

Revised recommendation as follows:

11.0 RECOMMENDATION –

11.1 That the Council informs the Planning Inspectorate that, had the appeal not been submitted, it would have granted planning permission subject to the conclusion of a section 106 legal agreement and the imposition of suitable planning conditions as necessary to make the proposed development acceptable in planning terms.

11.2 Delegated powers to be given to the Head of Planning and Development to negotiate and enter into a suitable S106 legal agreement to provide the following (below) and to be submitted to PINS as part of the appeals process.

11.4 For Information:

Any legal agreement would have provided the following:

- The provision of 30% affordable residential units within the application site. Tenure split to be 38% shared ownership (31 units) and 62% social rented (50 units).
- Financial contribution as calculated in appendix A hereby attached of £798,095 towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development subject to final amendments to be negotiated between officers and developers.
- Financial contribution as calculated in appendix A hereby attached of £365,850 towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development subject to final amendments to be negotiated between officers and developers.
- Financial contribution of £611,243.84 towards the land acquisition costs for provision of new school at Langley Park and £905,000 towards construction costs.
- Financial contribution of £37,453.72 towards the community facility being delivered as part of the new school at Langley Park.
- Financial contribution of £533,904.75 towards the construction of a phase of extending Cornwallis Academy Maidstone.
- Financial contribution of £13,012.28 towards libraries to address the demand from the development towards additional bookstock.
- Financial contribution of £108,400 towards the improvement, maintenance, refurbishment and replacement of off-site facilities for play equipment and play areas, ground works, outdoor sports provision and pavilion facilities at Senacre Recreation Ground.

- Financial contribution of £210,960 to the NHS to upgrade surgeries as required at the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice, and Northumberland Court Surgery.

AMENDMENTS TO MAIN REPORT

Paragraph 9.16 to be amended as follows:

- 9.16 The application involves the provision of 271 units which is below the H1(9) policy allocation of 335 units. This is due to the provision of 2.34ha of open space which is nearly double the minimum provision of 1.23ha set out in criteria 9 of the policy and the provision of a 15 metre buffer zone to the sites western boundary. As a result, it is considered that the reduced density and increased areas of open space would create a higher quality design and layout. The site is located close to public transport routes and in close proximity to the Langley Park development opposite which would enhance the sustainability of the site through the provision of new retail, school and commercial development and the provision of other local services and facilities. This also represents a strong material consideration in favour of the development.

Paragraphs 9.34 and 9.35 to be amended as follows:

- 9.34 The outcome of the junction modelling for 2027 shows that it would be operating in excess of the theoretical capacity during both the AM and PM peak hours for both the Base + Committed (with the committed Langley Park junction layout) and the Base + Committed + Development Traffic Scenarios (with the proposed junction layout). However the operation of the junction is significantly improved in the Base + Committed + Development Traffic Scenario, with the Practical Reserve Capacity value improving in the AM peak from -30.3% to -17.6%, and in the PM peak hour from -21.6% to -13.0%. This is further demonstrated when considering both the Max Degree of Saturation value and associated Mean Max Queues predicted for the AM and PM peak hours. The Max DoS value is shown to fall from 117.3% to 105.9% in the AM peak, and 109.4% to 101.7% in the PM peak. The corresponding Mean Max Queues are also shown to fall from 88 pcus to 55 pcus in the AM peak and 96 pcus to 43 pcus in the PM peak hour.
- 9.35 In their recent consultation response, KCC Highways assert that the proposals would result in a severe impact on the A274 in the absence of effective mitigation. However, the figures demonstrate that the proposed modifications to the Sutton Road/Wallis Avenue/Willington Street junction scheme more than mitigate the impacts of the inclusion of development traffic and result in an improvement in the operation of the junction. As such, it is clear that effective mitigation is identified and the impact of the proposed development cannot be considered as severe in the context of the criteria outlined within the NPPF.

