

APPLICATION: MA/13/0951 Date: 29 May 2013 Received: 31 May 2013

APPLICANT: Bellway Homes (South East) Limited

LOCATION: LAND NORTH OF, SUTTON ROAD, OTHAM, KENT

PARISH: Maidstone, Otham

PROPOSAL: Full application for residential development of 186 dwellings comprising a mixture of 2, 3, 4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works in accordance with the design and access statement; sustainability assessment; cultural heritage assessment; submitted house types; transport assessment; flood risk assessment (including drainage assessment); phase 1 and 2 site investigation; planning statement; landscape and visual impact assessment; noise assessment; ecological assessment; statement of community involvement; air quality assessment submitted on the 4 June 2013 and layout plans submitted on 28 October 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.
- Cllr Moriarty has requested that the application be brought to Planning Committee for the reason set out within the report.
- It is a departure by virtue of the provision of 30% affordable housing rather than 40% as set out within the DPD.

## **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.
- Other: Otham Conservation Area Appraisal

## **2. HISTORY**

MA/00/0911 Land North of Sutton Road. Erection of 23 no. 2 bedroom, 72 no. 3 bedroom, 52 no. 4 bedroom and 3 no. 5 bedroom two storey dwellings with garages, associated infrastructure works, landscaping and the creation of new vehicular access. Withdrawn.

MA/00/0175 Land North of Sutton Road. An outline application for residential development with the matter of access to be determined. Refused.

There are also applications currently under consideration nearby at 'Land West of Bicknor Farm' (MA/13/1523) and 'Langley Park Farm West' (MA/13/1149). These sites make up the strategic allocations within the emerging Local Plan within the South East of Maidstone. These applications are also on this agenda for determination.

## **3. CONSULTATIONS**

**3.1 Kent Highways Services** have been consulted and made the following comments:

- 3.1.1 I am in receipt of supplementary information from the applicant in response to the issues I raised in my letter of 25th June 2013.
- 3.1.2 At the request of KCC Highways and Transportation, the trips generated by the site have been distributed on to the local highway network on the basis of Census Journey to Work data for the Park Wood and Downwood and Otham Wards. The Transport Assessment states that the proposed development is expected to have an impact of less than 5% on the A274 Sutton Road / proposed site access, A274 Sutton Road / Willington Street, and A274 Sutton Road / A229 Loose Road (Wheatsheaf) junctions. Consequently, the latter two junctions have not been subject to full capacity assessments. However, the predicted future year traffic flows are illustrated to 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.

- 3.1.3 Transport modelling undertaken on behalf of the developer of the nearby Langley Park site, which incorporates trips generated by the Imperial Park development, 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.
- 3.1.4 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. The A274 Sutton Road / site access junction has been modelled and is projected to operate well within its design capacity in the future year of 2018 with the proposed development in place. KCC Highways and Transportation is in agreement with this assessment.
- 3.1.5 It is deeply disappointing that the applicant has failed to modify the site layout in response to KCC Highways and Transportation's concerns regarding its permeability for pedestrians and cyclists and the proposed quantum of tandem and rear parking. These concerns were based on extensive evidence and experience from recently completed residential developments elsewhere in Maidstone and more widely across Kent. As it stands, the present layout not only gives rise to highway safety concerns arising from the need for pedestrians to negotiate parked cars within shared surface areas but may also prejudice the future adoption of the road network within the site by KCC Highways and Transportation.

3.1.6 Following further discussion with local Members and stakeholders including Downswood and Otham Parish Councils, it is KCC Highways and Transportation's view that a vehicular access should not be provided between the site and Gore Court Road and that Gore Court Road itself should not be stopped up to the west of the site. Instead, a connection between the site and Gore Court Road should be provided for pedestrians, cyclists and emergency vehicles only. This amendment to the site layout would have implications for the design of the proposed dwellings fronting Gore Court Road which should be discussed with the County and Borough Councils at the earliest opportunity. The Transport Assessment suggests that the provision of a toucan crossing of the A274 Sutton Road to link the site with the Langley Park development should be provided by the developers of the Langley Park and Land North of Sutton Road (east) sites. KCC Highways and Transportation does not accept this assessment, as the toucan crossing facility would primarily be used by the residents of Land North of Sutton Road to access the proposed primary school and local centre within Langley Park. It is therefore considered that the crossing should be delivered by the developers of the Land North of Sutton Road sites.

