

**REPORT SUMMARY**

<b>REFERENCE NO - 17/502072/OUT</b>			
<b>APPLICATION PROPOSAL -</b> Outline Application for residential development for up to 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure (Access being sought).			
<b>ADDRESS –</b> Land South of Forstal Lane, Coxheath,			
<b>RECOMMENDATION – Approve subject to conditions and completion of a legal agreement</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION –</b> The application relates to a housing allocation H1-58 as modified (formerly H1-60 in the Reg 19) version) which is contained within the emerging Maidstone Local Plan which has now progressed through examination and is now awaiting formal adoption by the council. There have been no significant modifications or concerns raised in respect of the site and thus this status as a housing allocation can be given very significant weight. Whilst the current application proposes dwellings in excess of that set out in the policy H1-58 (as modified), the policy does allow flexibility and as it is an outline scheme, it is considered there is scope to secure a high quality scheme at the reserved matters stage including a substantial area of open space and the other matters relevant to the policy. Due to the stage of the emerging plan, it is considered residential development of the site is acceptable in principle and the development would accord with the relevant policy criteria. Furthermore, the submitted documents demonstrate the site is capable of accommodating the proposed quantum of development having regard to any identified constraints and also demonstrate the wider impacts of the development are acceptable or can be mitigated. Therefore it is considered the development will accord with the NPPF and the emerging strategy for the Borough and Coxheath and therefore it is recommended outline planning permission is granted for the development subject to the relevant conditions and legal agreement.			
<b>REASON FOR REFERRAL TO COMMITTEE -</b>			
<ul style="list-style-type: none"> <li>• Major Development</li> <li>• Coxheath Parish Council object to the application and wish for the application to be heard at the committee</li> </ul>			
<b>WARD</b> Coxheath and Hunton	<b>PARISH/TOWN COUNCIL</b> Coxheath	<b>APPLICANT</b> Charterhouse Property Group <b>AGENT</b> Simply Town Planning	
<b>DECISION DUE DATE</b> 24.7.2017	<b>PUBLICITY EXPIRY DATE</b> 2.6.2017	<b>OFFICER SITE VISIT DATE</b> 15.5.2017	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
	None directly relating to the site		
14/0836	Adjoining site to the south. Construction of 130 dwellings (site-H1-59 – Reg 19)	Approved	17.9.2015

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.1 The site extends to 7.79ha and lies to the south of Forstal Lane, adjoining the existing estate of Park Way and Mill Road to the west and a Local Plan allocation H1(59 Reg 19) as modified which was approved in 2015 for 130 dwellings. The site is currently laid out as rough grassland and scrub which is enclosed by hedgerows to its boundaries, with the western part of the site being relatively level with the eastern part of the site dropping into a gentle valley which runs from the southern to northern boundary of the site. The site has an existing site access onto Forstal Lane to the northern boundary and has a public footpath, KM67 which runs north to south along the eastern boundary.
- 1.2 The established part of Coxheath village lies to the south and west, including Park Way and open countryside lies to the north and west. Forstal Lane itself is characterised by a lane with deep highway verges bordering the boundaries with the properties that front onto the lane. Coxheath village is a short walk via the existing estates to the south west via the footpath link or alternatively along Forstal Lane and through Mill Lane and through the aforementioned housing estate. The village itself has a range of facilities including shops, medical and community facilities and public transport links.

