

APPLICATION: MA/13/1523 Date: 30 August 2013 Received: 2 September 2013

APPLICANT: Redrow Home Limited

LOCATION: LAND WEST OF BICKNOR FARM COTTAGES, SUTTON ROAD,  
MAIDSTONE, KENT

PARISH: Maidstone, Otham

PROPOSAL: The erection of 100 dwellings together with associated new access road, car parking, landscaping, and open space in accordance with the submitted house types booklet; Landscape Visual Impact Assessment; Flood Risk Assessment; site layout SL.01 rev A; Affordable housing layout DML.01 rev A; Boundary Materials Layout BML.01 rev A; street elevations sheets (1 and 2) SE.01 (and 02) rev A; Plots 1-9 floor plans P.1-9.p1 rev A; Plots 1-9 floor plan sheet P.1-9p2 revA; Plots 1-9 floor plan sheet P1-9.p3 rev A; Plots 13-18 Elevations P.13-18.e; Plots 13-18 floor plans P.13-18.p; Plots 38-43 elevation sheet (1&2) P.38-38-43.el; Plots 38-43 Floor plans sheets (1&2) P.38-43.e1; Plots 92-100 floor plans sheets (1&2) P.92.100.pq (and p2) revA; Plots 92-100 elevations sheets (1&2) P.92-100.e1; House Type 3B5P floor plans and elevations HT3B5P.pe revA; House type 3B5P variation A floor plans and elevations HT.3B5P-A rev A; House type 3B5P mid terrace floor plans and elevations HT.3B5P-MT.pe rev A; House type 4B6P floor plans and elevations HT.4B6P.pe rev A; House type Broadway (4block elevations, and floor plans; House type Kenilworth floor plans and elevations; House type Letchworth floor plans and elevations; House type Oxford floor plans and elevations; House type Pembroke floor plans and elevations; House type Stratford floor plans and elevations; House type Worcester floor plans and elevations; single garage floor plans and elevations, double garage floor plans and elevations; substation SSB01.pe; Bin storage for flat block A and E BCS01.pe revA; Cycle store for flat block A and E BCS02.pe.revA; Bin and Cycle store flat block C BCS03.pe.revA; Landscape Masterplan 1506 03 Rev D; Detailed planting plan (1&2) 1506 04 and 05 revA; received on the 11 October 2013; and planning statement; noise and vibration assessment; transport assessment; sustainability assessment; statement of community involvement; air quality assessment; travel plan; preliminary geo-environmental risk assessment; construction management plan; utilities statement; ecological appraisal; design and access statement; cultural heritage assessment as received on the 2 September 2013.

AGENDA DATE: 16th January 2014

CASE OFFICER: Chris Hawkins

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 insofar as 30% affordable housing is proposed.

### **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: H1, T2, T13, ENV6, ENV49
- Emerging Maidstone Local Plan: SS2(b), Draft Integrated Transport Plan
- Government Policy: National Planning Policy Framework 2012; Ministerial Statement for Growth 2012.

### **2. HISTORY**

MA/01/0452 Land North of Sutton Road, Otham. An outline application for residential development including vehicular access, pedestrian and cycle access, open space and landscaping, with all matters reserved for future consideration except means of access. Refused. Appeal Dismissed.

MA/00/1133 Land North of Sutton Road, Otham. Outline application for residential development including vehicular access, pedestrian, cycle and emergency accesses, open space and landscaping, with external appearance and design reserved for future consideration. Withdrawn.

2.1 The previous application was refused for the following reason:

2.2 *'Maidstone Borough Council has, by an Urban Capacity Study demonstrated that there is sufficient previously developed land within the Borough to meet Structure Plan requirements for the period 2001-2006. There is no further release of greenfield sites before this time and in the absence of any demonstrable need for the development would be contrary to the advice contained in Planning Policy Guidance Note 3: Housing.'*

### **3. CONSULTATIONS**

3.1 **Maidstone Borough Council Parks and Open Space Officer** was consulted and made the following comments:

3.1.1 The main issue the department has is regarding provision of children's play. It appears that the developer wishes to provide a LEAP on the Western boundary in a partnership with an adjoining site also under a planning application for housing development. This other application is from a different developer and as such we would have concerns over ownership of the play area between the two developers to ensure the site is properly maintained. Information provided within the Design and Access statement is limited as to what would be provided within the play area and so this department would have reservations over the usefulness of its installation, especially if little thought and consideration is put into the type of equipment provided. We would also have reservations over the size of the play area if it is to be provided for two developments consisting of over 270 dwellings. Similarly we have reservations that the play area will only be targeted at under 8's. What provision (other than a 5 station trim trail) is there for older children? With the installation of a LEAP we would request that our department is consulted as to what type of equipment is installed

3.1.2 It is noted that there is planned provision for a trim trail to the east of the development alongside a circular path that encompasses the whole of the development, as well as amenity space around the borders of the development

3.1.3 With this in mind, this department would seek an additional off-site contribution for surrounding open space which is likely to see an increase in usage as a result of this development. Senacre Recreation Ground is approximately 250 metres away and is a large area of open space providing outdoor sports facilities. Parkwood Recreation Ground is just over 0.25 miles away from the proposed development and is a central location of play and outdoor sports facilities for the local community which also provides a pavilion for use alongside those facilities.

3.1.4 We would envisage an increase in usage of facilities at both of these sites as well as any others within a one mile radius of the development.

3.1.5 We would request that an offsite contribution be made towards both these sites for the improvement, maintenance, refurbishment and replacement of facilities within these areas. Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities.

