

APPLICATION: MA/13/1149 DATE: 27 June 2013 RECEIVED: 1 July 2013

APPLICANT: Taylor Wimpey UK Limited

LOCATION: LAND AT LANGLEY PARK, SUTTON ROAD, MAIDSTONE, KENT

PARISH: Boughton Monchelsea, Chart Sutton, Langley, Otham

PROPOSAL: Outline application for the erection of up to 600 dwellings, with associated local centre comprising convenience store (Use Class A1) (1,300sqm - 1,500sqm Gross Floor Area (GFA), retail/commercial units (Use Class A1, A2, A3, A5 and/or D1) (400sqm GFA), and public house (Use Class A4) (550sqm - 700sqm GFA); a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conservation area; and landscaping; with all matters reserved except for the following:

- 1) Means of vehicular access to the site from Sutton Road, and the spin road within the site;
- 2) 170 dwellings (phase 1) with its associated open space;
- 3) Drainage provision, including the surface water attenuation facility, strategic foul and surface water drainage infrastructure and pumping station;
- 4) Earthworks, to include ground re-modelling.

In accordance with the submitted Arboricultural Report, Open Space Survey Report; Affordable Housing Statement; Statement of Community Involvement; Transport Assessment; Environmental Statement (volumes 1 and 2); Retail Impact Assessment; Non-Technical Summary to the Environmental Statement; Sustainability Statement; Development Brief; Planning Statement; Design Addendum; Design and Access Statement; plans numbered 43-1862-001; CSa/1896/103; 45-1862-AV-A-001; 45-1862-AV-A-002; CSa/1896/121 Rev H; CSa/1896/113 Rev I; CSa/1896/131; CSa/1896/133 Rev B; CSa/1896/139 Rev A; CSa/1896/127 Rev D; CSa/1896/136 Rev A; CSa/1896/137 Rev A; CSa/1896/138 Rev A; CSa/1896/144; CSa/1896/134 Rev C; 7926/01 (1-3); 10170/CD001; 10170/CD/02; 10170/CD/03; 10170/CS/001; 10170/CS/051; 10170/CS/052; 10170/CS/053; 10170/CS/054; 10170/CS/055; 10170/CS/056; 10170/DR/10 Rev A; 10170/DR/231; 10170/DR/232; 10170/DR/233; 10170/DR/234; 10170/DR/235; 10170/DR/236; 10170/DR/237; 10170/HL/001 Rev A; 10170/HL/002 Rev A; 10170/HL/003 Rev A; 10170/HL/004; 45-1862-003 Rev E; 45-1862-004 Rev C; 45-1862-002 Rev E; 45-1862-005 Rev D; 45-1862-008 Rev C; 45-1862-010; 45-1862-007 Rev C; 45-1862-006 Rev D; 45-1862-AV-SS-002 Rev C; 45-1862-AV-SS-003 Rev B; 45-1862-AV-SS-001 Rev C; 45-1862-NH-SS-001 Rev C; 45-1862-NH-SS-002 Rev B; 45-1862-NH-SS-003 Rev C; 45-

1862-RE-SS-001 Rev C; 45-1862-RE-SS-002; 45-1862-RE-SS-003 Rev B; 45-1862-AV-B-001; 45-1862-AV-B-002; 45-1862-AV-C-00145-1862-AV-C-002; 45-1862-AV-D-001 as received on the 1 July 2013 and the phasing plan received on the 21 November 2013.

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council.
- It is a departure from the Development Plan.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: H1, ED2, T2, T13, ENV6  
Government Policy: National Planning Policy Framework 2012; Ministerial Statement for Growth 2012.

## **2. HISTORY**

MA/12/2256 Langley Park Farm West, Sutton Road, Boughton Monchelsea. Screening Opinion for proposed mixed use development incorporating 600 residential dwellings, local centre (incorporating shops and public house), two-form entry primary school and community hall together with open space, nature conservation area/parkland, drainage and highway infrastructure. EIA not required\*.

MA/08/1494 Land SE Parkwood Industrial Estate, Langley Park Farm West, Sutton Road, Boughton Monchelsea. Change of use of land and erection of depot facility (sui generis) to include general storage, servicing and storage of vehicles and ancillary offices with associated parking, access and landscaping. Approved.

MA/00/1255 Langley Park Farm West, Sutton Road, Boughton Monchelsea. Residential development for 389No. dwellings with garages, public open space, play areas and other associated infrastructure. Refused.

MA/00/0906 Langley Park Farm West, Sutton Road, Boughton Monchelsea. Outline application for a mixed use development comprising residential, employment uses falling within classes B1(a) (b) & (c), B2, B8, Class A3, Classes C1 and C2, community facilities, public open space, park and ride facilities together with associated infrastructure with all matters except for means of access reserved for subsequent approval. Refused. Appeal Dismissed.

\*The applicant was advised that a full Environmental Impact Assessment would not be required to be submitted with the application. Nevertheless, they considered it prudent to submit this information, in order to ensure that the application was as comprehensive.

As can be seen from the above, there has been a previous application for residential and commercial use of this site. This was refused by the Council and successfully defended on appeal. The reason for this refusal for at that time, the Council had an up to date Urban Capacity Study that demonstrated that the Council could deliver sites within the urban area, and in particular upon brownfield sites to meet the housing need at that time. This was in accordance with Government Guidance at that time (PPG3 and PPS3).

### **3. CONSULTATIONS**

3.1 **Kent Highways Services** made the following comments:

- 3.1.1 The outline application proposes the erection of up to 600 dwellings, with associated local centre (of up to 2,650 square metres), a two form entry primary school and public open space. All matters are reserved except for the means of vehicular access to the site from the A274 Sutton Road, the spine road within the site, 170 dwellings (Phase 1), drainage provision and earthworks.
- 3.1.2 Baseline traffic surveys were undertaken in March 2012 at the A274 Sutton Road /Horseshoes Lane and A274 Sutton Road / Willington Street / Wallis Avenue junctions. Data was also sourced from a week-long Automatic Traffic Count (ATC) survey undertaken by Kent County Council (KCC) on the A274 Sutton Road at the site's north western boundary between 28th September and 5th October 2010.
- 3.1.3 Personal Injury Accident (PIA) data for the five-year period December 2005 to November 2011 has been sourced for the A274 Sutton Road between its junctions with Bircholt Road and Horseshoes Lane. A total of seven PIAs were recorded during the study period; of which four were classed as 'slight' in nature, two as 'serious' and one as 'fatal'. The majority of the accidents appear to have been the result of driver error and KCC Highways and Transportation concurs with the conclusion of the Transport Assessment that the low number and dispersed pattern of accidents is not suggestive of an identifiable highway safety problem.
- 3.1.4 The primary vehicular access to the site is proposed to take the form of a new three arm roundabout on Sutton Road, the principle of which was previously agreed with KCC Highways and Transportation. The roundabout would act as a valuable traffic calming feature, particularly for westbound traffic entering the urban area, and would also provide a gateway feature on the A274 approach to Maidstone. It is KCC's view that the roundabout should be combined with the extension of the 30mph speed limit to the east along the site frontage and that the applicant should use reasonable endeavours to implement the necessary amendment to the Traffic Regulation Order. Dropped kerb pedestrian crossings would be provided on all arms of the roundabout, together with central island refuges. A shared foot/cycleway would also be installed along the site frontage, allowing for a future linkage with the strategic housing allocations to the north of Sutton Road via a toucan crossing facility.

- 3.1.5 Whilst the principle of the internal site layout was discussed and agreed by KCC Highways and Transportation at pre-application stage, the County Council raised a number of detailed concerns regarding its permeability for pedestrians and cyclists and the proposed quantum of tandem and rear parking. Unfortunately, the applicant has failed to address a number of these issues and therefore further modification of the layout is required, in discussion with KCC, in order to overcome them.
- 3.1.6 A plan indicating the extent of the areas proposed for adoption by KCC Highways and Transportation has been submitted by the applicant. These include numerous areas of tree planting which should be maintained by the site management company, rather than KCC.
- 3.1.7 Car parking is proposed to be provided "in general accordance with" the standards prescribed within the Kent Design Guide Interim Guidance Note 3 and would comprise a mixture of garages, driveways and parking courts. A plan identifying the proposed car parking provision, layout and location has been submitted by the applicant; however a detailed breakdown by residential unit type should also be provided in order that any departures from the Interim Guidance Note 3 standards can be more readily identified.
- 3.1.8 The majority of the site is in excess of the maximum recommended walking distance to a bus stop of 400 metres. Consequently, it is proposed that provision would be made for buses to serve the site via the 5.5 metre wide spine road, with a dedicated turning facility to be provided towards the southern end. To ensure that bus services would be accessible to residents occupying the dwellings constructed during the early phases of the development, it is proposed that new bus stops would be provided on Sutton Road, to the west of the access roundabout, for use by the existing bus services that pass the site. This is to add to the existing facilities adjacent to the site. This strategy has been agreed in principle with Arriva and KCC Highways and Transportation.
- 3.1.9 The TRICS database has been interrogated to estimate the number of vehicular trips likely to be generated by the residential elements of the proposed development. The overall traffic generation of the residential plots, which has previously been agreed with KCC Highways and Transportation, is projected to be as follows:-

Time	Vehicular Flow		
	In	Out	Two Way
0800-0900	75	218	293
1500-1600	165	125	287
Daily	1459	1505	2964

- 3.1.10 Vehicular trip rates for the primary school have been based on data from the 2011 National Travel Survey, which provides information on average travel

distances and modal shares for primary school pupils, and the TRICS database. The overall peak period traffic generation of the primary school is projected to be as follows:-

Time	Vehicular Flow		Two Way
	In	Out	
0800-0900	156	138	294
1500-1600	83	129	212
Daily	n/a	n/a	n/a

3.1.11 Whilst the methodology used to calculate pupil trips is acceptable, it is not clear whether these trip rates also account for staff movements and clarification of this should be provided to KCC Highways and Transportation. Vehicular trip rates for the proposed foodstore within the local centre have been based on an interrogation of the TRICS database. The overall traffic generation of this land use is projected to be as follows:-

Time	Vehicular Flow		Two Way
	In	Out	
0800-0900	60	43	103
1500-1600	93	97	190
Daily	1203	1198	2402

