerial Statement for Growth 2012.
- Other: Otham Conservation Area Appraisal

2. HISTORY

MA/00/0911 Land North of Sutton Road. Erection of 23 no. 2 bedroom, 72 no. 3 bedroom, 52 no. 4 bedroom and 3 no. 5 bedroom two storey dwellings with garages, associated infrastructure works, landscaping and the creation of new vehicular access. Withdrawn.

MA/00/0175 Land North of Sutton Road. An outline application for residential development with the matter of access to be determined. Refused.

There are also applications currently under consideration nearby at 'Land West of Bicknor Farm' (MA/13/1523) and 'Langley Park Farm West' (MA/13/1149). These sites make up the strategic allocations within the emerging Local Plan within the South East of Maidstone. These applications are also on this agenda for determination.

3. CONSULTATIONS

3.1 Kent Highways Services have been consulted and made the following comments:

- 3.1.1 I am in receipt of supplementary information from the applicant in response to the issues I raised in my letter of 25th June 2013.
- 3.1.2 At the request of KCC Highways and Transportation, the trips generated by the site have been distributed on to the local highway network on the basis of Census Journey to Work data for the Park Wood and Downwood and Otham Wards. The Transport Assessment states that the proposed development is expected to have an impact of less than 5% on the A274 Sutton Road / proposed site access, A274 Sutton Road / Willington Street, and A274 Sutton Road / A229 Loose Road (Wheatsheaf) junctions. Consequently, the latter two junctions have not been subject to full capacity assessments. However, the predicted future year traffic flows are illustrated to be greater than the actual carrying capacity of the A274 Sutton Road (approximately 2,000 two-way vehicles per hour). The usual course of action in this scenario is to manage demand, reassign traffic and/or increase highway capacity. In this case, KCC Highways and Transportation is of the view that the inbound carriageway of the A274 Sutton Road should be widened between its junctions with Wallis Avenue and Loose Road to provide an additional traffic lane. Based on the total estimated cost of the scheme, a contribution of £3,000 per dwelling from each of the strategic housing sites in South East Maidstone – which will have the most significant and direct impact on the capacity of Sutton Road during the period of the Local Plan – will be sought.

- 3.1.3 Transport modelling undertaken on behalf of the developer of the nearby Langley Park site, which incorporates trips generated by the Imperial Park development, further demonstrates that the A274 Sutton Road / Willington Street / Wallis Avenue junction would operate over its design capacity in the future year scenarios of 2018 and 2027. This would encourage drivers to 'rat-run' and/or retime their journeys to avoid the congestion. Policy SS2 of the draft Maidstone Local Plan seeks capacity improvements to this junction and therefore a scheme of mitigation has been designed and costed by the applicant for Langley Park. The improvements were agreed in principle by KCC Highways and Transportation at pre-application stage and comprise the widening of Sutton Road on the southern side to accommodate two lanes of traffic in both directions on the link between Willington Street and Wallis Avenue; the widening of the westbound Sutton Road approach arm to provide three lanes at the stop line; the widening of the eastbound Sutton Road approach arm; and the linking of the controllers of the two junctions to improve the efficiency of the whole intersection. The revised layout has been modelled and is shown to improve the operation of the junction to an acceptable extent. Whilst the junction is still projected to operate slightly over its design capacity during the AM peak hour, its operation would be better than if there were no development in South East Maidstone, no junction improvements and no public transport infrastructure enhancements. Moreover, there would be a degree of spare capacity during the PM peak hour, when the junction is projected to operate more effectively in 2027 with all of the proposed development in place than it currently does.
- 3.1.4 Based on the total estimated cost of the scheme, a contribution of £300 per dwelling from each of the strategic housing sites in South East Maidstone will be sought. The A274 Sutton Road / site access junction has been modelled and is projected to operate well within its design capacity in the future year of 2018 with the proposed development in place. KCC Highways and Transportation is in agreement with this assessment.
- 3.1.5 It is deeply disappointing that the applicant has failed to modify the site layout in response to KCC Highways and Transportation's concerns regarding its permeability for pedestrians and cyclists and the proposed quantum of tandem and rear parking. These concerns were based on extensive evidence and experience from recently completed residential developments elsewhere in Maidstone and more widely across Kent. As it stands, the present layout not only gives rise to highway safety concerns arising from the need for pedestrians to negotiate parked cars within shared surface areas but may also prejudice the future adoption of the road network within the site by KCC Highways and Transportation.

3.1.6 Following further discussion with local Members and stakeholders including Downswood and Otham Parish Councils, it is KCC Highways and Transportation's view that a vehicular access should not be provided between the site and Gore Court Road and that Gore Court Road itself should not be stopped up to the west of the site. Instead, a connection between the site and Gore Court Road should be provided for pedestrians, cyclists and emergency vehicles only. This amendment to the site layout would have implications for the design of the proposed dwellings fronting Gore Court Road which should be discussed with the County and Borough Councils at the earliest opportunity. The Transport Assessment suggests that the provision of a toucan crossing of the A274 Sutton Road to link the site with the Langley Park development should be provided by the developers of the Langley Park and Land North of Sutton Road (east) sites. KCC Highways and Transportation does not accept this assessment, as the toucan crossing facility would primarily be used by the residents of Land North of Sutton Road to access the proposed primary school and local centre within Langley Park. It is therefore considered that the crossing should be delivered by the developers of the Land North of Sutton Road sites.

3.1.7 Subject to the satisfactory resolution of these matters, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1. A funding contribution of £3,000 per dwelling for off-site highway mitigation works to the A274 Sutton Road, comprising the widening of the carriageway between its junctions with Wallis Avenue and Loose Road to provide an additional traffic lane.
2. A funding contribution of £300 per dwelling for the off-site highway mitigation works to the A274 Sutton Road / Willington Street / Wallis Avenue junction, as detailed in the Transport Assessment.
3. The provision, by way of a Section 278 Agreement between the applicant and KCC Highways and Transportation, of the priority access to the site from the A274 Sutton Road as depicted on Drawing Number 12-2181-011.
4. The provision, by way of a Section 278 Agreement between the applicant and KCC Highways and Transportation, of a toucan crossing facility on the A274 Sutton Road to provide safe pedestrian and cycle access to the proposed community facilities within the Langley Park site to the south east.
5. Details of the provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

3.2 **Kent County Council Ecology** have been consulted and made the following comments:

- 3.2.1 'Additional information has been provided by the ecologist and we are generally satisfied that the impact has been adequately assessed.
- 3.2.2 No bats were recorded emerging from the trees during the surveys and as a result of reviewing the additional information we are satisfied that there is no requirement for additional surveys or detailed mitigation strategies to be submitted prior to determination of the planning permission. However as a condition of planning permission, if granted, we recommend that a precautionary mitigation strategy is submitted for comments prior to works starting. We acknowledge that the landscape buffer will create foraging and commuting habitat for bats. However we are concerned that the development will result in an increase in lighting as such there is a need to ensure that the lighting impacting the ancient woodland and buffer is minimised. If planning permission is granted we would expect a detailed lighting plan to be submitted as a condition of planning permission. We would expect the lighting plan to include maps showing the expected lighting spill.
- 3.2.3 The submitted report has detailed that there is limited suitable habitat for reptiles as the majority of the site is arable. We had some concerns that no consideration has been given to suitable habitat being present at the base of the hedgerows for reptiles. As a result of reviewing the additional information and the surveys submitted as part of planning application MA/13/1523 we are satisfied that there is limited potential for reptiles to be present within the hedgerows.
- 3.2.4 The hedgerow to the east of the site is to be removed and it is adjacent to an area which contains suitable habitat for reptiles.
- 3.2.5 We acknowledge that the proposed development will not result in a direct loss of the woodland and the submitted report has detailed that a buffer area has been incorporated in to the site. However we are concerned that the proposed development will result in an indirect impact on the ancient woodland sites through an increase in recreation. As such there is a need to ensure that the buffer area is designed to prevent direct access in to the woodland from the proposed development. We would expect the landscape design to compliment the landscaping proposed for the Land west of Bicknor Farm Cottages, Maidstone application (MA/13/1523).
- 3.2.6 The management plan for the site must be produced as a condition of planning permission to ensure that the buffer area and any ecological enhancements are managed appropriately. Details must be provided detailing how the site will be managed in perpetuity.'

3.3 **Kent County Council (Mouchel)** were consulted and requested that the following contributions be provided in order to make the application acceptable:

- Contributions of £1,356,966.20 towards a new primary school facility on the Langely Park site;
- Contributions of £387,597.15 towards improved secondary school provision within the locality;
- Contributions of £5,340 towards community learning;
- Contributions of £21,425.34 towards enhancing library facilities;
- Contributions of £18,090.36 towards adult social services.

3.4 **The Primary Care Trust** were consulted and made the following comments:

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

- Wallis Avenue practice
- The Mote Medical practice
- Downswood surgery
- Northumberland Court, Shepway surgery.
- Grove Park surgery
- Orchard surgery at Langley.

3.4.2 All of the above surgeries are within a 1.5 mile radius of the development at Land North of Sutton Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

3.4.3 NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and we believe these are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are for affordable/social housing, as identified in the proposal letter.

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

Predicted Occupancy rates

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

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

- **33 x 2 = 66 persons**
- **54 x 2.8 = 151.2 persons**
- **43 x 3.5 = 150.5 persons**
- **130 units = 367.7 total assumed occupancy**
- **367.7 @ £360 per person = £132,372**

3.4.5 NHS Property Services Ltd therefore seeks a contribution of £132,372 plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.'

3.5 **Maidstone Borough Council Landscape Officer** has been consulted and made the following comments:

3.5.1 'The site is adjacent to two areas of woodland designated as semi natural ancient woodland. To the north is Bicknor Wood and to the west is Bicknor Hole. Bicknor Wood is protected under Tree Preservation Order (TPO) No. 37 of 1981, two English Oaks and one Common Ash.

3.5.2 The applicants have submitted an Arboricultural Implications Report prepared by Simon Jones Associates in May 2013. This is considered an acceptable assessment of the trees and hedgerows currently on site.

3.5.3 60 individual trees, 3 groups of trees, 2 woodlands and 2 hedgerows have been surveyed. Of these 8 individual trees, 2 tree groups, 1 hedgerow and small sections of the other hedgerows are proposed to be removed. None of these are internal to the site, and are categorised as of low quality (Grade C). T19, a protected Ash tree, is one of those proposed to be removed, but due to its condition assessment, there are no objections subject to replacement planting to mitigate its impact.

3.5.4 The principles of the LVIA prepared by LDA Design, dated May 2013, are also considered acceptable although it relates to the second edition of the GLVIA 2

and not the newly published third version. I would also add that the AW boundaries are not available on Natural England's website.

3.5.5 The detailed planting plans indicate that an appropriate minimum buffer zone of 15m is provided adjacent to the Ancient Woodland as required by Natural England's standing advice. The internal landscaping is generally acceptable, with a few tweaks to species. However, the removal of the Sutton Road frontage hedgerow and its replacement with Lime trees and an ornamental shrub planting mix is not suitable. The underplanting should be a mix of native or at least near native species to comply with the Council's guidelines.

3.5.6 However, if you are minded to grant consent for this application I have outlined below a number of issues that should be addressed by pre-commencement conditions to address my concerns:

- A revised landscape scheme with implementation details;
- A long term management plan;
- Compliance with the AIR.'

3.6. **Maidstone Borough Council Parks and Open Space Officer** was consulted and raised no objection to the proposal subject to contributions of £132,990 being made towards the improvement of existing play space, and also the enhancement of sports provision within the locality.

3.7 **Maidstone Borough Council Conservation Officer** was consulted and made the following comments:

3.7.1 'The site lies opposite to Briarwood, a 17th Century or earlier thatched cottage, whose setting is currently dominated by a large industrial estate in close proximity and the busy Sutton Road. The house sits behind a substantial tree screen and a high fence. Although the openness of the current application site makes some small positive contribution to the setting of the listed building, its development would not have any major detrimental impact on this setting, particularly if existing planting along the southern boundary of the application site is retained and enhanced as suggested in the Cultural Heritage Desk Based Assessment prepared by CGMS.

3.7.2 I raise no objection to this application on heritage grounds subject to conditions re additional landscaping along the southern boundary and details of materials.'

3.8 **The Environment Agency** has been consulted and made the following comments:

3.8.1 'Thank you for consulting us on the above development received 20 June 2013.

We have reviewed the information submitted and have no objection to the principle of development at this location but do object to specific details in relation to means of surface water disposal.'

3.8.2 They then stated that in order to overcome the concerns the following work would need to be undertaken:

3.8.3 'We recommend the authority do not grant permission for the proposed development until it can be demonstrated a feasible surface water management scheme, using sustainable drainage principles as described in The Suds Manual (Ciria C697) and limiting discharge to existing Greenfield runoff rates, can be implemented. We also recommend the authority consider a strategic sustainable drainage system which incorporates runoff from all proposed sites in the area.'

3.9 **Natural England** were consulted and raised no objections to the proposal.

3.10 **Southern Water** were consulted and raised no objections to the proposal subject to the imposition of a condition requiring the submission of drainage details prior to the development taking place.

3.11 **UK Power Networks** were consulted and raised no objections to the proposal.

4. REPRESENTATIONS

4.1 Otham Parish Council were consulted and have requested that the application be refused. Their concerns are summarised as follows:

- The access should be onto the Sutton Road only, with no vehicular access on to Gore Court Road;
- The proposed development would have severe transport implications for the area;
- There appears to be no traffic modelling for the development concerning the roads to the north of the site – including White Horse Lane, Otham Street, Green Hill and Otham Lane;
- These highways are not suitable for significant traffic movements, nor for pedestrian movements;
- The bus service would be impacted by the proposal, as the additional traffic could well cause significant delays;
- The rural activities that take place around Otham result in relatively unique types of vehicles using the roads – this may well clash with an increase in car movements;
- Increased traffic would discourage the use of cycles, which has seen an increase in use in the past few years;
- Increased traffic would also discourage pedestrians.

4.2 **Cllr Moriarty** was notified of the application, and has requested that it be brought before Members as this is a large and contentious application, and requires Members full consideration.

4.3 **Neighbouring occupiers** were notified of the application, and 16 letters of objection have been received. The concerns raised within these letters are summarised below:

- Lack of transparency in the Development Brief – this needs to be part of the public consultation exercise undertaken;
- The status of the woodland as ancient semi natural woodland is questioned;
- Gore Court Road is unsuitable for additional vehicular traffic;
- The highway layout is not comprehensive, and this site and the adjacent site therefore remain isolated from one another;
- There would be too many access points on to the Sutton Road;
- This is piecemeal development, rather than a holistic approach;
- There should be enhanced landscaping linking the woodland from the south to the north;
- The Wheatsheaf junction is already at capacity – this will exacerbate this problem;
- The proposal would cause rat-running through Downswood;
- Concerns that the local infrastructure can cope with the additional demand placed upon it by additional homes;
- The local wildlife would be impacted by the proposal;
- New homes should be built on brownfield sites, not greenfield land;
- Impact upon the setting of Otham and nearby listed buildings;
- There would be coalescence between the existing villages and Maidstone, destroying their character;
- There was insufficient public consultation prior to the submission of the application;
- Sutton Road is dangerous to cross for school children;
- This is an unsustainable location;
- The proposal would result in more light and noise pollution;
- Loss of grade II agricultural land.

4.4 One letter of support has been received. This letter emphasised that the provision of additional houses would result in more affordable housing within the locality, which is much required.

4.5 **Langley Parish Council** were notified (although the site falls outside of their Parish it was considered to impact upon it indirectly) and made the following points:

- They do not wish for any buildings to be greater than two storeys in height;
- Concern was raised with regards to the lack of pedestrian and controlled crossings, and the lack of a 40mph limit, to the south of the site;
- The Parish regret that pedestrian access ends opposite Hazlemere Industrial Estate;
- Cllrs requested that reassurance be given that the Community Infrastructure is considered in a holistic manner across the sites;
- They wish to see the retention of the hedge to the south of the site, fronting Sutton Road.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site is located to the north of the Sutton Road (A274) which runs from the centre of Maidstone towards Headcorn and Tenterden. The site is allocated within the Maidstone Borough Wide Local Plan (2000) for housing (Policy H1), and has been identified within the emerging Maidstone Local Plan (Policy SS2) for this purpose (as part of a wider allocation in both instances).
- 5.1.2 To the east of the application site is the remainder of the allocation for residential development. This land is being promoted by Redrow (application reference MA/13/1523) for 100 houses. The land is currently separated by a narrow belt of trees and hedging.
- 5.1.3 To the south of the application site is the A274 (Sutton Road) with the Parkwood Industrial Estate beyond. To the south-west of the site is Wallis Avenue which serves the Parkwood area of housing.
- 5.1.4 To the west of the site is an area of woodland known as 'Bicknor Hole'. This is at the junction of the A274 and Gore Court Road and tapers into a point. To the west of this (across Gore Court Road) the rear gardens of houses that are within the Senacre housing estate. These have rear boundaries that back on to the highway.
- 5.1.5 To the north of the application site is Bicknor Wood. This is classified as ancient woodland, and therefore has significant protection. The land to the north of Bicknor Wood is open farmland – which also forms part of the proposed strategic allocation (SS2).
- 5.1.6 The site is within a sustainable location, with access to existing schools, and shops. The site is also well served by public transport with busses running into and out of Maidstone on an hourly basis during the day, and with greater frequency during the peak times during the day.

5.2 Proposal

- 5.2.1 This is a full application for the erection of 185 residential units on the western part of the allocated site. The proposal would see the erection of both flats and houses as well as the provision of open space, as well as a new access into the site from the Sutton Road.
- 5.2.2 The access into the site would be positioned approximately 215metres from the western boundary of the site, and 150metres from the eastern boundary (with the 'Redrow' application site). This access would be served by a right hand filter lane, and would have a maximum width of 10metres at the junction with the A274. Three storey blocks of flats would flank the main access into the site. These are provided with a curved façade at the point of access, with gable projections at either end.
- 5.2.3 Once into the site, the scale of the development reduces, with the majority of the properties being individual dwellings. The access runs at right angles to the A274 into the centre of the site, and then approaches an area of open space. At this point the road splits in two, with one spur heading in a north easterly direction, and the other in a north westerly. The area of open space is fronted by three storey town houses that would be set out within a relatively uniformed crescent, with tree planting in front.
- 5.2.4 The highway that heads north-west would run up to Gore Court Road although it is proposed to bollard this junction until phase two comes forward to prevent rat-running northwards.
- 5.2.5 Towards the west of the site, the highways reduce in scale, with no specified pavements and the use of shared surfaces. A 'home zone' is also proposed with houses that back on to the highway (behind tree planting).
- 5.2.6 Within the north-west of the application site, the houses front on to Gore Court Lane, and indeed 17 of these units are served by vehicular access from it. The majority of these properties are substantial, detached dwellings, many with linked garages, and private drives. This sees a significant reduction in the density towards the edge of the site. All properties to the west of the site are a minimum of 15metres from the woodland within Bicknor Hole.
- 5.2.7 To the eastern end of the site, a similar approach is taken. The highways become reduced in scale and the density of the site also reduces. Much of the affordable housing provision is within the south-eastern quarter of the site.

- 5.2.8 At the eastern edge of the site, and linked with the site to the east, it is proposed that a formal play area be provided. This play area would be overlooked by properties within the site, and would have good separation from the highway by virtue of the provision of a pathway, and tree planting.
- 5.2.9 Along the northern edge of the application site, it is proposed to provide a suitable buffer to Bicknor Wood, and the provision of a footpath that would link the north of the site (and land beyond) to the play area without the need to traverse any highway.
- 5.2.10 It is proposed that the existing hedge be removed along the road frontage, and replaced with tree planting (lime trees are proposed). Further additional planting would be provided within the highways, and within the open spaces proposed within the application site.
- 5.2.11 The applicants are proposing that the development provide a minimum of 30% affordable housing, and are proposing that contributions be made towards a new primary school on the Langley Park site.
- 5.2.12 The applicants are proposing that the development be constructed to level 3 of the code for sustainable homes.
- 5.2.13 The provision of an equipped play area would straddle the border of the application site and that of the 'Redrow' scheme. As such, the applicants have agreed that this would need to form part of any S106 legal agreement, to which both parties would be signatories.

5.3 Principle of Development

- 5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The application site is allocated within the Maidstone Borough Wide Local Plan (2000) and is identified as a strategic allocation within the emerging Local Plan (policy SS2b). This emerging policy identifies this site, together with the land to the east for a housing provision of 285 dwellings. The land to the east of this site has an application to be determined for 100 dwellings.
- 5.3.2 This proposal therefore accords with both the development plan, and the emerging plan. As Members are aware, this site, amongst others was 'frozen' following the publication of PPG3 (superceded by PPS3), as the government at that time sought a greater emphasis on the development of brownfield land. The Council, through its urban capacity study were able to demonstrate that it could meet its housing requirements through brownfield land, and as such, greenfield

sites such as these were not permitted. This stance was confirmed through appeal decisions on a number of similar sites.

5.3.3 However, following the publication of the NPPF, and the recalculation of the Council's five year supply, it became apparent, that the Council could no longer solely rely on such sites, and as such, would have to revisit the possibility of releasing greenfield sites such as these.

5.3.4 As such, on the 13 March 2013, the Council agreed to lift the moratorium on greenfield sites, on the basis of a lack of a five year supply, the fact that the NPPF had replaced PPS3, and due to the lack of building of family, and affordable homes within the rural service centres. Once this moratorium was lifted, proposing housing upon these sites was once again in accordance with the Development Plan.

5.3.5 Nonetheless, concern has been raised by Boughton Monchelsea Parish Council that the Council has incorrectly calculated its five year supply, and that there are suitable brownfield sites within the Borough that could accommodate this future growth – and as such, the moratorium should not have been lifted. The Council has sought the view of Counsel with regards to this matter, and are confident that it has worked out its supply in a correct manner.

5.3.6 Members will be aware of government advice in the National Planning Policy Framework that states (Para 47) that Councils should;

5.3.7 *'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period; and*

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;'

5.3.8 The NPPF defines deliverable as:

5.3.9 *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that*

housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'

5.3.10 One of the key questions asked recently has been 'against what target are we assessing our five year supply?' The five year supply has been assessed against the RSS figure of 11,080, and on this basis reveals a supply of 4.2 years. This has been the base figure used by the authority to calculate the figure. However, a recent (England and Wales) Court of Appeal decision between the City and District Council of St Albans and Hunstan Properties Limited has indicated that this is an incorrect approach to be taking and that local authorities should be using the more up-to-date DCLG household projection figures.

5.3.11 The Council has recently undertaken a SHMA with the neighbouring Boroughs of Ashford and Tonbridge and Malling. These figures indicate that there is likely to be a significant up-shift in the housing need. Preliminary figures indicate that the housing need for the Borough until 2031 is likely to be 19,600 – which would result in the Council having a current five year supply of 2 years. This reduction in the five year supply further emphasises the necessity to lift the moratorium to ensure greater delivery to address this shortfall.

5.3.12 I am therefore satisfied that it was appropriate to re-instate this land for housing purposes, and I am also satisfied that the proposal generally accords with the existing and emerging policy. As such, I raise no objections to the principle of development on this site, subject to all other material considerations being met.

5.4 Visual Impact

5.4.1 The application site is located on the north side of the Sutton Road (A274), and sits directly opposite the Parkwood Industrial Estate. Furthermore, to the west of the site is Gore Court Road with housing upon its western side. As such, two sides of the site are already developed. As such, the development would, in part, be screened by this built form, and this would also provide a backdrop from longer distance views.

5.4.2 Nonetheless, the development would result in the loss of an open field, and as such clearly there would be some harm. However, previous Inspectors have concluded that the benefits of allowing housing on this site – in meeting the Borough's need – would outweigh the harm. It should be noted that the

Inspector would have assessed this site some 14 years ago, and as such, I consider it appropriate to re-evaluate this conclusion.

- 5.4.3 The site, is relatively well screened both from the south, the west and also the north, by Bicknor Wood. Long distance views of the site are therefore very restricted. Whilst the character of the site and locality would undoubtedly alter, the harm would be localised. The introduction of a wide access road, and built form along the road frontage would urbanise the area. As such, it is important that the landscaping along this frontage respond positively to this change. The full details of the landscaping are set out later within the report, however, what has been proposed would see the creation of a more formal, tree lined frontage, that in time would provide a soft edge to the site, and create a pleasant entry into the urban area.
- 5.4.4 The proposed buildings are also of a scale that would respond positively to both the context of the site – being adjacent to two storey properties, and commercial buildings of a similar height – and the development proposed on the adjacent land.
- 5.4.5 I therefore raise no objections on the grounds of visual impact of this proposal, as I concur with the Inspectors review of the site. It is relatively well contained, and long distance views are minimum. This together with the scale of development, and landscaping proposed would ensure that there would not be any significant harm to the wider area.

