

14/0566

Amendment to Heads of Terms

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

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

Amended Condition

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

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

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

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

Coxheath Parish Council

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

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

Officer Comment

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

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

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

Suggested wording is:

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

Further comments outline that,

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

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

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

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

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

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

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

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

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

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

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

Representation

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

Officer Comment

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

RECOMMENDATION

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

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

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

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

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