3.1.12 KCC Highways and Transportation is in agreement with this assessment. Vehicular trip rates for the proposed local shops within the local centre have been based on an interrogation of the TRICS database. The overall traffic generation of this land use is projected to be as follows:-

Time	Vehicular Flow		Two Way
	In	Out	
0800-0900	24	23	47
1500-1600	25	25	50
Daily	332	331	663

3.1.13 KCC Highways and Transportation is in agreement with this assessment. Vehicular trip rates for the proposed pub/restaurant within the local centre have been based on an interrogation of the TRICS database. The overall traffic generation of this land use is project to be as follows:-

Time	Vehicular Flow		Two Way
	In	Out	
0800-0900	n/a	n/a	n/a
1500-1600	10	12	22
Daily	163	163	326

3.1.14 The Transport Assessment states that none of the comparator sites identified within TRICS contain survey data covering the morning peak period. It is contended that any trips at this time are likely to be within the realm of daily variation. However, KCC Highways and Transportation is aware that several pub/restaurant chains now offer a breakfast service and on this basis, it is considered that an allowance should be made for staff and customer trips during the network AM peak for robustness. KCC Highways and Transportation accepts that not all of the vehicular trips generated by the proposed land uses would be independent in nature. For example, residents of the site may travel to the primary school to drop off their children before continuing to their place of work. Furthermore, a number of trips to the local centre would be made by motorists passing the site on the A274 Sutton Road (for example, to carry out 'top-up' shopping on their journey home from work) and would not therefore be new to the highway network. The trip rates reported above have been adjusted accordingly to take account of these factors and avoid double counting. KCC Highways and Transportation concurs with the assumptions made to apply these adjustments.

3.1.15 The Transport Assessment concludes that, on full completion of the site, the total level of vehicular traffic projected to be generated in the AM and PM peak hours, taking account of internal and pass-by trips, would be as follows:-

AM Peak Hour			
Land Use	In	Out	Two Way
Residential	68	210	278
School	118	102	220
Foodstore	24	17	41
Local Shops	10	9	19
Pub/Restaurant	0	0	0
Total	220	338	558

PM Peak Hour			
Land Use	In	Out	Two Way
Residential	153	113	266
School	63	98	161
Foodstore	38	38	76
Local Shops	7	7	14
Pub/Restaurant	10	12	22
Total	271	268	539

3.1.16 Whilst KCC Highways and Transportation is in general agreement with this assessment, the applicant is requested to address the issues with the trip generation methodology identified above for completeness. The total level of vehicular traffic projected to be generated by the 170 residential dwellings

forming Phase 1 of the Langley Park development in the AM and PM peak hours – and for which full planning permission is being sought – would be as follows:-

Time	Vehicular Flow		Two Way
	In	Out	
0800-0900	21	61	82
1500-1600	46	35	81
Daily	409	421	830

- 3.1.17 KCC Highways and Transportation is in agreement with this assessment. The 2012 observed traffic flows on the local highway network have been increased to take account of background traffic growth to the assessment years of 2018 (completion of Langley Park Phase 1) and 2027 (full development completion) using local growth factors derived from the TEMPRO and National Transport Model datasets. The trips projected to be associated with the three strategic housing sites in South East Maidstone allocated by Maidstone Borough Council in March 2013 (Langley Park, Land North of Sutton Road and Land North of Bicknor Wood) have also been accounted for in this analysis.
- 3.1.18 The Transport Assessment states that the predicted future year traffic flows are greater than the actual carrying capacity of the A274 Sutton Road (approximately 2,000 two-way vehicles per hour). The 2012 observed two-way traffic flows already total approximately 1,800 in the peak hour. It is noted that the usual course of action in this scenario is to manage demand, reassign traffic and/or increase highway capacity. In this case, Maidstone Borough Council is promoting a northbound bus lane on Sutton Road between its junctions with Wallis Avenue and Loose Road to mitigate the impact of the three strategic housing sites in South East Maidstone, for which financial contributions will be sought in accordance with Policy SS2 of the draft Maidstone Local Plan. This would provide additional capacity on this corridor through modal shift and it is assumed that those vehicular trips on Sutton Road over and above the practical capacity of the highway would be reassigned from cars to buses.
- 3.1.19 The Sutton Road / Willington Street / Wallis Avenue, Sutton Road / Horseshoes Lane and Sutton Road / site access junctions have been subject to capacity assessments, as agreed with KCC Highways and Transportation. Three scenarios have been tested – current (2012) traffic flows, future (2018 and 2027) traffic flows without the three South East Maidstone strategic sites and future (2018 and 2027) traffic flows with the three South East Maidstone strategic sites. The means by which future traffic flows have been distributed on to the local highway network is not clear and clarification of this should be provided to KCC Highways and Transportation.
- 3.1.20 The modelling demonstrates that the Sutton Road / Willington Street / Wallis Avenue junction currently operates at its design capacity during peak periods and that it would operate over its design capacity in the future year scenarios, which would encourage drivers to 'rat-run' and/or retime their journeys to avoid

the congestion. It should be noted that traffic flows have been capped at 2,000 vehicles per hour, as the Sutton Road Bus Lane is assumed to be part-funded by the strategic sites. Policy SS2 of the draft Maidstone Local Plan seeks capacity improvements to the Sutton Road / Willington Street / Wallis Avenue junction and therefore a scheme of mitigation has been designed by the applicant. The improvements were agreed in principle by KCC Highways and Transportation at pre-application stage and comprise the widening of Sutton Road on the southern side to accommodate two lanes of traffic in both directions on the link between Willington Street and Wallis Avenue; the widening of the westbound Sutton Road approach arm to provide three lanes at the stop line; the widening of the eastbound Sutton Road approach arm to accommodate the bus lane; and the linking of the controllers of the two junctions to improve the efficiency of the whole intersection. The revised layout, together with the impact of the bus lane on modal shares, has been modelled and is shown to improve the operation of the junction to an acceptable extent. Whilst the junction is still projected to operate slightly over its design capacity during the AM peak hour, its operation would be better than if there were no development in South East Maidstone, no junction improvements and no public transport infrastructure enhancements. Moreover, there would be a degree of spare capacity during the PM peak hour, when the junction is projected to operate more effectively in 2027 with all of the proposed development in place than it currently does.

3.1.21 The modelling of the Sutton Road / Horseshoes Lane junction demonstrates that it currently operates well within capacity and would continue to do so in the future years with all of the proposed developments in South East Maidstone in place. KCC Highways and Transportation is in agreement with this assessment. The modelling of the Sutton Road / site access roundabout junction demonstrates that it would operate within capacity in the future years, within minimal delay to through traffic. KCC Highways and Transportation is in agreement with this assessment.

3.1.22 To summarise, whilst KCC Highways and Transportation is generally in agreement with the methodology and conclusions of the Transport Assessment, the following information remains outstanding and should be provided by the applicant at the earliest opportunity:-

- Further revision of the site layout to address KCC's outstanding concerns regarding its permeability for pedestrians and cyclists and the proposed quantum of tandem and rear parking;
- A detailed breakdown of proposed car parking provision by residential unit type in order that any departures from the Interim Guidance Note 3 standards can be more readily identified;
- Clarification of whether the trip rates associated with the primary school account for staff movements;
- An allowance for staff and customer trips to the pub/restaurant during the network AM peak hour;
- Clarification of the means by which future traffic flows have been distributed on to the local highway network.



3.1.23 Further comments were then received on the 26 September 2013. These state:

3.1.24 'Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highways matters: -

3.1.25 I am in receipt of supplementary information from the applicant in response to the issues I raised in my letter of 30<sup>th</sup> July 2013.

3.1.26 At the request of KCC Highways and Transportation, a technical note has been submitted providing clarification of the primary school trip rates used in the Transport Assessment, which is considered acceptable. It also confirms that a breakfast service would not be offered at the proposed pub/restaurant and that the applicant is prepared to accept a condition limiting the opening hours of the facility to 11am to midnight.

3.1.27 The technical note states that the trips generated by the site have been distributed on the basis of the existing proportions of traffic observed on the local highway network. KCC Highways and Transportation disagrees with this approach, as it takes no account of origins or destinations of the observed trips. It is advised that trips should instead be distributed on the basis of Census Journey to Work data for Parkwood Ward and the location of local primary and secondary schools, shops and leisure facilities.

3.1.28 The applicant has submitted a revised site layout plan and parking schedule in response to KCC Highways and Transportation's concerns regarding the quantum of tandem and rear parking. Whilst numerous opportunities for obstructive and/or inconsiderate parking remain, it is acknowledged that the layout plan has been improved considerably since it was first submitted to KCC. The parking schedule is generally acceptable, with the exception of plot numbers 40 and 41, for which just one space is proposed for each three bedroom dwelling. The Kent Design Guide Interim Guidance Note 3 recommends that two independently accessible spaces should be provided for three bedroom dwellings in suburban edge locations.

3.1.29 Subject to the satisfactory resolution of these matters, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

- Funding for an additional inbound lane;
- Contributions towards improvements of the Willington Street junction;
- The provision of a roundabout at the point of access;
- New bus stops for both east and westbound buses;
- Provision of an area for safe construction vehicles loading and unloading;
- Provision of measure to prevent surface water running onto existing highways.'

3.2 **Kent County Council Economic Development** section were consulted and raised no objections to the proposal subject to the following contributions being made towards the proposal:

- Primary education - £14,285 per pupil – with land of not less than 2.05ha in area)
- Secondary education - £589.95 per flat and £2359.80 per house
- Libraries - £128.44 per dwelling
- Community learning - £30.34 per dwelling
- Youth services - £8.39 per dwelling
- Adult social care - £97.26 per dwelling

3.3 **Kent County Council Ecology** were consulted and made the following comments:

3.3.1 Thank you for the opportunity to comment on this application. We have the following response to make:

3.3.2 Under the Natural Environment and Rural Communities Act (2006), "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

3.3.3 The National Planning Policy Framework states that "*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*"

3.3.4 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.*"

3.3.5 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

3.3.6 The *Environmental Statement, Landscape Strategy* and *Landscape and Ecology Management Plan* have been submitted in support of this application. We are satisfied that there has been an adequate level of assessment of potential ecological impacts arising as a result of the proposed development.

