

APPLICATION: MA/13/1149 Date: 27 June 2013 Received: 1 July 2013
APPLICANT: Taylor Wimpey UK Limited

LOCATION: LAND AT LANGLEY PARK, SUTTON ROAD, MAIDSTONE, KENT
PARISH: Boughton Monchelsea, Chart Sutton, Langley, Otham

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

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

In accordance with the submitted Arboricultural Report, Open Space Survey Report; Affordable Housing Statement; Statement of Community Involvement; Transport Assessment; Environmental Statement (volumes 1 and 2); Retail Impact Assessment; Non-Technical Summary to the Environmental Statement; Sustainability Statement; Development Brief; Planning Statement; Design Addendum; Design and Access Statement; plans numbered 43-1862-001; CSa/1896/103; 45-1862-AV-A-001; 45-1862-AV-A-002; CSa/1896/121 Rev H; CSa/1896/113 Rev I; CSa/1896/131; CSa/1896/133 Rev B; CSa/1896/139 Rev A; CSa/1896/127 Rev D; CSa/1896/136 Rev A; CSa/1896/137 Rev A; CSa/1896/138 Rev A; CSa/1896/144; CSa/1896/134 Rev C; 7926/01 (1-3); 10170/CD001; 10170/CD/02; 10170/CD/03; 10170/CS/001; 10170/CS/051; 10170/CS/052; 10170/CS/053; 10170/CS/054; 10170/CS/055; 10170/CS/056; 10170/DR/10 Rev A; 10170/DR/231; 10170/DR/232; 10170/DR/233; 10170/DR/234; 10170/DR/235; 10170/DR/236; 10170/DR/237; 10170/HL/001 Rev A; 10170/HL/002 Rev A; 10170/HL/003 Rev A; 10170/HL/004; 45-1862-003 Rev E; 45-1862-004 Rev C; 45-1862-002 Rev E; 45-1862-005 Rev D; 45-1862-008 Rev C; 45-1862-010; 45-1862-007 Rev C; 45-1862-006 Rev D; 45-1862-AV-SS-002 Rev C; 45-1862-AV-SS-003 Rev B; 45-1862-AV-SS-001 Rev C; 45-1862-NH-SS-001 Rev C; 45-1862-NH-SS-002 Rev B; 45-1862-NH-SS-003 Rev C; 45-1862-RE-SS-001 Rev C; 45-1862-RE-SS-002; 45-1862-RE-SS-003 Rev B; 45-1862-AV-B-001; 45-1862-AV-B-002; 45-1862-AV-C-001; 45-1862-AV-C-002; 45-1862-AV-D-001 as received on the 1 July 2013 and the phasing plan received on the 21 November 2013.

AGENDA DATE: 6th February 2014

CASE OFFICER: Chris Hawkins

1. BACKGROUND

1.1 This application was heard at the previous Committee meeting (held on the 16 January 2014) with a recommendation for approval given by Officers. However, following concerns by some Members, the application was deferred for further consideration.

1.2 Reasons for Deferral

- Further consideration of the draft Heads of Terms for a S106 legal agreement specifically to examine alternative sustainable transport options to mitigate the impact of the development on Sutton Road which are not tied to road widening; and
- Receipt of a suitable viability assessment to establish whether the development can achieve 40% affordable housing and Level 4 of the Code for Sustainable Homes in accordance with existing and emerging Local Plan policy.

2. PROPOSAL

2.1 The proposal is as set out within the previous report which is appended to this paper.

3. MATTERS FOR CONSIDERATION

3.1 The first ground for deferral relates to the provision of highway mitigation. The Council have since re-visited this matter, and have concluded that it is still appropriate to request contributions for highway improvements (contributions of £3000 per unit). This is on the basis that the applicants provide the contributions that would then provide highway enhancements that would include (but will not necessarily be exclusive to) the following:

- Improve carriageway capacity including prioritising the use of the existing carriageway;
- Bus prioritisation measures (at appropriate times of the day) for the length of the corridor;
- Enhancement of the corridor to benefit pedestrians and cyclists, including where appropriate enhanced and additional crossing points;
- Mitigation measures to protect residential amenities and the general environment;
- Structural native tree planting along the corridor where possible.