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

1. A funding contribution of £3,000 per dwelling for off-site highway mitigation works to the A274 Sutton Road, comprising the widening of the carriageway between its junctions with Wallis Avenue and Loose Road to provide an additional traffic lane.
2. A funding contribution of £300 per dwelling for the off-site highway mitigation works to the A274 Sutton Road / Willington Street / Wallis Avenue junction, as detailed in the Transport Assessment.
3. The provision, by way of a Section 278 Agreement between the applicant and KCC Highways and Transportation, of the priority access to the site from the A274 Sutton Road as depicted on Drawing Number 12-2181-011.
4. The provision, by way of a Section 278 Agreement between the applicant and KCC Highways and Transportation, of 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.
5. Details of the provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

3.2 **Kent County Council Ecology** have been consulted and made the following comments:

- 3.2.1 'Additional information has been provided by the ecologist and we are generally satisfied that the impact has been adequately assessed.
- 3.2.2 No bats were recorded emerging from the trees during the surveys and as a result of reviewing the additional information we are satisfied that there is no requirement for additional surveys or detailed mitigation strategies to be submitted prior to determination of the planning permission. However as a condition of planning permission, if granted, we recommend that a precautionary mitigation strategy is submitted for comments prior to works starting. We acknowledge that the landscape buffer will create foraging and commuting habitat for bats. However we are concerned that the 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.
- 3.2.3 The submitted report has detailed that there is limited suitable habitat for reptiles as the majority of the site is arable. We had some concerns that no consideration has been given to suitable habitat being present at the base of the hedgerows for reptiles. As a result of reviewing the additional information and the surveys submitted as part of planning application MA/13/1523 we are satisfied that there is limited potential for reptiles to be present within the hedgerows.
- 3.2.4 The hedgerow to the east of the site is to be removed and it is adjacent to an area which contains suitable habitat for reptiles.
- 3.2.5 We acknowledge that the proposed development will not result in a direct loss of the woodland and the submitted report has detailed that a buffer area has been incorporated in to the site. However we are concerned that the proposed development will result in an indirect impact on the ancient woodland sites through an increase in recreation. As such there is a need to ensure that the buffer area is designed to prevent direct access in to the woodland from the proposed development. We would expect the landscape design to compliment the landscaping proposed for the Land west of Bicknor Farm Cottages, Maidstone application (MA/13/1523).
- 3.2.6 The management plan for the site must be produced as a condition of planning permission to ensure that the buffer area and any ecological enhancements are managed appropriately. Details must be provided detailing how the site will be managed in perpetuity.'

3.3 **Kent County Council (Mouchel)** were consulted and requested that the following contributions be provided in order to make the application acceptable:

- Contributions of £1,356,966.20 towards a new primary school facility on the Langely Park site;
- Contributions of £387,597.15 towards improved secondary school provision within the locality;
- Contributions of £5,340 towards community learning;
- Contributions of £21,425.34 towards enhancing library facilities;
- Contributions of £18,090.36 towards adult social services.

3.4 **The Primary Care Trust** were consulted and made the following comments:

3.4.1 In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

- Wallis Avenue practice
- The Mote Medical practice
- Downswood surgery
- Northumberland Court, Shepway surgery.
- Grove Park surgery
- Orchard surgery at Langley.

3.4.2 All of the above surgeries are within a 1.5 mile radius of the development at Land North of Sutton Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

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

3.4.4 The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

### **Predicted Occupancy rates**

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

For this particular application the contribution has been calculated as such:

- **33 x 2 = 66 persons**
- **54 x 2.8 = 151.2 persons**
- **43 x 3.5 = 150.5 persons**
- **130 units = 367.7 total assumed occupancy**
- **367.7 @ £360 per person = £132,372**

3.4.5 NHS Property Services Ltd therefore seeks a contribution of £132,372 plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.'

3.5 **Maidstone Borough Council Landscape Officer** has been consulted and made the following comments:

3.5.1 'The site is adjacent to two areas of woodland designated as semi natural ancient woodland. To the north is Bicknor Wood and to the west is Bicknor Hole. Bicknor Wood is protected under Tree Preservation Order (TPO) No. 37 of 1981, two English Oaks and one Common Ash.

3.5.2 The applicants have submitted an Arboricultural Implications Report prepared by Simon Jones Associates in May 2013. This is considered an acceptable assessment of the trees and hedgerows currently on site.

3.5.3 60 individual trees, 3 groups of trees, 2 woodlands and 2 hedgerows have been surveyed. Of these 8 individual trees, 2 tree groups, 1 hedgerow and small sections of the other hedgerows are proposed to be removed. None of these are internal to the site, and are categorised as of low quality (Grade C). T19, a protected Ash tree, is one of those proposed to be removed, but due to its condition assessment, there are no objections subject to replacement planting to mitigate its impact.