<b>GREEN SPACE TYPE</b>	
	<b>Requirements</b>
Parks and Gardens	<i>No requirement but included in</i>

	<i>other categories.</i>
Natural and Semi-Natural areas	<i>No contribution required as included in the development</i>
Amenity Green Space	<i>Included in development.</i>
Provision for Children and Young People Equipped Play	<i>Onsite contribution indicated but a contribution towards improvements to existing facilities is requested.</i>
Green Corridors	<i>Not required.</i>
Outdoor Sports Facilities	<i>Onsite trim trail included in development.</i>
Allotments and Community Gardens	<i>Not included, contribution is requested</i>
Cemeteries and Grave Yards	<i>Not required</i>
	<b><i>Total off site contribution of £400 per property requested</i></b>

3.1.6 The table above condenses the types of green space and identifies what is potentially provided by the development. Bearing in mind that some types of green space are supplied the typical financial contribution requested per dwelling would be reduced. This department is aware that this is subject to change and we would be happy to reconsider our request should further information regarding supply of play etc become available.

3.1.7 We would in this instance seek to request a contribution of £400 per dwelling x 100 = £40000

3.1.8 As indicated this would be used primarily towards the improvement, provision and maintenance of outdoor sports facilities and provision for children and young

people equipped play and would be used at Senacre Recreation Ground, Parkwood Recreation Ground and other facilities within a one mile radius.

3.2 **Kent Highways Services** were consulted and made the following comments:

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

3.2.2 The planning application proposes a new priority vehicular access from the A274 Sutton Road and the erection of 100 residential dwellings, comprising a mixture of houses and flats and including a proportion of affordable housing.

3.2.3 Personal Injury Accident data has been reviewed for the three year period up to 30<sup>th</sup> June 2012 for the local highway network surrounding the site. A total of six accidents occurred on Sutton Road in the vicinity of the site during this period, all of which were classified as 'slight' in nature, which is relatively low for a heavily trafficked primary route. The majority of the recorded accidents were attributable to pedestrian or driver error, which does not provide cause for concern in relation to this application. Automatic Traffic Count (ATC) surveys were undertaken for a period of one week during April 2013 on the A274 Sutton Road in the vicinity of the proposed site access. The ATCs recorded an average weekday AM and PM peak hour two-way flow of approximately 1,100 vehicles on Sutton Road, which is consistent with KCC Highways and Transportation's own data.

3.2.4 Pedestrian and cycle facilities in the area surrounding the site are generally of a high standard and high-frequency bus services to Maidstone Town Centre are available within a reasonable walking distance. However, the closest bus stops to the site are of a poor standard. It is therefore considered that the applicant should undertake improvements to these bus stops, including the provision of covered waiting facilities and raised kerbs to permit level boarding. Furthermore, the westbound bus stop should be relocated to the east, in consultation with KCC Highways and Transportation, to avoid the heavily parked layby in which it is presently situated.

3.2.5 The proposed site access junction includes a three metre wide foot/cycleway along the site frontage to facilitate pedestrian and cycle demand towards Maidstone. Pedestrian and cycle refuge islands are also proposed on the A274 Sutton Road to facilitate crossing demand towards Bircholt Road and would have the further advantage of providing a sense of physical width constraint, which should act to reduce traffic speeds. The applicant, together with the applicant for the Imperial Park site to the west, should also provide a toucan crossing facility on the A274 Sutton Road to provide safe pedestrian and cycle access to the proposed community facilities within the Langley Park site to the south east.

3.2.6 The Transport Assessment states that the proposed development car parking provision has been set to meet the minimum standards prescribed in the Kent Design Guide Interim Guidance Note 3, which is acceptable. The internal site layout is also acceptable, although it should be noted that all street trees would be maintainable by the applicant and not KCC Highways and Transportation. The residential trip rates applied in the Transport Assessment for the proposed Langley Park development have been applied to identify the total trip generation for the site, which is as follows:-

**AM peak PM peak**

	In	Out	Total	In	Out	Total
Private Housing	11	31	42	22	16	38
Non-Private Housing	2	7	9	7	6	12
Total	13	38	51	29	21	50

3.2.7 KCC Highways and Transportation is in agreement with this assessment. These trips have been adjusted to the agreed assessment year of 2018 using growth factors derived from the TEMPRO database and have been distributed on to the local highway network using the 2001 Census workplace origin-destination dataset and the location of local primary and secondary schools, shops and leisure facilities, which is an acceptable methodology. This results in the following distribution of traffic on to the A274 Sutton Road:-

**Distribution Vehicles**

	AM Peak	PM Peak	AM Peak	PM Peak
East	24%	24%	12	12
West	76%	76%	39	38

3.2.8 KCC Highways and Transportation is in agreement with this assessment. Capacity analysis has been undertaken for the A274 Sutton Road / Bircholt Road junction. This indicates that the junction currently operates well within its design capacity and would continue to do so in 2018 with the addition of trips arising from the proposed development, the other strategic housing sites in South East Maidstone and background growth. KCC Highways and Transportation is in agreement with this assessment.

3.2.9 However, transport modelling undertaken on behalf of the developer of the nearby Langley Park site, which incorporates trips generated by the Land West of Bicknor Farm Cottages development, demonstrates that future year traffic flows would be greater than the actual carrying capacity of the A274 Sutton Road

(approximately 2,000 two-way vehicles per hour). The usual course of action in this scenario is to manage demand, reassign traffic and/or increase highway capacity. In this case, KCC Highways and Transportation is of the view that the inbound carriageway of the A274 Sutton Road should be widened between its junctions with Wallis Avenue and Loose Road to provide an additional traffic lane. Based on the total estimated cost of the scheme, a contribution of £3,000 per dwelling from each of the strategic housing sites in South East Maidstone - which will have the most significant and direct impact on the capacity of Sutton Road during the period of the Local Plan - will be sought.