5.5 Design

- 5.5.1 Within the NPPF, theme 7: Requiring good design, and the Kent Design Guide (2005) (KDG) emphasise that design solutions should be appropriate to context and the character of the locality. In order to respect the context, the KDG states that development should achieve some or all of the following: reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context. Through good design, using principles in the Kent Design Guide, the proposed development is expected to make efficient and effective use of this greenfield site, on the edge of Maidstone in a manner sensitive to the wider local environment. The emerging Development Plan, policy SS2b specifically refers to Land north of Sutton Road, referring to sustainable construction (point 4) and high quality, modern design that incorporates vernacular materials (point 11).

5.5.2 In this instance, assessing whether the development is appropriate to context cannot be divorced from the identification of the site as a strategic allocation in the Maidstone Borough-Wide Local Plan (2000) and the emerging Local Plan. In other words, it is inevitable that residential development extending into countryside would, to some extent, be out of context with the prevailing rural character. However, given the policy support for the urban extension, the test in this case should be how well the development responds to the sensitivities of an urban fringe location.

5.5.3 Responding to context also involves incorporating site specific constraints, opportunities and wider planning policy objectives which in this case include: the form and layout of the proposed development; highway safety/access considerations including parking; housing density; landscape structure; and appearance and detailing. The objective should be to imaginatively address these constraints to help deliver a distinctive place.

5.5.4 The application has been accompanied by a joint Development Brief (August 2013) with Redrow Homes for the site immediately to the east of the site. This has recently been amended and was consulted upon in tandem with the planning application(s). The document clearly sets out a comprehensive and co-ordinated vision across both sites with development, planning and design principles common to both. This helps to ensure an integrated approach especially in respect of the frontage facing onto Sutton Road, and spatial interface between the two developments and the boundary treatments. It does not however consider detailed design matters such as appearance and character, resulting in different architectural styles being built typical to each house-builder's standard products.

5.5.5 The application is also supported by a Design and Access Statement (D&AS) (May 2013) which outlines strategic design objectives and explains the detailed design rationale and principles for the proposed scheme. The D&AS refers to 6 distinct character areas, namely:

- Sutton Road (the main approach);
- The Avenue (the main public transport route);
- The Crescent (the key and central space within the scheme);
- Eastside (the interface with the Redrow scheme);
- Woodland (the northern edge); and
- Mews (the block structure within the scheme).

The D&AS thoroughly considers aspects such as security and natural surveillance as part of creating a safe place in which to live; inclusive design; refuse and cycle storage; and applies traditional styles of architecture, and a simple unfussy choice of materials.

5.5.6 The design approach for the scheme is traditional and of a good quality design, incorporating traditional styled house types with simple detailing, a limited materials palette, and apartment blocks of a similar yet contemporary architectural theme. Discussions have been ongoing with the applicant to ensure that revised amendments improve the overall quality of the scheme, especially along principle routes and in key locations such as The Crescent, with for example the design of the 3-storey semi-detached dwellings terminating the main view into the site.

Form and layout

5.5.7 The layout has derived from extensive pre-application discussions, and also from the requirement to provide a new access road into the land to the north of Bicknor Wood. Point 4 of Policy SS2b requires:

'A new access road of a width suitable to accommodate contra-flow traffic and adjacent footways between Gore Court Road from the western boundary of Bicknor Wood and A274 Bicknor Wood'.

5.5.8 This access road through the site has been designed to be of a scale that could accommodate not just the traffic from this development, but also that from any future development from the land to the north of Bicknor Wood (which is proposed for housing development through Policy SS2c of the emerging Local Plan).

5.5.9 The proposal applies an efficient layout with a dominant and strong street frontage onto Sutton Road. The site is served by a main access from Sutton Road, marked by prominent tall entrance features and a crescent arrangement within the development that terminates the main vista into the development. The rest of the development is made up of a loose development block pattern, one homezone and two inner courtyards off shared surface areas which maximise this irregular shaped parcel of land. The layout encourages permeability and clearly defines public and private space. Its density is appropriate to the site, with key street scenes providing views to key spaces such as the public open space to the south of the crescent.

Changes have been incorporated into the latest revised plans to resolve some of the weaker elements in the layout of the scheme. These include the re-design of the more prominent buildings (including the flats), some alterations to the access road into the application site, and the re-orientation of the some of the proposed dwellings.

Highway safety/access considerations and parking

5.5.10 The proposal is well connected and applies a hierarchical approach to its movement network with a primary (centrally located spine road) as the main access road that then splits with the northwest fork continuing the main access route with footpaths on either side to Gore Court Road. The northeast fork becomes a secondary route and a circular shared surface road, similar to the access road serving the western blocks.

5.5.11 According to the DAS, car parking is planned at a level appropriate to county maximum standards (IGN 3: Residential parking), as a 'suburban' site located on the urban fringe with a predominance of 2 spaces for 4 bedroom houses, 1.5 spaces for 3 bedroom houses, and 1 space for 1 and 2 bedroom dwellings. The 364 spaces need to be numbered on a plan layout, so it is clearly understood which spaces relate to each dwelling, and will be conditioned accordingly.

Housing density

5.5.12 The KDG in the case of urban fringe locations states that density should remain compact to avoid urban sprawl and recommends a gross density of between 30-50 dph. One reference is made to density within the D&AS referencing 33dph, an appropriate medium to low density, complimentary to the adjacent Redrow Homes scheme.

Landscape structure

5.5.13 As an urban edge site, a simple, functional and legible landscape structure supported by a softwork strategy (comprising of street and feature trees with a combination of ornamental shrub, native and structural planting) is proposed within the Landscape Concept/Strategy of the D&AS to compliment the proposed built form, along with intricate boundary treatments such as the introduction of 'crinkle-crankle' brick walls which will provide visual interest to the streetscenes. This structure will relate to the:

- main green corridor fronting onto Sutton Road;
- formal entrance into the site splaying out into the central area of Public Open Space;
- main access route linking Sutton Road to Gore Court Road;
- around the perimeter of the POS/formal 'green';
- open space buffers; and
- village streets, lanes, inner homezones and mews.

In order to open up the site, the scheme proposes a robust, cohesive and formal landscape treatment for the Sutton Road frontage, resulting in total removal of the existing front hedge which currently restricts views into the site.

Appearance, scale and detailing

- 5.5.14 The house types applied throughout the scheme are of a standard house type design, with simple detailing and a very limited materials palette, including the dominant use of red brick which respects the use of red brick locally as seen in Otham Conservation Area. There is a degree of symmetry to the use of materials along the main entrance/spine road and crescent terminating this vista which is welcomed. The quality of these materials, both the red and buff bricks are very important to avoid a bland and uniform appearance to the street scenes, and a materials board will be required as part of the condition for materials.
- 5.5.15 The proportions of some of the house types are still under discussion, particularly the design of the 3 storey semi-detached dwellings terminating the main view into the site, as they are poorly proportioned. The fenestration is out alignment vertically and of a weak design, barely referencing classical Georgian townhouse proportions which are strongly encouraged (and referred to in the D&AS). An additional window is required on the second floor to balance the fenestration pattern on the front elevation. As a principal streetscene with long and short views, it is important that these dwellings are well designed. The applicant has subsequently amended the plans to address this concern, with the buildings of a higher quality than previously submitted.
- 5.5.16 Up to 15 different house types are to be built with predominantly 2 storey heights with 3 storey dwellings located at the entrance and along the proposed crescent only. The use of 2.5 storey buildings is very limited with two small rows of 2.5 storey terraces, one 2.5 storey semi-detached and detached dwelling. Discussions are underway to introduce additional 2.5 storey units as these could be used more effectively at focal points including corners, the end of vistas, and immediately adjacent to the 3 storey elements to visually graduate and improve streetscenes. Chimneys have also been introduced in the scheme to visually 'break-up' and provide interest to the rooflines on some of the detached, semi-detached and terrace blocks.

Code for Sustainable Homes

- 5.5.17 The sustainability chapter of the D&AS and Sustainability Statement set out the measures to increase energy efficiency and reduce carbon emissions throughout the development. They identify a considerable commitment to minimising environmental impacts, through sustainable design and construction methods.
- 5.5.18 The residential development has been designed to comply with current Building Regulations (Parts L), and Code for Sustainable Homes, code Level 3 rather than Code Level 4 (as set out in policy CS6: Sustainable Design and Development). A

range of measures are listed to achieve this including more than 10% energy use from decentralised/renewable/low carbon sources is also being sought. A number of options for incorporating renewable energy sources are also being considered, and need to be expanded upon and be conditioned for. Buildings have been designed to reduce energy use, by taking into account building orientation, layout, overshadowing and materials selection to minimise energy consumption, to optimise solar gain and incorporate natural ventilation, wherever possible. However, the applicant has been advised, since pre-application stage, that the Council will require the dwellings within the site to be provided to level 4 of the code for sustainable homes. Irrespective of the information submitted, I will impose a condition to this effect, to ensure that the development complies with the emerging Policy. To my mind, should this not be imposed, the proposal would not be in accordance with the emerging strategy.

5.6 Residential Amenity

- 5.6.1 The application site is divorced from any residential properties by either significant distance or by an existing highway. As such, any impact upon the amenity of existing residents would be limited. The nearest properties to this site back on to Gore Court Road, with 76 Betsham Road the nearest to the site. This property is side on to the highway and is provided with a high hedge along its boundary. This, together with the distance from the property to the proposed new build and the fact that an adopted highway runs between the site and the housing would ensure that the proposal would not result in any significant overlooking, overshadowing or the creation of a sense of enclosure to the occupiers of this property.
- 5.6.2 The owners of the properties 52 to 74 Betsham Road (that back on to Gore Court Road) are positioned opposite Bicknor Hole, and as such would not be significantly impacted by this proposal.
- 5.6.3 Concern has been raised by a number of residents of Otham, and the surrounding area with regards to the impact of the proposal in terms of rat-running, and how this would impact upon their quality of life. The applicants have sought to address this by closing the spine road of the development at the junction with Gore Court Road. As such, residents that live within the centre of the development, would have to leave the site on to the A274, thereby reducing the likelihood of rat-running taking place.
- 5.6.4 There are no other residential properties within the vicinity of the application site that would be impacted by this proposal.
- 5.6.5 I therefore do not consider that the proposal would result in any significant impact upon residential amenity.

5.7 Highways

- 5.7.1 As can be seen from the comments made by KCC Highways and Transportation, the principle of development of this scale within the site is considered acceptable. As part of the existing allocation, the Inspector considered this site to be relatively remote from the Town Centre, and also gave considerable weight with regards to the distance from the nearest railway station. As such, measures were proposed at that point in time to address this, together with the additional traffic that would be generated by the proposal. It is for this reason that Policy T2 of the Local Plan included the provision of dedicated bus lanes, priority to buses at junctions, prioritisation (for buses) within traffic management schemes as well as enhanced waiting and access facilities and information systems for passengers, including those with disabilities.
- 5.7.2 To my mind, these measures remain key in the successful delivery of this site, and also to ensure that this proposal does not become an isolated island of development, overly reliant upon the private motor vehicle. As such, the Council will be seeking contributions of £3000 per dwelling to deliver a new inbound lane of traffic, with bus prioritisation measures from the Willington Street roundabout to the Wheatsheaf junction (A274 & A229 junction). Whilst KCC Highways and Transportation have requested that these simply be for vehicle movements, it is my opinion that there should be some bus prioritisation along this corridor to encourage greater use of the bus, and to reduce vehicles along an already busy highway. As such, I proposed that any additional lane of traffic should only be available for bus use between the hours of 7.30am and 9.30am. This lane could be available for other traffic at all other times. This would be consistent with the peaks shown for inbound traffic movements. Should this provision be made, then I consider that the proposal would address both the capacity issue within the A274, and also would ensure that the proposal would align with existing Local Plan Policy, and would be a more sustainable location than otherwise.
- 5.7.3 Intrinsic to the successful management of both inbound traffic, and traffic that seeks to head northwards to the A20 is the alteration to the Willington Street/Sutton Road junction. The improvements to this junction are set out within the Transport Assessment, which is agreed by Kent Highways and Transport. Again, I consider that this is a necessary part of any proposal for additional housing further along Sutton Road as it is acknowledged that this junction is already at capacity, and further strain will take it beyond capacity. The mitigation at this junction will include widening of the junction, which will see the removal of a tree. However, it has been agreed that this would be replaced should permission be granted.

- 5.7.4 This layout has been assessed and is considered to provide a safe passage through the site, as well as a safe entry and exit into the site.
- 5.7.5 The parking provision within the site has also been assessed, and no objections are raised. The majority of properties within the site have a minimum of two parking spaces, with only the smaller flats provided with one. As this is a site relatively divorced from the town centre, it is appropriate to provide a level of parking that reflects this. I consider the parking provision proposed is of an acceptable level that would not result in any highway safety issue.
- 5.7.6 There would also be a small number of visitor parking spaces within the site which would help to address the matter of on street parking. However, some on-street parking would still be likely to take place within the site; I am of the view that this would not give rise to any highway safety concern, as speeds throughout the site would be low.
- 5.7.7 The applicant is required to provide a new crossing adjacent to the south east corner of the site, to link in with the Langley Park site. This should be a controlled crossing, and should be provided prior to the completion of the school on this aforementioned site. This would ensure that the school, and commercial provision required on this site, can be safely accessed by the future residents of any development to the north of the A274.
- 5.7.8 I am therefore of the view that the proposal would address the infrastructure required to make the development acceptable, both in terms of highway impact, but also in terms of sustainability. The parking provision is also acceptable, and as such, I raise no objections to the proposal on highway safety grounds.

5.8 Landscaping

- 5.8.1 The applicants have submitted a full landscaping scheme with the proposal, which indicates that the hedge would be removed along the road frontage and replaced with tree and shrub planting. The Council's landscape officer raises some concerns about the loss of this hedge, and whilst I certainly understand these concerns, the removal of the hedge has come about through dialogue with council at pre-application stage. It was suggested that it would be appropriate to seek the removal of the hedge in order that the housing became more 'visible' for passing traffic, in order that it changed the character of the locality – which would help with the reduction of traffic speed.
- 5.8.2 The provision of tree planting would have the effect of aiding air quality concerns, as well as providing a soft edge to the development. I consider this to be a suitable approach to take within this location, subject to suitable species being provided – I would suggest that this be dealt with by way of condition.

- 5.8.3 Internally, it is proposed that there be a significant level of tree planting within the highway, particularly within the shared surface areas (where there is no necessity for paving). Whilst the proposal would result in the loss of a number of trees (60), this would be mitigated by the proposed planting; particularly as the quality of those being removed isn't high. There are more trees being planting than being removed.
- 5.8.4 The provision of trees along the main access road would result in a relatively formal entrance point, but this is also reflected in the symmetry of the development on either side, and the opening up of the development with the formal open space to its north.
- 5.8.5 In terms of the areas of open space, the open space on the perimeter to the north of the site, allows for a suitable buffer to the ancient woodland, and also provides informal open space for residents to utilise. The central open space is well defined, and provides a high quality, formal entrance to the site. This would be primarily a grassed area, but with some formal tree planting on its northern edge. I consider this element well designed and in keeping with the form and layout of the development.
- 5.8.6 The landscape officer has expressed concerns with regards to the proposed species, in particular the ornamental species proposed along the A274 frontage. I concur with these concerns, and recommend that a condition be imposed upon any permission that would require the submission of further details. These details should respond positively to the guidance set out within the adopted Council guidelines.
- 5.8.7 With regards to the provision of play space, this matter is complicated by the fact that the developers are sharing the provision with 'Redrow' who are developing the adjacent site. It was agreed at pre-application stage, and through the formulation of the Development Brief, that this would be the most suitable location for the play area, as it would best serve both developments. However, the Council need to be certain of delivery, should one development not come forward. As such, I propose that this matter be subject to the provision of a suitable S106 legal agreement for both parties. In terms of the level of provision, the Council's Parks and Open Space Officers have reservations about its overall size, but do not object. In any event, further contributions are sought, that would address the shortfall in sport and recreation facilities. I am of the view that the play area, which would be (approximately) 450sqm would be acceptable, and, subject to details about how it is to be equipped, and subject to a management plan for its ongoing maintenance, raise no objection to its provision.

5.8.8 Internally, the dwellings would each be provided with a front and rear garden. The front gardens being of varying size dependent on location, and all provided with some soft landscaping. The rear gardens also vary in size, but generally have a minimum depth of 10metres, which is considered acceptable.

5.8.9 Overall, I consider the landscape provision, subject to some minor alterations, to be acceptable. I understand the concern with regards to the loss of the hedge, which is currently a strong feature within the locality, however, I consider the proposal to respond to the provision of housing more successfully, and have the potential to enhance the residential character. I therefore raise no objection to the proposed landscaping, subject to the imposition of suitable conditions.

5.9 S106 Contributions

5.9.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.9.2 As Members are aware, the Council has an adopted DPD which addresses the matter of affordable housing within the Borough. This requires that a 40% affordable housing provision be made on developments of 15 units or more. The Council have however 'banked' policies for the purposes of Development Management on the strategic sites. Policy SS2b relates specifically to the land to the north of Sutton Road, and requires that the level of affordable housing be provided in accordance with the Local Plan target, as detailed in Policy CS10. However, this policy (CS10) was not adopted for the purposes of Development Management and as such has less weight.

5.9.3 The level of affordable housing to be sought is therefore 30% of the overall provision. To my mind, this is a strategic site, which its own policy, which needs to be given weight. Whilst the Local Plan proposal in terms of affordable housing provision has yet to be adopted for the purposes of Development Management, I am of the view that this development will provide for a significant proportion of the Council's strategic provision and as such should accord with the requirements of this strategic vision as much as it can. Whilst no viability appraisal has been submitted, I am also mindful of the necessity for significant

levels of contributions to be made with regards to the highways infrastructure in order for this site to be acceptable – a cost that it not borne by other developments (of a small scale) within the Borough. A particular cost of course is the requirement to achieve level 4 of the code for sustainable homes.

- 5.9.4 An area of land within the site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction. As at present, this site together with the sites to the south and north of the A274 (planning applications MA/13/1149 and MA/13/1523) would see the provision of a total of (approximately) 886 dwellings, and KCC have indicated that this would necessitate the construction of a new primary school, as those within the vicinity could not be expanded to the extent required to address this additional strain.
- 5.9.5 In order to ensure that this school could be delivered, it would be necessary for contributions of £14,285 per pupil together with the associated costs of purchasing the land. As stated, KCC Education consider it necessary to seek the provision of this school in order to accommodate the additional pupil numbers, and this is borne out by the fact that it is included within the emerging Local Plan Policy. Education provision is a strong material consideration with regards to the provision of community facilities, and the creation of good development. I therefore consider that this element of the proposal does meet the tests as set out above.
- 5.9.6 Clearly there is a direct interrelationship between this site and the two aforementioned sites to the north of the A274 in terms of delivery. Of particular importance is understanding the necessary trigger point to see the delivery of the school. KCC have indicated that the school would be necessary once the 350th dwelling (across the three sites) has been delivered. As such, any S106 legal agreement would need to be cross referenced with these sites, in order to ensure that this would be delivered at the suitable point in time.
- 5.9.7 The school currently forms part of the outline element of the planning application (MA/13/1149), and as such, permission would need to be sought for its delivery. This time would need to be factored in to the delivery of the school.
- 5.9.8 Kent County Council have also requested that other contributions be made towards libraries, youth and communities and adult education. These contributions are considered to have been fully justified, and are related to the scale of development proposed. I therefore consider that they are in accordance the aforementioned regulations.

- 5.9.9 Significant contributions are also required with regards to the provision of an additional lane for vehicular traffic, which would also have bus prioritisation measures during the busiest period for inbound traffic (7.30am – 9.30am). The cost of such a provision has been provided, which demonstrates that a figure of £3,000 per residential unit would be required to fund this new provision. As has been set out within the submitted transport assessment, the A274 would exceed capacity without such provision. I also note that the existing local plan allocation requires improvements to this busy transport corridor. I am therefore satisfied that this is a necessary requirement of this development, and is directly related, and of a scale commensurate to the proposal.
- 5.9.10 Contributions would also be sought from any development to the south and north of the Sutton Road (including applications MA/13/1523 and MA/13/1149) for the same figure. In order to ensure that this is delivered in good time, I would require the payment for this additional lane to be provided at the completion of the 350th dwelling across all three sites (in the same vein as the school would be required).
- 5.9.11 In addition, contributions of £300 per dwelling are required for improvements to the Willington Street junction. Again, as this junction would exceed its capacity should these developments be constructed, then there is a requirement for the work to be undertaken. Again, I consider that it would be prudent to request this money at the completion of the 350th dwelling (again across the three sites) in order that the works can be undertaken in good time for the remainder of the development.
- 5.9.12 Significant discussion have been held with the NHS with regards to the provision of contributions towards additional health services within the vicinity of the site – as no new provision is required on site. The NHS have indicated that the existing provision within the locality can be expanded to accommodate this growth. As such, contributions are sought, with extensive negotiations having taken place between Maidstone BC, the applicant and the NHS to agree suitable provision. It has now been agreed that a figure of £132,372 be provided. Contributions shall be provided at the completion of each phase of the development to meet with this requirement.
- 5.9.13 Much of the provision of parks and open space is to be on site. The Council are satisfied that the play space within the development would be sufficient to address the needs of some of the future residents. However, there would also seek further contributions to address the shortfall. In addition, as no on-site provision has been made with regards to sport, contributions of £132,990 are requested to enhance the facilities within the nearest available sports pitches. These are located within the Parkwood and Senacre estates, and as such the money should be spent at these locations. I consider that this request for

contributions meets the tests of the CIL Regulations, and as such, require this to form part of the S106 agreement.

5.10.1 **Ecology**

5.10.1 Concern was raised with regards to the initial ecological report, and in particular, with regards to the level of surveys that had been undertaken. However, further work has now been submitted, and there has been significant dialogue between the applicants and Kent County Council Ecology on this site, and it has now been agreed that suitable mitigation has been proposed. However, in order to ensure that this is delivered, it is recommended that a condition be imposed that would require the development to be carried out in accordance with the measures proposed within the submitted ecological report.

6. CONCLUSION

- 6.1 This is a site that has been allocated for housing provision since 2000. However, due to the moratorium on greenfield sites it has seen applications submitted and refused in the past. However, the moratorium has now been lifted, and on this basis, the Development Plan identifies this site as suitable for housing provision. The site is also a site proposed for housing provision within the emerging Maidstone Local Plan. As such this proposal accords with the Development Plan. The proposal would provide much needed housing, within an acceptable, and sustainable location.
- 6.2 The design of the proposal is considered to be of a high quality, certainly in terms of the layout. The buildings are of a satisfactory standard. The landscaping provision within the development would create an attractive environment for future occupiers.
- 6.3 The applicants are making significant contributions to infrastructure, both on site, and within the locality – in particular, contributions towards the additional highway works that would be required to take place along the A274 and A229, and the provision of a new school and community hall within the adjacent application site.
- 6.4 Clearly, as the Council does not currently have a five year housing supply, this proposal would contribute towards meeting the shortfall. This is a strong material consideration in the determination of this application, and should be given significant weight accordingly.
- 6.5 This is a proposal that would deliver a high quality development that would also provide significant (and necessary) infrastructure, and open space. It is also in accordance with the Development Plan. The material considerations are

such that I recommend that Members give delegated powers to grant, subject to the receipt of a suitable S106 legal agreement, which should address the matters set out below.

7. RECOMMENDATION

Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:

- The provision of a minimum of 30% affordable housing;
- Contributions of £3000 per residential unit for the provision of a bus lane/additional lane for vehicular traffic;
- Contributions of £300 per residential unit for enhancements of the Willington Street junction;
- Contributions of £132,372 for towards improvements to health care provision within the locality;
- Contributions for primary education of £14,285 per pupil*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the (cumulative) 350th dwelling of this site and the sites to the south and north of Sutton Road (MA/13/01523 and MA/13/1149).
- Contributions towards the land acquisition costs for the primary school on the land at Langley Park.
- Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
- Contributions for additional book stock within local libraries - £128.44 per dwelling.
- Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
- Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
- Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- Contributions towards the provision of a community facility on the Langley Park site.
- The provision of an equipped play area that straddles this application site and that of the 'Redrow' site (MA/13/1523).
- The provision of a pedestrian controlled crossing between the application site (preferably closest to the 'Redrow' site) and the Langley Park site. This should be provided prior to the first occupation of the proposed school, or commercial area

– whichever is delivered first. The cost of this provision shall be split equitably between the applicants of this site, and the applicants of MA/13/1523.

**Based on the following formula:*

$$\text{Pupil Yield} = (A \times B) + (C \times D)$$

Where:

A is the number of houses

B is the relevant multiplier being 0.28

C is the number of flats

D is the relevant multiplier being 0.07

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

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted 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.