3.5.4 The principles of the LVIA prepared by LDA Design, dated May 2013, are also considered acceptable although it relates to the second edition of the GLVIA 2

and not the newly published third version. I would also add that the AW boundaries are not available on Natural England's website.

3.5.5 The detailed planting plans indicate that an appropriate minimum buffer zone of 15m is provided adjacent to the Ancient Woodland as required by Natural England's standing advice. The internal landscaping is generally acceptable, with a few tweaks to species. However, the removal of the Sutton Road frontage hedgerow and its replacement with Lime trees and an ornamental shrub planting mix is not suitable. The underplanting should be a mix of native or at least near native species to comply with the Council's guidelines.

3.5.6 However, if you are minded to grant consent for this application I have outlined below a number of issues that should be addressed by pre-commencement conditions to address my concerns:

- A revised landscape scheme with implementation details;
- A long term management plan;
- Compliance with the AIR.'

3.6. **Maidstone Borough Council Parks and Open Space Officer** was consulted and raised no objection to the proposal subject to contributions of £132,990 being made towards the improvement of existing play space, and also the enhancement of sports provision within the locality.

3.7 **Maidstone Borough Council Conservation Officer** was consulted and made the following comments:

3.7.1 'The site lies opposite to Briarwood, a 17<sup>th</sup> Century or earlier thatched cottage, whose setting is currently dominated by a large industrial estate in close proximity and the busy Sutton Road. The house sits behind a substantial tree screen and a high fence. Although the openness of the current application site makes some small positive contribution to the setting of the listed building, its development would not have any major detrimental impact on this setting, particularly if existing planting along the southern boundary of the application site is retained and enhanced as suggested in the Cultural Heritage Desk Based Assessment prepared by CGMS.

3.7.2 I raise no objection to this application on heritage grounds subject to conditions re additional landscaping along the southern boundary and details of materials.'

3.8 **The Environment Agency** has been consulted and made the following comments:

3.8.1 'Thank you for consulting us on the above development received 20 June 2013.



We have reviewed the information submitted and have no objection to the principle of development at this location but do object to specific details in relation to means of surface water disposal.'

3.8.2 They then stated that in order to overcome the concerns the following work would need to be undertaken:

3.8.3 'We recommend the authority do not grant permission for the proposed development until it can be demonstrated a feasible surface water management scheme, using sustainable drainage principles as described in The Suds Manual (Ciria C697) and limiting discharge to existing Greenfield runoff rates, can be implemented. We also recommend the authority consider a strategic sustainable drainage system which incorporates runoff from all proposed sites in the area.'

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

3.10 **Southern Water** were consulted and raised no objections to the proposal subject to the imposition of a condition requiring the submission of drainage details prior to the development taking place.

3.11 **UK Power Networks** were consulted and raised no objections to the proposal.

#### **4. REPRESENTATIONS**

4.1 Otham Parish Council were consulted and have requested that the application be refused. Their concerns are summarised as follows:

- The access should be onto the Sutton Road only, with no vehicular access on to Gore Court Road;
- The proposed development would have severe transport implications for the area;
- There appears to be no traffic modelling for the development concerning the roads to the north of the site – including White Horse Lane, Otham Street, Green Hill and Otham Lane;
- These highways are not suitable for significant traffic movements, nor for pedestrian movements;
- The bus service would be impacted by the proposal, as the additional traffic could well cause significant delays;
- The rural activities that take place around Otham result in relatively unique types of vehicles using the roads – this may well clash with an increase in car movements;
- Increased traffic would discourage the use of cycles, which has seen an increase in use in the past few years;
- Increased traffic would also discourage pedestrians.

4.2 **Cllr Moriarty** was notified of the application, and has requested that it be brought before Members as this is a large and contentious application, and requires Members full consideration.

4.3 **Neighbouring occupiers** were notified of the application, and 16 letters of objection have been received. The concerns raised within these letters are summarised below:

- Lack of transparency in the Development Brief – this needs to be part of the public consultation exercise undertaken;
- The status of the woodland as ancient semi natural woodland is questioned;
- Gore Court Road is unsuitable for additional vehicular traffic;
- The highway layout is not comprehensive, and this site and the adjacent site therefore remain isolated from one another;
- There would be too many access points on to the Sutton Road;
- This is piecemeal development, rather than a holistic approach;
- There should be enhanced landscaping linking the woodland from the south to the north;
- The Wheatsheaf junction is already at capacity – this will exacerbate this problem;
- The proposal would cause rat-running through Downswood;
- Concerns that the local infrastructure can cope with the additional demand placed upon it by additional homes;
- The local wildlife would be impacted by the proposal;
- New homes should be built on brownfield sites, not greenfield land;
- Impact upon the setting of Otham and nearby listed buildings;
- There would be coalescence between the existing villages and Maidstone, destroying their character;
- There was insufficient public consultation prior to the submission of the application;
- Sutton Road is dangerous to cross for school children;
- This is an unsustainable location;
- The proposal would result in more light and noise pollution;
- Loss of grade II agricultural land.