3.2.10 The modelling undertaken on behalf of the developer of the Langley Park site further demonstrates that the A274 Sutton Road / Willington Street / Wallis Avenue junction would operate over its design capacity in the future year scenarios of 2018 and 2027. This would encourage drivers to 'rat-run' and/or retime their journeys to avoid the congestion. Policy SS2 of the draft Maidstone Local Plan seeks capacity improvements to this junction and therefore a scheme of mitigation has been designed and costed by the applicant for Langley Park. 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; and the linking of the controllers of the two junctions to improve the efficiency of the whole intersection. The revised layout 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.

3.2.11 Based on the total estimated cost of the scheme, a contribution of £300 per dwelling from each of the strategic housing sites in South East Maidstone will be sought. Subject to the satisfactory resolution of these matters, I can confirm that provided the following requirements are secured by condition or planning obligation:

**3.3 KCC Ecology** were consulted and made the following comments:

3.3.1 'The applicants have provided additional information which we have reviewed have updated the following comments:

## **Ancient Woodland**

- 3.3.2 Bicknor Wood is to the north of the site and it has been designated as ancient woodland. We are aware that the applicant was refused access to survey the woods, so we do acknowledge that it makes it more difficult to assess the impact the development will have on the wood.
- 3.3.3 The applicant has provided additional information detailing that a minimum of a 15meter buffer will be created adjacent to the woodland. The buffer will include fencing and planting of prickly native species to reduce the potential of people directly accessing the woodland from the proposed development site. We also note that the site has been designed to ensure no gardens back on to the buffer area to prevent informal garden extensions and reduce the potential of garden waste being dumped in the area.
- 3.3.4 We would expect the landscape design to compliment the landscaping proposed for the Land north of Sutton Road MA/13/0951. The proposed development will result in an increase in lighting as such there is a need to ensure that the lighting impacting the ancient woodland and buffer is minimised. If planning permission is granted we would expect a detailed lighting plan to be submitted as a condition of planning permission. We would expect the lighting plan to include maps showing the expected lighting spill.

## **Reptiles**

- 3.3.5 The reptile survey recorded a likely absence result. We had some concerns that as the majority of the reptile surveys were carried out in April and due to the unseasonably cold weather in March and April the reptile survey results were not correct. We have spoken to the ecologist in detail about this and we are satisfied that the results of the reptile surveys are correct and we require no additional information to be provided.

## **Bats**

- 3.3.6 Bats have been recorded foraging within the site (particularly along the boundaries) and a number of trees have suitable features to contain roosting bats. The ecological survey has recommended designing the lighting scheme to minimise the impact the proposed development will have on bats. We recommend a map is submitted of the proposed lighting to ensure that the recommendations are incorporated in to the site.

## **Birds**

- 3.3.7 The submitted report has detailed that based on the results of the survey work undertaken, the grassland fields dominating the site do not appear to support



significant bird interest. We had some concerns that there had been insufficient survey effort to make that assessment. The ecologist has detailed that although no specific bird surveys were carried out, they are satisfied that the presence of notable species would have been identified when the reptile/phase 1 and the NVC surveys were carried out. We are satisfied with this assessment and we require no additional information to be submitted for comment.

### **Management Plan**

3.3.8 The submitted landscaping plan has detailed that a native acid grassland site, scrub and suds will be created around the boundary of the site. The ecologist has provided the principles of the proposed management plan. Based on these principles we are satisfied that sufficient information has been provided at this stage. If planning permission is granted we require a detailed management plan to be submitted as a condition of planning permission.

### **Enhancements**

3.3.9 One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". The ecological survey has provided recommendations for ecological enhancements which can be incorporated in to the site. Details of the ecological enhancements must be incorporated in to the management.'

**3.4 Maidstone Borough Council Landscape Officer** was consulted and made the following comments:

3.4.1 'There are three Tree Preservation Orders protecting trees on or adjacent to this site, namely TPO No. 36 of 1981, TPO No. 37 of 1981 and TPO No. 45 of 1981. Bicknor Wood to the north is also designated as Semi Natural Ancient Woodland.

3.4.2 The proposal aims to retain all the protected trees which consist of mainly grade B trees along with two grade As and one grade C within areas of open space. The principle of having a minimum 15m buffer zone adjacent to the ancient woodland and open space around the site boundaries allowing for the successful retention of the protected trees is welcomed. I would only comment that it is not clear if the woodland boundary denoted on drawing no. 230317-P-11 is the same as that denoted in the draft Ancient Woodland inventory.

3.4.3 In terms of the landscaping proposals I would want to ensure that the Sutton Road frontage is consistent with that proposed on the adjacent development site and I am not convinced that this is currently the case.'

- 3.4 **Maidstone Borough Council Environmental Health** were consulted and raised no objections to this proposal subject to the imposition of suitable conditions with regards to contamination.
- 3.5 **Kent Wildlife Trust** were consulted and raised no objections to the proposal.
- 3.6 **Southern Water** were consulted and raised no objections to this proposal.
- 3.7 **The Environment Agency** were consulted and raised no objections to the proposal subject to the imposition of conditions relating to drainage.
- 3.8 **The NHS** were consulted and raised no objections with regards to the proposal subject to the receipt of contributions of £73,656 towards health care provision within the locality. This is assessed within the main body of the report.
- 3.9 **Kent County Council Archaeology** were consulted and raised no objections to the proposal subject to the imposition of a safeguarding condition.
- 3.10 **Kent County Council Economic Development** section were consulted and raised no objections to this 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

#### **4. REPRESENTATIONS**

- 4.1 **Otham Parish Council** were consulted and made the following comments:
- 4.1.1 'Whilst Otham Parish Council accepts the growing need to build new houses across the Borough of Maidstone, we find ourselves unable to support this application at this time, and request the application is reported to Planning Committee for the following reasons:
- Lack of integrated transport policy to support the additional traffic that this site (and the two other proposed development in the area) will generate, specifically a complete lack of traffic studies undertaken on the road systems through Otham and Downswood.