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling along the point of access) 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 buildings 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.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

5. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity.

6. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

7. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

8. 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 setting and external appearance to the development.

9. No development shall take place 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:

- Notwithstanding the details submitted to date, the provision of tree and low shrub planting along the southern boundary using native species;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and road verges;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity.

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area.

11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

12. Notwithstanding the information submitted to date, 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.

13. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

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

Reason: To prevent light pollution in the interests of the character and amenity of the area.

15. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

16. 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.

Reasons: To protect vulnerable groundwater resources.

17. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

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

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

Reason: To secure a high standard of design.

19. No development shall take place until a sample panel of the ragstone wall, and brickwork has been constructed on site, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on site.

Reason: To ensure a high quality design.

20. No development shall take place 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 having regard to the topography of the site.

21. No development shall take place until the applicant has secured and had implemented 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 enable the recording of any items of historical or archaeological interest.

22. No development shall take place until precise details of the SUDs system has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable design.

23. The details of the landscaping of the site required to be submitted by Condition 10 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details.

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

24. There shall be no occupation of the development hereby permitted until the provision of the point of access from the Sutton Road (A274) has been provided in accordance with the plans submitted to date. Full details of the proposed access shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

25. The development shall be carried out in accordance with the recommendations of the submitted ecological report.

Reason: To ensure the impact of the development is suitably mitigated.

26. The development shall be carried out in accordance with the submitted travel plan.

Reason: To ensure that the proposal is delivered in a sustainable manner, and to reduce the impact upon air quality.

27. No development shall take place until a long term management plan for the maintenance of the landscaping within the site has been submitted and approved in writing by the Local Planning Authority. The site shall then be managed in accordance with the submitted plan.

Reason: In order to secure the long term appearance of the development.

28. The development shall be undertaken in accordance with the submitted arboricultural report.

Reason: In the interest of visual amenity.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the emerging Maidstone Local Plan, and there are no overriding material considerations to indicate a refusal of planning consent. The proposal does not however comply with the Affordable Housing DPD (which forms part of the Development Plan) however it is considered that in this instance this is considered to be acceptable by virtue of the policies within the emerging Local Plan





66

N
AR
O

A landscape photograph showing a vast green field in the foreground and middle ground. In the background, there is a line of trees under a sky filled with large, white, fluffy clouds. On the left side, the dark green leaves of a tree are visible, partially obscuring the view. The number '100' is overlaid vertically in the center-left area of the image.

100

11.05.2012

101

11.05.2012

102

11.05.2012

A photograph of a lush green field, possibly a meadow or pasture, with a line of trees and buildings in the distance. The sky is filled with large, white, fluffy clouds. On the left side, there is a large, leafy tree. The overall scene is bright and natural.

103

11.05.2012

104

11.05.2012

A photograph of a dirt path in a forest. The path is narrow and leads into a dense thicket of green trees and bushes. In the foreground, several bare, dark tree branches frame the top and right sides of the image. The ground is covered in green grass and some small white flowers. The overall scene is a natural, outdoor setting.

105

11.05.2012

106

11.05.2012

107

11.05.2012

108

11.05.2012

109

11.05.2012

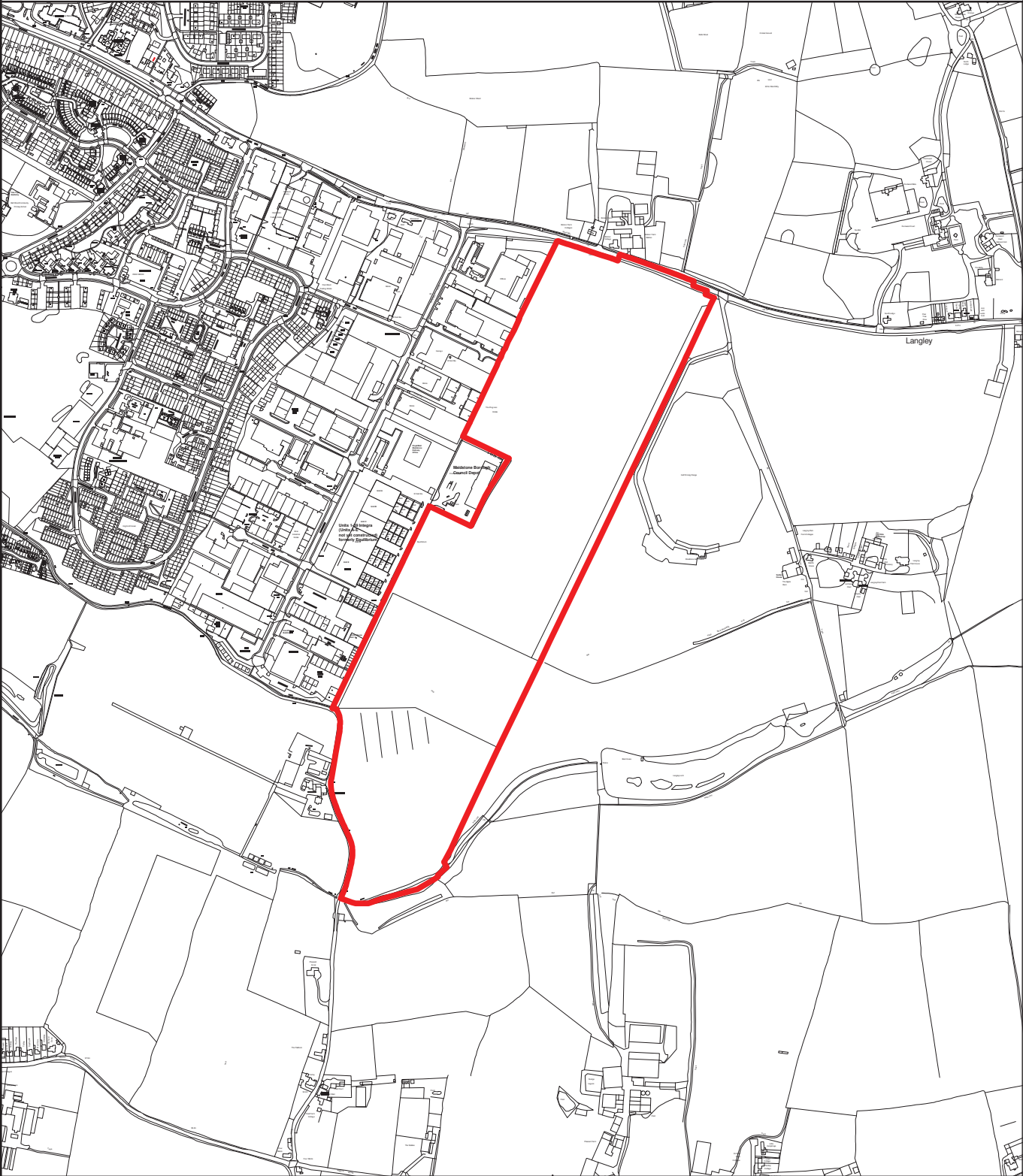
110

11.05.2012

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1149 GRID REF: TQ7951/7952

LAND AT LANGLEY PARK,
SUTTON ROAD, MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:10,000



Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1149 DATE: 27 June 2013 RECEIVED: 1 July 2013

APPLICANT: Taylor Wimpey UK Limited

LOCATION: LAND AT LANGLEY PARK, SUTTON ROAD, MAIDSTONE, KENT

PARISH: Boughton Monchelsea, Chart Sutton, Langley, Otham

PROPOSAL: Outline application for the erection of up to 600 dwellings, with associated local centre comprising convenience store (Use Class A1) (1,300sqm - 1,500sqm Gross Floor Area (GFA), retail/commercial units (Use Class A1, A2, A3, A5 and/or D1) (400sqm GFA), and public house (Use Class A4) (550sqm - 700sqm GFA); a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conservation area; and landscaping; with all matters reserved except for the following:

- 1) Means of vehicular access to the site from Sutton Road, and the spin road within the site;
- 2) 170 dwellings (phase 1) with its associated open space;
- 3) Drainage provision, including the surface water attenuation facility, strategic foul and surface water drainage infrastructure and pumping station;
- 4) Earthworks, to include ground re-modelling.

In accordance with the submitted Arboricultural Report, Open Space Survey Report; Affordable Housing Statement; Statement of Community Involvement; Transport Assessment; Environmental Statement (volumes 1 and 2); Retail Impact Assessment; Non-Technical Summary to the Environmental Statement; Sustainability Statement; Development Brief; Planning Statement; Design Addendum; Design and Access Statement; plans numbered 43-1862-001; CSa/1896/103; 45-1862-AV-A-001; 45-1862-AV-A-002; CSa/1896/121 Rev H; CSa/1896/113 Rev I; CSa/1896/131; CSa/1896/133 Rev B; CSa/1896/139 Rev A; CSa/1896/127 Rev D; CSa/1896/136 Rev A; CSa/1896/137 Rev A; CSa/1896/138 Rev A; CSa/1896/144; CSa/1896/134 Rev C; 7926/01 (1-3); 10170/CD001; 10170/CD/02; 10170/CD/03; 10170/CS/001; 10170/CS/051; 10170/CS/052; 10170/CS/053; 10170/CS/054; 10170/CS/055; 10170/CS/056; 10170/DR/10 Rev A; 10170/DR/231; 10170/DR/232; 10170/DR/233; 10170/DR/234; 10170/DR/235; 10170/DR/236; 10170/DR/237; 10170/HL/001 Rev A; 10170/HL/002 Rev A; 10170/HL/003 Rev A; 10170/HL/004; 45-1862-003 Rev E; 45-1862-004 Rev C; 45-1862-002 Rev E; 45-1862-005 Rev D; 45-1862-008 Rev C; 45-1862-010; 45-1862-007 Rev C; 45-1862-006 Rev D; 45-1862-AV-SS-002 Rev C; 45-1862-AV-SS-003 Rev B; 45-1862-AV-SS-001 Rev C; 45-1862-NH-SS-001 Rev C; 45-1862-NH-SS-002 Rev B; 45-1862-NH-SS-003 Rev C; 45-

1862-RE-SS-001 Rev C; 45-1862-RE-SS-002; 45-1862-RE-SS-003 Rev B; 45-1862-AV-B-001; 45-1862-AV-B-002; 45-1862-AV-C-00145-1862-AV-C-002; 45-1862-AV-D-001 as received on the 1 July 2013 and the phasing plan received on the 21 November 2013.

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council.
- It is a departure from the Development Plan.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: H1, ED2, T2, T13, ENV6
Government Policy: National Planning Policy Framework 2012; Ministerial Statement for Growth 2012.

2. HISTORY

MA/12/2256 Langley Park Farm West, Sutton Road, Boughton Monchelsea. Screening Opinion for proposed mixed use development incorporating 600 residential dwellings, local centre (incorporating shops and public house), two-form entry primary school and community hall together with open space, nature conservation area/parkland, drainage and highway infrastructure. EIA not required*.

MA/08/1494 Land SE Parkwood Industrial Estate, Langley Park Farm West, Sutton Road, Boughton Monchelsea. Change of use of land and erection of depot facility (sui generis) to include general storage, servicing and storage of vehicles and ancillary offices with associated parking, access and landscaping. Approved.

MA/00/1255 Langley Park Farm West, Sutton Road, Boughton Monchelsea. Residential development for 389No. dwellings with garages, public open space, play areas and other associated infrastructure. Refused.

MA/00/0906 Langley Park Farm West, Sutton Road, Boughton Monchelsea. Outline application for a mixed use development comprising residential, employment uses falling within classes B1(a) (b) & (c), B2, B8, Class A3, Classes C1 and C2, community facilities, public open space, park and ride facilities together with associated infrastructure with all matters except for means of access reserved for subsequent approval. Refused. Appeal Dismissed.

*The applicant was advised that a full Environmental Impact Assessment would not be required to be submitted with the application. Nevertheless, they considered it prudent to submit this information, in order to ensure that the application was as comprehensive.

As can be seen from the above, there has been a previous application for residential and commercial use of this site. This was refused by the Council and successfully defended on appeal. The reason for this refusal for at that time, the Council had an up to date Urban Capacity Study that demonstrated that the Council could deliver sites within the urban area, and in particular upon brownfield sites to meet the housing need at that time. This was in accordance with Government Guidance at that time (PPG3 and PPS3).

3. CONSULTATIONS

3.1 **Kent Highways Services** made the following comments:

3.1.1 The outline application proposes the erection of up to 600 dwellings, with associated local centre (of up to 2,650 square metres), a two form entry primary school and public open space. All matters are reserved except for the means of vehicular access to the site from the A274 Sutton Road, the spine road within the site, 170 dwellings (Phase 1), drainage provision and earthworks.

3.1.2 Baseline traffic surveys were undertaken in March 2012 at the A274 Sutton Road /Horseshoes Lane and A274 Sutton Road / Willington Street / Wallis Avenue junctions. Data was also sourced from a week-long Automatic Traffic Count (ATC) survey undertaken by Kent County Council (KCC) on the A274 Sutton Road at the site's north western boundary between 28th September and 5th October 2010.

3.1.3 Personal Injury Accident (PIA) data for the five-year period December 2005 to November 2011 has been sourced for the A274 Sutton Road between its junctions with Bircholt Road and Horseshoes Lane. A total of seven PIAs were recorded during the study period; of which four were classed as 'slight' in nature, two as 'serious' and one as 'fatal'. The majority of the accidents appear to have been the result of driver error and KCC Highways and Transportation concurs with the conclusion of the Transport Assessment that the low number and dispersed pattern of accidents is not suggestive of an identifiable highway safety problem.

3.1.4 The primary vehicular access to the site is proposed to take the form of a new three arm roundabout on Sutton Road, the principle of which was previously agreed with KCC Highways and Transportation. The roundabout would act as a valuable traffic calming feature, particularly for westbound traffic entering the urban area, and would also provide a gateway feature on the A274 approach to Maidstone. It is KCC's view that the roundabout should be combined with the extension of the 30mph speed limit to the east along the site frontage and that the applicant should use reasonable endeavours to implement the necessary amendment to the Traffic Regulation Order. Dropped kerb pedestrian crossings would be provided on all arms of the roundabout, together with central island refuges. A shared foot/cycleway would also be installed along the site frontage, allowing for a future linkage with the strategic housing allocations to the north of Sutton Road via a toucan crossing facility.

- 3.1.5 Whilst the principle of the internal site layout was discussed and agreed by KCC Highways and Transportation at pre-application stage, the County Council raised a number of detailed concerns regarding its permeability for pedestrians and cyclists and the proposed quantum of tandem and rear parking. Unfortunately, the applicant has failed to address a number of these issues and therefore further modification of the layout is required, in discussion with KCC, in order to overcome them.
- 3.1.6 A plan indicating the extent of the areas proposed for adoption by KCC Highways and Transportation has been submitted by the applicant. These include numerous areas of tree planting which should be maintained by the site management company, rather than KCC.
- 3.1.7 Car parking is proposed to be provided "in general accordance with" the standards prescribed within the Kent Design Guide Interim Guidance Note 3 and would comprise a mixture of garages, driveways and parking courts. A plan identifying the proposed car parking provision, layout and location has been submitted by the applicant; however a detailed breakdown by residential unit type should also be provided in order that any departures from the Interim Guidance Note 3 standards can be more readily identified.
- 3.1.8 The majority of the site is in excess of the maximum recommended walking distance to a bus stop of 400 metres. Consequently, it is proposed that provision would be made for buses to serve the site via the 5.5 metre wide spine road, with a dedicated turning facility to be provided towards the southern end. To ensure that bus services would be accessible to residents occupying the dwellings constructed during the early phases of the development, it is proposed that new bus stops would be provided on Sutton Road, to the west of the access roundabout, for use by the existing bus services that pass the site. This is to add to the existing facilities adjacent to the site. This strategy has been agreed in principle with Arriva and KCC Highways and Transportation.
- 3.1.9 The TRICS database has been interrogated to estimate the number of vehicular trips likely to be generated by the residential elements of the proposed development. The overall traffic generation of the residential plots, which has previously been agreed with KCC Highways and Transportation, is projected to be as follows:-

Time	Vehicular Flow		
	In	Out	Two Way
0800-0900	75	218	293
1500-1600	165	125	287
Daily	1459	1505	2964

- 3.1.10 Vehicular trip rates for the primary school have been based on data from the 2011 National Travel Survey, which provides information on average travel

distances and modal shares for primary school pupils, and the TRICS database. The overall peak period traffic generation of the primary school is projected to be as follows:-

Time	Vehicular Flow		Two Way
	In	Out	
0800-0900	156	138	294
1500-1600	83	129	212
Daily	n/a	n/a	n/a

3.1.11 Whilst the methodology used to calculate pupil trips is acceptable, it is not clear whether these trip rates also account for staff movements and clarification of this should be provided to KCC Highways and Transportation. Vehicular trip rates for the proposed foodstore within the local centre have been based on an interrogation of the TRICS database. The overall traffic generation of this land use is projected to be as follows:-

Time	Vehicular Flow		Two Way
	In	Out	
0800-0900	60	43	103
1500-1600	93	97	190
Daily	1203	1198	2402

3.1.12 KCC Highways and Transportation is in agreement with this assessment. Vehicular trip rates for the proposed local shops within the local centre have been based on an interrogation of the TRICS database. The overall traffic generation of this land use is projected to be as follows:-

Time	Vehicular Flow		Two Way
	In	Out	
0800-0900	24	23	47
1500-1600	25	25	50
Daily	332	331	663

3.1.13 KCC Highways and Transportation is in agreement with this assessment. Vehicular trip rates for the proposed pub/restaurant within the local centre have been based on an interrogation of the TRICS database. The overall traffic generation of this land use is project to be as follows:-

Time	Vehicular Flow		Two Way
	In	Out	
0800-0900	n/a	n/a	n/a
1500-1600	10	12	22
Daily	163	163	326

3.1.14 The Transport Assessment states that none of the comparator sites identified within TRICS contain survey data covering the morning peak period. It is contended that any trips at this time are likely to be within the realm of daily variation. However, KCC Highways and Transportation is aware that several pub/restaurant chains now offer a breakfast service and on this basis, it is considered that an allowance should be made for staff and customer trips during the network AM peak for robustness. KCC Highways and Transportation accepts that not all of the vehicular trips generated by the proposed land uses would be independent in nature. For example, residents of the site may travel to the primary school to drop off their children before continuing to their place of work. Furthermore, a number of trips to the local centre would be made by motorists passing the site on the A274 Sutton Road (for example, to carry out 'top-up' shopping on their journey home from work) and would not therefore be new to the highway network. The trip rates reported above have been adjusted accordingly to take account of these factors and avoid double counting. KCC Highways and Transportation concurs with the assumptions made to apply these adjustments.

3.1.15 The Transport Assessment concludes that, on full completion of the site, the total level of vehicular traffic projected to be generated in the AM and PM peak hours, taking account of internal and pass-by trips, would be as follows:-

AM Peak Hour			
Land Use	In	Out	Two Way
Residential	68	210	278
School	118	102	220
Foodstore	24	17	41
Local Shops	10	9	19
Pub/Restaurant	0	0	0
Total	220	338	558

PM Peak Hour			
Land Use	In	Out	Two Way
Residential	153	113	266
School	63	98	161
Foodstore	38	38	76
Local Shops	7	7	14
Pub/Restaurant	10	12	22
Total	271	268	539

3.1.16 Whilst KCC Highways and Transportation is in general agreement with this assessment, the applicant is requested to address the issues with the trip generation methodology identified above for completeness. The total level of vehicular traffic projected to be generated by the 170 residential dwellings

forming Phase 1 of the Langley Park development in the AM and PM peak hours – and for which full planning permission is being sought – would be as follows:-

Time	Vehicular Flow		Two Way
	In	Out	
0800-0900	21	61	82
1500-1600	46	35	81
Daily	409	421	830

3.1.17 KCC Highways and Transportation is in agreement with this assessment. The 2012 observed traffic flows on the local highway network have been increased to take account of background traffic growth to the assessment years of 2018 (completion of Langley Park Phase 1) and 2027 (full development completion) using local growth factors derived from the TEMPRO and National Transport Model datasets. The trips projected to be associated with the three strategic housing sites in South East Maidstone allocated by Maidstone Borough Council in March 2013 (Langley Park, Land North of Sutton Road and Land North of Bicknor Wood) have also been accounted for in this analysis.

3.1.18 The Transport Assessment states that the predicted future year traffic flows are greater than the actual carrying capacity of the A274 Sutton Road (approximately 2,000 two-way vehicles per hour). The 2012 observed two-way traffic flows already total approximately 1,800 in the peak hour. It is noted that the usual course of action in this scenario is to manage demand, reassign traffic and/or increase highway capacity. In this case, Maidstone Borough Council is promoting a northbound bus lane on Sutton Road between its junctions with Wallis Avenue and Loose Road to mitigate the impact of the three strategic housing sites in South East Maidstone, for which financial contributions will be sought in accordance with Policy SS2 of the draft Maidstone Local Plan. This would provide additional capacity on this corridor through modal shift and it is assumed that those vehicular trips on Sutton Road over and above the practical capacity of the highway would be reassigned from cars to buses.

3.1.19 The Sutton Road / Willington Street / Wallis Avenue, Sutton Road / Horseshoes Lane and Sutton Road / site access junctions have been subject to capacity assessments, as agreed with KCC Highways and Transportation. Three scenarios have been tested – current (2012) traffic flows, future (2018 and 2027) traffic flows without the three South East Maidstone strategic sites and future (2018 and 2027) traffic flows with the three South East Maidstone strategic sites. The means by which future traffic flows have been distributed on to the local highway network is not clear and clarification of this should be provided to KCC Highways and Transportation.

3.1.20 The modelling demonstrates that the Sutton Road / Willington Street / Wallis Avenue junction currently operates at its design capacity during peak periods and that it would operate over its design capacity in the future year scenarios, which would encourage drivers to 'rat-run' and/or retime their journeys to avoid

the congestion. It should be noted that traffic flows have been capped at 2,000 vehicles per hour, as the Sutton Road Bus Lane is assumed to be part-funded by the strategic sites. Policy SS2 of the draft Maidstone Local Plan seeks capacity improvements to the Sutton Road / Willington Street / Wallis Avenue junction and therefore a scheme of mitigation has been designed by the applicant. The improvements were agreed in principle by KCC Highways and Transportation at pre-application stage and comprise the widening of Sutton Road on the southern side to accommodate two lanes of traffic in both directions on the link between Willington Street and Wallis Avenue; the widening of the westbound Sutton Road approach arm to provide three lanes at the stop line; the widening of the eastbound Sutton Road approach arm to accommodate the bus lane; and the linking of the controllers of the two junctions to improve the efficiency of the whole intersection. The revised layout, together with the impact of the bus lane on modal shares, has been modelled and is shown to improve the operation of the junction to an acceptable extent. Whilst the junction is still projected to operate slightly over its design capacity during the AM peak hour, its operation would be better than if there were no development in South East Maidstone, no junction improvements and no public transport infrastructure enhancements. Moreover, there would be a degree of spare capacity during the PM peak hour, when the junction is projected to operate more effectively in 2027 with all of the proposed development in place than it currently does.

3.1.21 The modelling of the Sutton Road / Horseshoes Lane junction demonstrates that it currently operates well within capacity and would continue to do so in the future years with all of the proposed developments in South East Maidstone in place. KCC Highways and Transportation is in agreement with this assessment. The modelling of the Sutton Road / site access roundabout junction demonstrates that it would operate within capacity in the future years, within minimal delay to through traffic. KCC Highways and Transportation is in agreement with this assessment.

3.1.22 To summarise, whilst KCC Highways and Transportation is generally in agreement with the methodology and conclusions of the Transport Assessment, the following information remains outstanding and should be provided by the applicant at the earliest opportunity:-

- Further revision of the site layout to address KCC's outstanding concerns regarding its permeability for pedestrians and cyclists and the proposed quantum of tandem and rear parking;
- A detailed breakdown of proposed car parking provision by residential unit type in order that any departures from the Interim Guidance Note 3 standards can be more readily identified;
- Clarification of whether the trip rates associated with the primary school account for staff movements;
- An allowance for staff and customer trips to the pub/restaurant during the network AM peak hour;
- Clarification of the means by which future traffic flows have been distributed on to the local highway network.

