

**Reference Number 15/505441**

**1) NHS reply**

NHS Property Services Ltd is now the body which will request Section 106 health care contributions on behalf of NHS England (Kent and Medway Area Team). Just as NHS West Kent had historically worked with Maidstone Borough Council our approach is the same in securing Section 106 (s106) healthcare contributions and working with our local partners on healthcare issues to ensure that healthcare provisions improve the health and wellbeing of our population.

NHS Property Services Ltd wishes to continue to apply for such assistance and a healthcare contribution is therefore requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government and the adopted Maidstone Borough Council development plans.

Inevitably, any increase in the local population has a knock-on effect in terms of health care and NHS Property Services Ltd would seek to apply this s106 contribution to meet these extra demands placed upon the local primary and community health service.

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:

- Lockmeadow Clinic
- The Vine Medical Centre
- College Practice

The above surgeries are within a 0.6 mile radius of the development at Tovil. 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.

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

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:

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
1.4	20	28	£10,080
2	53	106	£38,160
2.8	18	50.4	£18,144

NHS Property Services Ltd therefore seeks a healthcare contribution of £66,384, 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.

We do not have more than 5 pooled contributions for the sites listed above, therefore our request meets with CIL regulation.

**2) KCC highway comments on full application**

It is noted that this application seeks full planning permission for 108 residential units. It therefore differs from previous application MA/12/2022, which sought outline planning permission for 120 residential units on this site.

The application includes a Transport Assessment that has been informed by much of the work previously undertaken in support of MA/12/2022, which was the subject of extensive dialogue with KCC Highways.

I have the following comments to make with respect to highway matters:

**Existing Site Access**

Vehicular access to the site currently takes the form of a gated access road that is aligned at an acute angle to Straw Mill Hill, which it adjoins via a priority junction. The use of this junction is shared with an adjacent business.

The applicant is proposing to permanently close off the existing route of access. This will result in the existing priority junction being used solely by the adjacent business.

**Proposed Site Access**

A new replacement access to the site is proposed further to the south on Straw Mill Hill/Stockett Lane. This will take the form of a priority junction offset a short distance to the south of the nearby Kent Fire and Rescue Service entrance. The junction will serve the development access road and an adjacent footway/cycleway, which will also function as an emergency route of access.

Creation of the junction and its associated visibility splays will require sections of the existing stone retaining wall to be removed or relocated. On the basis of recorded speed survey data visibility splays of 2.4m x 37.5m (south) and 2.4m x 36m (north) are proposed in accordance with the methodology set out in KCC Interim Guidance Note 2. Although the survey data is several years old, its use is acceptable as traffic speeds are unlikely to have markedly increased at this location over the intervening period. The splay dimensions are therefore considered to be appropriate.

It should be noted that drawings showing swept path tracking of manoeuvres at the junction have been omitted from the Transport Assessment. These should be submitted to demonstrate that all vehicle manoeuvres can be accommodated.

In order to achieve connectivity to the existing footway provision on Straw Mill Hill, off-site highway works are proposed to the north of the new access. These involve the narrowing of the existing Straw Mill Hill carriageway to enable new sections of footway to be provided and create a one-way priority working, where southbound road users will be afforded priority of movement.

Pedestrians will need to cross the road at the narrowing in order to move between the new sections of footway.

The site access proposals, including the associated modifications to Straw Mill Hill, are consistent with those that were previously agreed in support of MA/12/2022. The Safety Audit undertaken in July 2012 appended to the Transport Assessment also continues to be valid. The proposals are therefore acceptable subject to the applicant entering into a Section 278 Agreement with the County Council to achieve their implementation.

### **Sustainable Travel**

KCC Highways are mindful that there is an extant planning permission (MA/01/0686) for residential development on adjacent land to the north west of the site which, if granted reserved matters approval, could facilitate alternative access via Dean Street. The proposals associated with MA/01/0686 do not make provision for an 'all-purpose' road connection between the sites but do identify interfaces for the movement of pedestrians, cyclists and emergency vehicles.

These interfaces have not been acknowledged in the proposed site layout, which shows a self-contained development with no route connections to the north-west. This is not acceptable in view of the current validity of the MA/01/0686 permission and the benefits that could be achieved by providing alternative routes for pedestrians/cyclists and a dedicated route of access for emergency vehicles. It is therefore requested that the site layout is amended to include linkages that are consistent with the approved MA/01/0686 proposal. In conjunction with the proposed footway arrangements on Straw Mill Hill, improvements to refurbish the existing footway between Farleigh Hill and Cave Hill were previously required in support of application MA/12/2022. The provision of raised kerbing and a shelter at the closest bus stop on Farleigh Hill (immediately north of the Straw Mill Hill junction) was also identified in relation to MA/12/2022. These improvements continue to be relevant to this proposal and should therefore form part of the Section 278 Agreement.

