

## REPORT SUMMARY

<b>REFERENCE NO:</b> MA/14/0566			
<b>APPLICATION PROPOSAL:</b> Outline application for a mixed use development comprising up to 72 dwellings, up to 43 extra care apartments and provision of land for open space/community use with associated access and parking with access considered at this stage and all other matters reserved for future consideration.			
<b>ADDRESS:</b> LAND SOUTH OF, HEATH ROAD, COXHEATH, MAIDSTONE			
<b>RECOMMENDATION:</b> DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS AND LEGAL AGREEMENT			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>To seek Members agreement to amend S106 contributions and condition 1.</li> </ul>			
<b>WARD</b> Coxheath and Hunton	<b>PARISH COUNCIL</b> Coxheath	<b>APPLICANT:</b> Hillreed Homes <b>AGENT:</b> Hume Planning Consultancy Ltd.	
<b>DECISION DUE DATE:</b> 28/11/14	<b>PUBLICITY EXPIRY DATE</b> 23/09/14	<b>OFFICER SITE VISIT DATE</b> 15/04/14 & 20/10/14	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/10/1087	Erection of polytunnels for growth & production of strawberries & raspberries, the use of land for seasonal storage of caravans when not occupied for agricultural workers use and the construction of an earth bund	APPROVED	20/12/10
73/0329/MK3	Outline application for residential development	REFUSED & DISMISSED	01/11/74
71/0036/MK3	The erection of dwellings	REFUSED	17/06/71
67/0173/MK3	Residential development	REFUSED	07/09/67
60/0191/MK3	Outline for residential development	REFUSED	14/11/60
71/0036/MK3	The erection of dwellings	REFUSED	17/06/71

### 1.0 BACKGROUND

- 1.01 This application is an outline application for a mixed use development comprising up to 72 dwellings, up to 43 extra care apartments and provision of land for open space/community use with associated access and parking, with access considered at

this stage and all other matters reserved for future consideration, at land south of, Heath Road, Coxheath, Maidstone.

1.02 This application was heard at the Planning Committee on 5<sup>th</sup> February 2015. Members resolved to give Delegated Powers to approve the development subject to conditions and the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- *The provision of 40% affordable residential units within the application site of which a proportion shall be for local needs housing;*
- *A contribution for Kent County Council towards the expansion of education provision at Coxheath Primary School if deemed feasible (the amount to be finalised by the Head of Planning and Development acting under delegated powers) OR, if the amount is not finalised within 6 weeks, a contribution of £4,000 per applicable house towards the construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs;*
- *A contribution for Kent County Council of £2,359.80 per applicable house towards secondary education provision in Maidstone;*
- *A contribution for Kent County Council of £30.70 per applicable house 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;*
- *A contribution for Kent County Council of £8.44 per applicable house to be used to address the demand from the development towards youth services locally;*
- *A contribution for Kent County Council of £16.28 per household to be used to address the demand from the development towards additional book stock and services at local libraries serving the development;*
- *A contribution for Kent County Council of £15.94 per applicable house to address the demand from the development for social services to be used 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;*
- *A contribution for NHS Property Services of £93,384 towards the extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery;*
- *A contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development (the amount to be finalised by the Head of Planning and Development acting under delegated powers); and*
- *A contribution towards off-site public open space (the amount to be finalised by the Head of Planning and Development acting under delegated powers) and the provision of on-site open space OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces local to the proposal site.*

1.03 The committee report and urgent updates are attached at the **Appendix** to this report.

## **2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE**

- 2.01 Work has been progressing on the s106 and it has come to light that the request made by the NHS was incorrect. The NHS' practice is not to seek contributions against affordable housing, this being something they have historically done, and something the Borough Council has accepted. The NHS request on this application did not discount the affordable housing and they have confirmed that it was incorrect and an error had been made on their part.
- 2.02 The amended request seeks £57,168 towards the extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery, as opposed to £93,384 originally requested.
- 2.03 Therefore the agreement of Members is sought for amendment of this contribution.

## **3.0 OTHER MATTERS**

- 3.01 Since the resolution by Members, KCC have investigated the feasibility of providing additional education facilities at Coxheath Primary School as was requested by MBC. KCC have concluded that it is both feasible and appropriate for additional facilities to be provided at the school. This can be provided in the form of a modular building which would contain two classrooms, toilets and associated storage space. The school currently has the physical capacity to accommodate 360 pupils in its current configuration; the introduction of two additional classrooms and the underlying infrastructure required such as ICT connectivity will enable the school to suitably accommodate 420 pupils in the future i.e. 2 classes in each year group. The location within the site has been identified and agreed with the school.
- 3.02 KCC therefore amends the requested contribution from this site to £2,360.96 per applicable house. There is no requirement for additional land acquisition at Coxheath Primary School.
- 3.03 In terms of the remaining contributions previously agreed, Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010). It is therefore necessary to review all the contributions in light of this.
- 3.02 KCC have reassessed their requests in light of Section 123 of the CIL Regulations (in terms of pooling of 5 obligations) and as a result they are no longer seeking a contribution towards adult education (£2,210) and social services (£1,147). The remaining requests are considered to pass the CIL tests.
- 3.03 MBC Parks & Open Spaces Department have confirmed that there have not been 5 pooled contributions since April 2010 towards Stockett Lane Recreation Ground and so it passes the CIL tests. (The specific reference to the recreation ground has been added to the heads of terms)
- 3.04 In terms of the Highways contribution to Linton Crossroads, this is the first contribution to that project and so it passes the CIL tests.
- 3.05 The NHS have confirmed that they have only secured one healthcare contribution towards improvements at Orchard Coxheath and Stockett Lane Surgeries since 2010 and so the request passes the CIL tests.