- 3.1.23 Further comments were then received on the 26 September 2013. These state:
- 3.1.24 'Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highways matters: -
- 3.1.25 I am in receipt of supplementary information from the applicant in response to the issues I raised in my letter of 30th July 2013.
- 3.1.26 At the request of KCC Highways and Transportation, a technical note has been submitted providing clarification of the primary school trip rates used in the Transport Assessment, which is considered acceptable. It also confirms that a breakfast service would not be offered at the proposed pub/restaurant and that the applicant is prepared to accept a condition limiting the opening hours of the facility to 11am to midnight.
- 3.1.27 The technical note states that the trips generated by the site have been distributed on the basis of the existing proportions of traffic observed on the local highway network. KCC Highways and Transportation disagrees with this approach, as it takes no account of origins or destinations of the observed trips. It is advised that trips should instead be distributed on the basis of Census Journey to Work data for Parkwood Ward and the location of local primary and secondary schools, shops and leisure facilities.
- 3.1.28 The applicant has submitted a revised site layout plan and parking schedule in response to KCC Highways and Transportation's concerns regarding the quantum of tandem and rear parking. Whilst numerous opportunities for obstructive and/or inconsiderate parking remain, it is acknowledged that the layout plan has been improved considerably since it was first submitted to KCC. The parking schedule is generally acceptable, with the exception of plot numbers 40 and 41, for which just one space is proposed for each three bedroom dwelling. The Kent Design Guide Interim Guidance Note 3 recommends that two independently accessible spaces should be provided for three bedroom dwellings in suburban edge locations.
- 3.1.29 Subject to the satisfactory resolution of these matters, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:
- Funding for an additional inbound lane;
 - Contributions towards improvements of the Willington Street junction;
 - The provision of a roundabout at the point of access;
 - New bus stops for both east and westbound buses;
 - Provision of an area for safe construction vehicles loading and unloading;
 - Provision of measure to prevent surface water running onto existing highways.'

3.2 **Kent County Council Economic Development** section were consulted and raised no objections to the proposal subject to the following contributions being made towards the proposal:

- Primary education - £14,285 per pupil – with land of not less than 2.05ha in area)
- Secondary education - £589.95 per flat and £2359.80 per house
- Libraries - £128.44 per dwelling
- Community learning - £30.34 per dwelling
- Youth services - £8.39 per dwelling
- Adult social care - £97.26 per dwelling

3.3 **Kent County Council Ecology** were consulted and made the following comments:

3.3.1 Thank you for the opportunity to comment on this application. We have the following response to make:

3.3.2 Under the Natural Environment and Rural Communities Act (2006), "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

3.3.3 The National Planning Policy Framework states that "*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*"

3.3.4 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*"

3.3.5 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

3.3.6 The *Environmental Statement*, *Landscape Strategy* and *Landscape and Ecology Management Plan* have been submitted in support of this application. We are satisfied that there has been an adequate level of assessment of potential ecological impacts arising as a result of the proposed development.

- 3.3.7 Mitigation measures have been proposed to minimise the potential ecological impacts identified. We are broadly satisfied with the approach to mitigation and with the proposal to develop and implement a Construction Environmental Management Plan, which should be a condition of planning, if granted. We advise though that some points of clarification are sought:
- 3.3.8 Phase 1 of the proposed development, for which full planning permission is sought, will result in the loss of an area of arable field and we query the timescale at which land within the Nature Conservation Area (NCA) will become available as replacement farmland bird habitat. The indicative earthworks sequencing (section 2.4.38 of the ES) suggests that the filling and remodelling of the NCA will not take place until phases three and four, although section 2.4.35 of the ES states that "*the Nature Conservation Area is likely to be phased throughout all stages of the development*". Further details, such as a detailed plan of the phasing of habitat creation, to confirm the approach should be sought.
- 3.3.9 We query whether the areas of the site not within phase 1 will be subject to continued arable cultivation until the subsequent phases come forward or what the alternative management practises will be and the implications for the status of habitats on the site.
- 3.3.10 As the proposal is for a phased approach to the site's development, there will be a need to undertake updating ecological surveys to ensure that the current assessment of the potential ecological impacts remains valid. An indicative timetable for these survey reviews should be sought and kept up-to-date in accordance with any changes to the phasing timetable.
- 3.3.11 It is stated in the *Landscape and Ecology Management Plan* that Taylor Wimpey will be responsible for undertaking the initial habitat creation works for years 1 and 2 of works in each area. It is proposed that management of the land will then be passed on to "*a management company or local authority*". This piecemeal handover of areas may not be very effective in ensuring a holistic approach to the habitat management with consideration of interactions with the ongoing development works and we advise that the handover of the whole NCA once the habitat creation is complete would be more appropriate.'
- 3.4 **Kent County Council Archaeology** were consulted and raised no objections to the proposal subject to the imposition of a suitable safeguarding condition.
- 3.5 **Maidstone Borough Council Parks and Open Space** were consulted and raised no objections subject to contributions of £40,000 being made to allow for the upgrade of sport and recreation facilities within the locality of the application site. The officer was satisfied with the level of internal play space.
- 3.6 **Maidstone Borough Council Environmental Health** were consulted and initially raised concerns with regards to the impact upon air quality. In particular,

concerns were raised with regards to the methodology used concerning traffic numbers and future modelling. However, following discussions with KCC Highways Services, are now satisfied that the modelling is acceptable, and raise no objection to the proposal, subject to a robust travel plan being required for future occupiers, and the provision of the bus lane.

3.7 **The NHS** were consulted and raised no objections to this proposal subject to the provision of contributions of £360 per occupant of the proposal. The NHS have submitted details of how this would relate to phase 1 of the scheme (£106,200), and then also for the remaining outline portion of the proposal.

3.8 **Natural England** were consulted and raised no objections to the proposal.

3.9 **Kent Wildlife Trust** have provided a comprehensive response to the proposal. This raises no objections to the proposal and concludes by stating the following:

3.9.1 'We wish to stress that this development provides significant biodiversity enhancements which could be improved by farmland bird mitigation being provided off site, minor changes to landscaping and enhancements to the residential properties. We would very much to work with the council, the applicant, the EA and KCC to resolve our concerns. We feel this development has the potential to be an exemplar development for biodiversity if the above amendments and conditions are agreed.'

3.10 **The Environment Agency** raise no objections to the proposal subject to conditions being imposed that address the following matters:

- Shall accord with the submitted Flood Risk Assessment (FRA);
- Shall accord with the drainage information submitted;
- Contamination shall be addressed.

3.11 **Southern Water** were consulted and raise no objection subject to the imposition of a suitable condition requiring details of the foul and surface water drainage to be provided.

4. REPRESENTATIONS

4.1 **Neighbouring occupiers** were notified of the application and no letters of objection have been received.

4.2 **Boughton Monchelsea Parish Council** were consulted on the application and made the following representations (29 August 2013):

4.2.1 'Boughton Monchelsea Parish Council objects to the application for 600 houses at Langley Park for the following reasons:-

- The application fails to make provision to secure the proper mitigation of the impact on the parish community of the provision of an additional 600 dwellings.

- The application contains insufficient information to fully assess the issue of community impact and is deficient in this regard.
- At the current time there is a proposal to release additional sites in the Borough to test the implications of a further 14,800 dwellings following the 'call for sites' exercise earlier in the year. Until such time as the pattern of site allocation to secure the new Local Plan is known it is not possible to test either the cumulative community impact or the cumulative transportation impact of the proposal and the application is deficient in this regard.
- Irrespective of objections 1-3 above the application is submitted on the basis that the Borough Council does not have a five year supply of housing land. BMPC is in receipt of an opinion from Leading Counsel to the effect that the conclusion that the Borough Council does not have a five year land supply is a result of a Legal Misdirection (or Misdirections). The Parish Council objects to the application because it is submitted on the invalid basis that the Borough Council does not have a 5 year land supply. If the Borough Council continues to grant planning permission to the application, on the basis that it does not have a five year land supply, then the parish Council reserves the right to seek redress for this action through the Courts.
- The Parish Council reserves the right to make additional objections to this application at a later stage, including further objections in response to any comments which might be made in relation to objections 1-4 above.

4.3 **Langley Parish Council** were notified (whilst the site does not fall within the Parish but it is adjacent to the site) and made the following comments:

- Concern that there is only one vehicular access into the site;
- The Toucan crossing is inadequate – a bridge is required;
- Pedestrian access to the site is dangerous;
- Additional vehicular movements onto Brishing Road is necessary to allow for school vehicular movements;
- They wish to see medical provision on site;
- The scheme is too dense – 400 would be a more appropriate number.

If permitted, the Council would wish to see the following conditions placed upon the decision:

- The mature planting needs to be of a greater density than shown and as much of the hedge should be retained as possible;
- The bus access onto Bircholt Road is essential;
- The speed limit should be reduced further along the A274.

4.4 **Documentation:**

The planning application comprises of:

- Landscape and Ecology Management Plan;
- Service Supply Statement;
- Statement of Community Involvement;
- Retail Impact Assessment;
- Affordable Housing Statement;
- Open Space Survey Report;
- Arboricultural Report;
- Affordable Housing Statement;
- Transport Assessment;
- Environmental Statement (volumes 1 and 2);
- Non-Technical Summary to the Environmental Statement;
- Sustainability Statement;
- Development Brief;
- Planning Statement;
- Design Addendum;
- Design and Access Statement.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site lies to the east of Maidstone, adjacent to Parkwood Industrial Estate. The site is currently designated within the Maidstone Borough Wide Local Plan (2000) for both residential (Policy H1) and employment (Policy ED1) provision – this policy allocates the site for 325 dwellings, and for 13,000 sqm of B1 and 8,000sqm of B2 employment floor space. As Members are aware, this site was allocated in 2000 (following the Examination in 1999).
- 5.1.2 The emerging Local Plan identifies this site for housing provision, together with an element of community and retail floorspace. It should also be noted that Policy SS2(a) was agreed for the purposes of Development Management at Cabinet on the 13 March 2013.
- 5.1.3 Part of the site that was allocated within the Local Plan now houses the Council's depot, which itself has access from Bircholt Road, within the Parkwood industrial estate. This proposal was approved in 2008, and has been in operation for the past three years. The development projects into the undeveloped field, and is surrounded by palisade fencing and a small level of landscaping. The building itself has a curved roof, but it otherwise functional in form. There is hardstanding around the building which accommodates staff car parking, as well as parking for the Council's operational vehicles.
- 5.1.4 The Parkwood Industrial Estate lies wholly to the west of the application, and this contains a variety of uses, including car sales, a Royal Mail sorting office, and starter units. The boundary to this estate is a strong and straight, running in

a generally north to south direction. Some of the boundary does include the soft landscaping whereas in other areas there is less.

- 5.1.5 The application site (for the provision of housing) is generally flat, although the topography does rise gently within the centre of the site. However, the land to the south of the site allocated for housing, and allocated for open space, does fall more significantly, down to the River Len, and Langley Loch. This land is more overgrown than the land to the north, as it has not been farmed as intensively. Nonetheless, there are no significant trees or shrubs within this part of the site.
- 5.1.6 There is a public footpath that runs across the southern section of the application site (KH365). This runs from Brishing Road through to the land to the east of the application site. A further public footpath (KM112) runs from the southern corner of the application site, into the Parkwood Industrial Estate. The two footpaths do not however, adjoin.
- 5.1.7 To the west of the application site, beyond a substantial tree belt is a golf driving range, and a small campsite at its southern end. Beyond this, is a small cluster of housing.
- 5.1.8 To the north of the application site (beyond the A274) are open fields, one of which contains, in part, land that forms part of the strategic allocation. An application has now been submitted on that land but is currently undetermined. Adjacent to this allocated site is a listed building, 'Bicknor Farm' which is well screened from the highway by substantial fencing, and is not particularly visible from the public domain.
- 5.1.9 To the south of the application site is open fields, and farmland. There is sporadic housing, and also farm buildings within the vicinity.
- 5.1.10 The site is considered to be in a relatively sustainable location, with good access to local schools (irrespective of a new school being provided), shops, and with a good bus service (there are 6 buses that run into town between 7.10am and 8.15am and then they run every hour, and buses run every hour out of town – with increased frequency between 3.30pm and 6.00pm). Indeed, this was the conclusion that the Inspector found when he appraised the site in 1999 – although he did acknowledge the distance from railway stations was less than ideal. Nonetheless, I am of the view that the site is within a sustainable location.

5.2 Proposal

- 5.2.1 This application is a hybrid, in that it is in part a full application – covering phase 1 of the development – with the remainder forming an outline planning application. The matter of access is to be agreed at this stage; which is the point of access into the site, together with the spine road that runs from north to south through the site. The application has been submitted with a full

Environmental Impact Assessment (EIA), and has been advertised accordingly as EIA development.

5.2.2 The element of the application that is for full consideration at this point in time is for 170 residential units, comprising of:

Private	
4 Bedroom House	31
3 Bedroom House	54
2 Bedroom House	28
2 Bedroom Flat	6
Total Private	119
Affordable	
4 Bedroom House	5
3 Bedroom House	18
2 Bedroom House	11
2 Bedroom Flat	0
1 Bedroom Flat	17
Total Affordable	51
Total	170

5.2.3 In terms of the layout of the proposal, the detailed element lies to the eastern side of the application site, within the northern section. In terms of the layout, significant pre-application discussions have taken place with the applicant to arrive at the proposal in front of Members.

5.2.4 The proposal incorporates a new roundabout access into the site which would have a diameter of 22metres – this will be appropriately landscaped. The frontage to the A274 would also be well landscaped with the residential development set back 18-20metres from the edge of the highway. This frontage would contain 5 dwellings, as well as a flat block, which would in part, turn the corner into the site.

5.2.5 The main spine road through the site has a strong frontage presence along its length. Again, it has been designed that the properties have a good set back from the highway, with a good level of landscaping provision along the highway. The properties along this stretch would be set back approximately 10metres from the edge of the highway, with a line of tree planting provided to their front. The first 21 properties along this access road would be provided with car parking

to the rear, with properties further south provided with driveways to the front (although the garages would be set back to the rear of the properties).

5.2.6 Behind this frontage, there would be a series of shorter, and narrower residential streets. These streets would, to the east of the site, front on to an existing tree belt that separates the site from the existing golf driving range. In total, four access roads would serve 'phase 1' of this development, all of which would link together, allowing permeability through the site.

Retail/Commercial Element of Proposal

5.2.7 Whilst this element of the proposal is in outline form at present, due to the potential scale of the proposal, a retail impact assessment was submitted with the application.

5.2.8 The proposed 'local centre' would be located upon the frontage of the A274, and would cover an area of 1.2 hectares. It is proposed that the supermarket within the local centre be between 1,300sqm and 1,500sqm, incorporating a net sales area of approximately 930sqm. 4 additional retail units would be proposed totalling between 400sqm and 500sqm. It is proposed that these units could be used for A1, A2, A3, A5 and D1 purposes. It is also proposed to incorporate a public house (use class A4) of between 550sqm and 700sqm.

5.2.9 The applicants have indicated that the supermarket is intended to open in 2021, by which time the 370 homes would have been completed through phases one and two of the overall scheme. The applicant has agreed that the S106 agreement should include a requirement for marketing to take place to ensure a prompt delivery of this necessary element of the development. #

5.2.10 Car parking is shown to the rear of the retail/commercial area, although due to the outline nature of this element, no details have as of yet been provided of parking numbers. This would be a matter for consideration at the reserved matters stage.

Outline Proposal

5.2.11 A large portion of the proposal would be in outline form, although a masterplan has been submitted which sets broad parameters. The houses are shown as being set in perimeter blocks, as well as being in linear form along the proposed spine road. Whilst in outline form, the masterplan does identify 'character areas' through the phasing plan. It also indicates the likely form of the highways throughout the development. Whilst all matters are reserved at this stage (other than access), the masterplan does provide a 'blueprint' from which any later submission should be derived.

5.2.12 The proposal also includes the provision of a school within the southern section of the site. Again, this forms part of the outline planning application. It is currently shown as 2.05hectares of land, which would be sufficient to provide a

two form entry primary school. It has also been identified as the preferred site for a community facility – linked to the existing hall.

- 5.2.13 In addition, an area of semi-natural open space is proposed within the southern part of the site. This is identified within the interim local plan policy for this purpose, and significant discussions have taken place between the developers and the Parish Council about the long term management of this parcel of land. The land here falls significantly, from north to south.
- 5.2.14 Areas of more formal open space are proposed within the development, in particular a large area adjacent to the school that would provide an area of equipped play for the development. Illustrative plans for this area of play have been submitted.
- 5.2.15 The existing landscaping belt to the east is to be retained, and where/if required strengthened, and a new landscaping buffer along the western boundary of the site is proposed.
- 5.2.16 Within the south eastern corner of the application site would be a large SuDs feature and new drainage ditch that would service the development.
- 5.2.17 Significant additional tree planting is proposed along the southern boundary of the housing section of the application site. This would provide a robust screen along this section, and would provide separation between the housing, and the semi-natural open space.
- 5.2.18 Phases 1 and 2 of the proposal would be constructed to level 3 of the Code for Sustainable Homes, with 10% of their energy generated by renewable energy sources, with the remainder of the development built to level 4 (with 10% renewables).
- 5.2.19 Significant S106 contributions are also being proposed – amongst other matters, these address the highway infrastructure concerns and the education provision. These are set out within the report.

5.3 Principle of Development

- 5.3.1 The principle for some residential development at this site as been previously accepted, through the adoption of the local plan in 2000. Within the Inspectors report he states that:

'I am satisfied that the allocation of this suite meets the advice in paragraph 3.2 of PPG13, since it is part of the larger urban area – Maidstone – and reasonably accessible to shops, schools and jobs. I accept that there is no railway in the area, but the A274 is a bus route. I acknowledge also that the A274 is a busy road, but I heard at the inquiry of junction improvements, and in Chapter 6 I deal with the proposed by-pass (All Saints and Leeds Langely).'

He also states:

'the site is a large area of flat open land fully in keeping with the open landscape around it. Its development would, therefore, extend Maidstone into the surrounding countryside. However, the eastern edge of the Parkwood Industrial Estate is very harsh and prominent in this flat landscape and development of this site would be an opportunity to create a softer, more attractive edge of the town.....On this issue, I conclude that there would be some harm to the character and appearance of the area, but that this could be limited by appropriate landscape design around the site.'

5.3.2 Whilst this proposal is for housing provision (and a small commercial element), the existing Local Plan (Policy ED1) also requires that 21,000 sqm of employment floorspace be provided within the site, to meet the needs of the Authority within the plan period. As 13 years have passed since the adoption of the Local Plan an assessment therefore needs to be made as to whether this level of employment floorspace is required, and if so, if this is the right location to meet the need.

5.3.3 On this matter, for a number of reasons, this employment provision has never been built out. One of the main reasons that this site has not be built out for employment purposes is due to the location not being considered suitable for business use. Part of the justification for promoting this site for employment use at the previous examination was due to the proposed Leeds/Langley By-pass. This would have connected the site more directly to the motorway network, and would have also ensured that heavy goods traffic would not have to navigate the town centre. As Members are aware, this by-pass is no longer proposed, and as such, any extension of the industrial provision within this location would result in additional heavy goods vehicle movements along the Sutton Road, and into Maidstone. It is therefore argued that this is a site no longer suited to such expansion. This view is supported by the Council's Spatial Policy team, who are satisfied that suitable alternative provision can be found elsewhere in the Borough through emerging policy. It is also noted that a previous appeal decision prevented this site from coming forward (including the employment/commercial element). The appeal dismissed all of the development within the site, not just the housing proposal, and as such, the applicants no longer sought to pursue development on the site – up until now.

5 Year Housing Supply

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

5.3.5 As set out above, this proposal is not in complete accordance with the Development Plan, and as such much be treated as a departure. However, it is an allocated site for some housing to be provided. Nonetheless, the matter of

the 5 year supply – and whether the council currently is meeting its need is of significant importance in the determination of this application.

5.3.6 Advice set out within the National Planning Policy Framework (herein referred to as the NPPF) states (Para. 47) that Councils should:

5.3.7 *'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.'*

5.3.8 The NPPF provides a clear definition of 'deliverable'. This states:

5.3.9 *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.'*

5.3.10 The NPPF also refers to a Council's position when there is a lack of a 5 year supply:

5.3.11 *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'*

5.3.12 Of key importance in understanding whether Maidstone Borough Council currently has a five year supply of housing, is the target to which it is working. A very recent Court of Appeal case has clarified that it is not acceptable to use the Regional Spatial Strategy (South East Plan 2009) housing target for assessing a five year land supply. Housing requirements for the purposes of calculating a five year supply should be the full, objectively assessed needs figure for housing which is an unconstrained figure.

5.3.13 The NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone are currently undertaking this process with Ashford Borough Council and Tonbridge and Malling Borough Council. This SHMA will identify the scale and mix of housing, together with the range of tenures that the local population is likely to need over the plan period which would meet household and population projections. It would also address the needs for all types of housing, including

affordable housing, and would cater for housing demand and will identify the scale of housing required to meet this demand.

- 5.3.14 In addition to the SHMA, local planning authorities should also prepare a Strategic Housing Land Availability Assessment (SHLAA) which will establish realistic assumptions about the availability, suitability, and the likely economic viability of land to meet the identified need for housing over the plan period. This work is currently ongoing, but the early indications are that the housing need for the Borough over the plan period (which is likely to be from 2011-2031) will be in the region of 19,600 units, which is a marked increase on the RSS figure of 11080 (2006 to 2026).
- 5.3.15 In April 2013 the Council had a 4.2 year land supply of housing when assessed against the need of 11,080. The supply of housing is likely to be lower than the 4.2 years given the draft SHMA figures and the requirement to use an unconstrained figure (it is estimated the land supply will be approximately 2 years). This lack of a five year supply is part of the justification for departing from the adopted local plan at this point in time – in order to address this shortfall.
- 5.3.16 In light of this position, I do consider that bringing forward development on this sustainably located site immediately adjacent to the settlement (and allocated in the existing Local Plan) would assist in helping to meet the identified need. However, it should be noted that this allocation has *already contributed* the 170 units within the indicated five year supply, and would not 'narrow the gap' further than presently shown. However, without it being permitted, the gap would widen further.
- 5.3.17 Nevertheless, the loss of the employment land, as allocated, does need careful consideration, and does need to be weighed against this loss. As set out above, it is the Council's view that the loss of this land for employment purposes is acceptable, and the provision of the land for predominantly housing is a suitable use.

5.4 Visual Impact

- 5.4.1 This is a significant proposal for a large area of land to be built upon, which is wholly undeveloped at present. There would therefore be some visual harm brought about by the development.
- 5.4.2 The NPPF theme 7: Requiring good design, and the Kent Design Guide (2005) (KDG) emphasise that design solutions should be appropriate to context and the character of the locality. In order to respect the context, the KDG states that development should achieve some or all of the following: reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of

development to reduce the need to travel and improve the local context. Through good design, using principles in the Kent Design Guide, the proposed development is expected to make efficient and effective use of this greenfield site, on the edge of Maidstone in a manner sensitive to the wider local environment. The emerging Development Plan, policy SS2A specifically refers to Langley Park, referring to sustainable construction (point 4) and high quality, modern design that incorporates vernacular materials (point 11).

- 5.4.3 In this instance, assessing whether the development is appropriate to context cannot be divorced from the identification of the site as a strategic allocation in 'saved' policy H8 of the Maidstone Borough-Wide Local Plan (2000) and the emerging Local Plan. In other words, it is inevitable that residential development extending into countryside would, to some extent, be out of context with the prevailing rural character. Given the policy support for the urban extension, the test in this case should be how well the development responds to the sensitivities of an urban fringe location.
- 5.4.4 Responding to context also involves incorporating site specific constraints and wider planning policy objectives which in this case include: the form and layout of the proposed development; highway safety/access considerations including parking; housing density; landscape structure; and appearance and detailing. The objective should be to imaginatively address these constraints to help deliver a distinctive place.
- 5.4.5 The application has been accompanied by an (*un-adopted*) Development Brief (March 2012) which clearly sets out a comprehensive vision with planning and design principles and the evolution of the development proposal, together with a Design and Access Statement (D&AS) (June 2013) and separate Design Addendum (for phase 1). The location and function of the various uses are well located within the overall site area, and align with the following principles:
- The Local Centre fronting onto the main access road;
 - The school and community facilities centrally positioned;
 - The creation of a centrally located north – south spine road;
 - A strong landscape structure; and
 - Protection of sensitive rural edges with the introduction of a Nature Conservation Area and woodland to the south, abutting open countryside.
- 5.4.6 The design approach for the scheme is traditional and has been designed to include high quality buildings and spaces which link together with the existing urban edge of south east Maidstone to provide an inclusive, safe and accessible development. The proposed urban grain and pattern of development is outward looking and made up of a loose perimeter development block pattern that optimises the use of the site in a manner that creates a sense of place, encourages permeability, and clearly defines public and private space.