- Significant doubts being raised over the accuracy and integrity of the Ecology Appraisal in and area of potentially significant wildlife habitat.
- Significant legal evidence to suggest that the overall housing requirement calculation is fundamentally flawed and as a direct result of this, green field sites should not be sacrificed until all other more suitable land allocations can be exhausted.'

4.2 **Boughton Monchelsea Parish Council** were notified of the application(the site lies outside of the Parish but adjacent to the Boundary) and made the following comments:

4.2.1 Boughton Monchelsea Parish Council objects to the proposal for the following reasons:

- The Parish Council is extremely concerned at the proximity of the Bircholt Road junction to the new access to the development from Sutton Road. We believe road safety will be compromised due to this. In addition, the volume of traffic currently using Sutton Road would mean long waiting times for traffic trying to enter and exit the new development, creating queuing traffic beyond the filter lane created. We sincerely hope that MBC will satisfy themselves regarding road safety associated with this proposed arrangement and take full responsibility for this if they are minded to grant consent.
- It would appear that the application fails to make provision to secure the proper mitigation of the impact on the Parish communities of the provision of an additional 100 dwellings which appear to be only the first phase of a large scheme.
- 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 a 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 2-4 above, the application is submitted on the basis that the Council does not have a five year supply of housing land. The Parish Council 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 the result of Legal Misdirection (or Misdirections). The Parish Council objects to the proposal objects to the application because it is submitted on the invalid basis that they Borough Council does not have a five 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 at a later stage, including further objections in response to any comments which might be made in relation to points 2-5 above.'

4.3 **Neighbouring occupiers** were notified of the application and 12 letters of objections have been received. The objections in this letter are summarised below:

- The housing would be getting near to the village of Otham;
- Increased congestion within the locality;
- Impact upon ecology;
- The existing doctors and dentists are already overloaded;
- Severe damage to the countryside which cannot be reversed;
- The electricity supply is unreliable in the area;
- There are no schools to accommodate this growth;
- The quality of water supply is unreliable;
- This is piecemeal development;
- The proposal would have a significant impact upon Bicknor Wood;
- The matter of the 5 year supply has not been fully considered;
- The proposal would result in overlooking of existing properties.

## 5. **CONSIDERATIONS**

### 5.1 **Site Description**

5.1.1 The application site lies to the east of Maidstone, and to the north-east of the Parkwood Industrial Estate. The site is designated with the Maidstone Borough Wide Local Plan (2000) for housing provision, and has been identified in the emerging Local Plan as a strategic housing allocation.

5.1.2 The land to the west of the application site also forms part of the allocation within the emerging Local Plan – the two sites only being separated by land ownership.

5.1.3 The application site is relatively flat, with a number of substantial trees within the site, a number of which are covered by Tree Preservation Order..... to the front of the site is a large hedge, although this is broken by a significant number of trees planted within. Many of these trees are now relatively substantial in size, and contribute to the rural character of this locality.

5.1.4 The land to the north of the site is Bicknor Wood, which is to be retained. This woodland extends down the eastern side of the application site towards the A274 – thinning out towards the road. Beyond the tree belt along the boundary is Bicknor Farm, a Grade II listed building that is surrounded by high fences, and

contains a number of buildings that appear to be in commercial use. The land to the north of Bicknor Farm is farmed.

5.1.5 To the south of the site is the Sutton Road, and beyond this the Parkwood Industrial Estate. Part of the (the south east corner) site would also 'face' on to the allocation at Langley Park Farm.

5.1.6 Views of the site are relatively restricted due to the tree planting along the northern and western boundary. Views from the south are limited by the industrial estate, and due to the topography of the land to the south – which rises, and then falls within the Langley Park Farm site.

## **5.2 Proposal**

5.2.1 This is a full planning application for the erection of 100 dwellings, new access road, play area and the provision of new landscaping. The layout of the proposal would see the creation of an internal access road that would be close to the western boundary of the application site. This would be flanked on either side by two apartment buildings of three storeys in height. It is proposed that the access road is designed to create a formal 'tree lined avenue' with houses on either side. The car parking on each side of the road – for the flats – would be provided with a ragstone wall, as would the store which would adjoin the wall. Amendments have been recently received which give greater symmetry and presence along this access road.

5.2.2 At the end of the access road, the development would have another apartment block – again three storey in height. This would provide a symmetrical 'end-stop' to the development, and would be an important vista. Initially parking was proposed to the front of this block, but this has since been moved to the rear.

5.2.3 To the western edge of the site, would be a further apartment block, as well as housing (which are located in the more northern section). These properties would overlook the open space within the centre of the allocation and in particular the play area.

5.2.4 The proposal includes the provision of a fully equipped play area, which would straddle the boundary with this site and the site being proposed by Bellway (MA/13/0951). The development brief that was submitted alongside this application identified this area as the most suitable for this provision, as it would be most accessible location for residents of both developments. The play area would be approximately 450 square metres, and would be surrounded by a suitable fence.