4.4 One letter of support has been received. This letter emphasised that the provision of additional houses would result in more affordable housing within the locality, which is much required.

4.5 **Langley Parish Council** were notified (although the site falls outside of their Parish it was considered to impact upon it indirectly) and made the following points:

- They do not wish for any buildings to be greater than two storeys in height;
- Concern was raised with regards to the lack of pedestrian and controlled crossings, and the lack of a 40mph limit, to the south of the site;
- The Parish regret that pedestrian access ends opposite Hazlemere Industrial Estate;
- Cllrs requested that reassurance be given that the Community Infrastructure is considered in a holistic manner across the sites;
- They wish to see the retention of the hedge to the south of the site, fronting Sutton Road.

## **5. CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The application site is located to the north of the Sutton Road (A274) which runs from the centre of Maidstone towards Headcorn and Tenterden. The site is allocated within the Maidstone Borough Wide Local Plan (2000) for housing (Policy H1), and has been identified within the emerging Maidstone Local Plan (Policy SS2) for this purpose (as part of a wider allocation in both instances).
- 5.1.2 To the east of the application site is the remainder of the allocation for residential development. This land is being promoted by Redrow (application reference MA/13/1523) for 100 houses. The land is currently separated by a narrow belt of trees and hedging.
- 5.1.3 To the south of the application site is the A274 (Sutton Road) with the Parkwood Industrial Estate beyond. To the south-west of the site is Wallis Avenue which serves the Parkwood area of housing.
- 5.1.4 To the west of the site is an area of woodland known as 'Bicknor Hole'. This is at the junction of the A274 and Gore Court Road and tapers into a point. To the west of this (across Gore Court Road) the rear gardens of houses that are within the Senacre housing estate. These have rear boundaries that back on to the highway.
- 5.1.5 To the north of the application site is Bicknor Wood. This is classified as ancient woodland, and therefore has significant protection. The land to the north of Bicknor Wood is open farmland – which also forms part of the proposed strategic allocation (SS2).
- 5.1.6 The site is within a sustainable location, with access to existing schools, and shops. The site is also well served by public transport with busses running into and out of Maidstone on an hourly basis during the day, and with greater frequency during the peak times during the day.

## **5.2 Proposal**

- 5.2.1 This is a full application for the erection of 185 residential units on the western part of the allocated site. The proposal would see the erection of both flats and houses as well as the provision of open space, as well as a new access into the site from the Sutton Road.
- 5.2.2 The access into the site would be positioned approximately 215metres from the western boundary of the site, and 150metres from the eastern boundary (with the 'Redrow' application site). This access would be served by a right hand filter lane, and would have a maximum width of 10metres at the junction with the A274. Three storey blocks of flats would flank the main access into the site. These are provided with a curved façade at the point of access, with gable projections at either end.
- 5.2.3 Once into the site, the scale of the development reduces, with the majority of the properties being individual dwellings. The access runs at right angles to the A274 into the centre of the site, and then approaches an area of open space. At this point the road splits in two, with one spur heading in a north easterly direction, and the other in a north westerly. The area of open space is fronted by three storey town houses that would be set out within a relatively uniformed crescent, with tree planting in front.
- 5.2.4 The highway that heads north-west would run up to Gore Court Road although it is proposed to bollard this junction until phase two comes forward to prevent rat-running northwards.
- 5.2.5 Towards the west of the site, the highways reduce in scale, with no specified pavements and the use of shared surfaces. A 'home zone' is also proposed with houses that back on to the highway (behind tree planting).
- 5.2.6 Within the north-west of the application site, the houses front on to Gore Court Lane, and indeed 17 of these units are served by vehicular access from it. The majority of these properties are substantial, detached dwellings, many with linked garages, and private drives. This sees a significant reduction in the density towards the edge of the site. All properties to the west of the site are a minimum of 15metres from the woodland within Bicknor Hole.
- 5.2.7 To the eastern end of the site, a similar approach is taken. The highways become reduced in scale and the density of the site also reduces. Much of the affordable housing provision is within the south-eastern quarter of the site.