Form and layout

- 5.4.7 The layout is based along a main spine road which runs centrally in a north-south direction through the top half of the site from the proposed new roundabout on the Sutton Road (A274). This primary route links the primary hubs (the Local Centre, primary school and community hall) via a bus loop that terminates mid-way within the site before becoming a secondary route. The form and layout scales down from this point, particularly on the most southern edge of the site so that the urban fringe blends easily into the countryside. A looser grain is proposed in this locality near to the Nature Conservation Area and eastern boundary. This is particularly important as the development is seen from open countryside to the south and in particular from the A274 approach from the east, where a sensitive solution to the urban fringe character on the main eastern approach is required. This development creates a new 'gateway' into Maidstone with prominent entrance features, namely the Local Centre and one of the 3-storey apartment blocks.
- 5.4.8 In addition to this, the land falls away to the south, and as such, the density of the development should respond, with the southern section being more visible from long distance views. This enables greater provision of landscaping to be provided,
- 5.4.9 The proposal's scale, density, and massing is appropriate to the site, with street scenes providing views to key spaces and glimpses of the existing tree belt to the east, and the Nature Conservation Area to the south. Streets have active frontages, and open spaces are overlooked providing natural surveillance, and where possible all properties have dual aspects to avoid blank facing walls and 'dead' frontages. Whilst much of the proposal is in outline form, the submitted masterplan indicates that these principles would be carried through to the detailed stage. In order to ensure that this is adhered to (and also to ensure that the proposal remains compatible with the EIA) I have suggested conditions that would require the applicant to translate the principles shown into the details submitted with any reserved matters application. I do consider the layout submitted to be of a high quality; with the character areas and the road hierarchy following the principles of good urban design. The scale of the buildings responds to the layout, insofar as they increase in height at corners, and when fronting open spaces. I therefore consider this to be a high quality proposal in terms of the layout proposed.

Car Parking/Permeability

- 5.4.10 The street hierarchy has been influenced by the need to provide one main vehicle access from the A274, and is well connected due to its loose grid structure and clearly defined and dedicated primary (centrally located tree lined spine road), secondary (with areas of shared space where cars, cyclists and pedestrians would have equal priority), cycle routes and footpaths, all of varying widths. This structure is legible, and has good linkages between spaces for pedestrians and cyclists with attractive, safe and overlooked areas of open space, and easy access to local facilities, all within walking distance of the housing. A good public transport bus route is proposed through the development

as a means of encouraging the use of non-car modes to access local jobs, shops and services. I note that concern has been raised with regards to the provision of tandem parking, and the permeability through the site. The permeability is in part dictated by the shape of the site, and the adjoining uses. Efforts have been made to contact the owner of Bircholt Road to enable both pedestrian, cycle and bus movements directly through to the Parkwood Industrial Estate, however to date this has proved unsuccessful. Nevertheless, the masterplan still allows for this provision should this option become available in the future. In terms of internal permeability, the central spine road has several spurs, many of which interlink, and as such, I do not consider this to prove impermeable. With regards to the tandem parking – I raise no objection, as this allows for greater landscaping provision within the front garden areas.

5.4.11 Car parking is planned at a level appropriate to county maximum standards (IGN 3: Residential Parking), as a site located on the urban fringe with a predominance of 2 spaces including:

- a garage for 3 and 4 bedroom houses:
- 2 spaces for 2 bedroom houses: and
- 1 space per 2 bedroom flats.

5.4.12 To offer choice and variation, the applicant has also shown ratios that depart from this policy, providing fewer (i.e. 1 space) and more (up to 3 spaces or 2 spaces and a garage) within the layout. Where possible car park spaces are located immediately adjacent to the dwelling served to ensure use. Overall an appropriate mix of parking types from on-plot (with garages, car-ports and hardstandings), on-street and within courtyards surrounded and overlooked by buildings would be provided.

Housing density

5.4.13 The Kent Design Guide (2005) in the case of urban fringe locations states that density should remain compact to avoid urban sprawl and recommends a gross density of between 30-50 dph. References within the Development Brief refer to lower densities to reflect the urban edge location, and include high density (35-45dph) within the north-eastern area of the site; medium (25-35dpa) to the west and central areas of the site; and lower densities (20-25dpa) on the eastern edge of the site. Figure 2.1 (net development areas) within the Design addendum shows the densities per acre a little more clearly. Furthermore, the Council's emerging policies on the strategic allocations indicate a density on this site of approximately 35 dph – and this proposal is in general conformity with this. To my mind, the density given is at a suitable level. When assessing both the detailed layout, and the overarching masterplan, the layout provides for a good level of internal open space, as well as a soft buffer to its edge. This is aided by the level of landscaping provision around the application, but nonetheless, I am of the view that the internal layout would not appear as cramped, or overdeveloped.

5.4.14 The applicant also refers to several distinct character areas, these relate back to the characteristics set out in the character areas of the Development Brief. These characteristics have been translated to inform the physical form of the main three distinct character areas, made up of The Avenue, The Rural Edge and Neighbourhood Housing. Other character areas include the 'entrance feature', the 'urban edge' and 'community focus' areas. The D&AS sets out design objectives/codes for each of these character areas.

Landscape structure

5.4.15 The landscape structure is a fundamental consideration for an urban edge development where landscaping should be used to soften the development, helping it to respond more sensitively to its semi-rural context. As part of the proposed strong landscape structure, a green open space network has been shown that reinforces the urban/rural interface and helps give the site a unique identity. This includes:

- the tree lined spine road;
- the introduction of the Nature Conservation Area and new woodland planting (40m deep) within the southern section of the site;
- a woodland 10m buffer to the existing mature mixed tree belt to the east which performs an important screening function;
- a new 10m landscape buffer on the western boundary to screen the adjacent Parkwood Industrial Estate;
- the areas of Public Open Space which consists of amenity green space, community allotments on the western boundary landscaping, informal open space, bespoke planting, informal recreation and biodiversity enhancement;
- the introduction of trees within and along development block edges; and
- strategically positioned hedges and tree planting on building plots.

Appearance and detailing

5.4.16 The house types applied throughout the scheme are of a traditional design, with simple yet standard detailing and a limited carefully considered materials palette, including ragstone, brick, weather-boarding, tile-hanging, slate, roof tiles and PVCu rainwater goods. Up to 21 house types consisting of a range of detached, semi-detached, terraces, corner buildings and apartments are dispersed across the site to provide variety and interest. The majority of the dwellings are 2-storey with 2.5 and 3-storey buildings fronting onto the main spine road, at the end of rows and located with the central area of the site. Whilst of a relatively traditional form, I consider that there to be a good level of detailing provided, with the provision of chimneys, flat roof dormer windows, and a variety of roof forms and pitch heights. This provides interest and variety within the development, and also introduces a more varied roofscape within what is a relatively flat application site.

5.4.17 The design of the three 3-storey apartment blocks were the weakest element of the scheme, especially block A fronting onto the main access road and the Listed

Building directly opposite on the north side of Sutton Road, a prominent position that announces and acts as a gateway to the site/scheme. As such, amended plans have been submitted, which show a building that would be constructed predominantly of ragstone, with a slate roof, and would be provided with details such as exposed rafter feet, and windows with a suitable recess. This is an enhancement upon the original proposal, and I consider the proposal to now be of an acceptable standard.

5.4.18 Considerable thought has been given to the creation of vistas and focal points, securing views of existing landscape features, the perimeter landscaping and open space areas; and boundary treatments show varied and quality solutions using low brick walls or metal railings; picket fencing or hedges; hard paved mews depending on the location of a particular building type within a streetscene in a character area. As such, the development has a strong hierarchy, which would be acknowledged as one moves through the site. In particular, thought has been given to ensure that the open spaces respond positively to the buildings that surround them. For example, greater height is proposed where there is a greater set back from the road, or where a building fronts on to an open space. To my mind, this represents good urban design that creates a sense of place.

Code for Sustainable Homes/Sustainability

5.4.19 The sustainability chapter of the D&AS and Sustainability Statement set out the measures to increase energy efficiency and reduce carbon emissions throughout the development. They identify a considerable commitment to minimising environmental impacts, through sustainable design and construction methods.

5.4.20 The residential development has been designed to comply with current Building Regulations (Parts L, G2), and consider the use of 'A' or 'A+' for building envelopes in accordance with the BRE Green Guide. Code Level 3 for Sustainable Homes (CfSH) is to be applied for phase 1 and 2, and Code Level 4 for the remainder. A range of measures are listed to achieve this including more than 10% energy use from decentralised/renewable/low carbon sources, and a number of options for incorporating renewable energy sources are also being considered. I consider that this approach is acceptable, as this will ensure that the development, which will take a number of years to construct will be as sustainable as possible in the long term. Whilst the interim policy refers to code 4, I am happy in this instance that the first two phases be level three, subject to the developer providing 10% renewables across the whole site.

5.4.21 All the buildings have been designed to reduce energy use, by taking into account building orientation, layout, overshadowing and materials selection to minimise energy consumption, to optimise solar gain and incorporate natural ventilation, wherever possible. In addition, the landscaping through the proposal would be designed in order to minimise the impact of the proposal upon the environment.

5.5 Residential Amenity

- 5.5.1 With regards to the residential amenity, the proposal would be detached from existing residential properties, with the exception of the property to the north of the Sutton Road. This property would be separated from the development by the A274 Sutton Road, and is also well screen from the site by existing high boundary treatments. I do not consider that this proposal would result in any significant overlooking, overshadowing or sense of enclosure to the occupants of this property.
- 5.5.2 In terms of noise and disturbance, the site would lie adjacent to an allocated employment site as well as having the Council's depot project into part of the site. These are however, existing uses that any future occupiers would be well aware of prior to purchasing properties. Nonetheless, there would be the necessity for suitable mitigation to be put into place, both in terms of the built fabric of the buildings, and also the physical barrier proposed along this western boundary to reduce the impact of these potentially un-neighbourly uses.

5.6 Highways

External Works/Contributions

- 5.6.1 As can be seen from the comments made by KCC Highways and Transportation, the principle of development of this scale within the site is considered acceptable. As part of the existing allocation, the Inspector considered this site to be relatively remote from the Town Centre, and also gave considerable weight with regards to the distance from the nearest railway station. As such, measures were proposed at that point in time to address this, together with the additional traffic that would be generated by the proposal. It is for this reason that Policy T2 of the Local Plan included the provision of dedicated bus lanes, priority to buses at junctions, prioritisation (for buses) within traffic management schemes as well as enhanced waiting and access facilities and information systems for passengers, including those with disabilities.
- 5.6.2 To my mind, these measures remain key in the successful delivery of this site, and also to ensure that this proposal does not become an isolated island of development, overly reliant upon the private motor vehicle. As such, the Council will be seeking contributions of £3000 per dwelling to deliver a new inbound lane of traffic, with bus prioritisation measures from the Willington Street roundabout to the Wheatsheaf junction (A274 & A229 junction). Whilst KCC Highways and Transportation have requested that these simple be for vehicle movements, it is my opinion that there should be some bus prioritisation along this corridor to encourage greater use of the bus, and to reduce vehicles along an already busy highway. As such, I proposed that any additional lane of traffic should only be available for bus use between the hours of 7.30am and 9.30am. This lane could be available for other traffic at all other times. This would be consistent with the peaks shown for inbound traffic movements. Should this provision be made, then I consider that the proposal would address both the capacity issue within the

A274, and also would ensure that the proposal would align with existing Local Plan Policy, and would be a more sustainable location than otherwise.

- 5.6.3 Intrinsic to the successful management of both inbound traffic, and traffic that seeks to head northwards to the A20 is the alteration to the Willington Street/Sutton Road junction. The improvements to this junction are set out within the Transport Assessment, which is agreed by Kent Highways and Transport. Again, I consider that this is a necessary part of any proposal for additional housing further along Sutton Road as it is acknowledged that this junction is already at capacity, and further strain will take it beyond capacity. The mitigation at this junction will include widening of the junction, which will see the removal of a tree. However, it has been agreed that this would be replaced should permission be granted.
- 5.6.4 It is proposed that two new bus stops be provided upon the A274 – one serving the eastbound service, and one the westbound. These would be provided to the north of the site, and have new shelters, bus boards, and real time bus information. I consider that these would make the use of bus services more attractive, and therefore are required as part of this development.

On Site Works

- 5.6.5 A new access is required to be formed into the application site from the A274 (Sutton Road). It is proposed that this be in the form of a new roundabout with minor changes to the existing road alignment. The roundabout has been fully considered, and would allow for both safe entry to, and exit from, the application site. The roundabout would also act as a traffic calming measure for vehicles that are running into the town from the Headcorn direction, within an area which would have a significant increase in pedestrian footfall – I consider this a benefit.
- 5.6.6 Within the application site it is proposed to run a main spine road (generally) in a north/south direction. Whilst only part of this development is detailed, it is proposed to complete the spine road down to the location of the school, to ensure that this can be provided (should other sites come forward in advance). The residential streets would run from this street, with the surfacing and form of the highways clearly demarcating the hierarchy of these streets.
- 5.6.7 The proposal includes the provision of a retail/commercial centre, to the front of the site. This would generate traffic movements from outside of the application site. It is considered however, that this would not result in a significant impact upon highway safety, as access could be obtained into the site in a suitable manner.

Parking Provision

- 5.6.8 With regards to the parking provision within the development, KCC Highways and Transportation do not raise any objections to the level provided (although some concerns are raised with regards to tandem parking provision within some

parts of the site). I concur with this view - that the parking provision is sufficient; however, I disagree that the inclusion of tandem parking spaces would be to the detriment of the scheme. The provision of tandem parking spaces ensures that sufficient land be given over to landscaping, which enables a more high quality finish to the development to be provided. Furthermore, much of the tandem parking proposed would be on the more 'minor' roads where speeds would be low, and there would be good visibility into and out of each property. As such, I do not consider that this would be to the detriment of highway safety.

5.6.9 I note the Highways Officer's comments with regards to the fact that plots 40 and 41 only have one space. As Members will be aware, Maidstone Borough Council has not adopted the Interim Guidance, and in this particular instance, due to the availability of on street parking in the vicinity, do not consider this to be such a significant issue to warrant amendments to be made. In this instance, I would rather see the provision of more landscaping.

5.6.10 Full details of the commercial area have not yet been provided as this falls within the 'outline' element of the proposal. The level of car parking can therefore be assessed when the reserved matters are submitted should permission be granted.

5.6.11 Overall, I consider the transport mitigation, the layout, and the parking provision to be acceptable. I am of the view that the external highway improvements would suitably mitigate the impact of the proposal, in terms of additional traffic as well as its location, and promoting more sustainable modes of transport. I therefore raise no objections to the proposal on highway grounds.

5.7 Landscaping

5.7.1 The applicant has submitted a detailed landscaping plan for the full element of the proposal, and an overarching masterplan for the outline element of the proposal – including the area of informal open space at the southern end of the site.

5.7.2 The landscaping within the northern section of the site has been designed in a way to reduce the environmental impact of the proposal, as well as providing a defined hierarchy through the development. During pre-application discussions, the importance of the front of the site was highlighted, and in particular the need to provide good structural landscaping. The existing hedge along this stretch of the A274 is of limit value, both aesthetically, and also in terms of ecology, and the applicant was therefore encouraged to 'open up' this element of the proposal, in order that the houses would be more visible, which should in turn reduce the speeds of the vehicles, as the character would change. The landscaping proposals show the retention of the most robust hedge tree planting (at the eastern end of the site), with the provision of three lime trees along the road frontage, and then in to the application site, along the eastern side of the spine road. This tree planting would be replicated on the western side of the

access road, as well as in front of the commercial area. Details of the tree planting within the proposed roundabout is also shown; three non-native birch trees.

- 5.7.3 I am of the opinion that this aspect of the landscaping provision is acceptable, and responds to the advice given prior to submission. The space between the trees would ensure that their long term survival as best as possible. I am proposing a condition be imposed that would require the tree planting along the road frontage to be more mature trees, which would have an immediate impact upon the development, and also, to ensure their long term survival – particularly with the level of construction traffic borne in mind.
- 5.7.4 The access into the site will be provided with a grass verge, path, and then private gardens behind. There would be elements of informal planting within this verge, which would add some biodiversity.
- 5.7.5 Behind the path, each dwelling would be provided with a hedge (*Prunus lustanica*) and then a further set back to each property. I consider that this landscape proposal provides a good layering of soft landscaping, and also an appropriate amount of open space, along this key route through the site.
- 5.7.6 Internally, the landscaping is much more informal, with the tree planting more sporadic, and clustered, with the hedge planting also less formal. The landscaping proposal would see each property provided with a soft frontage although many of these would be much closer to the highway than along the spine road. I consider that this reflects the hierarchy of the highways.
- 5.7.7 Areas of open space are proposed within the eastern part of the site, next to the woodland tree belt, with one adjacent to the spine road - the eastern area being the larger of the two. The eastern area would be provided with 13 additional trees, as well as three areas of planting – the remaining area being of grass. This would be able to be used as a small area of informal play, or recreation, as well as having benefits for ecology. The smaller of the two areas (adjacent to the spine road) would be provided with tree planting, to give the impression of a more formal 'square' which would also respond to the changes in hard surface at the point – being brick/block pavers.
- 5.7.8 In terms of the remainder of the application site – i.e. that which falls within the outline element of the proposal, the landscaping is shown as illustrative only. Nonetheless, the plans do show that the landscaping provision would be able to be provided in a similar vein to the detail that is shown within the detailed element. Of particular importance is the proposal to create a more robust southern boundary to the application site. As such, I am recommending that a condition be imposed that would ensure that the additional tree planting shown would be provided prior to any works taking place for phases three and four – as these would be the most visible phases from the south (the additional planting has been requested to reduce the impact of the proposal when viewed from the south).

- 5.7.9 With regards to the area of semi-natural open space, the applicants will be undertaking an exercise of 'cut and fill' with much of the spoil relocated to this part of the site. As such, a phasing plan for this work has been submitted, and it has been agreed that this element of the proposal would not need to be completed until the remainder of the development is complete. Nonetheless, a strategy for its completion would be required by condition, to ensure its delivery.
- 5.7.10 Allotments are shown to be provided within the south western portion of the application site. These would provide a suitable community facility, whilst also providing a soft buffer between some of the residential properties and the Parkwood Industrial Estate.
- 5.7.11 I consider that the landscaping provision, as shown would provide a high quality setting for the development, and would mitigate the impact of the proposal from long distance views. Many of the species proposed are indigenous to the area, and respond positively to the character and appearance of the locality. I therefore raise no objections to the landscape provision shown, subject to the imposition of suitable safeguarding conditions relating to the outline element of the proposal.

5.8 S106 Contributions

- 5.8.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 5.8.2 As Members are aware, the Council has an adopted DPD which addresses the matter of affordable housing within the Borough. This requires that a 40% affordable housing provision be made on developments of 15 units or more. The Council have however 'banked' policies for the purposes of Development Management on the strategic sites. Policy SS2a relates specifically to Langley Park, and requires that the level of affordable housing be provided in accordance with the Local Plan target, as detailed in Policy CS10. However, this policy (CS10) was not adopted for the purposes of Development Management and as such has less weight.
- 5.8.3 The level of affordable housing to be sought is therefore 30% of the overall provision. To my mind, this is a strategic site, with its own policy, which needs to be given weight. Whilst the Local Plan proposal in terms of affordable housing

provision has yet to be adopted for the purposes of Development Management, I am of the view that this development will provide for a significant proportion of the Council's strategic provision and as such should accord with the requirements of this strategic vision as much as it can. Whilst no viability appraisal has been submitted, I am also mindful of the necessity for significant levels of contributions to be made with regards to the highways infrastructure in order for this site to be acceptable – a cost that it not borne by other developments (of a small scale) within the Borough. Whilst this would be a departure from the adopted Development Plan, I feel in this instance, there are sufficient considerations to justify this reduction to 30%.

- 5.8.4 An area of land within the site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction. As at present, this site together with the sites to the north of the A274 (planning applications MA/13/0951 and MA/13/1523) would see the provision of a total of (approximately) 886 dwellings, and KCC have indicated that this would necessitate the construction of a new 1.5 form entry primary school, as those within the vicinity could not be expanded to the extent required to address this additional strain.
- 5.8.5 In order to ensure that this school could be delivered, it would be necessary for contributions of £14,280 per pupil (the formula for working out pupil numbers is set out at the end of the report to be provided. It would also be required for the applicants to provide (their portion of) the land for the school for nil cost. These contributions have been agreed with the applicant.
- 5.8.6 Clearly there is a direct interrelationship between this site and the two aforementioned sites to the north of the A274 in terms of delivery. Of particular importance is understanding the necessary trigger point to see the delivery of the school. KCC have indicated that the school would be necessary once the 350th dwelling (across the three sites) has been delivered. As such, any S106 legal agreement would need to be cross referenced with these sites, in order to ensure that this would be delivered at the suitable point in time.
- 5.8.7 The school currently forms part of the outline element of the planning application, and as such, permission would need to be sought for its delivery. This time would need to be factored in to the delivery of the school. It would also be necessary for the road up to the school to be completed in advance, and I proposed to address this by way of condition.
- 5.8.8 It is also proposed that the development would provide a new community facility within the site. This is either to be attached to the new school, or adjacent to it (due to the manner in which new schools are operated, this cannot be confirmed at this stage). This community facility is required as per the emerging Policy. Whilst Boughton Monchelsea had requested that contributions be made to

enhance their existing facility, I considered it more appropriate to seek a provision on site, that the residents could readily access. This does not, of course, preclude them from helping to operate such a facility, within their Parish. I am also mindful that any community facility on the site is also to address the demand created by the sites to the north of Sutton Road, which fall outside of this aforementioned Parish. I consider the provision of this community facility to meet the three tests set out above.

- 5.8.9 Kent County Council have also requested that other contributions be made towards libraries, youth and communities and adult education. These contributions are considered to have been fully justified, and are related to the scale of development proposed. I therefore consider that they are in accordance the aforementioned regulations.
- 5.8.10 Significant contributions are also required with regards to the provision of an additional lane for vehicular traffic, which would also have bus prioritisation measures during the busiest period for inbound traffic (7.30am – 9.30am). The cost of such a provision has been provided, which demonstrates that a figure of £3,000 per residential unit would be required to fund this new provision. As has been set out within the submitted transport assessment, the A274 would exceed capacity without such provision. I also note that the existing local plan allocation requires improvements to this busy transport corridor. I am therefore satisfied that this is a necessary requirement of this development, and is directly related, and of a scale commensurate to the proposal.
- 5.8.11 Contributions would also be sought from any development to the north of the Sutton Road (including applications MA/13/0951 and MA/13/1523) for the same figure. In order to ensure that this is delivered in good time, I would require the payment for this additional lane to be provided at the completion of the 350th dwelling across all three sites (in the same vein as the school would be required).
- 5.8.12 In addition, contributions of £300 per dwelling are required for improvements to the Willington Street junction. Again, as this junction would exceed its capacity should these developments be constructed, then there is a requirement for the work to be undertaken. Again, I consider that it would be prudent to request this money at the completion of the 350th dwelling (again across the three sites) in order that the works can be undertaken in good time for the remainder of the development.
- 5.8.13 Significant discussion have been held with the NHS with regards to the provision of contributions towards additional health services within the vicinity of the site – as no new provision is required on site. The NHS have indicated that the existing provision within the locality can be expanded to accommodate this growth. As such, contributions are sought, with extensive negotiations having taken place between Maidstone BC, the applicant and the NHS to agree suitable provision. It has now been agreed that a figure of £106,200 be provided from phase one of the development, with the remainder of the (outline part) scheme providing

contributions on a per capita basis. Contributions shall be provided at the completion of each phase of the development to meet with this requirement.

5.8.14 Much of the provision of parks and open space is to be on site. The Council are satisfied that the semi-natural open space to be provided at the southern end of the site is sufficient, and also that the play space within the development would be sufficient to address the needs of the residents. However, as no on-site provision has been made with regards to sport, contributions of £40,000 are requested to enhance the facilities within a two mile radius of the application site. I consider that this request for contributions meets the tests of the CIL Regulations, and as such, require this to form part of the S106 agreement.

5.8.15 The applicant has been advised that it will be necessary to make every effort to ensure that the commercial/retail element of the proposal would be occupied at the earliest opportunity. As such, they are required as part of any S106 legal agreement to undertake suitable marketing of the site, prior to any works taking place (prior to phase 1). This should ensure that this important component of the development has the best chance of being delivered within the required timescale.

5.8.16 I therefore consider that this proposal would provide a suitable level of contributions, and facilities within the application site to ensure that the additional strain placed upon the local infrastructure brought about by the development can be accommodated.

5.8 Ecology

5.8.1 The applicants have submitted an ecology survey of the application site, together with mitigation to ensure that the development would not have a harmful impact upon biodiversity. Indeed, the Kent Wildlife Trust have considered that the proposal would have a beneficial impact upon the ecology within the site, and the wider area.

