

Additional representations:

An additional representation has been received from KCC Highway Services, which has amended the county request for contributions towards transport infrastructure as follows:

*"I write with regard to the resolution of the Maidstone Borough Council Planning Committee on 27th November 2014 that the Head of Planning and Development be given delegated powers to explore whether it would be appropriate for a Section 106 contribution to be sought for cycle lane provision.*

*This matter has been given further consideration by KCC Highways in light of the Maidstone Joint Transportation Board meeting on 22nd July 2015, where a report was presented on behalf of the KCC Head of Transportation regarding a community request for improved pedestrian crossing facilities at the Hermitage Lane/Fountain Lane junction. The improvement will require the existing obsolete traffic signal controller to be replaced and upgraded in order for such facilities to be provided. No funding is currently available to implement this improvement. The proposed development will generate some additional demand for pedestrian crossing movements at this location. It will also generate traffic movements that heighten the need for the dedicated crossing facilities. It is therefore considered to be more appropriate for the Section 106 contribution to be directed towards this locally important improvement.*

*The cost of the junction upgrade has been estimated to be £70,000. A contribution of £406 per unit would, in conjunction with equivalent contributions from other potential developments in the local area, be sufficient to meet the estimated cost of implementation. It is therefore recommended that this is included in the S106 Heads of Terms."*

This project has been put before the Council under the scope of the Joint Transportation Board since the time of the original resolution, and represents a new material consideration in the determination of the application. The request has been scrutinised and found to be compliant with the CIL Regulations, in being necessary, reasonably related and proportionate to the proposed development, and not to fall foul of the pooling restriction on contributions. However, as the anticipated final cost of the scheme and the number of dwellings contributing is not known for certain at the current time, the exact contribution is to be arrived at under delegated powers.

In light of the compliance of the request with the CIL Regulations, and the reduction/removal of other contributions originally sought (including those towards the improvement of the A20/Coldharbour Lane junction), the applicant has agreed in principle to the inclusion of the request within the Heads of Terms (final sum to be agreed under delegated powers).

In addition, it has come to light that the sum requested in respect of Parks and Open Spaces is incorrect; this should read £428.12 per dwelling.

I therefore propose to amend the resolution (as italicised) as follows:

SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:

- The provision of 40% percent affordable residential units within the application site; and
- A contribution of £4,000 per 'applicable' house and £1,000 per 'applicable' flat towards the build cost of phase two of the Hermitage Lane Primary School; and
- A contribution of a MAXIMUM of £2,701.63 per 'applicable' house and £675.41 per 'applicable' flat (to be reduced if appropriate in accordance with the actual price paid by Kent County Council for the Hermitage Lane site) towards the land acquisition costs of the Hermitage Lane Primary School; and
- Contribution of £48.02 per dwelling to be used to address the demand from the development towards additional bookstock and services at Maidstone library; and
- Contribution of £30.70 per dwelling to be used to address the demand from the development towards new IT equipment at the St Faiths Adult Education Centre; and
- Contribution of £8.44 per dwelling to be used to address the demand from the development towards equipment and services at Maidstone for youth workers and groups local to the development; and
- Contribution of £67,392 towards the improvement (refurbishment and reconfiguration) of healthcare facilities at Barming Medical Practice ; and
- Contribution of £400 per dwelling towards offsite highway works for improvement works to the A26/Fountain Lane; and
- Contribution of £86 per dwelling towards offsite highway works for improvement works to junction 5 of the M20; and
- *Contribution towards offsite highway works for improvements to pedestrian crossing provision at the junction of Hermitage Lane/Fountain Lane/Heath Road (sum to be decided under delegated powers); and*
- Contribution of £428.12 per dwelling towards the improvement and maintenance of open space within 1km of the application site, or offset against the complementary enhancement of the unmade section of Oakapple Lane, retaining the features that are integral to its character, to provide a secondary access, used by emergency vehicles, pedestrians and cyclists (to be negotiated by the Head of Planning under delegated powers).

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

(conditions as per main papers)

Recommendation:

My recommendation remains unchanged, subject to the amendment to the Heads of Terms, as set out above.