3.2 At present, there are two options on the table – the additional lane of vehicular traffic (with bus prioritisation measures), and 'do nothing'. The additional lane has been identified by the applicants as addressing this matter within their three transport assessments that accompany the applications; and this has been assessed, and agreed by Kent Highway Services (KHS). Indeed, consistently through the formulation of both the emerging Policy, and through the discussions relating to these proposals, the support of this additional lane from KHS has been clear. It is for this reason that it is embedded in the existing (T2 of the Maidstone Borough Wide Local Plan) and interim/emerging policies of this Council. The 'do nothing' approach would result in an objection from KHS on the basis that the development would result in traffic movements that would take the A274 beyond its capacity.

- 3.3 If the applications are approved, the contributions would be made to Maidstone Borough Council who (alongside Kent County Council) would be responsible for the delivery of the highway improvements.
- 3.4 Should the highway mitigation not be provided within a suitable timescale then any money given to the Authority would need to be returned to the applicants within an agreed timescale (usually five years).
- 3.5 With regards to the viability, discussions have taken place between the Council and the applicants, and further information will be made available for Members prior to the Planning Committee by way of an urgent update report, and will be based upon the Council's own evidence base.

4. RECOMMENDATION

- 4.1 Give the Head of Development Management DELEGATED POWERS TO APPROVE subject to the receipt of a suitable S106 legal agreement that provides the following:
- The provision of 30% affordable housing;
 - Contributions of £3000 per residential unit for necessary enhancements of the Sutton Road as a transport corridor in order to mitigate the impacts of the development;
 - Contributions of £300 per residential unit for enhancements of the Willington Street junction;
 - Contributions of £106,200 for phase 1 towards improvements to health care provision within the locality;
 - Contributions of £360 per person for the remainder of the phases throughout the site (as shown on the submitted formula) towards health care provision within the locality;
 - Contributions for primary education of £14,285 per pupil*. This would be to provide a new primary school on site – with land of not less than 2.05ha in area. This primary school should be provided prior to the completion of the (cumulative) 350th dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523). Land of not less than 2.05ha in area to be transferred to KCC for the construction of a primary school. Either in a single transfer or two phases, where the first phase consists of no less than 1.4ha. 1.4ha of the site to be transferred at nil value with the remainder transferred at a price agreed by the contributing developers (ss2a,b,c) and the Local Education Authority; or value set by the District Surveyor. This primary school should be provided prior to the completion of the (cumulative) 350th dwelling of this site and the sites to the north of Sutton Road (MA/13/0951 and MA/13/1523).
 - Contributions for secondary education of £589.95 per flat and £2359.80 per house. This would be for the expansion of existing secondary schools that the application site falls within the catchment area of.
 - Contributions for additional book stock within local libraries - £128.44 per dwelling.
 - Contributions towards community learning of £30.34 per dwelling to be spent within the Maidstone Borough.
 - Contributions towards youth services of £8.39 per dwelling to be spent within the Maidstone Borough.
 - Contributions towards adult social care of £97.26 per dwelling to be spent within the Maidstone Borough.

- A suitable marketing campaign to promote the early occupation of the proposed commercial properties to the north of the site. This shall commence once construction of phase 1 has begun.
- Contributions of £40,000 for the enhancement of sports and recreation facilities within a 2 mile radius of the application site.
- The provision of a community facility on site that shall be attached to the existing school. Should this not prove possible, a facility of some 170 sqm metres shall be provided on site.

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

a. Layout b. Scale c. Appearance d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted (which shall include ragstone for the front block of flats, and slate roofs) have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until, details of all fencing, walling (which shall include ragstone walling at the point of access, and 'unique' railings) and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

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

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

5. The development shall not commence until, details of the colour of the external finish of the buildings have been submitted to and approved in writing by the

Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the buildings and thereafter maintained;

Reason: In the interests of visual amenity.

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

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

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

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

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

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

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

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

together with indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of development and a programme for the approved scheme's implementation and

long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interest of pollution and flood prevention.

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons: To protect vulnerable groundwater resources.

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

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

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

Reason: To secure a high standard of design.

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

Reason: To ensure a high quality design.

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

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

22. No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

23. No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest.

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

Reason: In the interests of biodiversity.

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

Reason: In the interests of sustainable design.

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

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

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

Reason: In the interests of highway safety.

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

Reason: To ensure a suitable development of the site.

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

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

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

Reason: In the interests of permeability and good design.

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

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

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

Reason: In the interests of good design.

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

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

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

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

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

Reason: The layout of the proposed development is the subject of an

Environmental Impact Assessment and any material alteration to the layout may have an impact which has not been assessed by that process.

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

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

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

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

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

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

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

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

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

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

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

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

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

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

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

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