- 3.3.7 Mitigation measures have been proposed to minimise the potential ecological impacts identified. We are broadly satisfied with the approach to mitigation and with the proposal to develop and implement a Construction Environmental Management Plan, which should be a condition of planning, if granted. We advise though that some points of clarification are sought:
- 3.3.8 Phase 1 of the proposed development, for which full planning permission is sought, will result in the loss of an area of arable field and we query the timescale at which land within the Nature Conservation Area (NCA) will become available as replacement farmland bird habitat. The indicative earthworks sequencing (section 2.4.38 of the ES) suggests that the filling and remodelling of the NCA will not take place until phases three and four, although section 2.4.35 of the ES states that "*the Nature Conservation Area is likely to be phased throughout all stages of the development*". Further details, such as a detailed plan of the phasing of habitat creation, to confirm the approach should be sought.
- 3.3.9 We query whether the areas of the site not within phase 1 will be subject to continued arable cultivation until the subsequent phases come forward or what the alternative management practises will be and the implications for the status of habitats on the site.
- 3.3.10 As the proposal is for a phased approach to the site's development, there will be a need to undertake updating ecological surveys to ensure that the current assessment of the potential ecological impacts remains valid. An indicative timetable for these survey reviews should be sought and kept up-to-date in accordance with any changes to the phasing timetable.
- 3.3.11 It is stated in the *Landscape and Ecology Management Plan* that Taylor Wimpey will be responsible for undertaking the initial habitat creation works for years 1 and 2 of works in each area. It is proposed that management of the land will then be passed on to "*a management company or local authority*". This piecemeal handover of areas may not be very effective in ensuring a holistic approach to the habitat management with consideration of interactions with the ongoing development works and we advise that the handover of the whole NCA once the habitat creation is complete would be more appropriate.'
- 3.4 **Kent County Council Archaeology** were consulted and raised no objections to the proposal subject to the imposition of a suitable safeguarding condition.
- 3.5 **Maidstone Borough Council Parks and Open Space** were consulted and raised no objections subject to contributions of £40,000 being made to allow for the upgrade of sport and recreation facilities within the locality of the application site. The officer was satisfied with the level of internal play space.
- 3.6 **Maidstone Borough Council Environmental Health** were consulted and initially raised concerns with regards to the impact upon air quality. In particular,

concerns were raised with regards to the methodology used concerning traffic numbers and future modelling. However, following discussions with KCC Highways Services, are now satisfied that the modelling is acceptable, and raise no objection to the proposal, subject to a robust travel plan being required for future occupiers, and the provision of the bus lane.

3.7 **The NHS** were consulted and raised no objections to this proposal subject to the provision of contributions of £360 per occupant of the proposal. The NHS have submitted details of how this would relate to phase 1 of the scheme (£106,200), and then also for the remaining outline portion of the proposal.

3.8 **Natural England** were consulted and raised no objections to the proposal.

3.9 **Kent Wildlife Trust** have provided a comprehensive response to the proposal. This raises no objections to the proposal and concludes by stating the following:

3.9.1 'We wish to stress that this development provides significant biodiversity enhancements which could be improved by farmland bird mitigation being provided off site, minor changes to landscaping and enhancements to the residential properties. We would very much to work with the council, the applicant, the EA and KCC to resolve our concerns. We feel this development has the potential to be an exemplar development for biodiversity if the above amendments and conditions are agreed.'

3.10 **The Environment Agency** raise no objections to the proposal subject to conditions being imposed that address the following matters:

- Shall accord with the submitted Flood Risk Assessment (FRA);
- Shall accord with the drainage information submitted;
- Contamination shall be addressed.

3.11 **Southern Water** were consulted and raise no objection subject to the imposition of a suitable condition requiring details of the foul and surface water drainage to be provided.

#### **4. REPRESENTATIONS**

4.1 **Neighbouring occupiers** were notified of the application and no letters of objection have been received.

4.2 **Boughton Monchelsea Parish Council** were consulted on the application and made the following representations (29 August 2013):

4.2.1 'Boughton Monchelsea Parish Council objects to the application for 600 houses at Langley Park for the following reasons:-

- The application fails to make provision to secure the proper mitigation of the impact on the parish community of the provision of an additional 600 dwellings.

- The application contains insufficient information to fully assess the issue of community impact and is deficient in this regard.
- At the current time there is a proposal to release additional sites in the Borough to test the implications of a further 14,800 dwellings following the 'call for sites' exercise earlier in the year. Until such time as the pattern of site allocation to secure the new Local Plan is known it is not possible to test either the cumulative community impact or the cumulative transportation impact of the proposal and the application is deficient in this regard.
- Irrespective of objections 1-3 above the application is submitted on the basis that the Borough Council does not have a five year supply of housing land. BMPC is in receipt of an opinion from Leading Counsel to the effect that the conclusion that the Borough Council does not have a five year land supply is a result of a Legal Misdirection (or Misdirections). The Parish Council objects to the application because it is submitted on the invalid basis that the Borough Council does not have a 5 year land supply. If the Borough Council continues to grant planning permission to the application, on the basis that it does not have a five year land supply, then the parish Council reserves the right to seek redress for this action through the Courts.
- The Parish Council reserves the right to make additional objections to this application at a later stage, including further objections in response to any comments which might be made in relation to objections 1-4 above.

4.3 **Langley Parish Council** were notified (whilst the site does not fall within the Parish but it is adjacent to the site) and made the following comments:

- Concern that there is only one vehicular access into the site;
- The Toucan crossing is inadequate – a bridge is required;
- Pedestrian access to the site is dangerous;
- Additional vehicular movements onto Brishing Road is necessary to allow for school vehicular movements;
- They wish to see medical provision on site;
- The scheme is too dense – 400 would be a more appropriate number.

If permitted, the Council would wish to see the following conditions placed upon the decision:

- The mature planting needs to be of a greater density than shown and as much of the hedge should be retained as possible;
- The bus access onto Bircholt Road is essential;
- The speed limit should be reduced further along the A274.

4.4 **Documentation:**

The planning application comprises of:

- Landscape and Ecology Management Plan;
- Service Supply Statement;
- Statement of Community Involvement;
- Retail Impact Assessment;
- Affordable Housing Statement;
- Open Space Survey Report;
- Arboricultural Report;
- Affordable Housing Statement;
- Transport Assessment;
- Environmental Statement (volumes 1 and 2);
- Non-Technical Summary to the Environmental Statement;
- Sustainability Statement;
- Development Brief;
- Planning Statement;
- Design Addendum;
- Design and Access Statement.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The application site lies to the east of Maidstone, adjacent to Parkwood Industrial Estate. The site is currently designated within the Maidstone Borough Wide Local Plan (2000) for both residential (Policy H1) and employment (Policy ED1) provision – this policy allocates the site for 325 dwellings, and for 13,000 sqm of B1 and 8,000sqm of B2 employment floor space. As Members are aware, this site was allocated in 2000 (following the Examination in 1999).
- 5.1.2 The emerging Local Plan identifies this site for housing provision, together with an element of community and retail floorspace. It should also be noted that Policy SS2(a) was agreed for the purposes of Development Management at Cabinet on the 13 March 2013.
- 5.1.3 Part of the site that was allocated within the Local Plan now houses the Council's depot, which itself has access from Bircholt Road, within the Parkwood industrial estate. This proposal was approved in 2008, and has been in operation for the past three years. The development projects into the undeveloped field, and is surrounded by palisade fencing and a small level of landscaping. The building itself has a curved roof, but it otherwise functional in form. There is hardstanding around the building which accommodates staff car parking, as well as parking for the Council's operational vehicles.
- 5.1.4 The Parkwood Industrial Estate lies wholly to the west of the application, and this contains a variety of uses, including car sales, a Royal Mail sorting office, and starter units. The boundary to this estate is a strong and straight, running in

a generally north to south direction. Some of the boundary does include the soft landscaping whereas in other areas there is less.

- 5.1.5 The application site (for the provision of housing) is generally flat, although the topography does rise gently within the centre of the site. However, the land to the south of the site allocated for housing, and allocated for open space, does fall more significantly, down to the River Len, and Langley Loch. This land is more overgrown than the land to the north, as it has not been farmed as intensively. Nonetheless, there are no significant trees or shrubs within this part of the site.
- 5.1.6 There is a public footpath that runs across the southern section of the application site (KH365). This runs from Brishing Road through to the land to the east of the application site. A further public footpath (KM112) runs from the southern corner of the application site, into the Parkwood Industrial Estate. The two footpaths do not however, adjoin.
- 5.1.7 To the west of the application site, beyond a substantial tree belt is a golf driving range, and a small campsite at its southern end. Beyond this, is a small cluster of housing.
- 5.1.8 To the north of the application site (beyond the A274) are open fields, one of which contains, in part, land that forms part of the strategic allocation. An application has now been submitted on that land but is currently undetermined. Adjacent to this allocated site is a listed building, 'Bicknor Farm' which is well screened from the highway by substantial fencing, and is not particularly visible from the public domain.
- 5.1.9 To the south of the application site is open fields, and farmland. There is sporadic housing, and also farm buildings within the vicinity.
- 5.1.10 The site is considered to be in a relatively sustainable location, with good access to local schools (irrespective of a new school being provided), shops, and with a good bus service (there are 6 buses that run into town between 7.10am and 8.15am and then they run every hour, and buses run every hour out of town – with increased frequency between 3.30pm and 6.00pm). Indeed, this was the conclusion that the Inspector found when he appraised the site in 1999 – although he did acknowledge the distance from railway stations was less than ideal. Nonetheless, I am of the view that the site is within a sustainable location.

## **5.2 Proposal**

- 5.2.1 This application is a hybrid, in that it is in part a full application – covering phase 1 of the development – with the remainder forming an outline planning application. The matter of access is to be agreed at this stage; which is the point of access into the site, together with the spine road that runs from north to south through the site. The application has been submitted with a full

Environmental Impact Assessment (EIA), and has been advertised accordingly as EIA development.