- 5.2.8 At the eastern edge of the site, and linked with the site to the east, it is proposed that a formal play area be provided. This play area would be overlooked by properties within the site, and would have good separation from the highway by virtue of the provision of a pathway, and tree planting.
- 5.2.9 Along the northern edge of the application site, it is proposed to provide a suitable buffer to Bicknor Wood, and the provision of a footpath that would link the north of the site (and land beyond) to the play area without the need to traverse any highway.
- 5.2.10 It is proposed that the existing hedge be removed along the road frontage, and replaced with tree planting (lime trees are proposed). Further additional planting would be provided within the highways, and within the open spaces proposed within the application site.
- 5.2.11 The applicants are proposing that the development provide a minimum of 30% affordable housing, and are proposing that contributions be made towards a new primary school on the Langley Park site.
- 5.2.12 The applicants are proposing that the development be constructed to level 3 of the code for sustainable homes.
- 5.2.13 The provision of an equipped play area would straddle the border of the application site and that of the 'Redrow' scheme. As such, the applicants have agreed that this would need to form part of any S106 legal agreement, to which both parties would be signatories.

### **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 east for a housing provision of 285 dwellings. The land to the east of this site has an application to be determined for 100 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 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 One of the key questions asked recently 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 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 The application site is located on the north side of the Sutton Road (A274), and sits directly opposite the Parkwood Industrial Estate. Furthermore, to the west of the site is Gore Court Road with housing upon its western side. As such, two sides of the site are already developed. As such, the development would, in part, be screened by this built form, and this would also provide a backdrop from longer distance views.

5.4.2 Nonetheless, the development would result in the loss of an open field, and as such clearly there would be some harm. However, previous Inspectors have concluded that the benefits of allowing housing on this site – in meeting the Borough's need – would outweigh the harm. It should be noted that the

Inspector would have assessed this site some 14 years ago, and as such, I consider it appropriate to re-evaluate this conclusion.

- 5.4.3 The site, is relatively well screened both from the south, the west and also the north, by Bicknor Wood. Long distance views of the site are therefore very restricted. Whilst the character of the site and locality would undoubtedly alter, the harm would be localised. The introduction of a wide access road, and built form along the road frontage would urbanise the area. As such, it is important that the landscaping along this frontage respond positively to this change. The full details of the landscaping are set out later within the report, however, what has been proposed would see the creation of a more formal, tree lined frontage, that in time would provide a soft edge to the site, and create a pleasant entry into the urban area.
- 5.4.4 The proposed buildings are also of a scale that would respond positively to both the context of the site – being adjacent to two storey properties, and commercial buildings of a similar height – and the development proposed on the adjacent land.
- 5.4.5 I therefore raise no objections on the grounds of visual impact of this proposal, as I concur with the Inspectors review of the site. It is relatively well contained, and long distance views are minimum. This together with the scale of development, and landscaping proposed would ensure that there would not be any significant harm to the wider area.

## **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 Redrow Homes for the site immediately to the east 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 treatments. 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) (May 2013) which outlines strategic design objectives and explains the detailed design rationale and principles for the proposed scheme. The D&AS refers to 6 distinct character areas, namely:

- Sutton Road (the main approach);
- The Avenue (the main public transport route);
- The Crescent (the key and central space within the scheme);
- Eastside (the interface with the Redrow scheme);
- Woodland (the northern edge); and
- Mews (the block structure within the scheme).

The D&AS thoroughly considers aspects such as security and natural surveillance as part of creating a safe place in which to live; inclusive design; refuse and cycle storage; and applies traditional styles of architecture, and a simple unfussy choice of materials.

5.5.6 The design approach for the scheme is traditional and of a good quality design, incorporating traditional styled house types with simple detailing, a limited materials palette, and apartment blocks of a similar yet contemporary architectural theme. Discussions have been ongoing with the applicant to ensure that revised amendments improve the overall quality of the scheme, especially along principle routes and in key locations such as The Crescent, with for example the design of the 3-storey semi-detached dwellings terminating the main view into the site.

*Form and layout*

5.5.7 The layout has derived from extensive pre-application discussions, and also from the requirement to provide a new access road into the land to the north of Bicknor Wood. Point 4 of Policy SS2b requires:

*'A new access road of a width suitable to accommodate contra-flow traffic and adjacent footways between Gore Court Road from the western boundary of Bicknor Wood and A274 Bicknor Wood'.*

5.5.8 This access road through the site has been designed to be of a scale that could accommodate not just the traffic from this development, but also that from any future development from the land to the north of Bicknor Wood (which is proposed for housing development through Policy SS2c of the emerging Local Plan).