- 5.2.5 To the eastern end of the site a large area fronting the A274 would be left undeveloped, in order that the trees subject to a Preservation Order can be retained. This area would also provide part of the SuDs provision for the site.
- 5.2.6 Centrally within the site a square is proposed which would be fronted by dwellings on either side. This would be provided with some tree planting, as well as car parking for the properties. The area would be constructed of pavers and would therefore be set apart from the remainder of the development.
- 5.2.7 The land to the north of the site would be predominantly detached dwellings which would respond to the context of the locality insofar as the density reduces towards the edge of the site. These properties would all be set a minimum of 15metres from the woodland edge – a trim trail is proposed along the northern section of the site, which would also form part of a circular walk around the whole site. A footpath link is also proposed to the A274 in the south-eastern corner of the application site – linking the development with the proposed crossing to connect this site to the Langley Park development.
- 5.2.8 The development would be constructed to level 4 of the code for sustainable homes.
- 5.2.9 Within the south eastern corner of the application site would be a large SuDs feature and new drainage ditch that would service the development.
- 5.2.10 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. The applicant is proposing a 30% affordable housing provision in accordance with the emerging Local Plan policy.

### **5.3 Principle of Development**

- 5.3.1 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 other material considerations indicate otherwise. The application site is allocated within the Maidstone Borough Wide Local Plan (2000) and is identified as a strategic allocation within the emerging Local Plan (policy SS2b). This emerging policy identifies this site, together with the land to the west for a housing provision of 285 dwellings. The land to the west of this site has an application to be determined for 185 dwellings.
- 5.3.2 This proposal therefore accords with both the development plan, and the emerging plan. As Members are aware, this site, amongst others was 'frozen' following the publication of PPG3 (superceded by PPS3), as the government at that time sought a greater emphasis on the development of brownfield land. The

Council, through its urban capacity study were able to demonstrate that it could meet its housing requirements through brownfield land, and as such, greenfield sites such as these were not permitted. This stance was confirmed through appeal decisions on a number of similar sites.

5.3.3 However, following the publication of the NPPF, and the recalculation of the Council's five year supply, it became apparent, that the Council could no longer solely rely on such sites, and as such, would have to revisit the possibility of releasing greenfield sites such as these.

5.3.4 As such, on the 13 March 2013, the Council agreed to lift the moratorium on greenfield sites, on the basis of a lack of a five year supply, the fact that the NPPF had replaced PPS3, and due to the lack of building of family, and affordable homes within the rural service centres. Once this moratorium was lifted, proposing housing upon these sites was once again in accordance with the Development Plan.

5.3.5 Nonetheless, concern has been raised by Boughton Monchelsea Parish Council (following the submission of an application on this site, and others) that the Council has incorrectly calculated its five year supply, and that there are suitable brownfield sites within the Borough that could accommodate this future growth – and as such, the moratorium should not have been lifted. The Council has sought the view of Counsel with regards to this matter, and are confident that it has worked out its supply in a correct manner.

5.3.6 Members will be aware of government advice in the National Planning Policy Framework that states (Para 47) that Councils should;

5.3.7 *'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period; and*

*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 defines deliverable as:

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. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'*

5.3.10 What of the key questions recently asked has been 'against what target are we assessing our five year supply?' The five year supply has been assessed against the RSS figure of 11,080, and on this basis reveals a supply of 4.2 years. This has been the base figure used by the authority to calculate the figure. However, a recent (England and Wales) Court of Appeal decision between the City and District Council of St Albans and 'Hunstan Properties Limited' has indicated that this is an incorrect approach to be taking and that local authorities should be using the more up-to-date DCLG household projection figures.

5.3.11 The Council has recently undertaken a SHMA with the neighbouring Boroughs of Ashford and Tonbridge and Malling. These figures indicate that there is likely to be a significant up-shift in the housing need. Preliminary figures indicate that the housing need for the Borough until 2031 is likely to be 19,600 – which would result in the Council having a current five year supply of approximately 2 years. This reduction in the five year supply further emphasises the necessity to lift the moratorium to ensure greater delivery to address this shortfall.

5.3.12 I am therefore satisfied that it was appropriate to re-instate this land for housing purposes, and I am also satisfied that the proposal generally accords with the existing and emerging policy. As such, I raise no objections to the principle of development on this site, subject to all other material considerations being met.

## **5.4 Visual Impact**

5.4.1 This is a site that has been allocated for the purpose of pure housing provision for a number of years. Clearly therefore, the Inspector would have fully assessed the impact that this change would have and has concluded that the potential harm would be acceptable within this location. The site is bounded by trees on its eastern side, and to the north by Bicknor Wood. As such, long distance views of the site are severely restricted. From the south the site is bound by the A274, with the Parkwood Industrial Estate beyond, and also the allocation for Langley Park Farm – which also has an application submitted. As such, I do not consider views of this site to be prominent from this location.



5.4.2 Nevertheless, the proposal would alter the character of this entrance point of Maidstone – on what is a main thoroughfare. The loss of open fields with the further encroachment of built form would undeniably be a significant change. It is my view however, that this can be addressed through a high quality design, and good quality landscaping provision within the site, and in particular along the road frontage. It is on this basis that I am satisfied that the impact of this land being utilised for housing would be limited, and is acceptable subject to the detailed design.

## **5.5 Design**

5.5.1 Within 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 SS2b specifically refers to Land north of Sutton Road, referring to sustainable construction (point 4) and high quality, modern design that incorporates vernacular materials (point 11).

5.5.2 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 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. However, 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.

5.5.3 Responding to context also involves incorporating site specific constraints, opportunities 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.