5.2.2 The element of the application that is for full consideration at this point in time is for 170 residential units, comprising of:

<b>Private</b>	
4 Bedroom House	31
3 Bedroom House	54
2 Bedroom House	28
2 Bedroom Flat	6
Total Private	<b>119</b>
<b>Affordable</b>	
4 Bedroom House	5
3 Bedroom House	18
2 Bedroom House	11
2 Bedroom Flat	0
1 Bedroom Flat	17
Total Affordable	<b>51</b>
<b>Total</b>	<b>170</b>

5.2.3 In terms of the layout of the proposal, the detailed element lies to the eastern side of the application site, within the northern section. In terms of the layout, significant pre-application discussions have taken place with the applicant to arrive at the proposal in front of Members.

5.2.4 The proposal incorporates a new roundabout access into the site which would have a diameter of 22metres – this will be appropriately landscaped. The frontage to the A274 would also be well landscaped with the residential development set back 18-20metres from the edge of the highway. This frontage would contain 5 dwellings, as well as a flat block, which would in part, turn the corner into the site.

5.2.5 The main spine road through the site has a strong frontage presence along its length. Again, it has been designed that the properties have a good set back from the highway, with a good level of landscaping provision along the highway. The properties along this stretch would be set back approximately 10metres from the edge of the highway, with a line of tree planting provided to their front. The first 21 properties along this access road would be provided with car parking



to the rear, with properties further south provided with driveways to the front (although the garages would be set back to the rear of the properties).

5.2.6 Behind this frontage, there would be a series of shorter, and narrower residential streets. These streets would, to the east of the site, front on to an existing tree belt that separates the site from the existing golf driving range. In total, four access roads would serve 'phase 1' of this development, all of which would link together, allowing permeability through the site.

### **Retail/Commercial Element of Proposal**

5.2.7 Whilst this element of the proposal is in outline form at present, due to the potential scale of the proposal, a retail impact assessment was submitted with the application.

5.2.8 The proposed 'local centre' would be located upon the frontage of the A274, and would cover an area of 1.2 hectares. It is proposed that the supermarket within the local centre be between 1,300sqm and 1,500sqm, incorporating a net sales area of approximately 930sqm. 4 additional retail units would be proposed totalling between 400sqm and 500sqm. It is proposed that these units could be used for A1, A2, A3, A5 and D1 purposes. It is also proposed to incorporate a public house (use class A4) of between 550sqm and 700sqm.

5.2.9 The applicants have indicated that the supermarket is intended to open in 2021, by which time the 370 homes would have been completed through phases one and two of the overall scheme. The applicant has agreed that the S106 agreement should include a requirement for marketing to take place to ensure a prompt delivery of this necessary element of the development. #

5.2.10 Car parking is shown to the rear of the retail/commercial area, although due to the outline nature of this element, no details have as of yet been provided of parking numbers. This would be a matter for consideration at the reserved matters stage.

### **Outline Proposal**

5.2.11 A large portion of the proposal would be in outline form, although a masterplan has been submitted which sets broad parameters. The houses are shown as being set in perimeter blocks, as well as being in linear form along the proposed spine road. Whilst in outline form, the masterplan does identify 'character areas' through the phasing plan. It also indicates the likely form of the highways throughout the development. Whilst all matters are reserved at this stage (other than access), the masterplan does provide a 'blueprint' from which any later submission should be derived.

5.2.12 The proposal also includes the provision of a school within the southern section of the site. Again, this forms part of the outline planning application. It is currently shown as 2.05hectares of land, which would be sufficient to provide a

two form entry primary school. It has also been identified as the preferred site for a community facility – linked to the existing hall.

- 5.2.13 In addition, an area of semi-natural open space is proposed within the southern part of the site. This is identified within the interim local plan policy for this purpose, and significant discussions have taken place between the developers and the Parish Council about the long term management of this parcel of land. The land here falls significantly, from north to south.
- 5.2.14 Areas of more formal open space are proposed within the development, in particular a large area adjacent to the school that would provide an area of equipped play for the development. Illustrative plans for this area of play have been submitted.
- 5.2.15 The existing landscaping belt to the east is to be retained, and where/if required strengthened, and a new landscaping buffer along the western boundary of the site is proposed.
- 5.2.16 Within the south eastern corner of the application site would be a large SuDs feature and new drainage ditch that would service the development.
- 5.2.17 Significant additional tree planting is proposed along the southern boundary of the housing section of the application site. This would provide a robust screen along this section, and would provide separation between the housing, and the semi-natural open space.
- 5.2.18 Phases 1 and 2 of the proposal would be constructed to level 3 of the Code for Sustainable Homes, with 10% of their energy generated by renewable energy sources, with the remainder of the development built to level 4 (with 10% renewables).
- 5.2.19 Significant S106 contributions are also being proposed – amongst other matters, these address the highway infrastructure concerns and the education provision. These are set out within the report.

### **5.3 Principle of Development**

- 5.3.1 The principle for some residential development at this site as been previously accepted, through the adoption of the local plan in 2000. Within the Inspectors report he states that:

*'I am satisfied that the allocation of this suite meets the advice in paragraph 3.2 of PPG13, since it is part of the larger urban area – Maidstone – and reasonably accessible to shops, schools and jobs. I accept that there is no railway in the area, but the A274 is a bus route. I acknowledge also that the A274 is a busy road, but I heard at the inquiry of junction improvements, and in Chapter 6 I deal with the proposed by-pass (All Saints and Leeds Langely).'*

He also states:

*'the site is a large area of flat open land fully in keeping with the open landscape around it. Its development would, therefore, extend Maidstone into the surrounding countryside. However, the eastern edge of the Parkwood Industrial Estate is very harsh and prominent in this flat landscape and development of this site would be an opportunity to create a softer, more attractive edge of the town.....On this issue, I conclude that there would be some harm to the character and appearance of the area, but that this could be limited by appropriate landscape design around the site.'*

5.3.2 Whilst this proposal is for housing provision (and a small commercial element), the existing Local Plan (Policy ED1) also requires that 21,000 sqm of employment floorspace be provided within the site, to meet the needs of the Authority within the plan period. As 13 years have passed since the adoption of the Local Plan an assessment therefore needs to be made as to whether this level of employment floorspace is required, and if so, if this is the right location to meet the need.

5.3.3 On this matter, for a number of reasons, this employment provision has never been built out. One of the main reasons that this site has not be built out for employment purposes is due to the location not being considered suitable for business use. Part of the justification for promoting this site for employment use at the previous examination was due to the proposed Leeds/Langley By-pass. This would have connected the site more directly to the motorway network, and would have also ensured that heavy goods traffic would not have to navigate the town centre. As Members are aware, this by-pass is no longer proposed, and as such, any extension of the industrial provision within this location would result in additional heavy goods vehicle movements along the Sutton Road, and into Maidstone. It is therefore argued that this is a site no longer suited to such expansion. This view is supported by the Council's Spatial Policy team, who are satisfied that suitable alternative provision can be found elsewhere in the Borough through emerging policy. It is also noted that a previous appeal decision prevented this site from coming forward (including the employment/commercial element). The appeal dismissed all of the development within the site, not just the housing proposal, and as such, the applicants no longer sought to pursue development on the site – up until now.

### **5 Year Housing Supply**

5.3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.3.5 As set out above, this proposal is not in complete accordance with the Development Plan, and as such much be treated as a departure. However, it is an allocated site for some housing to be provided. Nonetheless, the matter of

the 5 year supply – and whether the council currently is meeting its need is of significant importance in the determination of this application.

5.3.6 Advice set out within the National Planning Policy Framework (herein referred to as the NPPF) states (Para. 47) that Councils should:

5.3.7 *'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.'*

5.3.8 The NPPF provides a clear definition of 'deliverable'. This states:

5.3.9 *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.'*

5.3.10 The NPPF also refers to a Council's position when there is a lack of a 5 year supply:

5.3.11 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'

5.3.12 Of key importance in understanding whether Maidstone Borough Council currently has a five year supply of housing, is the target to which it is working. A very recent Court of Appeal case has clarified that it is not acceptable to use the Regional Spatial Strategy (South East Plan 2009) housing target for assessing a five year land supply. Housing requirements for the purposes of calculating a five year supply should be the full, objectively assessed needs figure for housing which is an unconstrained figure.

5.3.13 The NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone are currently undertaking this process with Ashford Borough Council and Tonbridge and Malling Borough Council. This SHMA will identify the scale and mix of housing, together with the range of tenures that the local population is likely to need over the plan period which would meet household and population projections. It would also address the needs for all types of housing, including

affordable housing, and would cater for housing demand and will identify the scale of housing required to meet this demand.

- 5.3.14 In addition to the SHMA, local planning authorities should also prepare a Strategic Housing Land Availability Assessment (SHLAA) which will establish realistic assumptions about the availability, suitability, and the likely economic viability of land to meet the identified need for housing over the plan period. This work is currently ongoing, but the early indications are that the housing need for the Borough over the plan period (which is likely to be from 2011-2031) will be in the region of 19,600 units, which is a marked increase on the RSS figure of 11080 (2006 to 2026).
- 5.3.15 In April 2013 the Council had a 4.2 year land supply of housing when assessed against the need of 11,080. The supply of housing is likely to be lower than the 4.2 years given the draft SHMA figures and the requirement to use an unconstrained figure (it is estimated the land supply will be approximately 2 years). This lack of a five year supply is part of the justification for departing from the adopted local plan at this point in time – in order to address this shortfall.
- 5.3.16 In light of this position, I do consider that bringing forward development on this sustainably located site immediately adjacent to the settlement (and allocated in the existing Local Plan) would assist in helping to meet the identified need. However, it should be noted that this allocation has *already contributed* the 170 units within the indicated five year supply, and would not 'narrow the gap' further than presently shown. However, without it being permitted, the gap would widen further.
- 5.3.17 Nevertheless, the loss of the employment land, as allocated, does need careful consideration, and does need to be weighed against this loss. As set out above, it is the Council's view that the loss of this land for employment purposes is acceptable, and the provision of the land for predominantly housing is a suitable use.