5.8.2 The site is currently an arable field, and has been for a number of years. As such, the site has limited ecological value at present, and whilst the proposal would see the loss of a quantum of habitat, it does seek to make significant qualitative enhancements that would provide an overarching benefit, should permission be granted. It is noted that concern has been raised with regards to the loss of habitat for some birds that forage within the ground, however, I consider it appropriate to seek clarification by way of a condition as to how the phasing of the site will (in part) address this concern. Likewise, I would request that updated ecological studies be provided for later phases to ensure that they address the ecology within the site as near to the point of development as possible.

5.8.3 The large area of semi-natural open space/nature reserve at the southern end of the site will be provided with a long term maintenance plan. This land would

provide both an amenity space for future residents – albeit with limited access to some parts, as well as providing ecological enhancements.

5.8.4 This area, together with the areas set out within the application site, are considered to mitigate the impact that the proposal would have upon biodiversity within the application site. As such, no objections are raised on this matter.

5.9 Retail Impact

5.9.1 The applicants have submitted a retail impact assessment to accompany this planning application. This sets out the policy context of the site, and the Council's wider retail policy. This notes that the interim policy SS2a requires the *'Provision of appropriate shopping facilities for the needs of the development, which shall be delivered within a community hub/local centre.'* It should be noted however, that this should not simply restrict development to that of a scale that addresses a need of the allocation, but this could potentially allow for a larger centre, that would also address the needs of the other strategic allocations within the locality, to allow for integrated development.

5.9.2 'Need' is no longer a policy test to apply to planning applications. However, the needs assessment can provide relevant background information for assessments of retail impact. The applicants have assessed the proposal in light of the Kent County Council retail needs study that took place in 2007, and updated in 2009 and 2010. This study concluded that there would be a negative requirement (i.e. a reduction rather than a growth) for retail floorspace up until 2016. However, a more recent report undertaken by DTZ on behalf of Maidstone Borough Council shows a differing picture, with some convenience floorspace being required in the near future, although this would be within the town centre rather than outlying areas or within District Centres. DTZ do not comment however, on new retailing provision at new local centres.

5.9.3 In terms of whether there would be a requirement for a sequential test to be undertaken, as this is a new centre, which is required by policy to have commercial/retail provision, there is no need for a test.

5.9.4 Irrespective of this, the applicants have completed a retail impact assessment, which has to make certain assumptions, due to the outline nature of the proposal (and the fact that no end user has been identified). Sales densities of £12,000 per square metre have been proposed, which is comparable with the leading retailers in the sector – I am satisfied with this approach. The retail impact shows little trade draw from the existing Parkwood parade (and I note that there are already proposals to re-locate, and upgrade this facility in any event) due to the distances between the two centres. The largest impact that this store would have would be upon the Morrison's in Sutton Road, which is shown with the DTZ report to be significantly over-trading.

5.9.5 It is therefore considered that the proposal, which would be likely to have a turnover of approximately £9.5m in convenience goods, and £0.9m in

comparison, would not have a significant detrimental impact upon the retail provision within the locality and the wider area. I am therefore satisfied that the level of retail provision, is consistent with the aims of the policy – to serve the immediate area, and in particular the new development. I consider this element to be of an appropriate scale and therefore raise no objections to this part of the outline permission.

5.11 Phasing of the Development

5.11.1 As the proposal is for 600 dwellings, together with commercial and school provision, the phasing of the development will be critical in the successful delivery and integration of the development. This is particularly important when considering the additional 300 dwellings proposed to the north of the Sutton Road.

5.11.2 The applicants have submitted a phasing plan, which indicated that the development would be constructed from the Sutton Road moving southwards. As set out within the report, I consider it appropriate for the main spine road to be provided at the beginning of the development and for the school to be provided at the completion of the 350th dwelling. However, the remaining phasing of the site should be completed in accordance with the phasing plan. I propose a condition to address this.

5.11.3 As the condition will control the phasing, the S106 agreement would address the provision of affordable housing across the whole site. In order to ensure that the affordable housing is spread across the whole site, a condition is suggested that would see the provision of 30% affordable in each phase (with a built in flexibility of 5%). This should ensure that the affordable element is spread in an appropriate manner throughout the site.

6. CONCLUSION

6.1 This is a site that has been allocated for housing provision since 2000. However, due to the moratorium on greenfield sites it has seen applications submitted and refused in the past. However, the moratorium has now been lifted, and on this basis, the Development Plan identifies this site as suitable for housing provision.

6.2 The loss of employment land at this location is considered acceptable, and would not have a detrimental impact upon the Council's long term strategy for employment provision within the Borough. Nevertheless, the provision of commercial land within the site is welcomed, and is considered necessary to provide a sustainable and cohesive development.

6.3 The design of the proposal is considered to be of a high quality, both in terms of the layout of the development, and the individual buildings. Likewise, the landscaping provision within the development would create an attractive environment for future occupiers, with wider, more far reaching benefits brought

about by the provision of and area of semi-natural open space to the south of the site.

- 6.4 The applicants are making significant contributions to infrastructure, both on site, and within the locality – in particular, contributions towards the additional highway works that would be required to take place along the A274 and A229, and the provision of a new school and community hall within the application site.
- 6.5 Clearly, as the Council does not currently have a five year housing supply, this proposal would contribute towards meeting the shortfall. This is a strong material consideration in the determination of this application, and should be given significant weight accordingly.
- 6.6 This is a proposal that would deliver a high quality development that would also provide significant (and necessary) infrastructure, and open space. As such, whilst not wholly in accordance with the Development Plan, the material considerations are such that I recommend that Members give delegated powers to grant, subject to the receipt of a suitable S106 legal agreement, which should address the matters set out below.

7. RECOMMENDATION

- 7.1 Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:
 - The provision of 30% affordable housing;
 - Contributions of £3000 per residential unit for the provision of a bus lane/additional lane for vehicular traffic;
 - Contributions of £300 per residential unit for enhancements of the Willington Street junction;
 - Contributions of £106,200 for phase 1 towards improvements to health care provision within the locality;
 - Contributions of £360 per person for the remainder of the phases throughout the site (as shown on the submitted formula) towards health care provision within the locality;
 - Contributions for primary education of £14,285 per pupil*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the (cumulative) 350th dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523). Land of not less than 2.05ha in area to be transferred to KCC for the construction of a primary school. Either in a single transfer or two phases, where the first phase consists of no less than 1.4ha. 1.4ha of the site to be transferred at nil value with the remainder transferred at a price agreed by the contributing developers (ss2a,b,c) and the Local Education Authority; or value set by the District Surveyor. This primary school should be provided prior to the completion of the (cumulative) 350th dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523).

- Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
- Contributions for additional book stock within local libraries - £128.44 per dwelling.
- Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
- Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
- Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.
- A suitable marketing campaign to promote the early occupation of the proposed commercial properties to the north of the site. This shall commence once construction of phase 1 has begun.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- The provision of a community facility on site that shall be attached to the existing school. Should this not prove possible, a facility of some 170 sqm metres shall be provided on site.

**Based on the following formula:*

$$\text{Pupil Yield} = (A \times B) + (C \times D)$$

Where:

A is the number of houses

B is the relevant multiplier being 0.28

C is the number of flats

D is the relevant multiplier being 0.07

1. The detailed element of the development (phase one) hereby permitted shall be begun before the expiration of three years from the date of this permission and no development of the remainder of the development shall take place until approval of the following reserved matters has been obtained in writing from the Local Authority:
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. 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.

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted (which shall include ragstone for the front block of flats, and slate roofs) 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.

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and 'unique' railings) 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 buildings 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.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

5. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity.

6. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

7. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

8. 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 setting and external appearance to the development.

9. No development shall take place 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:

- The retention of existing tree lines along the eastern boundary, and enhancements to the boundary where necessary;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and road verges;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity.

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and

approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area.

11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

12. Dwellings constructed within Phases 1 and 2 (as per the submitted Phasing Plan, Drg No Csa/1896/129 Rev E) shall meet Level 3 of the Code for Sustainable Homes and as such achieve compliance with Building Regulations Part L (2010) for energy, with an additional standard of 105 litres per day for potable water consumption, as set out in the Sustainability Statement dated May 2013. Dwellings constructed for the remaining Phases 3 and 4 will achieve Level 4 of the Code for Sustainable Homes, or any such equivalent nationally applied standard in place at the time dwellings within these phases are implemented .

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

13. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

14. 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. The development shall thereafter be carried out in accordance with the

subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area.

15. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iii) Details of the junction of the ragstone and brickwork on the flat block.

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

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area.

16. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

17. 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.

Reasons: To protect vulnerable groundwater resources.

18. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

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

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

Reason: To secure a high standard of design.

20. No development shall take place until a sample panel of the ragstone wall, and brickwork has been constructed on site, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on site.

Reason: To ensure a high quality design.

21. No construction of a further phase (beyond phase 1) of the development hereby permitted shall take place until the vehicular and pedestrian access to the new school has been constructed and finished to a standard which is to the satisfaction of the Highways Authority.

Reason: To ensure that suitable access to the proposed school is provided prior to its construction and subsequent occupation.

22. No development shall take place 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 having regard to the topography of the site.

23. No development shall take place until the applicant has secured and had implemented 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 enable the recording of any items of historical or archaeological interest.

24. No development shall take place until precise details of the proposed water bodies have been submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of shallow areas, and deeper, cooler areas, as well as the planting regime for the pond.

Reason: In the interests of biodiversity.

25. No development shall take place until precise details of the SUDs system has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable design.

26. The details of the landscaping of the site required to be submitted by Condition 9 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the

approved details.

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

27. There shall be no occupation of the development hereby permitted until the provision of a new roundabout at the point of access from the Sutton Road (A274) has been provided. Full details of the proposed roundabout shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

28. No development shall take place until a phasing plan for the whole has been submitted to the Local Authority and agreed in writing.

Reason: To ensure a suitable development of the site.

29. The landscaping plan pursuant to condition 1 shall show the provision of allotments within the application site, in general accordance with the submitted masterplan. The details submitted shall include the positioning of the plots, and the boundary treatments around them.

Reason: To ensure that the allotments are delivery as per the submitted masterplan.

30. The details pursuant to condition shall include a layout that would enable the opening up of a link into Bircholt Road should the land become available at a later date. Land shall be made available to allow for a link for bus movements into and out of the site. At no time shall development take place that would preclude this access being opened up.

Reason: In the interests of permeability and good design.

31. The details pursuant to condition 1 shall show a minimum set back of 10metres from the public highway (A274) of any commercial building.

Reason: In the interests of good design, and the provision of suitable landscaping.

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

Reason: In the interests of good design.

33. No occupation of the development hereby submitted shall take place until the two proposed bus stops upon the A274 have been provided (with real time bus information).

Reason: To ensure the use of more sustainable modes of transport.

34. The development on this site shall be carried out in substantial accordance with the layout included within the Development Brief submitted as part of the application and shown on the submitted masterplan.

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

35. The development shall be carried out in accordance with the principles and proposals contained in the Development Brief document submitted as part of the application unless provided for in any other condition attached to this permission.

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

36. No building within any plot shall exceed the height specified for buildings within that plot as set out in the Development Brief and layout plan (showing heights of buildings) submitted with and forming part of the application.

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

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

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

38. The development shall be carried out in accordance with the submitted travel plan.

Reason: To ensure that the proposal is delivered in a sustainable manner, and to reduce the impact upon air quality.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The proposal, whilst a departure from the local plan insofar as it does not provide for any employment provision, is considered to represent a well designed development that would provide housing within a sustainable location, and that would contribute to the provision of additional infrastructure within the locality. This, together with the Council's current lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.

158

11.05.2012

A landscape photograph showing a wide, green field in the foreground, possibly a meadow or pasture, with scattered yellow wildflowers. A line of trees and shrubs runs across the middle ground on the left side. In the distance, a small town or village is visible under a sky filled with large, white, fluffy clouds. The overall scene is bright and open.

159

11.05.2012

160

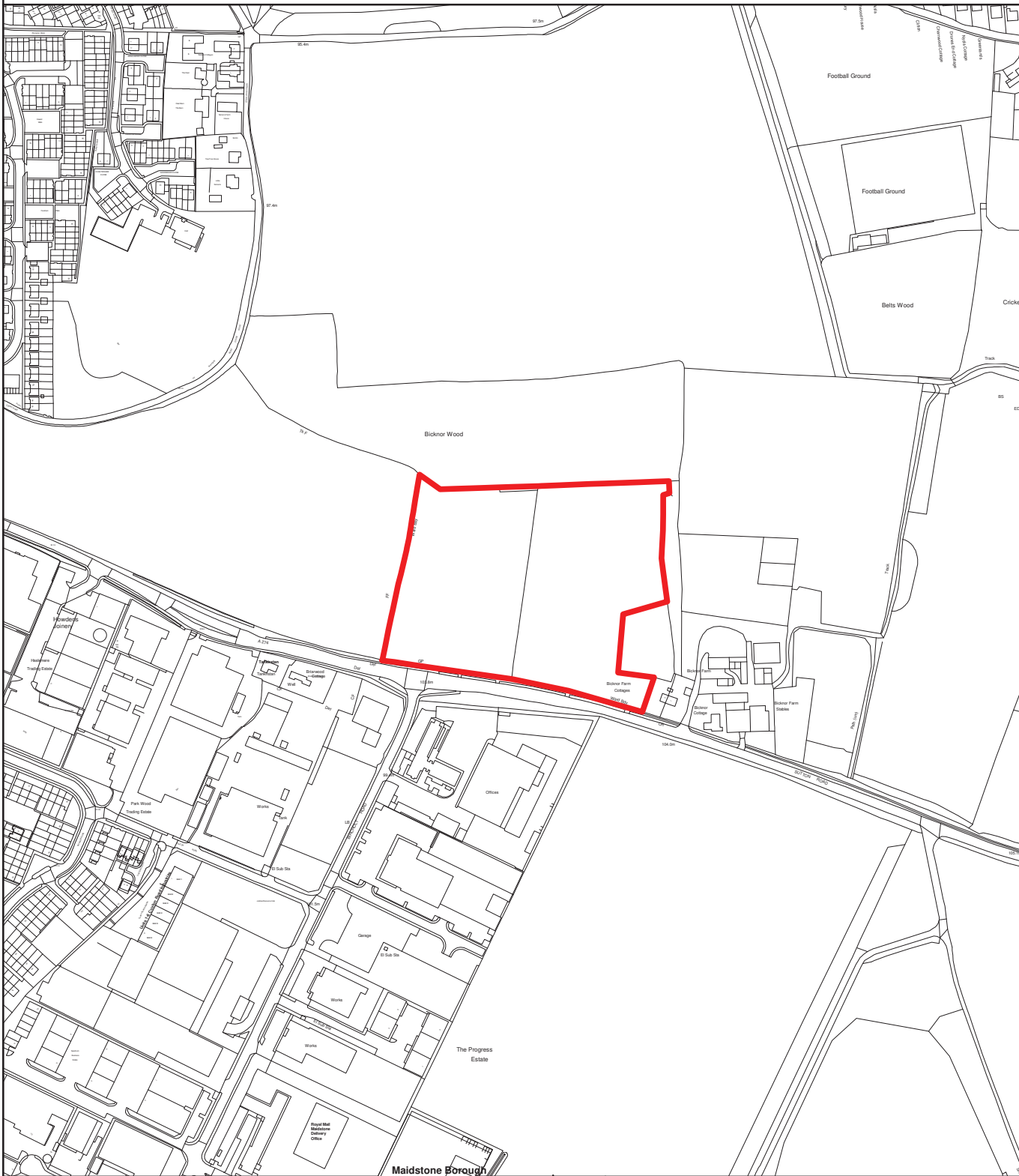
11.05.2012

THE MAIDSTONE BOROUGH COUNCIL

PLANNING APPLICATION NUMBER: MA/13/1523

GRID REF: TQ7952

LAND WEST OF BICKNOR FARM COTTAGES,
SUTTON ROAD, MAIDSTONE.



This copy has been produced specifically for Planning and Building Control Purposes only. No further copies may be made. Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Maidstone Borough Council No. 100019636, 2014. Scale 1:5000



Rob Jarman
Head of Planning and Development

APPLICATION: MA/13/1523 Date: 30 August 2013 Received: 2 September 2013

APPLICANT: Redrow Home Limited

LOCATION: LAND WEST OF BICKNOR FARM COTTAGES, SUTTON ROAD,
MAIDSTONE, KENT

PARISH: Maidstone, Otham

PROPOSAL: The erection of 100 dwellings together with associated new access road, car parking, landscaping, and open space in accordance with the submitted house types booklet; Landscape Visual Impact Assessment; Flood Risk Assessment; site layout SL.01 rev A; Affordable housing layout DML.01 rev A; Boundary Materials Layout BML.01 rev A; street elevations sheets (1 and 2) SE.01 (and 02) rev A; Plots 1-9 floor plans P.1-9.p1 rev A; Plots 1-9 floor plan sheet P.1-9p2 revA; Plots 1-9 floor plan sheet P1-9.p3 rev A; Plots 13-18 Elevations P.13-18.e; Plots 13-18 floor plans P.13-18.p; Plots 38-43 elevation sheet (1&2) P.38-38-43.el; Plots 38-43 Floor plans sheets (1&2) P.38-43.e1; Plots 92-100 floor plans sheets (1&2) P.92.100.pq (and p2) revA; Plots 92-100 elevations sheets (1&2) P.92-100.e1; House Type 3B5P floor plans and elevations HT3B5P.pe revA; House type 3B5P variation A floor plans and elevations HT.3B5P-A rev A; House type 3B5P mid terrace floor plans and elevations HT.3B5P-MT.pe rev A; House type 4B6P floor plans and elevations HT.4B6P.pe rev A; House type Broadway (4block elevations, and floor plans; House type Kenilworth floor plans and elevations; House type Letchworth floor plans and elevations; House type Oxford floor plans and elevations; House type Pembroke floor plans and elevations; House type Stratford floor plans and elevations; House type Worcester floor plans and elevations; single garage floor plans and elevations, double garage floor plans and elevations; substation SSB01.pe; Bin storage for flat block A and E BCS01.pe revA; Cycle store for flat block A and E BCS02.pe.revA; Bin and Cycle store flat block C BCS03.pe.revA; Landscape Masterplan 1506 03 Rev D; Detailed planting plan (1&2) 1506 04 and 05 revA; received on the 11 October 2013; and planning statement; noise and vibration assessment; transport assessment; sustainability assessment; statement of community involvement; air quality assessment; travel plan; preliminary geo-environmental risk assessment; construction management plan; utilities statement; ecological appraisal; design and access statement; cultural heritage assessment as received on the 2 September 2013.

AGENDA DATE: 16th January 2014

CASE OFFICER: Chris Hawkins

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council.
- It is a departure from the development plan insofar as 30% affordable housing is proposed.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: H1, T2, T13, ENV6, ENV49
- Emerging Maidstone Local Plan: SS2(b), Draft Integrated Transport Plan
- Government Policy: National Planning Policy Framework 2012; Ministerial Statement for Growth 2012.

2. HISTORY

MA/01/0452 Land North of Sutton Road, Otham. An outline application for residential development including vehicular access, pedestrian and cycle access, open space and landscaping, with all matters reserved for future consideration except means of access. Refused. Appeal Dismissed.

MA/00/1133 Land North of Sutton Road, Otham. Outline application for residential development including vehicular access, pedestrian, cycle and emergency accesses, open space and landscaping, with external appearance and design reserved for future consideration. Withdrawn.

2.1 The previous application was refused for the following reason:

2.2 *'Maidstone Borough Council has, by an Urban Capacity Study demonstrated that there is sufficient previously developed land within the Borough to meet Structure Plan requirements for the period 2001-2006. There is no further release of greenfield sites before this time and in the absence of any demonstrable need for the development would be contrary to the advice contained in Planning Policy Guidance Note 3: Housing.'*

3. CONSULTATIONS

3.1 **Maidstone Borough Council Parks and Open Space Officer** was consulted and made the following comments:

3.1.1 The main issue the department has is regarding provision of children’s play. It appears that the developer wishes to provide a LEAP on the Western boundary in a partnership with an adjoining site also under a planning application for housing development. This other application is from a different developer and as such we would have concerns over ownership of the play area between the two developers to ensure the site is properly maintained. Information provided within the Design and Access statement is limited as to what would be provided within the play area and so this department would have reservations over the usefulness of its installation, especially if little thought and consideration is put into the type of equipment provided. We would also have reservations over the size of the play area if it is to be provided for two developments consisting of over 270 dwellings. Similarly we have reservations that the play area will only be targeted at under 8’s. What provision (other than a 5 station trim trail) is there for older children? With the installation of a LEAP we would request that our department is consulted as to what type of equipment is installed

3.1.2 It is noted that there is planned provision for a trim trail to the east of the development alongside a circular path that encompasses the whole of the development, as well as amenity space around the borders of the development

3.1.3 With this in mind, this department would seek an additional off-site contribution for surrounding open space which is likely to see an increase in usage as a result of this development. Senacre Recreation Ground is approximately 250 metres away and is a large area of open space providing outdoor sports facilities. Parkwood Recreation Ground is just over 0.25 miles away from the proposed development and is a central location of play and outdoor sports facilities for the local community which also provides a pavilion for use alongside those facilities.

3.1.4 We would envisage an increase in usage of facilities at both of these sites as well as any others within a one mile radius of the development.

3.1.5 We would request that an offsite contribution be made towards both these sites for the improvement, maintenance, refurbishment and replacement of facilities within these areas. Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities.

GREEN SPACE TYPE	
	Requirements
Parks and Gardens	<i>No requirement but included in</i>

	<i>other categories.</i>
Natural and Semi-Natural areas	<i>No contribution required as included in the development</i>
Amenity Green Space	<i>Included in development.</i>
Provision for Children and Young People Equipped Play	<i>Onsite contribution indicated but a contribution towards improvements to existing facilities is requested.</i>
Green Corridors	<i>Not required.</i>
Outdoor Sports Facilities	<i>Onsite trim trail included in development.</i>
Allotments and Community Gardens	<i>Not included, contribution is requested</i>
Cemeteries and Grave Yards	<i>Not required</i>
	Total off site contribution of £400 per property requested

3.1.6 The table above condenses the types of green space and identifies what is potentially provided by the development. Bearing in mind that some types of green space are supplied the typical financial contribution requested per dwelling would be reduced. This department is aware that this is subject to change and we would be happy to reconsider our request should further information regarding supply of play etc become available.

3.1.7 We would in this instance seek to request a contribution of £400 per dwelling x 100 = £40000

3.1.8 As indicated this would be used primarily towards the improvement, provision and maintenance of outdoor sports facilities and provision for children and young

people equipped play and would be used at Senacre Recreation Ground, Parkwood Recreation Ground and other facilities within a one mile radius.

3.2 **Kent Highways Services** were consulted and made the following comments:

3.2.1 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

3.2.2 The planning application proposes a new priority vehicular access from the A274 Sutton Road and the erection of 100 residential dwellings, comprising a mixture of houses and flats and including a proportion of affordable housing.

3.2.3 Personal Injury Accident data has been reviewed for the three year period up to 30th June 2012 for the local highway network surrounding the site. A total of six accidents occurred on Sutton Road in the vicinity of the site during this period, all of which were classified as 'slight' in nature, which is relatively low for a heavily trafficked primary route. The majority of the recorded accidents were attributable to pedestrian or driver error, which does not provide cause for concern in relation to this application. Automatic Traffic Count (ATC) surveys were undertaken for a period of one week during April 2013 on the A274 Sutton Road in the vicinity of the proposed site access. The ATCs recorded an average weekday AM and PM peak hour two-way flow of approximately 1,100 vehicles on Sutton Road, which is consistent with KCC Highways and Transportation's own data.

3.2.4 Pedestrian and cycle facilities in the area surrounding the site are generally of a high standard and high-frequency bus services to Maidstone Town Centre are available within a reasonable walking distance. However, the closest bus stops to the site are of a poor standard. It is therefore considered that the applicant should undertake improvements to these bus stops, including the provision of covered waiting facilities and raised kerbs to permit level boarding. Furthermore, the westbound bus stop should be relocated to the east, in consultation with KCC Highways and Transportation, to avoid the heavily parked layby in which it is presently situated.

3.2.5 The proposed site access junction includes a three metre wide foot/cycleway along the site frontage to facilitate pedestrian and cycle demand towards Maidstone. Pedestrian and cycle refuge islands are also proposed on the A274 Sutton Road to facilitate crossing demand towards Bircholt Road and would have the further advantage of providing a sense of physical width constraint, which should act to reduce traffic speeds. The applicant, together with the applicant for the Imperial Park site to the west, should also provide a toucan crossing facility on the A274 Sutton Road to provide safe pedestrian and cycle access to the proposed community facilities within the Langley Park site to the south east.