- 5.5.4 The application has been accompanied by a joint Development Brief (August 2013) with Bellway Homes for the site immediately to the west of the site. This has recently been amended and was consulted upon in tandem with the planning application(s). The document clearly sets out a comprehensive and co-ordinated vision across both sites with development, planning and design principles common to both. This helps to ensure an integrated approach especially in respect of the frontage facing onto Sutton Road, and spatial interface between the two developments and the boundary treatment. It does not however consider detailed design matters such as appearance and character, resulting in different architectural styles being built typical to each house-builder's standard products.
- 5.5.5 The application is also supported by a Design and Access Statement (D&AS) (August 2013) which explains the detailed design rationale for the proposed scheme. In this instance, it applies a predominantly landscape-led approach, setting the built development from the site's peripheral landscape structure, thereby limiting the developable areas of the site, but nevertheless allowing for an efficient layout. The D&AS refers to 4 distinct landscape character areas, namely the main entrance avenue and flats, the terraced housing, the detached housing, and the detached housing within the estate. The D&AS has also thoroughly considered local precedents within the immediate and surrounding context, including historic and modern traditional architectural styles, architectural elements and choice of materials.
- 5.5.6 The design approach for the scheme is traditional and of a good quality design, incorporating well designed house types and apartment blocks of a similar architectural theme. Discussions have been ongoing with the applicant to ensure that revised amendments undertaken reflect the quality applied to the detailing and appearance of the scheme.

### ***Form and layout***

- 5.5.7 The site is served by a main access from Sutton Road (A274) and is located immediately opposite Parkwood Industrial Estate. The site would be marked by prominent entrance features/apartment blocks, and an apartment block at the end of this main access which terminates the main vista into the development. The rest of the development is made up of a very loose-knit irregular development block pattern that although is set back from Sutton Road to retain existing trees, presents an active frontage onto Sutton Road. The layout encourages permeability, legibility and clearly defines public and private space, and key frontages.
- 5.5.8 Redrow Homes have worked closely with the Local Planning Authority, and changes have been willingly incorporated into the latest revised plans to resolve

some of the weaker elements in the layout of the scheme. These include the western section of the site, the spine road, and the centrally located 'square'. These are set out in more detail below:

- Western section of the site: here, the scheme has been integrated better and now has a stronger spatial relationship with the proposed Bellway Homes scheme. Long and short views into each of the sites to key spaces such as the LEAP and the central/dividing green corridor, particularly how primary vistas are terminated, have been reconsidered and are complimentary in landscape design terms. The new configuration for 'flats block B' is less 'leaky', i.e. loose spatially and has along with the plots 10 to 12 has a stronger edge to enclose the LEAP, thereby defining this more formal/denser part of the site;
- Spine Road: a symmetrical and formal approach has been applied in this section of the site. This now has a stronger built building line and by reconfiguring and introducing an additional unit on each side of the main access, creates an area of higher density to comply with the draft Development Brief (page 30). The removal of the visitor parking along this main access road and redistributing these spaces elsewhere within the site has further strengthened this principal approach road; and
- Centrally located 'square': By re-orientating and changing one unit to the north of the square, this key space has greater definition, a strong building line, better vistas and better frontages to enclose the space more effectively.

5.5.9 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 north. 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.

#### ***Highway safety/access considerations and parking***

5.5.10 The proposal is well connected and applies a hierarchical approach to its road network with a primary (off- centre spine road) as the main access road that then diverts to serve the western and eastern sections of the site. The eastern road is the main secondary route within the site, serving 3 perimeter development blocks via a centrally located 'square'. There is also an extensive pedestrian and cycleway network within the site and along the northern side of Sutton Road.

5.5.11 According to the D&AS and the Planning Statement, car parking is planned at an adequate level appropriate to Kent County Council's standards as set out in Interim Guidance Note 3: Residential parking, as a 'suburban' site located on the

urban fringe. These are located within the plot curtilage or within communal parking courts with:

- 2 spaces for 4 bedroom houses;
- 2 spaces for 3 bedroom houses;
- 1.5 or 1 space for 1 and 2 bedroom dwellings; and
- 1 space for 1 and 2 bedroom flats.

### ***Housing density***

5.5.12 The KDG 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. The proposed scheme is of an appropriate medium to low density, and is complimentary to the adjacent Bellway Homes scheme. It proposes a density within the lower range of 30dph compatible with the other SE Strategic Housing Allocations, resulting in a development of 26dph, appropriate to the character and appearance of the locality.

### ***Landscape structure***

5.5.13 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. A landscape-led approach has been applied to the proposal, respectful of Bicknor Woods to the north of the site, retaining peripherally located natural features such as the existing trees situated along the southern and western boundaries, and providing 4 distinct landscape character areas that include extensive new planting to enhance the landscape setting of this key entrance into Maidstone and semi-natural habitats on site.

5.5.14 This proposal would visually 'open up' the site especially along the extensive Sutton Road frontage so it is in part, particularly the western section to approximately mid-way along the southern boundary, complimentary and integrated with the Bellway Homes proposal and its formal landscape treatment along the Sutton Road frontage; and the western edge fronting onto the 'joint' LEAP and southern pedestrian link. The planting structure where possible would continue along the frontage beyond the main access, and the green corridor between the two sites consisting of the avenue of trees along the LEAP edge southwards adjacent to the pedestrian path, to *'create a more robust, consistent and attractive landscape frontage along the Sutton Road frontage'* (page 9, D&AS), and *'to define a new eastern gateway to Maidstone'* (joint Development Brief).

5.5.15 There are also distinct and high quality areas of soft and hard areas of public realm, with the central 'square' and the landscaped trim trail, an accessible loop (or trim trail) with five stations around the periphery of the site encouraging informal play and recreation. SUDS attenuation areas (ponds and swales) are also provided to the northern and southern parts of the site, within the open space.

### ***Appearance, scale and detailing***

5.5.16 Redrow's 'standard' heritage-range house types are applied throughout the scheme. They are well considered, of a high standard and distinctive 'Arts and Craft'/Edwardian architectural style and identity, with simple yet standard detailing and a limited and carefully considered materials palette. This predominantly uses red brick thereby referencing the use of stock red brick as seen locally in Otham Conservation Area, buff-coloured stock bricks, rough-cast render, ragstone and plain tiles. The quality, bond and mortar joint of the brickwork will be important to avoiding a bland and uniform appearance to the street scene, and will be conditioned accordingly.