It is notable that a sizable proportion of the local bus services route via Tovil Green rather than Farleigh Hill. Accessing these services will involve longer walking distances from the site, although future connectivity via the MA/01/0686 site could achieve a more direct walking route to the bus stops on Burial Ground Lane. This reinforces the above requirement for linkages between the sites to be facilitated.

The Transport Assessment acknowledges that cycle provision in accordance with adopted standards will be required.

### **Trip Generation**

The trip generation forecasts in the Transport Assessment indicate that the proposed development will generate 456 trips per day, of which 44 will occur in the AM peak hour and 49 in the PM peak hour.

These are compared against the trip generation potential of the permitted B2/B8 site uses, which have been based on floor areas of 1,921 sq.m (B2) and 6,373 sq.m (B8). These permitted uses are estimated to generate 444 trips per day, of which 68 will occur in the AM peak hour and 45 in the PM peak hour.

The differential between the permitted and proposed land uses is an increase 12 trips per day, a decrease of 24 trips in the AM peak hour and an increase of 4 trips in the PM peak hour.

The assumptions underpinning the trip forecasts follow an identical methodology to that previously accepted in relation to MA/12/2022. The trip rates have also been updated to reflect the revised scale of proposed development. They therefore provide an appropriate basis for assessment.

It is notable that the proposed development is estimated to achieve a reduction of 76 HGV daily movements when compared against the permitted B2/B8 uses. This is beneficial to nearby local residents and other, more vulnerable, road users.

### **Traffic Impact**

The Transport Assessment assumes that the vast majority of development trips will route via the Straw Mill Hill/Farleigh Hill junction. This has ensured that the capacity assessment of the junction is sufficiently robust, given that it also accounts for traffic growth over the period to 2025 and approved residential development MA/01/0686 on the adjacent site.

The results of the capacity assessment demonstrate that the junction operation will satisfactorily accommodate the development traffic in the 2025 design year.

On a wider scale it is likely that many of the additional traffic movements will gravitate to/from the A229 corridor, given that this forms the nearest major road. KCC Highways has concerns regarding the cumulative effects of further traffic on congestion and delays to road users on this route. In this instance however, the Transport Assessment has demonstrated that the scale of any increase will be small and is therefore unlikely to exceed the variations in traffic volumes that occur on a day-to-day basis. The impact is not therefore regarded to be severe when viewed in the context of the current conditions.

The Transport Assessment has included an analysis of crash data on the road network local to the site over the three year period to 31/12/14. This has identified a cluster of three reported injury crashes at the Straw Mill Hill/Farleigh Hill junction. Two of the crashes were slight injury vehicle collisions with motorcyclists, whilst the other incident involved a collision where a vehicle had not been seen having turned around at the nearby Albert Reed Gardens junction.

On application MA/12/2022 KCC Highways has previously expressed concerns regarding the restricted visibility sightlines at this junction. The confined road layout, proximity of other side road junctions and pedestrian activity also contribute to road conditions that could be perceived as hazardous, although this is not substantiated by the crash data.

A requirement to reconfigure or upgrade the junction cannot be justified in view of this crash record and the modest change in road conditions arising as a direct consequence of the proposed development. It is recommended that the S278 Agreement includes a provision for road markings and/or coloured surfacing to be provided on the Farleigh Hill/Tovil Hill approaches that will encourage motorists to adopt caution in this area.

### **Car Parking**

The applicant has proposed a total of 118 car parking spaces. The rates of provision applied to the 2/3 bedroom houses fall below the minimum thresholds specified in Interim Guidance Note 3.

This results in a substantial shortfall when compared against the required minimum of 136 spaces (excluding visitor parking). The disposition of parking spaces also results in some apartment blocks having limited convenient provision, with blocks H and J at a particular disadvantage.

It is recommended that the layout proposals are reviewed and amended, with a view to achieving compliance with the residential parking standards and avoiding a situation where large amounts of on-street parking are prevalent. Waste collection arrangements should also be clarified.

Following any revisions, the road design and construction will need to be subject to a Section 38 Agreement to secure adoption as publicly maintainable highway.

### **3) KCC Highway comments on the revised Outline Application and Tovil Parish Council's representation**

It is noted that the application has been amended to seek outline permission for 108 residential units, with access to be considered in detail at this stage.

