

REPORT SUMMARY

REFERENCE NO - 12/0986		
APPLICATION PROPOSAL Outline application for residential development for up to 112 dwellings with associated development, including demolition of existing dwellings/police building in Weald Close with all matters reserved for future consideration.		
ADDRESS Land Rear Of Police Headquarters, Sutton Road, Maidstone, Kent		
RECOMMENDATION Amend S106 contributions and conditions as set out in report		
REASON FOR REFERRAL TO COMMITTEE To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought and make minor amendments to conditions.		
WARD Shepway South Ward	PARISH/TOWN Maidstone	COUNCIL Kent Police Authority AGENT DHA Planning
DECISION DUE DATE 20/01/14	PUBLICITY EXPIRY DATE 20/01/14	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/12/0987 Land to rear of Kent Police Training School off St Saviours Road, Maidstone – outline application for a residential development of up to 90 dwellings with associated development with all matters reserved for future consideration – currently under consideration, and included separately on this agenda

MA11/0234 An application for a screening opinion for a residential development comprising up to 115 dwellings – environmental statement is not required

MAIN REPORT

1.0 BACKGROUND

1.1 The current outline proposal for the erection of up to 112 dwellings was reported to the Planning Committee meeting on 16th October 2014. Members resolved to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement. The agreed heads of terms for the legal agreement as recorded in the committee minutes were as follows:

- The provision of 40% affordable residential units within the application site; and

- A contribution of up to £3,00.00 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions; and
- A contribution of £4,000.00 per 'applicable' house and £1,000.00 per applicable flat towards the build cost, and £2,701.63 per applicable house and £675.41 per applicable flats towards land costs, of the construction of a new primary school; and
- A contribution of £2,359.80 per 'applicable' house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone; and
- A contribution of £1,575.00 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Mote Park Adventure Zone; and
- A contribution of £56,440 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and the Vine Surgery all of which are within 2 miles of the site; and
- A contribution of £145.73 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
- A contribution of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone; and
- A contribution of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area; and
- A contribution of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible.

1.2 The earlier committee report, urgent update to the committee report and relevant minutes are attached as Appendix A to this report.

2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE

2.1 As Members will be aware, section 123 of the Community Infrastructure Levy (CIL) Regulations were amended on 6th April 2015.

2.2 Prior to the 6th April 2015 all contributions within a s106 agreement, had to be tested under the terms of section 122 of the CIL Regulations in respect of being necessary to make the application acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

2.3 Since 6th April 2015, section 123 of the CIL Regulations additionally requires that all contributions being sought by way of s106 agreements should relate to the funding or provision of an infrastructure project or type of infrastructure, and that no more than five separate planning obligations (calculated back to April 2010) can contribute towards the funding or provision of a project or type of infrastructure (“the pooling restriction”). As such, the scope of contributions that can be sought in respect of new development is restricted. Affordable housing is excluded from the pooling restriction on contributions.

2.4 A number of minor changes to the approved planning conditions are also proposed.

3.0 MATTERS RELATING TO THE COMING INTO EFFECT OF THE CIL REGS

3.1 In the circumstances of this case, the amendment of s123 directly effects and changes the Heads of Terms of the s106 agreement in respect of the quantum of contributions requested in respect of libraries. Kent County Council has reassessed its requests in light of the amendment to the CIL Regulations and this contribution has accordingly been reduced to £48.02 per dwelling. It has been specified that this money will be used to fund additional library stock at Shepway Library.

3.2 Further clarification of the projects to which the monies would contribute has been received in relation to primary and secondary school education; parks and open spaces; health services; libraries; community services; youth services; and adult social services.

3.3 Kent County Council have also provided further details of the projects to which contributions would be made in respect of primary and secondary education (Langley Park Phase 1 and Cornwallis Secondary School, respectively); community services (purpose built work areas and equipment for the St Faiths jewellery studio); youth services (equipment at Fusion Café, Parkwood); and adult social services (an adult changing place facility in central Maidstone), confirming that these requests satisfy the tests in relation to pooling set out in S123 of the CIL Regulations.

3.4 The county contributions (as amended in relation to the sum sought towards library services) are therefore now considered to be in compliance with the CIL Regulations and remain in place.

3.5 Policy T2 of the Maidstone Borough Wide Local Plan 2000 seeks improvements to Bus and Hackney Carriage Corridor access along Sutton Road. As discussed at the previous Planning Committee, monies have been secured through other routes towards such works and Kent County Council no longer consider that the provision of a bus lane is an appropriate solution and would not seek to request further contributions in this respect. Alternative measures to relieve highway pressures are considered as more effective solutions. As such Kent County Council have confirmed that the contribution sought in relation to highway improvements would remain unchanged (£3,000 per dwelling) and the projects upon which the funds would be spent, namely highway capacity improvements at the Loose Road/Sutton Road junction.

3.6 In terms of healthcare provision, the NHS Property Services team have confirmed that the contribution would be a Phase 1 extension, refurbishment and improvement of the Mote Medical Practice. This request is considered to be CIL Regulation compliant.

- 3.7 The Heads of Terms as set out below have been amended in accordance with updates that have become available, including specific reference to the destination of the contributions, as set out in paragraphs 3.2 – 3.6 above.