## **5.4 Visual Impact**

- 5.4.1 This is a significant proposal for a large area of land to be built upon, which is wholly undeveloped at present. There would therefore be some visual harm brought about by the development.
- 5.4.2 The NPPF theme 7: Requiring good design, and the Kent Design Guide (2005) (KDG) emphasise that design solutions should be appropriate to context and the character of the locality. In order to respect the context, the KDG states that development should achieve some or all of the following: reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of

development to reduce the need to travel and improve the local context. Through good design, using principles in the Kent Design Guide, the proposed development is expected to make efficient and effective use of this greenfield site, on the edge of Maidstone in a manner sensitive to the wider local environment. The emerging Development Plan, policy SS2A specifically refers to Langley Park, referring to sustainable construction (point 4) and high quality, modern design that incorporates vernacular materials (point 11).

- 5.4.3 In this instance, assessing whether the development is appropriate to context cannot be divorced from the identification of the site as a strategic allocation in 'saved' policy H8 of the Maidstone Borough-Wide Local Plan (2000) and the emerging Local Plan. In other words, it is inevitable that residential development extending into countryside would, to some extent, be out of context with the prevailing rural character. Given the policy support for the urban extension, the test in this case should be how well the development responds to the sensitivities of an urban fringe location.
- 5.4.4 Responding to context also involves incorporating site specific constraints and wider planning policy objectives which in this case include: the form and layout of the proposed development; highway safety/access considerations including parking; housing density; landscape structure; and appearance and detailing. The objective should be to imaginatively address these constraints to help deliver a distinctive place.
- 5.4.5 The application has been accompanied by an (*un-adopted*) Development Brief (March 2012) which clearly sets out a comprehensive vision with planning and design principles and the evolution of the development proposal, together with a Design and Access Statement (D&AS) (June 2013) and separate Design Addendum (for phase 1). The location and function of the various uses are well located within the overall site area, and align with the following principles:
- The Local Centre fronting onto the main access road;
  - The school and community facilities centrally positioned;
  - The creation of a centrally located north – south spine road;
  - A strong landscape structure; and
  - Protection of sensitive rural edges with the introduction of a Nature Conservation Area and woodland to the south, abutting open countryside.
- 5.4.6 The design approach for the scheme is traditional and has been designed to include high quality buildings and spaces which link together with the existing urban edge of south east Maidstone to provide an inclusive, safe and accessible development. The proposed urban grain and pattern of development is outward looking and made up of a loose perimeter development block pattern that optimises the use of the site in a manner that creates a sense of place, encourages permeability, and clearly defines public and private space.

### **Form and layout**

- 5.4.7 The layout is based along a main spine road which runs centrally in a north-south direction through the top half of the site from the proposed new roundabout on the Sutton Road (A274). This primary route links the primary hubs (the Local Centre, primary school and community hall) via a bus loop that terminates mid-way within the site before becoming a secondary route. The form and layout scales down from this point, particularly on the most southern edge of the site so that the urban fringe blends easily into the countryside. A looser grain is proposed in this locality near to the Nature Conservation Area and eastern boundary. This is particularly important as the development is seen from open countryside to the south and in particular from the A274 approach from the east, where a sensitive solution to the urban fringe character on the main eastern approach is required. This development creates a new 'gateway' into Maidstone with prominent entrance features, namely the Local Centre and one of the 3-storey apartment blocks.
- 5.4.8 In addition to this, the land falls away to the south, and as such, the density of the development should respond, with the southern section being more visible from long distance views. This enables greater provision of landscaping to be provided,
- 5.4.9 The proposal's scale, density, and massing is appropriate to the site, with street scenes providing views to key spaces and glimpses of the existing tree belt to the east, and the Nature Conservation Area to the south. Streets have active frontages, and open spaces are overlooked providing natural surveillance, and where possible all properties have dual aspects to avoid blank facing walls and 'dead' frontages. Whilst much of the proposal is in outline form, the submitted masterplan indicates that these principles would be carried through to the detailed stage. In order to ensure that this is adhered to (and also to ensure that the proposal remains compatible with the EIA) I have suggested conditions that would require the applicant to translate the principles shown into the details submitted with any reserved matters application. I do consider the layout submitted to be of a high quality; with the character areas and the road hierarchy following the principles of good urban design. The scale of the buildings responds to the layout, insofar as they increase in height at corners, and when fronting open spaces. I therefore consider this to be a high quality proposal in terms of the layout proposed.

### **Car Parking/Permeability**

- 5.4.10 The street hierarchy has been influenced by the need to provide one main vehicle access from the A274, and is well connected due to its loose grid structure and clearly defined and dedicated primary (centrally located tree lined spine road), secondary (with areas of shared space where cars, cyclists and pedestrians would have equal priority), cycle routes and footpaths, all of varying widths. This structure is legible, and has good linkages between spaces for pedestrians and cyclists with attractive, safe and overlooked areas of open space, and easy access to local facilities, all within walking distance of the housing. A good public transport bus route is proposed through the development

as a means of encouraging the use of non-car modes to access local jobs, shops and services. I note that concern has been raised with regards to the provision of tandem parking, and the permeability through the site. The permeability is in part dictated by the shape of the site, and the adjoining uses. Efforts have been made to contact the owner of Bircholt Road to enable both pedestrian, cycle and bus movements directly through to the Parkwood Industrial Estate, however to date this has proved unsuccessful. Nevertheless, the masterplan still allows for this provision should this option become available in the future. In terms of internal permeability, the central spine road has several spurs, many of which interlink, and as such, I do not consider this to prove impermeable. With regards to the tandem parking – I raise no objection, as this allows for greater landscaping provision within the front garden areas.

5.4.11 Car parking is planned at a level appropriate to county maximum standards (IGN 3: Residential Parking), as a site located on the urban fringe with a predominance of 2 spaces including:

- a garage for 3 and 4 bedroom houses:
- 2 spaces for 2 bedroom houses: and
- 1 space per 2 bedroom flats.

5.4.12 To offer choice and variation, the applicant has also shown ratios that depart from this policy, providing fewer (i.e. 1 space) and more (up to 3 spaces or 2 spaces and a garage) within the layout. Where possible car park spaces are located immediately adjacent to the dwelling served to ensure use. Overall an appropriate mix of parking types from on-plot (with garages, car-ports and hardstandings), on-street and within courtyards surrounded and overlooked by buildings would be provided.

### **Housing density**

5.4.13 The Kent Design Guide (2005) in the case of urban fringe locations states that density should remain compact to avoid urban sprawl and recommends a gross density of between 30-50 dph. References within the Development Brief refer to lower densities to reflect the urban edge location, and include high density (35-45dph) within the north-eastern area of the site; medium (25-35dpa) to the west and central areas of the site; and lower densities (20-25dpa) on the eastern edge of the site. Figure 2.1 (net development areas) within the Design addendum shows the densities per acre a little more clearly. Furthermore, the Council's emerging policies on the strategic allocations indicate a density on this site of approximately 35 dph – and this proposal is in general conformity with this. To my mind, the density given is at a suitable level. When assessing both the detailed layout, and the overarching masterplan, the layout provides for a good level of internal open space, as well as a soft buffer to its edge. This is aided by the level of landscaping provision around the application, but nonetheless, I am of the view that the internal layout would not appear as cramped, or overdeveloped.



5.4.14 The applicant also refers to several distinct character areas, these relate back to the characteristics set out in the character areas of the Development Brief. These characteristics have been translated to inform the physical form of the main three distinct character areas, made up of The Avenue, The Rural Edge and Neighbourhood Housing. Other character areas include the 'entrance feature', the 'urban edge' and 'community focus' areas. The D&AS sets out design objectives/codes for each of these character areas.

### **Landscape structure**

5.4.15 The landscape structure is a fundamental consideration for an urban edge development where landscaping should be used to soften the development, helping it to respond more sensitively to its semi-rural context. As part of the proposed strong landscape structure, a green open space network has been shown that reinforces the urban/rural interface and helps give the site a unique identity. This includes:

- the tree lined spine road;
- the introduction of the Nature Conservation Area and new woodland planting (40m deep) within the southern section of the site;
- a woodland 10m buffer to the existing mature mixed tree belt to the east which performs an important screening function;
- a new 10m landscape buffer on the western boundary to screen the adjacent Parkwood Industrial Estate;
- the areas of Public Open Space which consists of amenity green space, community allotments on the western boundary landscaping, informal open space, bespoke planting, informal recreation and biodiversity enhancement;
- the introduction of trees within and along development block edges; and
- strategically positioned hedges and tree planting on building plots.

### **Appearance and detailing**

5.4.16 The house types applied throughout the scheme are of a traditional design, with simple yet standard detailing and a limited carefully considered materials palette, including ragstone, brick, weather-boarding, tile-hanging, slate, roof tiles and PVCu rainwater goods. Up to 21 house types consisting of a range of detached, semi-detached, terraces, corner buildings and apartments are dispersed across the site to provide variety and interest. The majority of the dwellings are 2-storey with 2.5 and 3-storey buildings fronting onto the main spine road, at the end of rows and located with the central area of the site. Whilst of a relatively traditional form, I consider that there to be a good level of detailing provided, with the provision of chimneys, flat roof dormer windows, and a variety of roof forms and pitch heights. This provides interest and variety within the development, and also introduces a more varied roofscape within what is a relatively flat application site.

5.4.17 The design of the three 3-storey apartment blocks were the weakest element of the scheme, especially block A fronting onto the main access road and the Listed

Building directly opposite on the north side of Sutton Road, a prominent position that announces and acts as a gateway to the site/scheme. As such, amended plans have been submitted, which show a building that would be constructed predominantly of ragstone, with a slate roof, and would be provided with details such as exposed rafter feet, and windows with a suitable recess. This is an enhancement upon the original proposal, and I consider the proposal to now be of an acceptable standard.

5.4.18 Considerable thought has been given to the creation of vistas and focal points, securing views of existing landscape features, the perimeter landscaping and open space areas; and boundary treatments show varied and quality solutions using low brick walls or metal railings; picket fencing or hedges; hard paved mews depending on the location of a particular building type within a streetscene in a character area. As such, the development has a strong hierarchy, which would be acknowledged as one moves through the site. In particular, thought has been given to ensure that the open spaces respond positively to the buildings that surround them. For example, greater height is proposed where there is a greater set back from the road, or where a building fronts on to an open space. To my mind, this represents good urban design that creates a sense of place.