5.5.9 The proposal applies an efficient layout with a dominant and strong street frontage onto Sutton Road. The site is served by a main access from Sutton Road, marked by prominent tall entrance features and a crescent arrangement within the development that terminates the main vista into the development. The rest of the development is made up of a loose development block pattern, one homezone and two inner courtyards off shared surface areas which maximise this irregular shaped parcel of land. The layout encourages permeability and clearly defines public and private space. Its density is appropriate to the site, with key street scenes providing views to key spaces such as the public open space to the south of the crescent.

Changes have been incorporated into the latest revised plans to resolve some of the weaker elements in the layout of the scheme. These include the re-design of the more prominent buildings (including the flats), some alterations to the access road into the application site, and the re-orientation of the some of the proposed dwellings.

*Highway safety/access considerations and parking*

5.5.10 The proposal is well connected and applies a hierarchical approach to its movement network with a primary (centrally located spine road) as the main access road that then splits with the northwest fork continuing the main access route with footpaths on either side to Gore Court Road. The northeast fork becomes a secondary route and a circular shared surface road, similar to the access road serving the western blocks.

5.5.11 According to the DAS, car parking is planned at a level appropriate to county maximum standards (IGN 3: Residential parking), as a 'suburban' site located on the urban fringe with a predominance of 2 spaces for 4 bedroom houses, 1.5 spaces for 3 bedroom houses, and 1 space for 1 and 2 bedroom dwellings. The 364 spaces need to be numbered on a plan layout, so it is clearly understood which spaces relate to each dwelling, and will be conditioned accordingly.

#### *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. One reference is made to density within the D&AS referencing 33dph, an appropriate medium to low density, complimentary to the adjacent Redrow Homes scheme.

#### *Landscape structure*

5.5.13 As an urban edge site, a simple, functional and legible landscape structure supported by a softwork strategy (comprising of street and feature trees with a combination of ornamental shrub, native and structural planting) is proposed within the Landscape Concept/Strategy of the D&AS to compliment the proposed built form, along with intricate boundary treatments such as the introduction of 'crinkle-crankle' brick walls which will provide visual interest to the streetscenes. This structure will relate to the:

- main green corridor fronting onto Sutton Road;
- formal entrance into the site splaying out into the central area of Public Open Space;
- main access route linking Sutton Road to Gore Court Road;
- around the perimeter of the POS/formal 'green';
- open space buffers; and
- village streets, lanes, inner homezones and mews.

In order to open up the site, the scheme proposes a robust, cohesive and formal landscape treatment for the Sutton Road frontage, resulting in total removal of the existing front hedge which currently restricts views into the site.

### *Appearance, scale and detailing*

- 5.5.14 The house types applied throughout the scheme are of a standard house type design, with simple detailing and a very limited materials palette, including the dominant use of red brick which respects the use of red brick locally as seen in Otham Conservation Area. There is a degree of symmetry to the use of materials along the main entrance/spine road and crescent terminating this vista which is welcomed. The quality of these materials, both the red and buff bricks are very important to avoid a bland and uniform appearance to the street scenes, and a materials board will be required as part of the condition for materials.
- 5.5.15 The proportions of some of the house types are still under discussion, particularly the design of the 3 storey semi-detached dwellings terminating the main view into the site, as they are poorly proportioned. The fenestration is out alignment vertically and of a weak design, barely referencing classical Georgian townhouse proportions which are strongly encouraged (and referred to in the D&AS). An additional window is required on the second floor to balance the fenestration pattern on the front elevation. As a principal streetscene with long and short views, it is important that these dwellings are well designed. The applicant has subsequently amended the plans to address this concern, with the buildings of a higher quality than previously submitted.
- 5.5.16 Up to 15 different house types are to be built with predominantly 2 storey heights with 3 storey dwellings located at the entrance and along the proposed crescent only. The use of 2.5 storey buildings is very limited with two small rows of 2.5 storey terraces, one 2.5 storey semi-detached and detached dwelling. Discussions are underway to introduce additional 2.5 storey units as these could be used more effectively at focal points including corners, the end of vistas, and immediately adjacent to the 3 storey elements to visually graduate and improve streetscenes. Chimneys have also been introduced in the scheme to visually 'break-up' and provide interest to the rooflines on some of the detached, semi-detached and terrace blocks.