### **2.0 PROPOSAL**

- 2.1 Outline planning permission is sought for a residential development of up to 210 dwellings together with access to Forstal Lane, 1.85ha of open space and associated works such as landscaping and parking provision. The application is submitted in outline form with only access to be considered at this stage and therefore, the matters subject of the application is the principle of the development, including an assessment that the quantum of development can be accommodated on the proposed site and whether the means of access, i.e. that the position and standard of access, are acceptable. The matters of scale, appearance, landscaping and layout are reserved for later determination.
- 2.2 As part of the scheme the applicant is also proposing improvements to Forstal Lane itself to widen the carriageway, improve the junction with Stockett Lane and to provide a footpath to Mill Lane, on the southern side of Forstal Lane from the site entrance. These are directly associated with the proposals but would be secured by Section 278 agreement with KCC Highways. The site is proposing to include 1.85ha of open space, in excess of the policy standards, which is shown in the eastern part of the site on the indicative masterplan, which will also include a SUDS attenuation area and play equipment.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Supplementary Planning Documents:

Draft Maidstone Local Plan (2011-2031): SS1, DM1, DM3, H1, ID1, H1-60 (H1-58 as modified), DM14 (DM13 as modified), DM22 (DM19 as modified), DM25 (DM21 as modified)

#### **4.0 LOCAL REPRESENTATIONS**

4.1 **Local Residents:** Approximately 275 representations received from local residents raising the following (summarised) issues:

- Highway congestion and increase in traffic
- Highway safety
- Severe impact causes and inadequate mitigation
- Lane inappropriate for volumes of traffic
- Impact on countryside character
- Size of development inappropriate
- Infrastructure at breaking point including doctors and community facilities
- Access along narrow country lane is inappropriate
- Inaccuracies/incorrect approach in Transport Assessment- impact of certain developments not considered
- Ecology impacts and adverse effects on local wildlife
- Air Quality issues
- Scale of development too large for a village such as Coxheath and already had too many homes built
- Character of Coxheath as a village is disappearing.
- Pedestrian and school safety especially along Forstal Lane and Stockett Lane
- Rat Running through estate and also through country lane and Well Street
- Sewage and surface water infrastructure is inadequate
- Flooding issues
- Access could be developed through new estate
- Impact on amenity of existing properties
- Conservation area
- Merging of Loose and Coxheath and contrary to anti-coalescence policies.

4.2 Coxheath Parish Council has objected to the application on the following grounds;

- Coxheath is a larger village and local plan inspector was inconsistent with regards to level of growth and has raised objections to levels of growth throughout local plan
- Development unsustainable due to level of infrastructure
- Site is unable to demonstrate it can achieve infrastructure in terms of highways, flood risk and sewerage.
- Excessive housing numbers individual and cumulatively with other applications
- Forstal Lane unsuitable and no footpath provided to Stockett Lane
- Transport Assessment is flawed
- Sewage and water supply issues
- Eradicate countryside between Coxheath and Loose
- Flood measures

4.3 Loose Parish Council (the adjoining Parish) have also objected to the application on the following grounds;

- Impact of traffic via Forstal Lane into Well Street

- Loss of countryside between Loose and Coxheath
- Density of housing
- Surface water flooding
- Inaccuracies over walking and bus times
- Infrastructure

4.4 There has also been an objection from the Ward Councillor Brian Mortimer who has submitted concerns regarding the means of access to the site along with a report produced by a local Transport Consultancy, DHA Planning, which assessed the proposed means of access and considered other access points to the site to be more appropriate, namely that through the new estate to the south.

4.5 Furthermore, at the time of writing a petition had been signed with around 600 people objecting to the application on the basis of the access point along Forstal Lane and pressures on infrastructure. The points raised are addressed later in this document.

## 5.0 **CONSULTATIONS**

5.1 **KCC Drainage** No objections and suggest a condition relating to SUDS and restricting infiltration

5.2 **KCC Ecology** No objections and all relevant surveys have been undertaken and subject to the proposed mitigation measure no detrimental impact will be caused and advise that a condition be placed regarding a biodiversity enhancement plan and mitigation

5.3 **KCC Archaeology** No objections subject to a condition requiring field evaluation works

5.4 **KCC Economic Development** No objections subject to contributions being secured in respect of education, social care, library, youth services and community learning.

5.5 **KCC Highways** No objections to the application subject to contributions to Linton Crossroads and planning conditions.