4.0 AMENDMENTS TO CONDITIONS

- 4.1 As Councillors will be aware, the Ministerial Statement of 25th March 2015 precludes Local Planning Authorities from imposing conditions requiring compliance with technical housing standards in cases where there are no relevant existing policies, and withdrawing the Code for Sustainable Homes from the scope of planning control.
- 4.2 As such, conditions can no longer be imposed on planning permissions seeking compliance with the Code for Sustainable Homes and other technical housing standards, and these matters dealt with under Building Regulations. It is therefore proposed to delete condition 14.
- 4.3 It is also proposed to delete condition 12 (foul and surface drainage) due to duplication as these matters are dealt with more robustly under condition 6.
- 4.4 The deletion of two conditions (conditions 12 and 14) will result in the renumbering of subsequent conditions.
- 4.5 Minor rewording of conditions is also proposed in the case of conditions 9 (Great Crested Newt mitigation), 19 (visibility splays) and 22 (accesses) to refer to the appropriate documentation submitted in support of the application.
- 4.6 There are also a small number of very minor amendments to the precise wording of conditions to update them in respect of references to legislation and ensure consistency and best practice in drafting.

5.0 PROCEDURAL MATTERS

- 5.1 This planning application has been considered in the context of the Town and Country Planning (Consultation) (England) Direction 2009. It is considered that the neither the current or previous uses of the site would necessitate that application being referred to the Secretary of State.

6.0 RECOMMENDATION

- 6.1 The recommendation, as amended in respect of the Heads of Terms as described in full above, the deletion of conditions 12 and 14, and the re-numbering and/or amendment of conditions as appropriate for the reasons set out above, is set out in full below for the purposes of clarity.
- 6.2 **GRANT OUTLINE PLANNING PERMISSION subject to the following amended s106 heads of terms and amended planning conditions:**

s106 heads of terms

- The provision of 40% affordable residential units within the application site; and
- A contribution of £3000.00 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre), and approaches to the Town Centre Bridge gyratory traffic signal junctions.

- A contribution of £4,000.00 per applicable house and £1,000.00 per applicable flat towards the build cost, and £2701.63 per applicable house and £675.41 per applicable flats towards land costs, of the construction of a new primary school;
- A contribution of £2359.80 per applicable house and £589.95 per applicable flat towards the Phase 1 expansion of Cornwallis Academy
- A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock at Shepway Library; and
- A contribution of £30.70 per dwelling to be used to address the demand from the development towards community learning for adults through the funding for improvements to the St Faiths Jewellery Studio to provide purpose built work areas and equipment; and
- A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through the funding for equipment for the Fusion Café, Parkwood, Maidstone; and
- A contribution of £53.88 per dwelling to be used to address the demand from the development towards adult social services through funding for adult changing place facilities in Central Maidstone
- A contribution of £56,440 to be used to address the demand from the development towards healthcare provision through funding for the Phase 1 extension, refurbishment and improvement to Mote Medical Centre
- A contribution of £1,575.00 per dwelling towards improvements to Mangravel Recreation Ground; and

Planning conditions

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:- a) Layout, b) Scale; c) Appearance; d) Access; e) Landscaping. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development.

6. The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to, and approved in writing by, the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in strict accordance with the approved details before the development is completed;

Reason: To prevent the increased risk of flooding and to ensure the long term management/maintenance of the SUDS. This information is required prior to commencement to ensure that any necessary groundworks have been completed before other work starts.

7. The development shall not commence until details of foul water drainage, which shall include any necessary 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 and off-site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention. This information is required prior to commencement to ensure that any necessary groundworks have been completed before other work starts.

8. No part of the development shall be occupied until the following works have been constructed and completed:
 - i. The widening of Lansdowne Road to 5.5 metres in accordance with the transport assessment; and
 - ii. Controlled access restrictions at the Pested Bars Road private police access;

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

9. No development shall commence until a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development

during construction and when in occupation. The report should be submitted to, and approved in writing by, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details;

Reason: In the interests of air quality. This information is required prior to commencement to ensure that any impact on air quality during the construction phase is considered.

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

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record. This information is required prior to commencement to ensure that there is no damage through construction work to any archaeological remains on the site.

11. No part of the development shall be occupied until the sports pitches are laid out and available for use as shown on the layout plan.

Reason: In the interests of adequate sports provision.

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

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

INFORMATIVES

1. The applicant's attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
2. The applicant is advised to consider nearby residential occupiers when carrying out clearance work and burning of existing woodland or rubbish. Advice on minimising any potential nuisance is available from the Environmental Health Manager.
3. The applicant is advised to consider nearby residential occupiers when operating plant and machinery used for demolition and construction and it is suggested that

plant and machinery only be operated between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

4. The applicant is advised to consider nearby residential occupiers in terms of deliveries and it is suggested that deliveries are restricted so they only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
5. The applicant is advised to ensure that there is adequate and suitable provision of dust protection in the form of water sprays in order to reduce dust from the site.
6. The applicant is advised of legislation that relates to the control of asbestos that requires adequate and suitable measures to be in place so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
7. The applicant is advised that they will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to, and during the development.
8. The applicant is advised to contact the environment agency in the event that they wish to install direct discharge to groundwater, a controlled water. The applicant is advised of the requirement to maintain an unsaturated zone throughout the year between the base of soakaways and the water table.
9. The applicant is advised to build in on site renewable energy in to any subsequent reserved matters application(s) or application for full planning permission.

Case Officer: Nikolas Smith

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