### *Code for Sustainable Homes*

- 5.5.17 The sustainability chapter of the D&AS and Sustainability Statement set out the measures to increase energy efficiency and reduce carbon emissions throughout the development. They identify a considerable commitment to minimising environmental impacts, through sustainable design and construction methods.
- 5.5.18 The residential development has been designed to comply with current Building Regulations (Parts L), and Code for Sustainable Homes, code Level 3 rather than Code Level 4 (as set out in policy CS6: Sustainable Design and Development). A

range of measures are listed to achieve this including more than 10% 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, and need to be expanded upon and be conditioned for. 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. However, the applicant has been advised, since pre-application stage, that the Council will require the dwellings within the site to be provided to level 4 of the code for sustainable homes. Irrespective of the information submitted, I will impose a condition to this effect, to ensure that the development complies with the emerging Policy. To my mind, should this not be imposed, the proposal would not be in accordance with the emerging strategy.

## **5.6 Residential Amenity**

- 5.6.1 The application site is divorced from any residential properties by either significant distance or by an existing highway. As such, any impact upon the amenity of existing residents would be limited. The nearest properties to this site back on to Gore Court Road, with 76 Betsham Road the nearest to the site. This property is side on to the highway and is provided with a high hedge along its boundary. This, together with the distance from the property to the proposed new build and the fact that an adopted highway runs between the site and the housing would ensure that the proposal would not result in any significant overlooking, overshadowing or the creation of a sense of enclosure to the occupiers of this property.
- 5.6.2 The owners of the properties 52 to 74 Betsham Road (that back on to Gore Court Road) are positioned opposite Bicknor Hole, and as such would not be significantly impacted by this proposal.
- 5.6.3 Concern has been raised by a number of residents of Otham, and the surrounding area with regards to the impact of the proposal in terms of rat-running, and how this would impact upon their quality of life. The applicants have sought to address this by closing the spine road of the development at the junction with Gore Court Road. As such, residents that live within the centre of the development, would have to leave the site on to the A274, thereby reducing the likelihood of rat-running taking place.
- 5.6.4 There are no other residential properties within the vicinity of the application site that would be impacted by this proposal.
- 5.6.5 I therefore do not consider that the proposal would result in any significant impact upon residential amenity.

## **5.7 Highways**

- 5.7.1 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.
- 5.7.2 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 simply 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.
- 5.7.3 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.

- 5.7.4 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.
- 5.7.5 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.
- 5.7.6 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.
- 5.7.7 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.
- 5.7.8 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.

## **5.8 Landscaping**

- 5.8.1 The applicants have submitted a full landscaping scheme with the proposal, which indicates that the hedge would be removed along the road frontage and replaced with tree and shrub planting. The Council's landscape officer raises some concerns about the loss of this hedge, and whilst I certainly understand these concerns, the removal of the hedge has come about through dialogue with council at pre-application stage. It was suggested that it would be appropriate to seek the removal of the hedge in order that the housing became more 'visible' for passing traffic, in order that it changed the character of the locality – which would help with the reduction of traffic speed.
- 5.8.2 The provision of tree planting would have the effect of aiding air quality concerns, as well as providing a soft edge to the development. I consider this to be a suitable approach to take within this location, subject to suitable species being provided – I would suggest that this be dealt with by way of condition.

- 5.8.3 Internally, it is proposed that there be a significant level of tree planting within the highway, particularly within the shared surface areas (where there is no necessity for paving). Whilst the proposal would result in the loss of a number of trees (60), this would be mitigated by the proposed planting; particularly as the quality of those being removed isn't high. There are more trees being planting than being removed.
- 5.8.4 The provision of trees along the main access road would result in a relatively formal entrance point, but this is also reflected in the symmetry of the development on either side, and the opening up of the development with the formal open space to its north.
- 5.8.5 In terms of the areas of open space, the open space on the perimeter to the north of the site, allows for a suitable buffer to the ancient woodland, and also provides informal open space for residents to utilise. The central open space is well defined, and provides a high quality, formal entrance to the site. This would be primarily a grassed area, but with some formal tree planting on its northern edge. I consider this element well designed and in keeping with the form and layout of the development.
- 5.8.6 The landscape officer has expressed concerns with regards to the proposed species, in particular the ornamental species proposed along the A274 frontage. I concur with these concerns, and recommend that a condition be imposed upon any permission that would require the submission of further details. These details should respond positively to the guidance set out within the adopted Council guidelines.
- 5.8.7 With regards to the provision of play space, this matter is complicated by the fact that the developers are sharing the provision with 'Redrow' who are developing the adjacent site. It was agreed at pre-application stage, and through the formulation of the Development Brief, that this would be the most suitable location for the play area, as it would best serve both developments. However, the Council need to be certain of delivery, should one development not come forward. As such, I propose that this matter be subject to the provision of a suitable S106 legal agreement for both parties. In terms of the level of provision, the Council's Parks and Open Space Officers have reservations about its overall size, but do not object. In any event, further contributions are sought, that would address the shortfall in sport and recreation facilities. I am of the view that the play area, which would be (approximately) 450sqm would be acceptable, and, subject to details about how it is to be equipped, and subject to a management plan for its ongoing maintenance, raise no objection to its provision.