3.2.6 The Transport Assessment states that the proposed development car parking provision has been set to meet the minimum standards prescribed in the Kent Design Guide Interim Guidance Note 3, which is acceptable. The internal site layout is also acceptable, although it should be noted that all street trees would be maintainable by the applicant and not KCC Highways and Transportation. The residential trip rates applied in the Transport Assessment for the proposed Langley Park development have been applied to identify the total trip generation for the site, which is as follows:-

AM peak PM peak

	In	Out	Total	In	Out	Total
Private Housing	11	31	42	22	16	38
Non-Private Housing	2	7	9	7	6	12
Total	13	38	51	29	21	50

3.2.7 KCC Highways and Transportation is in agreement with this assessment. These trips have been adjusted to the agreed assessment year of 2018 using growth factors derived from the TEMPRO database and have been distributed on to the local highway network using the 2001 Census workplace origin-destination dataset and the location of local primary and secondary schools, shops and leisure facilities, which is an acceptable methodology. This results in the following distribution of traffic on to the A274 Sutton Road:-

Distribution Vehicles

	AM Peak	PM Peak	AM Peak	PM Peak
East	24%	24%	12	12
West	76%	76%	39	38

3.2.8 KCC Highways and Transportation is in agreement with this assessment. Capacity analysis has been undertaken for the A274 Sutton Road / Bircholt Road junction. This indicates that the junction currently operates well within its design capacity and would continue to do so in 2018 with the addition of trips arising from the proposed development, the other strategic housing sites in South East Maidstone and background growth. KCC Highways and Transportation is in agreement with this assessment.

3.2.9 However, transport modelling undertaken on behalf of the developer of the nearby Langley Park site, which incorporates trips generated by the Land West of Bicknor Farm Cottages development, demonstrates that future year traffic flows would be greater than the actual carrying capacity of the A274 Sutton Road

(approximately 2,000 two-way vehicles per hour). The usual course of action in this scenario is to manage demand, reassign traffic and/or increase highway capacity. In this case, KCC Highways and Transportation is of the view that the inbound carriageway of the A274 Sutton Road should be widened between its junctions with Wallis Avenue and Loose Road to provide an additional traffic lane. Based on the total estimated cost of the scheme, a contribution of £3,000 per dwelling from each of the strategic housing sites in South East Maidstone - which will have the most significant and direct impact on the capacity of Sutton Road during the period of the Local Plan - will be sought.

3.2.10 The modelling undertaken on behalf of the developer of the Langley Park site further demonstrates that the A274 Sutton Road / Willington Street / Wallis Avenue junction would operate over its design capacity in the future year scenarios of 2018 and 2027. This would encourage drivers to 'rat-run' and/or retime their journeys to avoid the congestion. Policy SS2 of the draft Maidstone Local Plan seeks capacity improvements to this junction and therefore a scheme of mitigation has been designed and costed by the applicant for Langley Park. The improvements were agreed in principle by KCC Highways and Transportation at pre-application stage and comprise the widening of Sutton Road on the southern side to accommodate two lanes of traffic in both directions on the link between Willington Street and Wallis Avenue; the widening of the westbound Sutton Road approach arm to provide three lanes at the stop line; the widening of the eastbound Sutton Road approach arm; and the linking of the controllers of the two junctions to improve the efficiency of the whole intersection. The revised layout has been modelled and is shown to improve the operation of the junction to an acceptable extent. Whilst the junction is still projected to operate slightly over its design capacity during the AM peak hour, its operation would be better than if there were no development in South East Maidstone, no junction improvements and no public transport infrastructure enhancements. Moreover, there would be a degree of spare capacity during the PM peak hour, when the junction is projected to operate more effectively in 2027 with all of the proposed development in place than it currently does.

3.2.11 Based on the total estimated cost of the scheme, a contribution of £300 per dwelling from each of the strategic housing sites in South East Maidstone will be sought. Subject to the satisfactory resolution of these matters, I can confirm that provided the following requirements are secured by condition or planning obligation:

3.3 KCC Ecology were consulted and made the following comments:

3.3.1 'The applicants have provided additional information which we have reviewed have updated the following comments:

Ancient Woodland

- 3.3.2 Bicknor Wood is to the north of the site and it has been designated as ancient woodland. We are aware that the applicant was refused access to survey the woods, so we do acknowledge that it makes it more difficult to assess the impact the development will have on the wood.
- 3.3.3 The applicant has provided additional information detailing that a minimum of a 15meter buffer will be created adjacent to the woodland. The buffer will include fencing and planting of prickly native species to reduce the potential of people directly accessing the woodland from the proposed development site. We also note that the site has been designed to ensure no gardens back on to the buffer area to prevent informal garden extensions and reduce the potential of garden waste being dumped in the area.
- 3.3.4 We would expect the landscape design to compliment the landscaping proposed for the Land north of Sutton Road MA/13/0951. The proposed development will result in an increase in lighting as such there is a need to ensure that the lighting impacting the ancient woodland and buffer is minimised. If planning permission is granted we would expect a detailed lighting plan to be submitted as a condition of planning permission. We would expect the lighting plan to include maps showing the expected lighting spill.

Reptiles

- 3.3.5 The reptile survey recorded a likely absence result. We had some concerns that as the majority of the reptile surveys were carried out in April and due to the unseasonably cold weather in March and April the reptile survey results were not correct. We have spoken to the ecologist in detail about this and we are satisfied that the results of the reptile surveys are correct and we require no additional information to be provided.

Bats

- 3.3.6 Bats have been recorded foraging within the site (particularly along the boundaries) and a number of trees have suitable features to contain roosting bats. The ecological survey has recommended designing the lighting scheme to minimise the impact the proposed development will have on bats. We recommend a map is submitted of the proposed lighting to ensure that the recommendations are incorporated in to the site.

Birds

- 3.3.7 The submitted report has detailed that based on the results of the survey work undertaken, the grassland fields dominating the site do not appear to support

significant bird interest. We had some concerns that there had been insufficient survey effort to make that assessment. The ecologist has detailed that although no specific bird surveys were carried out, they are satisfied that the presence of notable species would have been identified when the reptile/phase 1 and the NVC surveys were carried out. We are satisfied with this assessment and we require no additional information to be submitted for comment.

Management Plan

3.3.8 The submitted landscaping plan has detailed that a native acid grassland site, scrub and suds will be created around the boundary of the site. The ecologist has provided the principles of the proposed management plan. Based on these principles we are satisfied that sufficient information has been provided at this stage. If planning permission is granted we require a detailed management plan to be submitted as a condition of planning permission.

Enhancements

3.3.9 One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". The ecological survey has provided recommendations for ecological enhancements which can be incorporated in to the site. Details of the ecological enhancements must be incorporated in to the management.'

3.4 Maidstone Borough Council Landscape Officer was consulted and made the following comments:

3.4.1 'There are three Tree Preservation Orders protecting trees on or adjacent to this site, namely TPO No. 36 of 1981, TPO No. 37 of 1981 and TPO No. 45 of 1981. Bicknor Wood to the north is also designated as Semi Natural Ancient Woodland.

3.4.2 The proposal aims to retain all the protected trees which consist of mainly grade B trees along with two grade As and one grade C within areas of open space. The principle of having a minimum 15m buffer zone adjacent to the ancient woodland and open space around the site boundaries allowing for the successful retention of the protected trees is welcomed. I would only comment that it is not clear if the woodland boundary denoted on drawing no. 230317-P-11 is the same as that denoted in the draft Ancient Woodland inventory.

3.4.3 In terms of the landscaping proposals I would want to ensure that the Sutton Road frontage is consistent with that proposed on the adjacent development site and I am not convinced that this is currently the case.'

- 3.4 **Maidstone Borough Council Environmental Health** were consulted and raised no objections to this proposal subject to the imposition of suitable conditions with regards to contamination.
- 3.5 **Kent Wildlife Trust** were consulted and raised no objections to the proposal.
- 3.6 **Southern Water** were consulted and raised no objections to this proposal.
- 3.7 **The Environment Agency** were consulted and raised no objections to the proposal subject to the imposition of conditions relating to drainage.
- 3.8 **The NHS** were consulted and raised no objections with regards to the proposal subject to the receipt of contributions of £73,656 towards health care provision within the locality. This is assessed within the main body of the report.
- 3.9 **Kent County Council Archaeology** were consulted and raised no objections to the proposal subject to the imposition of a safeguarding condition.
- 3.10 **Kent County Council Economic Development** section were consulted and raised no objections to this proposal subject to the following contributions being made towards the proposal:
- Primary education - £14,285 per pupil – with land of not less than 2.05ha in area)
 - Secondary education - £589.95 per flat and £2359.80 per house
 - Libraries - £128.44 per dwelling
 - Community learning - £30.34 per dwelling
 - Youth services - £8.39 per dwelling
 - Adult social care - £97.26 per dwelling

4. REPRESENTATIONS

- 4.1 **Otham Parish Council** were consulted and made the following comments:
- 4.1.1 'Whilst Otham Parish Council accepts the growing need to build new houses across the Borough of Maidstone, we find ourselves unable to support this application at this time, and request the application is reported to Planning Committee for the following reasons:
- Lack of integrated transport policy to support the additional traffic that this site (and the two other proposed development in the area) will generate, specifically a complete lack of traffic studies undertaken on the road systems through Otham and Downswood.

- Significant doubts being raised over the accuracy and integrity of the Ecology Appraisal in and area of potentially significant wildlife habitat.
- Significant legal evidence to suggest that the overall housing requirement calculation is fundamentally flawed and as a direct result of this, green field sites should not be sacrificed until all other more suitable land allocations can be exhausted.'

4.2 **Boughton Monchelsea Parish Council** were notified of the application(the site lies outside of the Parish but adjacent to the Boundary) and made the following comments:

4.2.1 Boughton Monchelsea Parish Council objects to the proposal for the following reasons:

- The Parish Council is extremely concerned at the proximity of the Bircholt Road junction to the new access to the development from Sutton Road. We believe road safety will be compromised due to this. In addition, the volume of traffic currently using Sutton Road would mean long waiting times for traffic trying to enter and exit the new development, creating queuing traffic beyond the filter lane created. We sincerely hope that MBC will satisfy themselves regarding road safety associated with this proposed arrangement and take full responsibility for this if they are minded to grant consent.
- It would appear that the application fails to make provision to secure the proper mitigation of the impact on the Parish communities of the provision of an additional 100 dwellings which appear to be only the first phase of a large scheme.
- The application contains insufficient information to fully assess the issue of community impact and is deficient in this regard.
- At the current time there is a proposal to release additional sites in the Borough to test the implications of a further 14,800 dwellings following the 'call for sites' exercise earlier in the year. Until such a time as the pattern of site allocation to secure the new Local Plan is known, it is not possible to test either the cumulative community impact or the cumulative transportation impact of the proposal and the application is deficient in this regard.
- Irrespective of objections 2-4 above, the application is submitted on the basis that the Council does not have a five year supply of housing land. The Parish Council is in receipt of an opinion from Leading Counsel to the effect that the conclusion that the Borough Council does not have a five year land supply is the result of Legal Misdirection (or Misdirections). The Parish Council objects to the proposal objects to the application because it is submitted on the invalid basis that they Borough Council does not have a five year land supply. If the Borough Council continues to grant planning permission to the application, on the basis that it does not have a five year land supply, then the Parish Council reserves the right to seek redress for this action through the Courts.

- The Parish Council reserves the right to make additional objections at a later stage, including further objections in response to any comments which might be made in relation to points 2-5 above.'

4.3 **Neighbouring occupiers** were notified of the application and 12 letters of objections have been received. The objections in this letter are summarised below:

- The housing would be getting near to the village of Otham;
- Increased congestion within the locality;
- Impact upon ecology;
- The existing doctors and dentists are already overloaded;
- Severe damage to the countryside which cannot be reversed;
- The electricity supply is unreliable in the area;
- There are no schools to accommodate this growth;
- The quality of water supply is unreliable;
- This is piecemeal development;
- The proposal would have a significant impact upon Bicknor Wood;
- The matter of the 5 year supply has not been fully considered;
- The proposal would result in overlooking of existing properties.

5. **CONSIDERATIONS**

5.1 **Site Description**

5.1.1 The application site lies to the east of Maidstone, and to the north-east of the Parkwood Industrial Estate. The site is designated with the Maidstone Borough Wide Local Plan (2000) for housing provision, and has been identified in the emerging Local Plan as a strategic housing allocation.

5.1.2 The land to the west of the application site also forms part of the allocation within the emerging Local Plan – the two sites only being separated by land ownership.

5.1.3 The application site is relatively flat, with a number of substantial trees within the site, a number of which are covered by Tree Preservation Order..... to the front of the site is a large hedge, although this is broken by a significant number of trees planted within. Many of these trees are now relatively substantial in size, and contribute to the rural character of this locality.

5.1.4 The land to the north of the site is Bicknor Wood, which is to be retained. This woodland extends down the eastern side of the application site towards the A274 – thinning out towards the road. Beyond the tree belt along the boundary is Bicknor Farm, a Grade II listed building that is surrounded by high fences, and

contains a number of buildings that appear to be in commercial use. The land to the north of Bicknor Farm is farmed.

5.1.5 To the south of the site is the Sutton Road, and beyond this the Parkwood Industrial Estate. Part of the (the south east corner) site would also 'face' on to the allocation at Langley Park Farm.

5.1.6 Views of the site are relatively restricted due to the tree planting along the northern and western boundary. Views from the south are limited by the industrial estate, and due to the topography of the land to the south – which rises, and then falls within the Langley Park Farm site.

5.2 Proposal

5.2.1 This is a full planning application for the erection of 100 dwellings, new access road, play area and the provision of new landscaping. The layout of the proposal would see the creation of an internal access road that would be close to the western boundary of the application site. This would be flanked on either side by two apartment buildings of three storeys in height. It is proposed that the access road is designed to create a formal 'tree lined avenue' with houses on either side. The car parking on each side of the road – for the flats – would be provided with a ragstone wall, as would the store which would adjoin the wall. Amendments have been recently received which give greater symmetry and presence along this access road.

5.2.2 At the end of the access road, the development would have another apartment block – again three storey in height. This would provide a symmetrical 'end-stop' to the development, and would be an important vista. Initially parking was proposed to the front of this block, but this has since been moved to the rear.

5.2.3 To the western edge of the site, would be a further apartment block, as well as housing (which are located in the more northern section). These properties would overlook the open space within the centre of the allocation and in particular the play area.

5.2.4 The proposal includes the provision of a fully equipped play area, which would straddle the boundary with this site and the site being proposed by Bellway (MA/13/0951). The development brief that was submitted alongside this application identified this area as the most suitable for this provision, as it would be most accessible location for residents of both developments. The play area would be approximately 450 square metres, and would be surrounded by a suitable fence.

- 5.2.5 To the eastern end of the site a large area fronting the A274 would be left undeveloped, in order that the trees subject to a Preservation Order can be retained. This area would also provide part of the SuDs provision for the site.
- 5.2.6 Centrally within the site a square is proposed which would be fronted by dwellings on either side. This would be provided with some tree planting, as well as car parking for the properties. The area would be constructed of pavers and would therefore be set apart from the remainder of the development.
- 5.2.7 The land to the north of the site would be predominantly detached dwellings which would respond to the context of the locality insofar as the density reduces towards the edge of the site. These properties would all be set a minimum of 15metres from the woodland edge – a trim trail is proposed along the northern section of the site, which would also form part of a circular walk around the whole site. A footpath link is also proposed to the A274 in the south-eastern corner of the application site – linking the development with the proposed crossing to connect this site to the Langley Park development.
- 5.2.8 The development would be constructed to level 4 of the code for sustainable homes.
- 5.2.9 Within the south eastern corner of the application site would be a large SuDs feature and new drainage ditch that would service the development.
- 5.2.10 Significant S106 contributions are also being proposed – amongst other matters, these address the highway infrastructure concerns and the education provision. These are set out within the report. The applicant is proposing a 30% affordable housing provision in accordance with the emerging Local Plan policy.

5.3 Principle of Development

- 5.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The application site is allocated within the Maidstone Borough Wide Local Plan (2000) and is identified as a strategic allocation within the emerging Local Plan (policy SS2b). This emerging policy identifies this site, together with the land to the west for a housing provision of 285 dwellings. The land to the west of this site has an application to be determined for 185 dwellings.
- 5.3.2 This proposal therefore accords with both the development plan, and the emerging plan. As Members are aware, this site, amongst others was 'frozen' following the publication of PPG3 (superceded by PPS3), as the government at that time sought a greater emphasis on the development of brownfield land. The

Council, through its urban capacity study were able to demonstrate that it could meet its housing requirements through brownfield land, and as such, greenfield sites such as these were not permitted. This stance was confirmed through appeal decisions on a number of similar sites.

5.3.3 However, following the publication of the NPPF, and the recalculation of the Council's five year supply, it became apparent, that the Council could no longer solely rely on such sites, and as such, would have to revisit the possibility of releasing greenfield sites such as these.

5.3.4 As such, on the 13 March 2013, the Council agreed to lift the moratorium on greenfield sites, on the basis of a lack of a five year supply, the fact that the NPPF had replaced PPS3, and due to the lack of building of family, and affordable homes within the rural service centres. Once this moratorium was lifted, proposing housing upon these sites was once again in accordance with the Development Plan.

5.3.5 Nonetheless, concern has been raised by Boughton Monchelsea Parish Council (following the submission of an application on this site, and others) that the Council has incorrectly calculated its five year supply, and that there are suitable brownfield sites within the Borough that could accommodate this future growth – and as such, the moratorium should not have been lifted. The Council has sought the view of Counsel with regards to this matter, and are confident that it has worked out its supply in a correct manner.

5.3.6 Members will be aware of government advice in the National Planning Policy Framework that states (Para 47) that Councils should;

5.3.7 *'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period; and*

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;'

5.3.8 The NPPF defines deliverable as:

5.3.9 *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'*

5.3.10 What of the key questions recently asked has been 'against what target are we assessing our five year supply?' The five year supply has been assessed against the RSS figure of 11,080, and on this basis reveals a supply of 4.2 years. This has been the base figure used by the authority to calculate the figure. However, a recent (England and Wales) Court of Appeal decision between the City and District Council of St Albans and 'Hunstan Properties Limited' has indicated that this is an incorrect approach to be taking and that local authorities should be using the more up-to-date DCLG household projection figures.

5.3.11 The Council has recently undertaken a SHMA with the neighbouring Boroughs of Ashford and Tonbridge and Malling. These figures indicate that there is likely to be a significant up-shift in the housing need. Preliminary figures indicate that the housing need for the Borough until 2031 is likely to be 19,600 – which would result in the Council having a current five year supply of approximately 2 years. This reduction in the five year supply further emphasises the necessity to lift the moratorium to ensure greater delivery to address this shortfall.

5.3.12 I am therefore satisfied that it was appropriate to re-instate this land for housing purposes, and I am also satisfied that the proposal generally accords with the existing and emerging policy. As such, I raise no objections to the principle of development on this site, subject to all other material considerations being met.

5.4 Visual Impact

5.4.1 This is a site that has been allocated for the purpose of pure housing provision for a number of years. Clearly therefore, the Inspector would have fully assessed the impact that this change would have and has concluded that the potential harm would be acceptable within this location. The site is bounded by trees on its eastern side, and to the north by Bicknor Wood. As such, long distance views of the site are severely restricted. From the south the site is bound by the A274, with the Parkwood Industrial Estate beyond, and also the allocation for Langley Park Farm – which also has an application submitted. As such, I do not consider views of this site to be prominent from this location.

5.4.2 Nevertheless, the proposal would alter the character of this entrance point of Maidstone – on what is a main thoroughfare. The loss of open fields with the further encroachment of built form would undeniably be a significant change. It is my view however, that this can be addressed through a high quality design, and good quality landscaping provision within the site, and in particular along the road frontage. It is on this basis that I am satisfied that the impact of this land being utilised for housing would be limited, and is acceptable subject to the detailed design.

5.5 Design

5.5.1 Within the NPPF, theme 7: Requiring good design, and the Kent Design Guide (2005) (KDG) emphasise that design solutions should be appropriate to context and the character of the locality. In order to respect the context, the KDG states that development should achieve some or all of the following: reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context. Through good design, using principles in the Kent Design Guide, the proposed development is expected to make efficient and effective use of this greenfield site, on the edge of Maidstone in a manner sensitive to the wider local environment. The emerging Development Plan, policy SS2b specifically refers to Land north of Sutton Road, referring to sustainable construction (point 4) and high quality, modern design that incorporates vernacular materials (point 11).

5.5.2 In this instance, assessing whether the development is appropriate to context cannot be divorced from the identification of the site as a strategic allocation in the Maidstone Borough-Wide Local Plan (2000) and the emerging Local Plan. In other words, it is inevitable that residential development extending into countryside would, to some extent, be out of context with the prevailing rural character. However, given the policy support for the urban extension, the test in this case should be how well the development responds to the sensitivities of an urban fringe location.

5.5.3 Responding to context also involves incorporating site specific constraints, opportunities and wider planning policy objectives which in this case include: the form and layout of the proposed development; highway safety/access considerations including parking; housing density; landscape structure; and appearance and detailing. The objective should be to imaginatively address these constraints to help deliver a distinctive place.

- 5.5.4 The application has been accompanied by a joint Development Brief (August 2013) with Bellway Homes for the site immediately to the west of the site. This has recently been amended and was consulted upon in tandem with the planning application(s). The document clearly sets out a comprehensive and co-ordinated vision across both sites with development, planning and design principles common to both. This helps to ensure an integrated approach especially in respect of the frontage facing onto Sutton Road, and spatial interface between the two developments and the boundary treatment. It does not however consider detailed design matters such as appearance and character, resulting in different architectural styles being built typical to each house-builder's standard products.
- 5.5.5 The application is also supported by a Design and Access Statement (D&AS) (August 2013) which explains the detailed design rationale for the proposed scheme. In this instance, it applies a predominantly landscape-led approach, setting the built development from the site's peripheral landscape structure, thereby limiting the developable areas of the site, but nevertheless allowing for an efficient layout. The D&AS refers to 4 distinct landscape character areas, namely the main entrance avenue and flats, the terraced housing, the detached housing, and the detached housing within the estate. The D&AS has also thoroughly considered local precedents within the immediate and surrounding context, including historic and modern traditional architectural styles, architectural elements and choice of materials.
- 5.5.6 The design approach for the scheme is traditional and of a good quality design, incorporating well designed house types and apartment blocks of a similar architectural theme. Discussions have been ongoing with the applicant to ensure that revised amendments undertaken reflect the quality applied to the detailing and appearance of the scheme.

Form and layout

- 5.5.7 The site is served by a main access from Sutton Road (A274) and is located immediately opposite Parkwood Industrial Estate. The site would be marked by prominent entrance features/apartment blocks, and an apartment block at the end of this main access which terminates the main vista into the development. The rest of the development is made up of a very loose-knit irregular development block pattern that although is set back from Sutton Road to retain existing trees, presents an active frontage onto Sutton Road. The layout encourages permeability, legibility and clearly defines public and private space, and key frontages.
- 5.5.8 Redrow Homes have worked closely with the Local Planning Authority, and changes have been willingly incorporated into the latest revised plans to resolve

some of the weaker elements in the layout of the scheme. These include the western section of the site, the spine road, and the centrally located 'square'. These are set out in more detail below:

- Western section of the site: here, the scheme has been integrated better and now has a stronger spatial relationship with the proposed Bellway Homes scheme. Long and short views into each of the sites to key spaces such as the LEAP and the central/dividing green corridor, particularly how primary vistas are terminated, have been reconsidered and are complimentary in landscape design terms. The new configuration for 'flats block B' is less 'leaky', i.e. loose spatially and has along with the plots 10 to 12 has a stronger edge to enclose the LEAP, thereby defining this more formal/denser part of the site;
- Spine Road: a symmetrical and formal approach has been applied in this section of the site. This now has a stronger built building line and by reconfiguring and introducing an additional unit on each side of the main access, creates an area of higher density to comply with the draft Development Brief (page 30). The removal of the visitor parking along this main access road and redistributing these spaces elsewhere within the site has further strengthened this principal approach road; and
- Centrally located 'square': By re-orientating and changing one unit to the north of the square, this key space has greater definition, a strong building line, better vistas and better frontages to enclose the space more effectively.

5.5.9 The proposal's scale, density, and massing is appropriate to the site, with street scenes providing views to key spaces and glimpses of the existing tree belt to the north. Streets have active frontages, and open spaces are overlooked providing natural surveillance, and where possible all properties have dual aspects to avoid blank facing walls and 'dead' frontages.

Highway safety/access considerations and parking

5.5.10 The proposal is well connected and applies a hierarchical approach to its road network with a primary (off- centre spine road) as the main access road that then diverts to serve the western and eastern sections of the site. The eastern road is the main secondary route within the site, serving 3 perimeter development blocks via a centrally located 'square'. There is also an extensive pedestrian and cycleway network within the site and along the northern side of Sutton Road.