5.6 **KCC Rights of Way** No objections and confirm footpath KM67 should not be affected by the application require a bounded surface to be provide on the existing footpath.

5.7 **KCC Minerals and Waste-** Objects to the application on the basis of lack of information relating to minerals safeguarding

5.8 **MBC Environmental Health** No objections subject to conditions relating to contamination and air quality and electric charging point.

5.9 **MBC Landscape** No objections and considers LVIA to be in accordance with guidelines and the site has a high capacity for change having regard to the council's previous assessment. Suggests condition relating to tree and hedge protection and new planting scheme

5.10 **MBC Parks and Leisure** No objection and have acknowledged on site provision and have advised upon off-site provision

- 5.11 **Southern Water** Confirm at present there is a lack of capacity relating to foul drainage and suggests a condition and informative

## 6.0 **APPRAISAL**

### **Planning Policy Context**

- 6.1 Although the site lies outside the development boundary as defined by the local plan that was adopted in 2000 and thus in principle would be contrary to policy ENV28, the site is allocated as a residential site for approximately 195 dwellings under policy H1-60 (which is now H1-58 in the modifications) within the emerging plan and therefore is a site which is an integral part of the councils future housing strategy including that for the larger village of Coxheath which is set out in policy SP13 of the plan. This emerging Local Plan is at very advanced stage having been found to be sound, subject to modifications, by the examining Inspector who confirmed this position in his report dated 27<sup>th</sup> July 2017. The examination of the plan included the Inspector assessing the suitability of the application site as an allocation including the proposed policy criteria. Apart from a minor modification which resulted in an increased density to 30dph, the Inspector found the policy relating to the site, H1-58 (as modified) to be sound. It is anticipated that the adoption of the Local Plan will now be considered at the next meeting of the Council on 27<sup>th</sup> September 2017.
- 6.2 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to the emerging Local Plan policies; the preparation stage, the extent of unresolved objections & the consistency with the NPPF. In the respect of the allocation at Forstal Lane, it has been a consistent site within all stages of the Local Plan preparation, there are no unresolved objections to the site for a housing allocation and is considered to be consistent with the NPPF. In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications, in the determination of planning applications.
- 6.3 It is also key that the Local Plan also adapts the current development boundary (as defined by ENV28) to bring the application site within the development boundary of Coxheath and the site plays a key role in the Coxheath Strategy which is set out in Policy SP13 which seeks to deliver approximately 506 dwellings within the village through the five housing allocations within the village. Therefore the site will lie within the village rather than within the countryside over the future plan period.
- 6.4 There have been some concerns raised regarding the scale of development for the village of Coxheath and its status of being a larger village. However, in his final report, the examining inspector states the following in respect of Coxheath;

*'The other Larger Villages are also appropriately identified as part of the plan's spatial strategy. The amount of development is suitably related to the existing services and facilities which they possess. Where for example Coxheath is proposed for more development than Sutton Valence, it also possesses a wider selection of services and facilities, rivalling the Rural Service Centres (apart from the lack of a railway station but benefitting from closer proximity to Maidstone with reduced travel distances).'*

Thus on the basis of these factors, it is considered the site and its location are considered acceptable in principle. Whilst the impacts of the scheme would have been considered from a strategic perspective in relation to the wider effects of the development, the main issues facing the site are now discussed below;

## Main Issues

### **Compliance with policy H1-58 (as modified) previously H1 (60) within Reg 19**

- 6.5 This policy sets out the policy criteria to which the development needs to be considered against. H1-58 as modified (H1-60 in the Reg 19 plan) sets out the policy criteria for the development to meet which is based upon a development of approximately 195 dwellings at an average density of 30dph. The application proposes up to 210 units which reflect an average density of 35dph which is combined with an increased amount of open space, 1.85ha open space. This density is calculated on the basis of the modified Local Plan definition of calculating residential density. If one were to take a gross density of the site, it would be 26dpa. Whilst it has been noted that the provision is in excess of the number quoted in the policy, paragraph 6.6 of the emerging plan does confirm the proposed dwelling yield within the housing policies are an estimate and these may go up or down at the planning application stage. Furthermore, the proposals are considered to make efficient use of the site and the density would be similar to Site H1-57 as modified (H-59 Reg 19) which had a similar policy density estimate of 30dph but is instead around the 35dph level. Most importantly it is considered the indicative masterplan provides sufficient certainty that the quantum of development can be accommodated on the site in an acceptable manner including other associated infrastructure such as parking, landscaping and SUDS.