5.5.17 There are up to 9 house types including variations dispersed across the site consisting of a mix of detached, semi-detached, terraces and apartments. The majority of the dwellings are 2-storey with four 3-storey apartment blocks located at the entrance, and within the central part of the site fronting onto the LEAP and at the end of the main access road into the development. The limited use of 2.5-storey buildings, eleven in all, are centrally located near to and around the 'square' and the front street scene, to provide variation in roof forms.

5.5.18 The elevations have been well detailed especially the front elevations, with the introduction of half-gables, gable-verges, porches, well proportioned fenestration patterns including diamond windows, glazing bars, coloured glass adjacent to the front doors of the apartment blocks, varying roof forms with half-hips, dormers, eye-brow dormers, barge-boards and varying roof levels, referencing the vernacular buildings research outlined in the D&AS. Some chimneys have been used to 'break-up' and provide interest and variety to the rooflines. Boundary treatments show varied and quality solutions using brick and ragstone walls and/or metal estate railings in prominent locations, post and rail fencing, depending on the location of a particular building type within a streetscene of a particular character area.

### ***Code for Sustainable Homes***

5.5.19 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. The residential development has been designed to comply with current Building Regulations (Parts L), and Code for Sustainable Homes, Code Level 4 (as set out in policy CS6: Sustainable Design and Development).

5.5.20 A range of measures are listed to achieve this including more than 20% energy use from decentralised/renewable/low carbon sources is also being sought. A number of options for incorporating renewable energy sources are also being considered. 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. I consider that the proposal is designed to a high a standard of sustainable design, and as such I raise no objections to this element of the proposal.

## **5.5 Residential Amenity**

5.5.1 The application site is relatively divorced from existing residential properties, Bicknor Farm aside and as such, the impact upon residential amenity will be very limited. With regards to Bicknor Farm, it is noted that the property is already surrounded by high fences, and there is a significant level of commercial activity within the grounds. In any event, the layout that has been proposed would not result in any dwellings within close proximity of this aforementioned property.

5.5.2 Whilst a number of objections have been received with regards to the impact upon properties within Otham, due to the distance between this site and the village, I am satisfied that there would be no significant harm caused by this proposal to these residents – in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Likewise, there would be very little, if any, harm caused by noise and disturbance.

5.5.3 With regards to the additional traffic movements, the majority of these will be along the main thoroughfares, and as such I do not consider that this would be likely to result in an unacceptable impact in terms of additional noise, or air quality to existing residents.

## **5.6 Highways**

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 Internally the site is to be served by a new access from the A274, provided with a right hand filter lane into the site. There would be no lights on this junction, as this would not be required for the number of dwellings proposed (100). This access road would run northwards into the site, and come to a conclusion at a T-junction. The access would then run in an east/west direction, with an informal 'square' at the end of the eastern spur.
- 5.6.5 This layout has been assessed and is considered to provide a safe passage through the site, as well as a safe entry and exit into the site.

- 5.6.6 The parking provision within the site has also been assessed, and no objections are raised. The majority of properties within the site have a minimum of two parking spaces, with only the smaller flats provided with one. As this is a site relatively divorced from the town centre, it is appropriate to provide a level of parking that reflects this. I consider the parking provision proposed is of an acceptable level that would not result in any highway safety issue.
- 5.6.7 There would also be a small number of visitor parking spaces within the site which would help to address the matter of on street parking. However, some on-street parking would still be likely to take place within the site; I am of the view that this would not give rise to any highway safety concern, as speeds throughout the site would be low.
- 5.6.8 The applicant is required to provide a new crossing adjacent to the south east corner of the site, to link in with the Langley Park site. This should be a controlled crossing, and should be provided prior to the completion of the school on this aforementioned site. This would ensure that the school, and commercial provision required on this site, can be safely accessed by the future residents of any development to the north of the A274.
- 5.6.9 I am therefore of the view that the proposal would address the infrastructure required to make the development acceptable, both in terms of highway impact, but also in terms of sustainability. The parking provision is also acceptable, and as such, I raise no objections to the proposal on highway safety grounds.

## **5.7 Landscaping**

- 5.7.1 There are a number of trees within the site that are subject of a Tree Preservation Order (36 of 1981) and the applicants have been advised to design a layout that would see the retention of these trees, and use them as focal points within the development. As such, the layout has been in part pushed back from the highway, and an open area proposed that would see the retention of the trees, which would be overlooked by a number of residential properties. I consider that this element of the proposal works well.
- 5.7.2 The Landscape Officer has requested that the landscaping provision responds to the proposal on the adjacent site, in its design, and the species proposed. Whilst this wish is understood, due to the change in character, caused by the position of the existing trees, I am of the view that the approach undertaken by the applicant is the correct one. The 'Bellway' scheme to the west would see the provision of tree planting along the frontage with the A274 in a regular manner – to create a vertical emphasis, and to indicate to motorists to reduce their speeds as there are houses, and thus residents nearby. This proposal would see a more informal landscaping proposal, however, this is a landscape led approach as the



existing trees are required to be retained. Whilst this would not provide for a continuous frontage along the A274, I am of the view that this would not be to the detriment of the character and appearance of the locality. I consider the retention of the trees to be of the utmost importance on this site.

- 5.7.3 Internally, the site would be provided with a good level of soft landscaping, with a high number of street trees proposed, and a number of properties provided with hedges to their frontages. Whilst a relatively dense scheme, the rear gardens are all considered to be of an acceptable size.
- 5.7.4 I have suggest a condition that would require the provision of long grass and wild flower mix planting within the large areas of open space, as well as along the tree belts. This is to enhance biodiversity where possible, and to create a layered planting provision. I am of the view that the landscaping masterplan is of a suitable standard, and should inform the details to be submitted as part of any condition discharged.
- 5.7.5 I am therefore satisfied that the landscape provision within the application site is acceptable, and will contribute to delivering a high standard of design quality within the application site.