#### **Code for Sustainable Homes/Sustainability**

5.4.19 The sustainability chapter of the D&AS and Sustainability Statement set out the measures to increase energy efficiency and reduce carbon emissions throughout the development. They identify a considerable commitment to minimising environmental impacts, through sustainable design and construction methods.

5.4.20 The residential development has been designed to comply with current Building Regulations (Parts L, G2), and consider the use of 'A' or 'A+' for building envelopes in accordance with the BRE Green Guide. Code Level 3 for Sustainable Homes (CfSH) is to be applied for phase 1 and 2, and Code Level 4 for the remainder. A range of measures are listed to achieve this including more than 10% energy use from decentralised/renewable/low carbon sources, and a number of options for incorporating renewable energy sources are also being considered. I consider that this approach is acceptable, as this will ensure that the development, which will take a number of years to construct will be as sustainable as possible in the long term. Whilst the interim policy refers to code 4, I am happy in this instance that the first two phases be level three, subject to the developer providing 10% renewables across the whole site.

5.4.21 All the buildings have been designed to reduce energy use, by taking into account building orientation, layout, overshadowing and materials selection to minimise energy consumption, to optimise solar gain and incorporate natural ventilation, wherever possible. In addition, the landscaping through the proposal would be designed in order to minimise the impact of the proposal upon the environment.

## **5.5 Residential Amenity**

- 5.5.1 With regards to the residential amenity, the proposal would be detached from existing residential properties, with the exception of the property to the north of the Sutton Road. This property would be separated from the development by the A274 Sutton Road, and is also well screen from the site by existing high boundary treatments. I do not consider that this proposal would result in any significant overlooking, overshadowing or sense of enclosure to the occupants of this property.
- 5.5.2 In terms of noise and disturbance, the site would lie adjacent to an allocated employment site as well as having the Council's depot project into part of the site. These are however, existing uses that any future occupiers would be well aware of prior to purchasing properties. Nonetheless, there would be the necessity for suitable mitigation to be put into place, both in terms of the built fabric of the buildings, and also the physical barrier proposed along this western boundary to reduce the impact of these potentially un-neighbourly uses.

## **5.6 Highways**

### **External Works/Contributions**

- 5.6.1 As can be seen from the comments made by KCC Highways and Transportation, the principle of development of this scale within the site is considered acceptable. As part of the existing allocation, the Inspector considered this site to be relatively remote from the Town Centre, and also gave considerable weight with regards to the distance from the nearest railway station. As such, measures were proposed at that point in time to address this, together with the additional traffic that would be generated by the proposal. It is for this reason that Policy T2 of the Local Plan included the provision of dedicated bus lanes, priority to buses at junctions, prioritisation (for buses) within traffic management schemes as well as enhanced waiting and access facilities and information systems for passengers, including those with disabilities.
- 5.6.2 To my mind, these measures remain key in the successful delivery of this site, and also to ensure that this proposal does not become an isolated island of development, overly reliant upon the private motor vehicle. As such, the Council will be seeking contributions of £3000 per dwelling to deliver a new inbound lane of traffic, with bus prioritisation measures from the Willington Street roundabout to the Wheatsheaf junction (A274 & A229 junction). Whilst KCC Highways and Transportation have requested that these simple be for vehicle movements, it is my opinion that there should be some bus prioritisation along this corridor to encourage greater use of the bus, and to reduce vehicles along an already busy highway. As such, I proposed that any additional lane of traffic should only be available for bus use between the hours of 7.30am and 9.30am. This lane could be available for other traffic at all other times. This would be consistent with the peaks shown for inbound traffic movements. Should this provision be made, then I consider that the proposal would address both the capacity issue within the

A274, and also would ensure that the proposal would align with existing Local Plan Policy, and would be a more sustainable location than otherwise.

- 5.6.3 Intrinsic to the successful management of both inbound traffic, and traffic that seeks to head northwards to the A20 is the alteration to the Willington Street/Sutton Road junction. The improvements to this junction are set out within the Transport Assessment, which is agreed by Kent Highways and Transport. Again, I consider that this is a necessary part of any proposal for additional housing further along Sutton Road as it is acknowledged that this junction is already at capacity, and further strain will take it beyond capacity. The mitigation at this junction will include widening of the junction, which will see the removal of a tree. However, it has been agreed that this would be replaced should permission be granted.
- 5.6.4 It is proposed that two new bus stops be provided upon the A274 – one serving the eastbound service, and one the westbound. These would be provided to the north of the site, and have new shelters, bus boards, and real time bus information. I consider that these would make the use of bus services more attractive, and therefore are required as part of this development.

### **On Site Works**

- 5.6.5 A new access is required to be formed into the application site from the A274 (Sutton Road). It is proposed that this be in the form of a new roundabout with minor changes to the existing road alignment. The roundabout has been fully considered, and would allow for both safe entry to, and exit from, the application site. The roundabout would also act as a traffic calming measure for vehicles that are running into the town from the Headcorn direction, within an area which would have a significant increase in pedestrian footfall – I consider this a benefit.
- 5.6.6 Within the application site it is proposed to run a main spine road (generally) in a north/south direction. Whilst only part of this development is detailed, it is proposed to complete the spine road down to the location of the school, to ensure that this can be provided (should other sites come forward in advance). The residential streets would run from this street, with the surfacing and form of the highways clearly demarcating the hierarchy of these streets.
- 5.6.7 The proposal includes the provision of a retail/commercial centre, to the front of the site. This would generate traffic movements from outside of the application site. It is considered however, that this would not result in a significant impact upon highway safety, as access could be obtained into the site in a suitable manner.

### **Parking Provision**

- 5.6.8 With regards to the parking provision within the development, KCC Highways and Transportation do not raise any objections to the level provided (although some concerns are raised with regards to tandem parking provision within some

parts of the site). I concur with this view - that the parking provision is sufficient; however, I disagree that the inclusion of tandem parking spaces would be to the detriment of the scheme. The provision of tandem parking spaces ensures that sufficient land be given over to landscaping, which enables a more high quality finish to the development to be provided. Furthermore, much of the tandem parking proposed would be on the more 'minor' roads where speeds would be low, and there would be good visibility into and out of each property. As such, I do not consider that this would be to the detriment of highway safety.

5.6.9 I note the Highways Officer's comments with regards to the fact that plots 40 and 41 only have one space. As Members will be aware, Maidstone Borough Council has not adopted the Interim Guidance, and in this particular instance, due to the availability of on street parking in the vicinity, do not consider this to be such a significant issue to warrant amendments to be made. In this instance, I would rather see the provision of more landscaping.

5.6.10 Full details of the commercial area have not yet been provided as this falls within the 'outline' element of the proposal. The level of car parking can therefore be assessed when the reserved matters are submitted should permission be granted.

5.6.11 Overall, I consider the transport mitigation, the layout, and the parking provision to be acceptable. I am of the view that the external highway improvements would suitably mitigate the impact of the proposal, in terms of additional traffic as well as its location, and promoting more sustainable modes of transport. I therefore raise no objections to the proposal on highway grounds.

## **5.7 Landscaping**

5.7.1 The applicant has submitted a detailed landscaping plan for the full element of the proposal, and an overarching masterplan for the outline element of the proposal - including the area of informal open space at the southern end of the site.

5.7.2 The landscaping within the northern section of the site has been designed in a way to reduce the environmental impact of the proposal, as well as providing a defined hierarchy through the development. During pre-application discussions, the importance of the front of the site was highlighted, and in particular the need to provide good structural landscaping. The existing hedge along this stretch of the A274 is of limit value, both aesthetically, and also in terms of ecology, and the applicant was therefore encouraged to 'open up' this element of the proposal, in order that the houses would be more visible, which should in turn reduce the speeds of the vehicles, as the character would change. The landscaping proposals show the retention of the most robust hedge tree planting (at the eastern end of the site), with the provision of three lime trees along the road frontage, and then in to the application site, along the eastern side of the spine road. This tree planting would be replicated on the western side of the

access road, as well as in front of the commercial area. Details of the tree planting within the proposed roundabout is also shown; three non-native birch trees.

- 5.7.3 I am of the opinion that this aspect of the landscaping provision is acceptable, and responds to the advice given prior to submission. The space between the trees would ensure that their long term survival as best as possible. I am proposing a condition be imposed that would require the tree planting along the road frontage to be more mature trees, which would have an immediate impact upon the development, and also, to ensure their long term survival – particularly with the level of construction traffic borne in mind.
- 5.7.4 The access into the site will be provided with a grass verge, path, and then private gardens behind. There would be elements of informal planting within this verge, which would add some biodiversity.
- 5.7.5 Behind the path, each dwelling would be provided with a hedge (*Prunus lustanica*) and then a further set back to each property. I consider that this landscape proposal provides a good layering of soft landscaping, and also an appropriate amount of open space, along this key route through the site.
- 5.7.6 Internally, the landscaping is much more informal, with the tree planting more sporadic, and clustered, with the hedge planting also less formal. The landscaping proposal would see each property provided with a soft frontage although many of these would be much closer to the highway than along the spine road. I consider that this reflects the hierarchy of the highways.
- 5.7.7 Areas of open space are proposed within the eastern part of the site, next to the woodland tree belt, with one adjacent to the spine road - the eastern area being the larger of the two. The eastern area would be provided with 13 additional trees, as well as three areas of planting – the remaining area being of grass. This would be able to be used as a small area of informal play, or recreation, as well as having benefits for ecology. The smaller of the two areas (adjacent to the spine road) would be provided with tree planting, to give the impression of a more formal 'square' which would also respond to the changes in hard surface at the point – being brick/block pavers.
- 5.7.8 In terms of the remainder of the application site – i.e. that which falls within the outline element of the proposal, the landscaping is shown as illustrative only. Nonetheless, the plans do show that the landscaping provision would be able to be provided in a similar vein to the detail that is shown within the detailed element. Of particular importance is the proposal to create a more robust southern boundary to the application site. As such, I am recommending that a condition be imposed that would ensure that the additional tree planting shown would be provided prior to any works taking place for phases three and four – as these would be the most visible phases from the south (the additional planting has been requested to reduce the impact of the proposal when viewed from the south).