- 3.06 The applicant has sought an amendment to condition 1 (the time limit for reserved matters and implementation). The current condition seeks reserved matters within 1 year in order to speed up the delivery of the development to provide much needed housing in line with the aims of the NPPF. The applicant is seeking an amendment to 2 years. The applicant has stated that details of the housing element can be provided within the 1 year timeframe, however, there are concerns with meeting this deadline for the extra care element of the proposals. This is because Persimmon Homes (the applicant) do not build and run their own extra care accommodation and have to go to an external provider to build this part of the proposals, who would have to prepare a reserved matters application for that element. They consider this could take longer and so seek 2 years as opposed to 1 year.
- 3.07 I consider that an additional year is reasonable in this case to allow more flexibility, and note this is still less than the standard 3 years. I therefore recommend condition 1 is amended as set out below in the recommendation.

#### **4.0 RECOMMENDATION**

The amended recommendation in light of the changes to the Heads of Terms for the contributions are set out below. Amended condition 1 and the previously agreed conditions are also set out below for clarity.

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;*
- *A contribution for Kent County Council of £2,360.96 per applicable house towards the expansion of education provision at Coxheath Primary School;*
- *A contribution for Kent County Council of £2,359.80 per applicable house towards the expansion of Cornwallis School.*
- *A contribution for Kent County Council of £607.85 to be used to address the demand from the development towards youth equipment (supplied centrally to Infozone Youth Hub for distribution and use by Youth services locally in Coxheath);*
- *A contribution for Kent County Council of £1172.17 to be used to address the demand from the development towards book stock for the new residents at Coxheath library;*
- *A contribution for NHS Property Services of £57,168 towards the extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery;*
- *A contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development (the amount to be finalised by the Head of Planning and Development acting under delegated powers); and*

- *A contribution towards improvement, maintenance, repair and renewal of the open space and play facilities at Stockett Lane Recreation Ground (the amount to be finalised by the Head of Planning and Development acting under delegated powers) and the provision of on-site open space OR a contribution of £1,575 per dwelling towards improvement, maintenance, repair and renewal of the open space and play facilities at Stockett Lane Recreation Ground.*

THE HEAD OF PLANNING AND DEVELOPMENT BE DELEGATED POWERS TO GRANT PLANNING PERMISSION SUBJECT TO THE IMPOSITION OF THE CONDITIONS SET OUT BELOW:

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

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two 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 there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include the following details:

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

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

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

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

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

- i) Description and evaluation of features to be managed;
- ii) Ecological trends and constraints on the site that might influence management;
- iii) Aims and objectives of management;
- iv) Appropriate management options for achieving aims and objectives;
- v) Prescriptions for management actions;
- vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii) Details of the body or organisation responsible for implementation of the plan;

## Planning Committee Report

- 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 17<sup>th</sup> 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.

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

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

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

Reason: To ensure a satisfactory appearance to the development.

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

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

7. The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

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

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

## Planning Committee Report

9. The development shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  - 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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

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

Reason: In the interests of pollution prevention.

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

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

Reason: In the interest of residential amenity

12. The development shall not commence until details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection have been submitted to and approved in writing by the Local Planning. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant

## Planning Committee Report

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

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

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

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

14. The development shall not commence until details of foul water drainage, which shall include details of on-site drainage and off-site improvements to the local network, have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved details shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

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

Reason: In the interests of road safety.

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

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

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

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

Reason: In the interests of biodiversity protection.

19. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No



## Planning Committee Report

dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 4 has been achieved.

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

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

(i) Retention of the frontage hedge line along the northern boundary of the site with Heath Road.

(ii) Retention and strengthening of the tree line along the eastern boundary of the site with the access to Clockhouse Farm.

(iii) Retention of the hedge lines along the western and northwestern boundaries of the site.

(iv) Incorporation of the hedge line within the site that runs from north to south into the layout where appropriate.

Reason: To ensure a satisfactory appearance and setting to the development and to maintain the character of Coxheath.

21. The details of scale as required under condition 1 shall show no buildings over a height of 2.5 storeys (any third floor to be within the roof space). The details of layout as required under condition 1 shall show no 2.5 storey buildings within 25 meters of Heath Road.

Reasons: To ensure a satisfactory appearance to the development.

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

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

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

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

Reason: For the purposes of clarity and highway safety.

Case Officer: Richard Timms

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.