## **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 SS2b relates specifically to Land to the North of Sutton Road, 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, which 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 smaller scale) within the Borough. Whilst a departure from the Development Plan, I am of the view that in this instance there are material considerations that indicate that this is acceptable.
- 5.8.4 At present, this site together with the 'Bellway' site to the west of this application site (planning application MA/13/0951) and the Langley Park site (MA/13/1149) would see the provision of a total of (approximately) 886 dwellings, and KCC have indicated that this would necessitate the construction of a new primary school, as those within the vicinity could not be expanded to the extent required to address this additional strain. An area of land within the Langley Park 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.
- 5.8.5 In order to ensure that this school could be delivered, it would be necessary for contributions of £14,280 per pupil together with the associated costs of purchasing the land. As stated, KCC Education consider it necessary to seek the provision of this school in order to accommodate the additional pupil numbers, and this is borne out by the fact that it is included within the emerging Local Plan Policy. Education provision is a strong material consideration with regards to the provision of community facilities, and the creation of good development. I therefore consider that this element of the proposal does meet the tests as set out above.
- 5.8.6 Clearly there is a direct interrelationship between this site and the two aforementioned sites to the south and 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 (MA/13/1149), 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.
- 5.8.8 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.
- 5.8.9 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.
- 5.8.10 Contributions would also be sought from any development to the south, and to the north of the Sutton Road (including applications MA/13/0951 and MA/13/1149) 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).
- 5.8.11 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.
- 5.8.12 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 £73,656.00 be provided from the development. It is proposed that this money be spent within surgeries within the locality, which include Wallis Avenue surgery, Orchard Langley surgery, The Mote practice, and Cobtree surgery. All of these surgeries are within a two mile radius of the application site. I consider that this request meets the specific tests set out above.

5.8.13 Much of the provision of parks and open space is to be on site. The Council are satisfied 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 the nearest available sports pitches/facility. These are located within the Parkwood estate, and as such the money should be spent at this location. 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.

5.8.14 As the play area would straddle this site and the adjacent site, I consider it necessary for this element of the proposal to form part of a S106 legal agreement. This legal would then be signed by both parties to ensure that the equipped play area was provided in accordance with the approved details (as required by condition) by either one or both interested parties. Again, I consider this request to meet the tests set out above.

5.8.15 It is proposed that a new pedestrian crossing be provided on the A274 linking this site with the site at Langley Park. This has been requested as it is proposed to locate the school, and the commercial units on this site to the south, and as such, safe pedestrian links are considered key. However, it is my opinion that the cost of such a provision should be shared between the applicants of this site, and the site to the west ('Bellway') as residents of both sites would utilise this crossing. As such, this provision will be required to form part of the S106 legal agreement. I am of the view that this should be provided prior to the first use of the school, or commercial centre – whichever is delivered first.

5.8.16 I consider that the contributions sought would ensure that the provision of contributions and facilities would accommodate the impact made by the proposal upon existing infrastructure. I am therefore raise no objection to this element of the proposal.

## **5.9 Ecology**

5.9.1 Concern was raised with regards to the initial ecological report which stated that Grayling butterflies were identified within the site. This has since been confirmed as an error, as none were located within the site. Indeed, there has been

significant dialogue between the applicants and Kent County Council Ecology on this site, and it has now been agreed that suitable mitigation has been proposed. However, in order to ensure that this is delivered, it is recommended that a condition be imposed that would require the development to be carried out in accordance with the measures proposed within the submitted ecological report.

## **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. The site is also a site proposed for housing provision within the emerging Maidstone Local Plan. As such this proposal accords with the Development Plan. The proposal would provide much needed housing, within an acceptable, and sustainable location.
- 6.2 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.
- 6.3 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 adjacent application site.
- 6.4 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.
- 6.5 This is a proposal that would deliver a high quality development that would also provide significant (and necessary) infrastructure, and open space. It is also 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**

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 a minimum 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 £73,656.00 towards improvements to 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 south and north of Sutton Road (MA/13/0951 and MA/13/1149).
- Contributions towards the land acquisition costs for the primary school on the land at Langley Park.
- 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.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- Contributions towards the provision of a community facility on the Langley Park site.
- The provision of an equipped play area that straddles this application site and that of the 'Bellway' site (MA/13/0951).
- The provision of a pedestrian controlled crossing between the application site and the Langley Park site. This should be provided prior to the first occupation of the proposed school, or commercial area – whichever is delivered first. The cost of this provision shall be split equitably between the applicants of this site, and the applicants of MA/13/0951.

*\*Based on the following formula:*

$$\text{Pupil Yield} = (AxB) + (CxD)$$

*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. 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.

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.

2. The development hereby permitted shall be begun 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.

3. 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 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.

4. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling along the point of access) 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 and southern 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 within the area of open space within the southern part of the site;
- 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.

11. 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.

12. 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.

13. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

14. 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.

15. 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.

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 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.

22. 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.

23. 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.

24. 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.

25. The details of the landscaping of the site required to be submitted by Condition 10 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.

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

Reason: In the interests of highway safety.

27. The development shall be carried out in accordance with the recommendations of the submitted ecological report.

Reason: To ensure the impact of the development is suitably mitigated.

28. 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.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.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 proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the emerging Maidstone Local Plan, and there are no overriding material considerations to indicate a refusal of planning consent. The proposal does not however comply with the Affordable Housing DPD (which forms part of the Development Plan) however it is considered that in this instance this is considered to be acceptable by virtue of the policies within the emerging Local Plan.