- 5.7.9 With regards to the area of semi-natural open space, the applicants will be undertaking an exercise of 'cut and fill' with much of the spoil relocated to this part of the site. As such, a phasing plan for this work has been submitted, and it has been agreed that this element of the proposal would not need to be completed until the remainder of the development is complete. Nonetheless, a strategy for its completion would be required by condition, to ensure its delivery.
- 5.7.10 Allotments are shown to be provided within the south western portion of the application site. These would provide a suitable community facility, whilst also providing a soft buffer between some of the residential properties and the Parkwood Industrial Estate.
- 5.7.11 I consider that the landscaping provision, as shown would provide a high quality setting for the development, and would mitigate the impact of the proposal from long distance views. Many of the species proposed are indigenous to the area, and respond positively to the character and appearance of the locality. I therefore raise no objections to the landscape provision shown, subject to the imposition of suitable safeguarding conditions relating to the outline element of the proposal.

## **5.8 S106 Contributions**

- 5.8.1 The applicant has submitted a draft S106 agreement following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 5.8.2 As Members are aware, the Council has an adopted DPD which addresses the matter of affordable housing within the Borough. This requires that a 40% affordable housing provision be made on developments of 15 units or more. The Council have however 'banked' policies for the purposes of Development Management on the strategic sites. Policy SS2a relates specifically to Langley Park, and requires that the level of affordable housing be provided in accordance with the Local Plan target, as detailed in Policy CS10. However, this policy (CS10) was not adopted for the purposes of Development Management and as such has less weight.
- 5.8.3 The level of affordable housing to be sought is therefore 30% of the overall provision. To my mind, this is a strategic site, with its own policy, which needs to be given weight. Whilst the Local Plan proposal in terms of affordable housing

provision has yet to be adopted for the purposes of Development Management, I am of the view that this development will provide for a significant proportion of the Council's strategic provision and as such should accord with the requirements of this strategic vision as much as it can. Whilst no viability appraisal has been submitted, I am also mindful of the necessity for significant levels of contributions to be made with regards to the highways infrastructure in order for this site to be acceptable – a cost that it not borne by other developments (of a small scale) within the Borough. Whilst this would be a departure from the adopted Development Plan, I feel in this instance, there are sufficient considerations to justify this reduction to 30%.

- 5.8.4 An area of land within the site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction. As at present, this site together with the sites to the north of the A274 (planning applications MA/13/0951 and MA/13/1523) would see the provision of a total of (approximately) 886 dwellings, and KCC have indicated that this would necessitate the construction of a new 1.5 form entry primary school, as those within the vicinity could not be expanded to the extent required to address this additional strain.
- 5.8.5 In order to ensure that this school could be delivered, it would be necessary for contributions of £14,280 per pupil (the formula for working out pupil numbers is set out at the end of the report to be provided. It would also be required for the applicants to provide (their portion of) the land for the school for nil cost. These contributions have been agreed with the applicant.
- 5.8.6 Clearly there is a direct interrelationship between this site and the two aforementioned sites to the north of the A274 in terms of delivery. Of particular importance is understanding the necessary trigger point to see the delivery of the school. KCC have indicated that the school would be necessary once the 350<sup>th</sup> dwelling (across the three sites) has been delivered. As such, any S106 legal agreement would need to be cross referenced with these sites, in order to ensure that this would be delivered at the suitable point in time.
- 5.8.7 The school currently forms part of the outline element of the planning application, and as such, permission would need to be sought for its delivery. This time would need to be factored in to the delivery of the school. It would also be necessary for the road up to the school to be completed in advance, and I proposed to address this by way of condition.
- 5.8.8 It is also proposed that the development would provide a new community facility within the site. This is either to be attached to the new school, or adjacent to it (due to the manner in which new schools are operated, this cannot be confirmed at this stage). This community facility is required as per the emerging Policy. Whilst Boughton Monchelsea had requested that contributions be made to



enhance their existing facility, I considered it more appropriate to seek a provision on site, that the residents could readily access. This does not, of course, preclude them from helping to operate such a facility, within their Parish. I am also mindful that any community facility on the site is also to address the demand created by the sites to the north of Sutton Road, which fall outside of this aforementioned Parish. I consider the provision of this community facility to meet the three tests set out above.

5.8.9 Kent County Council have also requested that other contributions be made towards libraries, youth and communities and adult education. These contributions are considered to have been fully justified, and are related to the scale of development proposed. I therefore consider that they are in accordance the aforementioned regulations.

5.8.10 Significant contributions are also required with regards to the provision of an additional lane for vehicular traffic, which would also have bus prioritisation measures during the busiest period for inbound traffic (7.30am – 9.30am). The cost of such a provision has been provided, which demonstrates that a figure of £3,000 per residential unit would be required to fund this new provision. As has been set out within the submitted transport assessment, the A274 would exceed capacity without such provision. I also note that the existing local plan allocation requires improvements to this busy transport corridor. I am therefore satisfied that this is a necessary requirement of this development, and is directly related, and of a scale commensurate to the proposal.

5.8.11 Contributions would also be sought from any development to the north of the Sutton Road (including applications MA/13/0951 and MA/13/1523) for the same figure. In order to ensure that this is delivered in good time, I would require the payment for this additional lane to be provided at the completion of the 350<sup>th</sup> dwelling across all three sites (in the same vein as the school would be required).

5.8.12 In addition, contributions of £300 per dwelling are required for improvements to the Willington Street junction. Again, as this junction would exceed its capacity should these developments be constructed, then there is a requirement for the work to be undertaken. Again, I consider that it would be prudent to request this money at the completion of the 350<sup>th</sup> dwelling (again across the three sites) in order that the works can be undertaken in good time for the remainder of the development.

5.8.13 Significant discussion have been held with the NHS with regards to the provision of contributions towards additional health services within the vicinity of the site – as no new provision is required on site. The NHS have indicated that the existing provision within the locality can be expanded to accommodate this growth. As such, contributions are sought, with extensive negotiations having taken place between Maidstone BC, the applicant and the NHS to agree suitable provision. It has now been agreed that a figure of £106,200 be provided from phase one of the development, with the remainder of the (outline part) scheme providing

contributions on a per capita basis. Contributions shall be provided at the completion of each phase of the development to meet with this requirement.

- 5.8.14 Much of the provision of parks and open space is to be on site. The Council are satisfied that the semi-natural open space to be provided at the southern end of the site is sufficient, and also that the play space within the development would be sufficient to address the needs of the residents. However, as no on-site provision has been made with regards to sport, contributions of £40,000 are requested to enhance the facilities within a two mile radius of the application site. I consider that this request for contributions meets the tests of the CIL Regulations, and as such, require this to form part of the S106 agreement.
- 5.8.15 The applicant has been advised that it will be necessary to make every effort to ensure that the commercial/retail element of the proposal would be occupied at the earliest opportunity. As such, they are required as part of any S106 legal agreement to undertake suitable marketing of the site, prior to any works taking place (prior to phase 1). This should ensure that this important component of the development has the best chance of being delivered within the required timescale.
- 5.8.16 I therefore consider that this proposal would provide a suitable level of contributions, and facilities within the application site to ensure that the additional strain placed upon the local infrastructure brought about by the development can be accommodated.

## **5.8 Ecology**

- 5.8.1 The applicants have submitted an ecology survey of the application site, together with mitigation to ensure that the development would not have a harmful impact upon biodiversity. Indeed, the Kent Wildlife Trust have considered that the proposal would have a beneficial impact upon the ecology within the site, and the wider area.
- 5.8.2 The site is currently an arable field, and has been for a number of years. As such, the site has limited ecological value at present, and whilst the proposal would see the loss of a quantum of habitat, it does seek to make significant qualitative enhancements that would provide an overarching benefit, should permission be granted. It is noted that concern has been raised with regards to the loss of habitat for some birds that forage within the ground, however, I consider it appropriate to seek clarification by way of a condition as to how the phasing of the site will (in part) address this concern. Likewise, I would request that updated ecological studies be provided for later phases to ensure that they address the ecology within the site as near to the point of development as possible.
- 5.8.3 The large area of semi-natural open space/nature reserve at the southern end of the site will be provided with a long term maintenance plan. This land would

provide both an amenity space for future residents – albeit with limited access to some parts, as well as providing ecological enhancements.

5.8.4 This area, together with the areas set out within the application site, are considered to mitigate the impact that the proposal would have upon biodiversity within the application site. As such, no objections are raised on this matter.

## **5.9 Retail Impact**

5.9.1 The applicants have submitted a retail impact assessment to accompany this planning application. This sets out the policy context of the site, and the Council's wider retail policy. This notes that the interim policy SS2a requires the *'Provision of appropriate shopping facilities for the needs of the development, which shall be delivered within a community hub/local centre.'* It should be noted however, that this should not simply restrict development to that of a scale that addresses a need of the allocation, but this could potentially allow for a larger centre, that would also address the needs of the other strategic allocations within the locality, to allow for integrated development.

5.9.2 'Need' is no longer a policy test to apply to planning applications. However, the needs assessment can provide relevant background information for assessments of retail impact. The applicants have assessed the proposal in light of the Kent County Council retail needs study that took place in 2007, and updated in 2009 and 2010. This study concluded that there would be a negative requirement (i.e. a reduction rather than a growth) for retail floorspace up until 2016. However, a more recent report undertaken by DTZ on behalf of Maidstone Borough Council shows a differing picture, with some convenience floorspace being required in the near future, although this would be within the town centre rather than outlying areas or within District Centres. DTZ do not comment however, on new retailing provision at new local centres.

5.9.3 In terms of whether there would be a requirement for a sequential test to be undertaken, as this is a new centre, which is required by policy to have commercial/retail provision, there is no need for a test.

5.9.4 Irrespective of this, the applicants have completed a retail impact assessment, which has to make certain assumptions, due to the outline nature of the proposal (and the fact that no end user has been identified). Sales densities of £12,000 per square metre have been proposed, which is comparable with the leading retailers in the sector – I am satisfied with this approach. The retail impact shows little trade draw from the existing Parkwood parade (and I note that there are already proposals to re-locate, and upgrade this facility in any event) due to the distances between the two centres. The largest impact that this store would have would be upon the Morrison's in Sutton Road, which is shown with the DTZ report to be significantly over-trading.