Paragraph 9.47 to be amended as follows:

- 9.47 In accordance with criteria 15 of Policy H1(9) of the MBLB and saved Policy T2 of the adopted Maidstone Local Plan which relates to bus and Hackney Carriage preference measures, a Grampian style condition will require the provision of additional bus shelters and bus stops close by to the site, pedestrian footpaths and crossing points to reach bus stops and local services and facilities comprehensively linking the site to the surrounding area. An additional financial contribution is recommended towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development. Whilst this proposal does not seek bus prioritisation measures to contribute on a pro-rata basis, the rationale for this is set out in paras 9.142 of the main report and appendix A

of the highway mitigation apportionment table. This seeks to comprehensively mitigate the highway impacts of the south east Maidstone strategic housing allocations as a whole.

Paragraph 9.50 to be amended as follows:

- 9.50 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside.

Paragraph 9.63 to be amended as follows:

- 9.63 In conclusion, whilst there will be some negative impact arising from the proposed development, it is considered that the site is well contained within the existing mature vegetation to the boundaries and the adjoining site from long distance views and landscape mitigation measures to strengthen the boundary vegetation would reduce the perceptibility of the site from public viewpoints. As such it is considered that whilst there will be some harm to the landscape character in conflict with Policy ENV28, the visual impact would be localised to short distance views and the conflict with Policy ENV28 would be limited. The proposal would accord with Policies ENV6, and ENV26 of the Maidstone Local Plan and Policy H1(9) of the emerging Local Plan.

Revised conditions as follows:

- Landscape and Ecological Management Plan to include management and enhancement measures for the buffer zone protection area to the ancient woodland, enhancement of the woodland edge, creation of connective habitat with existing valued ecological features maintaining habitat and wildlife corridors for reptiles, birds, and bats.
- Details of materials to include clay tiles, weather boarding, locally sourced brick reflecting local vernacular, ragstone walls and plinths, windows and doors, render samples and pallets of colours to be used.

REPRESENTATIONS

Helen Whately MP

Has raised serious concerns regarding this application being decided in advance of the examination in public of the submitted Maidstone Local Plan.

Officer Response

It is considered that it would be wholly unreasonable for the Council not to make a decision to inform the Planning Inspectorate what decision it would have made on this application on the basis of waiting for the Local Plan to be examined. This would be regarded as unreasonable behaviour as advised under the NPPG, and would expose the Council to paying costs in the appeal proceedings.

Langley Parish Council

A late representation dated 26 June 2016 has been received from Langley Parish Council. The issues/objections raised in respect of this application are summarised as follows:

- Concerned that the Council recommends to support major development proposals included in the Consultation Draft of the Local Plan prior to examination would make a mockery of the democratic Local Plan Review Process.
- No need for the draft MBLP to include further unsustainable allocations along Sutton Road due to high numbers of windfall supply.
- Parish Council agrees with and endorses KCC Highways objection on the basis of detailed local knowledge of traffic conditions.
- The application site is remote from the nearest railway station and not sustainable.
- Bus lane link to the town centre is fraught with difficulty. Southern approaches to the town, including the Wheatsheaf junction, are already notoriously congested.
- No need to grant planning permission at this time due to demonstration of 5 year housing supply.
- Development would spread to and engulf the settlement of Langley leading to almost unintentional coalescence
- The proposal is contrary to development plan Policy ENV28 of the adopted Development Plan (MBLP 2000) and the NPPF.
- Traffic from the Bicknor Farm site (and the other Sutton Road proposals) would also impact on the congested Wheatsheaf junction.
- Will have severe traffic impacts on the network contrary to paragraph 32 of the Framework.
- Proposal does not secure the buffer zone to protect the setting of Grade II Listed Building Rumwood Court in its historic parkland setting. Development will be intrusive dominating and amount to substantial harm to the setting.
- Development involves the loss of 7.9 hectares of land which is classified as best and most versatile contrary to para 112 of the NPPF.
- Poor consultation of local views.
- There are no benefits to allowing this proposal which would weigh against the adverse impacts.

Officer Response

Many of the issues set out by the LPC are addressed within the report. The main points to address are that the proposal would not result in coalescence with Langley due to the distance between the site and Langley village. The other main point is that the site allocation forms part of the 5 year housing supply.