The comments previously submitted by KCC Highways on 11th September 2015 remain pertinent in respect of the site access, trip generation and traffic impact.

All works associated with the site access will require technical approval from this authority as part of a Section 278 Agreement. KCC Highways is satisfied that the swept path analysis previously submitted in relation to application MA/12/2022 supports the currently proposed site access design.

The upgrading of the bus stop on Farleigh Hill can be limited to the provision of bus boarders to assist passenger boarding and alighting, given that a bus shelter and timetable information are already available at this location.

Those issues previously raised by KCC Highways in relation to the site layout and car parking provision will need to be addressed as part of any future reserved matters application.

**KCC Highways has reviewed and noted the report on access and transport that has been submitted on behalf of Tovil Parish Council.**

### **Summary**

KCC Highways raise no objection to this outline planning application subject to a Section 278 Agreement to secure the requisite site access and footway works on Straw Mill Hill, the bus boarders at the Farleigh Hill bus stop and the provision of improvements to signing, road markings and kerbing at the Straw Mill Hill/Farleigh Lane junction.

### **4) KCC Sustainable Drainage Officer**

The application is accompanied by a Flood Risk Assessment prepared by RSK (June 2015) which describes a drainage strategy with attenuation on site and ultimate discharge to a surface water sewer system. It is assumed based on desk study that infiltration is not appropriate and is noted that pumping may be required.

We agree with the principle of the drainage strategy as presented but would recommend as detailed design is undertaken that further information is provided on the following:

1. The drainage strategy is based on an assumed 40% site coverage but must be confirmed. There is sufficient space within the development to accommodate any additional storage which may be required if this number is under-estimated so is assessed not to be critical or to impact drainage provision.
2. The topographical survey is not complete and will need to be extended to the outflow or connection point to the public sewer. Confirmation will be required from Southern Water as to acceptance of flows from the site prior to commencement. Pumping would not be a preferred solution but it is understood that given levels and site conditions this may not be avoided.
3. The drainage system is designed for the 1 in 30 year storm event with storage at surface of the 1 in 100 year surface water flows. Given the local topography, it is important that exceedance routes are demonstrated to the satisfaction of the LPA and LLFA prior to commencement.
4. Given that the site is significantly lower than the surrounding ground, it would be beneficial to confirm the likelihood of off-site flows entering into the "quarry" area. Mitigation may be required to intercept any off-site flows.
5. The drainage strategy proposed attenuation within the carriageway. This may impact any future highway adoption. Information must be submitted as to the intention for adoption and maintenance responsibilities.

This information can be conditioned for review and approval in later stages of planning.

As LLFA KCC have no objections to this proposal we would recommend that the:

Development shall not begin until a detailed surface water drainage scheme based on details provided within the Flood Risk Assessment (RSK June 2015) has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

### **Officer Response**

1- With respect to the NHS contribution sought it is considered that having regard to the viability of this development, the contribution asked for by NHS Properties cannot be secured in this instance.

2- With regard to highway improvement asked by KCC and the terms of the condition no 9. It is considered that in the light of the fact that bus shelter on Farleigh Hill has already been provided, this element of point (ii) of condition no 9 be deleted and condition no 9 to be replaced as follow:-

There shall be no occupation of the dwellings hereby permitted until the provision by way of a Section 278 Agreement between the applicant and Kent Country Council Highways, of the works identified in the application and agreed with the applicant and Highway Authorities until the following works have been constructed and completed.

i) The provision of the highway works and footpath on Straw Mill Hill as shown on drawing no. 21156B\_007 Rev A

ii) The provision of improvements to the existing bus stop in Farleigh Hill shall include the provision of bus boarders to assist passenger boarding and alighting.

iii) The provision of a junction warning sign on the northeast bound approach to Straw Mill Hill on Farleigh Hill together with a 'slow' carriage marking and amendment of the radius kerbing on the southwest side of this junction to bring the 'give way' line forward.

Reason: In the interests of highway and pedestrian safety.

The committee report has covered the other issues raised by the KCC Highway Officer.

3- Having regard to the comments received from the KCC sustainable Drainage Officer it is recommended that the following condition be added as condition no 23 to the Section 11.0, Recommendation of the report as condition no 23:-

Development shall not begin until a detailed surface water drainage scheme based on details provided within the Flood Risk Assessment (RSK June 2015) has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

4- The second reason stated in error for condition number 22

“In the interests of pollution control and stability” shall be deleted in its entirety.

Having regard to the above my recommendation remains the same and the application is recommended for approval as set out in Section 16 of the committee report.