5.5.11 According to the D&AS and the Planning Statement, car parking is planned at an adequate level appropriate to Kent County Council's standards as set out in Interim Guidance Note 3: Residential parking, as a 'suburban' site located on the

urban fringe. These are located within the plot curtilage or within communal parking courts with:

- 2 spaces for 4 bedroom houses;
- 2 spaces for 3 bedroom houses;
- 1.5 or 1 space for 1 and 2 bedroom dwellings; and
- 1 space for 1 and 2 bedroom flats.

Housing density

5.5.12 The KDG in the case of urban fringe locations states that density should remain compact to avoid urban sprawl and recommends a gross density of between 30-50 dph. The proposed scheme is of an appropriate medium to low density, and is complimentary to the adjacent Bellway Homes scheme. It proposes a density within the lower range of 30dph compatible with the other SE Strategic Housing Allocations, resulting in a development of 26dph, appropriate to the character and appearance of the locality.

Landscape structure

5.5.13 The landscape structure is a fundamental consideration for an urban edge development where landscaping should be used to soften the development, helping it to respond more sensitively to its semi-rural context. A landscape-led approach has been applied to the proposal, respectful of Bicknor Woods to the north of the site, retaining peripherally located natural features such as the existing trees situated along the southern and western boundaries, and providing 4 distinct landscape character areas that include extensive new planting to enhance the landscape setting of this key entrance into Maidstone and semi-natural habitats on site.

5.5.14 This proposal would visually 'open up' the site especially along the extensive Sutton Road frontage so it is in part, particularly the western section to approximately mid-way along the southern boundary, complimentary and integrated with the Bellway Homes proposal and its formal landscape treatment along the Sutton Road frontage; and the western edge fronting onto the 'joint' LEAP and southern pedestrian link. The planting structure where possible would continue along the frontage beyond the main access, and the green corridor between the two sites consisting of the avenue of trees along the LEAP edge southwards adjacent to the pedestrian path, to *'create a more robust, consistent and attractive landscape frontage along the Sutton Road frontage'* (page 9, D&AS), and *'to define a new eastern gateway to Maidstone'* (joint Development Brief).

5.5.15 There are also distinct and high quality areas of soft and hard areas of public realm, with the central 'square' and the landscaped trim trail, an accessible loop (or trim trail) with five stations around the periphery of the site encouraging informal play and recreation. SUDS attenuation areas (ponds and swales) are also provided to the northern and southern parts of the site, within the open space.

Appearance, scale and detailing

5.5.16 Redrow's 'standard' heritage-range house types are applied throughout the scheme. They are well considered, of a high standard and distinctive 'Arts and Craft'/Edwardian architectural style and identity, with simple yet standard detailing and a limited and carefully considered materials palette. This predominantly uses red brick thereby referencing the use of stock red brick as seen locally in Otham Conservation Area, buff-coloured stock bricks, rough-cast render, ragstone and plain tiles. The quality, bond and mortar joint of the brickwork will be important to avoiding a bland and uniform appearance to the street scene, and will be conditioned accordingly.

5.5.17 There are up to 9 house types including variations dispersed across the site consisting of a mix of detached, semi-detached, terraces and apartments. The majority of the dwellings are 2-storey with four 3-storey apartment blocks located at the entrance, and within the central part of the site fronting onto the LEAP and at the end of the main access road into the development. The limited use of 2.5-storey buildings, eleven in all, are centrally located near to and around the 'square' and the front street scene, to provide variation in roof forms.

5.5.18 The elevations have been well detailed especially the front elevations, with the introduction of half-gables, gable-verges, porches, well proportioned fenestration patterns including diamond windows, glazing bars, coloured glass adjacent to the front doors of the apartment blocks, varying roof forms with half-hips, dormers, eye-brow dormers, barge-boards and varying roof levels, referencing the vernacular buildings research outlined in the D&AS. Some chimneys have been used to 'break-up' and provide interest and variety to the rooflines. Boundary treatments show varied and quality solutions using brick and ragstone walls and/or metal estate railings in prominent locations, post and rail fencing, depending on the location of a particular building type within a streetscene of a particular character area.

Code for Sustainable Homes

5.5.19 The sustainability chapter of the D&AS and Sustainability Statement set out the measures to increase energy efficiency and reduce carbon emissions throughout the development. They identify a considerable commitment to minimising

environmental impacts, through sustainable design and construction methods. The residential development has been designed to comply with current Building Regulations (Parts L), and Code for Sustainable Homes, Code Level 4 (as set out in policy CS6: Sustainable Design and Development).

5.5.20 A range of measures are listed to achieve this including more than 20% energy use from decentralised/renewable/low carbon sources is also being sought. A number of options for incorporating renewable energy sources are also being considered. Buildings have been designed to reduce energy use, by taking into account building orientation, layout, overshadowing and materials selection to minimise energy consumption, to optimise solar gain and incorporate natural ventilation, wherever possible. I consider that the proposal is designed to a high a standard of sustainable design, and as such I raise no objections to this element of the proposal.

5.5 Residential Amenity

5.5.1 The application site is relatively divorced from existing residential properties, Bicknor Farm aside and as such, the impact upon residential amenity will be very limited. With regards to Bicknor Farm, it is noted that the property is already surrounded by high fences, and there is a significant level of commercial activity within the grounds. In any event, the layout that has been proposed would not result in any dwellings within close proximity of this aforementioned property.

5.5.2 Whilst a number of objections have been received with regards to the impact upon properties within Otham, due to the distance between this site and the village, I am satisfied that there would be no significant harm caused by this proposal to these residents – in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Likewise, there would be very little, if any, harm caused by noise and disturbance.

5.5.3 With regards to the additional traffic movements, the majority of these will be along the main thoroughfares, and as such I do not consider that this would be likely to result in an unacceptable impact in terms of additional noise, or air quality to existing residents.

5.6 Highways

5.6.1 As can be seen from the comments made by KCC Highways and Transportation, the principle of development of this scale within the site is considered acceptable. As part of the existing allocation, the Inspector considered this site to be relatively remote from the Town Centre, and also gave considerable weight with regards to the distance from the nearest railway station. As such, measures were proposed at that point in time to address this, together with the additional

traffic that would be generated by the proposal. It is for this reason that Policy T2 of the Local Plan included the provision of dedicated bus lanes, priority to buses at junctions, prioritisation (for buses) within traffic management schemes as well as enhanced waiting and access facilities and information systems for passengers, including those with disabilities.

- 5.6.2 To my mind, these measures remain key in the successful delivery of this site, and also to ensure that this proposal does not become an isolated island of development, overly reliant upon the private motor vehicle. As such, the Council will be seeking contributions of £3000 per dwelling to deliver a new inbound lane of traffic, with bus prioritisation measures from the Willington Street roundabout to the Wheatsheaf junction (A274 & A229 junction). Whilst KCC Highways and Transportation have requested that these simple be for vehicle movements, it is my opinion that there should be some bus prioritisation along this corridor to encourage greater use of the bus, and to reduce vehicles along an already busy highway. As such, I proposed that any additional lane of traffic should only be available for bus use between the hours of 7.30am and 9.30am. This lane could be available for other traffic at all other times. This would be consistent with the peaks shown for inbound traffic movements. Should this provision be made, then I consider that the proposal would address both the capacity issue within the A274, and also would ensure that the proposal would align with existing Local Plan Policy, and would be a more sustainable location than otherwise.
- 5.6.3 Intrinsic to the successful management of both inbound traffic, and traffic that seeks to head northwards to the A20 is the alteration to the Willington Street/Sutton Road junction. The improvements to this junction are set out within the Transport Assessment, which is agreed by Kent Highways and Transport. Again, I consider that this is a necessary part of any proposal for additional housing further along Sutton Road as it is acknowledged that this junction is already at capacity, and further strain will take it beyond capacity. The mitigation at this junction will include widening of the junction, which will see the removal of a tree. However, it has been agreed that this would be replaced should permission be granted.
- 5.6.4 Internally the site is to be served by a new access from the A274, provided with a right hand filter lane into the site. There would be no lights on this junction, as this would not be required for the number of dwellings proposed (100). This access road would run northwards into the site, and come to a conclusion at a T-junction. The access would then run in an east/west direction, with an informal 'square' at the end of the eastern spur.
- 5.6.5 This layout has been assessed and is considered to provide a safe passage through the site, as well as a safe entry and exit into the site.

- 5.6.6 The parking provision within the site has also been assessed, and no objections are raised. The majority of properties within the site have a minimum of two parking spaces, with only the smaller flats provided with one. As this is a site relatively divorced from the town centre, it is appropriate to provide a level of parking that reflects this. I consider the parking provision proposed is of an acceptable level that would not result in any highway safety issue.
- 5.6.7 There would also be a small number of visitor parking spaces within the site which would help to address the matter of on street parking. However, some on-street parking would still be likely to take place within the site; I am of the view that this would not give rise to any highway safety concern, as speeds throughout the site would be low.
- 5.6.8 The applicant is required to provide a new crossing adjacent to the south east corner of the site, to link in with the Langley Park site. This should be a controlled crossing, and should be provided prior to the completion of the school on this aforementioned site. This would ensure that the school, and commercial provision required on this site, can be safely accessed by the future residents of any development to the north of the A274.
- 5.6.9 I am therefore of the view that the proposal would address the infrastructure required to make the development acceptable, both in terms of highway impact, but also in terms of sustainability. The parking provision is also acceptable, and as such, I raise no objections to the proposal on highway safety grounds.

5.7 Landscaping

- 5.7.1 There are a number of trees within the site that are subject of a Tree Preservation Order (36 of 1981) and the applicants have been advised to design a layout that would see the retention of these trees, and use them as focal points within the development. As such, the layout has been in part pushed back from the highway, and an open area proposed that would see the retention of the trees, which would be overlooked by a number of residential properties. I consider that this element of the proposal works well.
- 5.7.2 The Landscape Officer has requested that the landscaping provision responds to the proposal on the adjacent site, in its design, and the species proposed. Whilst this wish is understood, due to the change in character, caused by the position of the existing trees, I am of the view that the approach undertaken by the applicant is the correct one. The 'Bellway' scheme to the west would see the provision of tree planting along the frontage with the A274 in a regular manner – to create a vertical emphasis, and to indicate to motorists to reduce their speeds as there are houses, and thus residents nearby. This proposal would see a more informal landscaping proposal, however, this is a landscape led approach as the

existing trees are required to be retained. Whilst this would not provide for a continuous frontage along the A274, I am of the view that this would not be to the detriment of the character and appearance of the locality. I consider the retention of the trees to be of the utmost importance on this site.

- 5.7.3 Internally, the site would be provided with a good level of soft landscaping, with a high number of street trees proposed, and a number of properties provided with hedges to their frontages. Whilst a relatively dense scheme, the rear gardens are all considered to be of an acceptable size.
- 5.7.4 I have suggest a condition that would require the provision of long grass and wild flower mix planting within the large areas of open space, as well as along the tree belts. This is to enhance biodiversity where possible, and to create a layered planting provision. I am of the view that the landscaping masterplan is of a suitable standard, and should inform the details to be submitted as part of any condition discharged.
- 5.7.5 I am therefore satisfied that the landscape provision within the application site is acceptable, and will contribute to delivering a high standard of design quality within the application site.

5.8 S106 Contributions

- 5.8.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 5.8.2 As Members are aware, the Council has an adopted DPD which addresses the matter of affordable housing within the Borough. This requires that a 40% affordable housing provision be made on developments of 15 units or more. The Council have however 'banked' policies for the purposes of Development Management on the strategic sites. Policy SS2b relates specifically to Land to the North of Sutton Road, and requires that the level of affordable housing be provided in accordance with the Local Plan target, as detailed in Policy CS10. However, this policy (CS10) was not adopted for the purposes of Development Management and as such has less weight.

- 5.8.3 The level of affordable housing to be sought is therefore 30% of the overall provision. To my mind, this is a strategic site, which its own policy, which needs to be given weight. Whilst the Local Plan proposal in terms of affordable housing provision has yet to be adopted for the purposes of Development Management, I am of the view that this development will provide for a significant proportion of the Council's strategic provision and as such should accord with the requirements of this strategic vision as much as it can. Whilst no viability appraisal has been submitted, I am also mindful of the necessity for significant levels of contributions to be made with regards to the highways infrastructure in order for this site to be acceptable – a cost that it not borne by other developments (of a smaller scale) within the Borough. Whilst a departure from the Development Plan, I am of the view that in this instance there are material considerations that indicate that this is acceptable.
- 5.8.4 At present, this site together with the 'Bellway' site to the west of this application site (planning application MA/13/0951) and the Langley Park site (MA/13/1149) would see the provision of a total of (approximately) 886 dwellings, and KCC have indicated that this would necessitate the construction of a new primary school, as those within the vicinity could not be expanded to the extent required to address this additional strain. An area of land within the Langley Park site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction.
- 5.8.5 In order to ensure that this school could be delivered, it would be necessary for contributions of £14,280 per pupil together with the associated costs of purchasing the land. As stated, KCC Education consider it necessary to seek the provision of this school in order to accommodate the additional pupil numbers, and this is borne out by the fact that it is included within the emerging Local Plan Policy. Education provision is a strong material consideration with regards to the provision of community facilities, and the creation of good development. I therefore consider that this element of the proposal does meet the tests as set out above.
- 5.8.6 Clearly there is a direct interrelationship between this site and the two aforementioned sites to the south and to the north of the A274 in terms of delivery. Of particular importance is understanding the necessary trigger point to see the delivery of the school. KCC have indicated that the school would be necessary once the 350th dwelling (across the three sites) has been delivered. As such, any S106 legal agreement would need to be cross referenced with these

sites, in order to ensure that this would be delivered at the suitable point in time.

- 5.8.7 The school currently forms part of the outline element of the planning application (MA/13/1149), and as such, permission would need to be sought for its delivery. This time would need to be factored in to the delivery of the school.
- 5.8.8 Kent County Council have also requested that other contributions be made towards libraries, youth and communities and adult education. These contributions are considered to have been fully justified, and are related to the scale of development proposed. I therefore consider that they are in accordance the aforementioned regulations.
- 5.8.9 Significant contributions are also required with regards to the provision of an additional lane for vehicular traffic, which would also have bus prioritisation measures during the busiest period for inbound traffic (7.30am – 9.30am). The cost of such a provision has been provided, which demonstrates that a figure of £3,000 per residential unit would be required to fund this new provision. As has been set out within the submitted transport assessment, the A274 would exceed capacity without such provision. I also note that the existing local plan allocation requires improvements to this busy transport corridor. I am therefore satisfied that this is a necessary requirement of this development, and is directly related, and of a scale commensurate to the proposal.
- 5.8.10 Contributions would also be sought from any development to the south, and to the north of the Sutton Road (including applications MA/13/0951 and MA/13/1149) for the same figure. In order to ensure that this is delivered in good time, I would require the payment for this additional lane to be provided at the completion of the 350th dwelling across all three sites (in the same vein as the school would be required).
- 5.8.11 In addition, contributions of £300 per dwelling are required for improvements to the Willington Street junction. Again, as this junction would exceed its capacity should these developments be constructed, then there is a requirement for the work to be undertaken. Again, I consider that it would be prudent to request this money at the completion of the 350th dwelling (again across the three sites) in order that the works can be undertaken in good time for the remainder of the development.
- 5.8.12 Significant discussion have been held with the NHS with regards to the provision of contributions towards additional health services within the vicinity of the site – as no new provision is required on site. The NHS have indicated that the existing provision within the locality can be expanded to accommodate this growth. As such, contributions are sought, with extensive negotiations having taken place

between Maidstone BC, the applicant and the NHS to agree suitable provision. It has now been agreed that a figure of £73,656.00 be provided from the development. It is proposed that this money be spent within surgeries within the locality, which include Wallis Avenue surgery, Orchard Langley surgery, The Mote practice, and Cobtree surgery. All of these surgeries are within a two mile radius of the application site. I consider that this request meets the specific tests set out above.

5.8.13 Much of the provision of parks and open space is to be on site. The Council are satisfied that the play space within the development would be sufficient to address the needs of the residents. However, as no on-site provision has been made with regards to sport, contributions of £40,000 are requested to enhance the facilities within the nearest available sports pitches/facility. These are located within the Parkwood estate, and as such the money should be spent at this location. I consider that this request for contributions meets the tests of the CIL Regulations, and as such, require this to form part of the S106 agreement.

5.8.14 As the play area would straddle this site and the adjacent site, I consider it necessary for this element of the proposal to form part of a S106 legal agreement. This legal would then be signed by both parties to ensure that the equipped play area was provided in accordance with the approved details (as required by condition) by either one or both interested parties. Again, I consider this request to meet the tests set out above.

5.8.15 It is proposed that a new pedestrian crossing be provided on the A274 linking this site with the site at Langley Park. This has been requested as it is proposed to locate the school, and the commercial units on this site to the south, and as such, safe pedestrian links are considered key. However, it is my opinion that the cost of such a provision should be shared between the applicants of this site, and the site to the west ('Bellway') as residents of both sites would utilise this crossing. As such, this provision will be required to form part of the S106 legal agreement. I am of the view that this should be provided prior to the first use of the school, or commercial centre – whichever is delivered first.

5.8.16 I consider that the contributions sought would ensure that the provision of contributions and facilities would accommodate the impact made by the proposal upon existing infrastructure. I am therefore raise no objection to this element of the proposal.

5.9 Ecology

5.9.1 Concern was raised with regards to the initial ecological report which stated that Grayling butterflies were identified within the site. This has since been confirmed as an error, as none were located within the site. Indeed, there has been

significant dialogue between the applicants and Kent County Council Ecology on this site, and it has now been agreed that suitable mitigation has been proposed. However, in order to ensure that this is delivered, it is recommended that a condition be imposed that would require the development to be carried out in accordance with the measures proposed within the submitted ecological report.

6. CONCLUSION

- 6.1 This is a site that has been allocated for housing provision since 2000. However, due to the moratorium on greenfield sites it has seen applications submitted and refused in the past. However, the moratorium has now been lifted, and on this basis, the Development Plan identifies this site as suitable for housing provision. The site is also a site proposed for housing provision within the emerging Maidstone Local Plan. As such this proposal accords with the Development Plan. The proposal would provide much needed housing, within an acceptable, and sustainable location.
- 6.2 The design of the proposal is considered to be of a high quality, both in terms of the layout of the development, and the individual buildings. Likewise, the landscaping provision within the development would create an attractive environment for future occupiers.
- 6.3 The applicants are making significant contributions to infrastructure, both on site, and within the locality – in particular, contributions towards the additional highway works that would be required to take place along the A274 and A229, and the provision of a new school and community hall within the adjacent application site.
- 6.4 Clearly, as the Council does not currently have a five year housing supply, this proposal would contribute towards meeting the shortfall. This is a strong material consideration in the determination of this application, and should be given significant weight accordingly.
- 6.5 This is a proposal that would deliver a high quality development that would also provide significant (and necessary) infrastructure, and open space. It is also in accordance with the Development Plan. The material considerations are such that I recommend that Members give delegated powers to grant, subject to the receipt of a suitable S106 legal agreement, which should address the matters set out below.

7. RECOMMENDATION

Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:

- The provision of a minimum of 30% affordable housing;
- Contributions of £3000 per residential unit for the provision of a bus lane/additional lane for vehicular traffic;
- Contributions of £300 per residential unit for enhancements of the Willington Street junction;
- Contributions of £73,656.00 towards improvements to health care provision within the locality;
- Contributions for primary education of £14,285 per pupil*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the (cumulative) 350th dwelling of this site and the sites to the south and north of Sutton Road (MA/13/0951 and MA/13/1149).
- Contributions towards the land acquisition costs for the primary school on the land at Langley Park.
- Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
- Contributions for additional book stock within local libraries - £128.44 per dwelling.
- Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
- Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
- Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- Contributions towards the provision of a community facility on the Langley Park site.
- The provision of an equipped play area that straddles this application site and that of the 'Bellway' site (MA/13/0951).
- The provision of a pedestrian controlled crossing between the application site and the Langley Park site. This should be provided prior to the first occupation of the proposed school, or commercial area – whichever is delivered first. The cost of this provision shall be split equitably between the applicants of this site, and the applicants of MA/13/0951.

**Based on the following formula:*

$$\text{Pupil Yield} = (AxB) + (CxD)$$

Where:

A is the number of houses

B is the relevant multiplier being 0.28

C is the number of flats

D is the relevant multiplier being 0.07

1. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

i) Details of the roof overhangs and eaves.

ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).

iii) Details of the junction of the timber boarding and the brickwork.

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

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area.

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

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

3. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted 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.

4. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling along the point of access) 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 buildings 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.

5. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

6. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity.

7. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

8. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

9. 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 setting and external appearance to the development.

10. No development shall take place 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:

- The retention of existing tree lines along the eastern and southern boundary, and enhancements to the boundary where necessary;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and within the area of open space within the southern part of the site;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity.

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area.

12. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

13. 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.

14. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

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

Reason: To prevent light pollution in the interests of the character and amenity of the area.

16. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies

and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

17. 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.

Reasons: To protect vulnerable groundwater resources.

18. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

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

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

Reason: To secure a high standard of design.

20. No development shall take place until a sample panel of the ragstone wall, and brickwork has been constructed on site, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on site.

Reason: To ensure a high quality design.

21. No development shall take place 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 having regard to the topography of the site.

22. No development shall take place until the applicant has secured and had implemented 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 enable the recording of any items of historical or archaeological interest.

23. No development shall take place until precise details of the proposed water bodies have been submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of shallow areas, and deeper, cooler areas, as well as the planting regime for the pond.

Reason: In the interests of biodiversity.

24. No development shall take place until precise details of the SUDs system has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable design.

25. The details of the landscaping of the site required to be submitted by Condition 10 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details.

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

26. There shall be no occupation of the development hereby permitted until the provision of right hand ghost lane at the point of access from the Sutton Road (A274) has been provided. Full details of the proposed ghost lane shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

27. The development shall be carried out in accordance with the recommendations of the submitted ecological report.

Reason: To ensure the impact of the development is suitably mitigated.

28. The development shall be carried out in accordance with the submitted travel plan.

Reason: To ensure that the proposal is delivered in a sustainable manner, and to reduce the impact upon air quality.

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorscheme.org.uk

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the emerging Maidstone Local Plan, and there are no overriding material considerations to indicate a refusal of planning consent. The proposal does not however comply with the Affordable Housing DPD (which forms part of the Development Plan) however it is considered that in this instance this is considered to be acceptable by virtue of the policies within the emerging Local Plan.

200

11.05.2012

201



202

11.05.2012

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – (16th JANUARY 2014)**

APPEAL DECISIONS:

- 1. – MA/13/0017** Demolition of two storey extension and erection of three storey extension, alterations and earthworks to existing ground levels to provide 8No. flats and 4No. office/retail units, and erection of new building to provide 10No. flats as shown on the block plan and drawing numbers 399-04 rev C, 399-05 and 399-06, supported by a design and access statement, received 4th January 2013; heritage statement received 29th January 2013; site location plan, drawing numbers 399-01 rev E, 399-07 rev A and 399-08 rev A, and topographical survey sheets 1 of 2 and 2 of 2 received 27th February 2013; Phase 1 Habitat Survey received 21st March 2013; and Arboricultural Development Report and Tree Protection Plan received 5th April 2013.

APPEAL: Dismissed

LENWORTH HOUSE, ASHFORD ROAD, MAIDSTONE,
KENT

(Delegated Powers)

- 2. – MA/13/0094-** An application for a certificate of lawfulness of proposed use or development being the erection of single storey side and rear extensions; the installation of solar panels; and the erection of two detached ancillary buildings within the curtilage of Millfield House.

APPEAL: DISMISSED

MILLFIELD HOUSE, HEADCORN ROAD,
STAPLEHURST, TONBRIDGE, KENT, TN12 0BU

(DELEGATED POWERS)

3. - MA/13/0886 Demolition of 41 & 56 Valley Drive and the erection of 7No. detached houses with garaging/parking, gated private access road with a dropped kerb access to plot 1 via private drive; and site landscaping as shown on drawing numbers PL-A rev B, PL-B rev B, PL-C, PL-DG, PL-E, PL-F rev D, PL-G rev B, PL-H rev A, PL-VM-01, PL-VM-02, PL-VM-04 rev D, PL-VM-05 rev B, PL-VM-600 rev C, PL-VM-D001, 2047/13/B/1, and Southern Water Sewer Records Plan page 1 of 2, supported by a design and access statement, External Finishes Schedule, and Assessment of Access Road Noise all received 17th May 2013, Arboricultural Implications Assessment received 21st May 2013, and Ecological Survey received 28th May 2013.

APPEAL: Dismissed

41 & 56 Valley Drive, Loose, Maidstone, Kent

(Delegated Powers)