5.8.8 Internally, the dwellings would each be provided with a front and rear garden. The front gardens being of varying size dependent on location, and all provided with some soft landscaping. The rear gardens also vary in size, but generally have a minimum depth of 10metres, which is considered acceptable.

5.8.9 Overall, I consider the landscape provision, subject to some minor alterations, to be acceptable. I understand the concern with regards to the loss of the hedge, which is currently a strong feature within the locality, however, I consider the proposal to respond to the provision of housing more successfully, and have the potential to enhance the residential character. I therefore raise no objection to the proposed landscaping, subject to the imposition of suitable conditions.

## **5.9 S106 Contributions**

5.9.1 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.

5.9.2 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 the 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.

5.9.3 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 small scale) within the Borough. A particular cost of course is the requirement to achieve level 4 of the code for sustainable homes.

- 5.9.4 An area of land within the site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction. As at present, this site together with the sites to the south and north of the A274 (planning applications MA/13/1149 and MA/13/1523) would see the provision of a total of (approximately) 886 dwellings, and KCC have indicated that this would necessitate the construction of a new primary school, as those within the vicinity could not be expanded to the extent required to address this additional strain.
- 5.9.5 In order to ensure that this school could be delivered, it would be necessary for contributions of £14,285 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.
- 5.9.6 Clearly there is a direct interrelationship between this site and the two aforementioned sites to the north of the A274 in terms of delivery. Of particular importance is understanding the necessary trigger point to see the delivery of the school. KCC have indicated that the school would be necessary once the 350<sup>th</sup> dwelling (across the three sites) has been delivered. As such, any S106 legal agreement would need to be cross referenced with these sites, in order to ensure that this would be delivered at the suitable point in time.
- 5.9.7 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.
- 5.9.8 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.

- 5.9.9 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.
- 5.9.10 Contributions would also be sought from any development to the south and north of the Sutton Road (including applications MA/13/1523 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).
- 5.9.11 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.
- 5.9.12 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 £132,372 be provided. Contributions shall be provided at the completion of each phase of the development to meet with this requirement.
- 5.9.13 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 some of the future residents. However, there would also seek further contributions to address the shortfall. In addition, as no on-site provision has been made with regards to sport, contributions of £132,990 are requested to enhance the facilities within the nearest available sports pitches. These are located within the Parkwood and Senacre estates, and as such the money should be spent at these locations. 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.

#### 5.10.1 **Ecology**

5.10.1 Concern was raised with regards to the initial ecological report, and in particular, with regards to the level of surveys that had been undertaken. However, further work has now been submitted, and 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, certainly in terms of the layout. The buildings are of a satisfactory standard. 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 £132,372 for 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/13/01523 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 'Redrow' site (MA/13/1523).
- The provision of a pedestrian controlled crossing between the application site (preferably closest to the 'Redrow' 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/13/1523.

*\*Based on the following formula:*

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

*Where:*

*A is the number of houses*

*B is the relevant multiplier being 0.28*

*C is the number of flats*

*D is the relevant multiplier being 0.07*

1. The 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.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling 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.

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

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

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

Reason: In the interests of visual amenity.

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

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

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

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

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include:

- Notwithstanding the details submitted to date, the provision of tree and low shrub planting along the southern boundary using native species;
- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland - both adjacent to tree belt, and road verges;
- The provision of bird and bat boxes within the development;
- Deadwood habitat piles.

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

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

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management shall be carried out in accordance with the approved plan over the period specified;

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

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



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

12. Notwithstanding the information submitted to date, 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.

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

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

14. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. There shall be no occupation of the development hereby permitted until the provision of the point of access from the Sutton Road (A274) has been provided in accordance with the plans submitted to date. Full details of the proposed access shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

25. 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.

26. 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.

27. No development shall take place until a long term management plan for the maintenance of the landscaping within the site has been submitted and approved in writing by the Local Planning Authority. The site shall then be managed in accordance with the submitted plan.

Reason: In order to secure the long term appearance of the development.

28. The development shall be undertaken in accordance with the submitted arboricultural report.

Reason: In the interest of visual amenity.

### **Informatives set out below**

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of

noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

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

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

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

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

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

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

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

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

The 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