5.9.5 It is therefore considered that the proposal, which would be likely to have a turnover of approximately £9.5m in convenience goods, and £0.9m in

comparison, would not have a significant detrimental impact upon the retail provision within the locality and the wider area. I am therefore satisfied that the level of retail provision, is consistent with the aims of the policy – to serve the immediate area, and in particular the new development. I consider this element to be of an appropriate scale and therefore raise no objections to this part of the outline permission.

## **5.11 Phasing of the Development**

5.11.1 As the proposal is for 600 dwellings, together with commercial and school provision, the phasing of the development will be critical in the successful delivery and integration of the development. This is particularly important when considering the additional 300 dwellings proposed to the north of the Sutton Road.

5.11.2 The applicants have submitted a phasing plan, which indicated that the development would be constructed from the Sutton Road moving southwards. As set out within the report, I consider it appropriate for the main spine road to be provided at the beginning of the development and for the school to be provided at the completion of the 350<sup>th</sup> dwelling. However, the remaining phasing of the site should be completed in accordance with the phasing plan. I propose a condition to address this.

5.11.3 As the condition will control the phasing, the S106 agreement would address the provision of affordable housing across the whole site. In order to ensure that the affordable housing is spread across the whole site, a condition is suggested that would see the provision of 30% affordable in each phase (with a built in flexibility of 5%). This should ensure that the affordable element is spread in an appropriate manner throughout the site.

## **6. CONCLUSION**

6.1 This is a site that has been allocated for housing provision since 2000. However, due to the moratorium on greenfield sites it has seen applications submitted and refused in the past. However, the moratorium has now been lifted, and on this basis, the Development Plan identifies this site as suitable for housing provision.

6.2 The loss of employment land at this location is considered acceptable, and would not have a detrimental impact upon the Council's long term strategy for employment provision within the Borough. Nevertheless, the provision of commercial land within the site is welcomed, and is considered necessary to provide a sustainable and cohesive development.

6.3 The design of the proposal is considered to be of a high quality, both in terms of the layout of the development, and the individual buildings. Likewise, the landscaping provision within the development would create an attractive environment for future occupiers, with wider, more far reaching benefits brought

about by the provision of and area of semi-natural open space to the south of the site.

- 6.4 The applicants are making significant contributions to infrastructure, both on site, and within the locality – in particular, contributions towards the additional highway works that would be required to take place along the A274 and A229, and the provision of a new school and community hall within the application site.
- 6.5 Clearly, as the Council does not currently have a five year housing supply, this proposal would contribute towards meeting the shortfall. This is a strong material consideration in the determination of this application, and should be given significant weight accordingly.
- 6.6 This is a proposal that would deliver a high quality development that would also provide significant (and necessary) infrastructure, and open space. As such, whilst not wholly in accordance with the Development Plan, the material considerations are such that I recommend that Members give delegated powers to grant, subject to the receipt of a suitable S106 legal agreement, which should address the matters set out below.

## **7. RECOMMENDATION**

- 7.1 Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:
  - The provision of 30% affordable housing;
  - Contributions of £3000 per residential unit for the provision of a bus lane/additional lane for vehicular traffic;
  - Contributions of £300 per residential unit for enhancements of the Willington Street junction;
  - Contributions of £106,200 for phase 1 towards improvements to health care provision within the locality;
  - Contributions of £360 per person for the remainder of the phases throughout the site (as shown on the submitted formula) towards health care provision within the locality;
  - Contributions for primary education of £14,285 per pupil\*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523). Land of not less than 2.05ha in area to be transferred to KCC for the construction of a primary school. Either in a single transfer or two phases, where the first phase consists of no less than 1.4ha. 1.4ha of the site to be transferred at nil value with the remainder transferred at a price agreed by the contributing developers (ss2a,b,c) and the Local Education Authority; or value set by the District Surveyor. This primary school should be provided prior to the completion of the (cumulative) 350<sup>th</sup> dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523).

- Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
- Contributions for additional book stock within local libraries - £128.44 per dwelling.
- Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
- Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
- Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.
- A suitable marketing campaign to promote the early occupation of the proposed commercial properties to the north of the site. This shall commence once construction of phase 1 has begun.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- The provision of a community facility on site that shall be attached to the existing school. Should this not prove possible, a facility of some 170 sqm metres shall be provided on site.

*\*Based on the following formula:*

$$\text{Pupil Yield} = (A \times B) + (C \times D)$$

*Where:*

*A is the number of houses*

*B is the relevant multiplier being 0.28*

*C is the number of flats*

*D is the relevant multiplier being 0.07*

1. The detailed element of the development (phase one) hereby permitted shall be begun before the expiration of three years from the date of this permission and no development of the remainder of the development shall take place until approval of the following reserved matters has been obtained in writing from the Local Authority:
  - a. Layout
  - b. Scale
  - c. Appearance
  - d. 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.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted (which shall include ragstone for the front block of flats, and slate roofs) 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.

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and 'unique' railings) 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 buildings 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.

4. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

5. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity.

6. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

7. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety and visual amenity.

8. 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 setting and external appearance to the development.

9. No development shall take place 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:

- The retention of existing tree lines along the eastern boundary, and enhancements to the boundary where necessary;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and road verges;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity.

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and



approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

Reason: To ensure satisfactory maintenance and management of the landscaped area.

11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

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

12. Dwellings constructed within Phases 1 and 2 (as per the submitted Phasing Plan, Drg No Csa/1896/129 Rev E) shall meet Level 3 of the Code for Sustainable Homes and as such achieve compliance with Building Regulations Part L (2010) for energy, with an additional standard of 105 litres per day for potable water consumption, as set out in the Sustainability Statement dated May 2013. Dwellings constructed for the remaining Phases 3 and 4 will achieve Level 4 of the Code for Sustainable Homes, or any such equivalent nationally applied standard in place at the time dwellings within these phases are implemented .

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

13. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

14. 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. The development shall thereafter be carried out in accordance with the

subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area.

15. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iii) Details of the junction of the ragstone and brickwork on the flat block.

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

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area.

16. The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention.

17. 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.

Reasons: To protect vulnerable groundwater resources.

18. The open areas within the residential development site shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.

Reason: In the interests of permeability throughout the site, and to maintain the character and appearance of the landscaped areas.

19. No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority.

Reason: To secure a high standard of design.

20. No development shall take place until a sample panel of the ragstone wall, and brickwork has been constructed on site, and agreed in writing by the Local Planning Authority. Such details as are approved shall be fully implemented on site.

Reason: To ensure a high quality design.

21. No construction of a further phase (beyond phase 1) of the development hereby permitted shall take place until the vehicular and pedestrian access to the new school has been constructed and finished to a standard which is to the satisfaction of the Highways Authority.

Reason: To ensure that suitable access to the proposed school is provided prior to its construction and subsequent occupation.

22. No development shall take place 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 having regard to the topography of the site.

23. No development shall take place until the applicant has secured and had implemented 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 enable the recording of any items of historical or archaeological interest.

24. No development shall take place until precise details of the proposed water bodies have been submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of shallow areas, and deeper, cooler areas, as well as the planting regime for the pond.

Reason: In the interests of biodiversity.

25. No development shall take place until precise details of the SUDs system has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable design.

26. The details of the landscaping of the site required to be submitted by Condition 9 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the

approved details.

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

27. There shall be no occupation of the development hereby permitted until the provision of a new roundabout at the point of access from the Sutton Road (A274) has been provided. Full details of the proposed roundabout shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

28. No development shall take place until a phasing plan for the whole has been submitted to the Local Authority and agreed in writing.

Reason: To ensure a suitable development of the site.

29. The landscaping plan pursuant to condition 1 shall show the provision of allotments within the application site, in general accordance with the submitted masterplan. The details submitted shall include the positioning of the plots, and the boundary treatments around them.

Reason: To ensure that the allotments are delivery as per the submitted masterplan.

30. The details pursuant to condition shall include a layout that would enable the opening up of a link into Bircholt Road should the land become available at a later date. Land shall be made available to allow for a link for bus movements into and out of the site. At no time shall development take place that would preclude this access being opened up.

Reason: In the interests of permeability and good design.

31. The details pursuant to condition 1 shall show a minimum set back of 10metres from the public highway (A274) of any commercial building.

Reason: In the interests of good design, and the provision of suitable landscaping.

32. No development shall take place until details of the provision of a minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

Reason: In the interests of good design.

33. No occupation of the development hereby submitted shall take place until the two proposed bus stops upon the A274 have been provided (with real time bus information).

Reason: To ensure the use of more sustainable modes of transport.

34. The development on this site shall be carried out in substantial accordance with the layout included within the Development Brief submitted as part of the application and shown on the submitted masterplan.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

35. The development shall be carried out in accordance with the principles and proposals contained in the Development Brief document submitted as part of the application unless provided for in any other condition attached to this permission.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

36. No building within any plot shall exceed the height specified for buildings within that plot as set out in the Development Brief and layout plan (showing heights of buildings) submitted with and forming part of the application.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

37. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement submitted with the application unless provided for in any other condition attached to this permission.

Reason: The layout of the proposed development is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

38. The development shall be carried out in accordance with the submitted travel plan.

Reason: To ensure that the proposal is delivered in a sustainable manner, and to reduce the impact upon air quality.

### **Informatives set out below**

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 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.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

No vehicles may arrive, depart, be loaded or unloaded within the general site, and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between the hours of 0800 hours and 1800 Mondays to Fridays and 0800 and 1300 hours on Saturdays (and at no time on Sundays or Bank or Public Holidays).

Removal of existing trees or hedgerows containing nesting birds shall take place outside of the bird-breeding season (generally March to August).

Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials are stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Within any submitted landscape plan, full details of the retention of cordwood within the site shall be submitted.

**The proposal, whilst a departure from the local plan insofar as it does not provide for any employment provision, is considered to represent a well designed development that would provide housing within a sustainable location, and that would contribute to the provision of additional infrastructure within the locality. This, together with the Council's current lack of a five year supply of housing, results in this departure from the Development Plan being considered acceptable.**