#### Parts 1, 2 and 3) The hedgerows along the eastern, western and southern boundary will be retained.

- 6.6 The indicative masterplan shows all hedgerows being retained (with the exception of the part necessary to create the access) including that along the western boundary and an appropriate condition is to be imposed to ensure protection of hedgerows and trees over the course of the development and that they are retained over the lifetime of the development. The landscaping to be reserved for later determination will also retain these within the scheme.

#### Part 4- Access will be taken only for Forstal Lane

- 6.7 The access is taken from Forstal Lane as per the policy requirements and KCC highways have reviewed this as part of the application and have no objections to the access design which it is considered can be secured by planning condition and the S278 process. This will be further discussed later in the report.

#### Part 5- Provision of a minimum of 1.4ha of open space together with additional off-site provision and contributions in accordance with policy DM22

- 6.8 The indicative masterplan shows a provision of 1.85h of open space and it is recommended a relevant condition secures this as a minimum provision and a LEMP is required by legal agreement to oversee its detail and management. A legal agreement will also secure the relevant contributions towards off-site open space which have been calculated as £184,800 (or £880 per dwelling) by the council's parks team in lieu of the open space that cannot be delivered on site to meet the DM 22 criteria.

#### Part 6 – Provision of footway between site and Mill Lane

- 6.9 The access plan shows a footpath from the site entrance to Mill Lane and KCC highways have reviewed this and have no objections to this. A planning condition will secure this and will require works to be undertaken prior to occupation through the mechanism of a S278 agreement.

Part 7- Improvements to footpath the eastern boundary

- 6.10 Improvements can be made to the footpath as part of a LEMP which is recommended to be secured by planning condition

Part 8- Contributions to the Linton Crossroads

- 6.11 This is recommended to be secured by legal agreement and is outlined in the section below

Part 9- Appropriate contributions to mitigation measures to improve the crash record at the junction of Stockett Lane and Heath Road

- 6.12 The KCC Highway states there is a low/medium risk of crash incidents at the junction and confirm that such contributions are now not required.
- 6.13 The Development will also conform to the general policy H1 in terms of supporting documentation and relevant assessments and will deliver the requisite infrastructure and open space requirements, either on-site or via a legal agreement.

**Highway Impact**

- 6.14. Many of the concerns raised by local residents and the Parish Council relate to the potential impact of the development in terms of local congestion and highway safety and the suitability of Forstal Lane to provide access to the site for this level of development. The application is supported by a Transport Assessment, Road Safety Audit and Travel Plan. Whilst, these local comments are noted, it is clear the Local Plan, which has recently been found sound, took account of these wider impacts, both individually and cumulatively as part of the process in allocating these sites for development. It also identified the infrastructure that would be required to mitigate the effects of congestion and safety issues which in this case would be the Linton Crossroads Contributions. These matters were also reviewed by the Local Plan Inspector who also considered the access to the site to be acceptable in policy terms.
- 6.15 In terms of trips from the development, the Transport Assessment forecasts 96 trips in the AM peak and 113 in the PM Peak and this is considered to be an adequate estimate by KCC Highways. At the Forstal/Stockett junction, the TA estimates that 36% movements will go north and the remainder will route south to Heath Road. The TA also estimates there will be movements via the estate roads of Mill Road/Wilberforce Road/Parkway. KCC Highways have reviewed the calculated trip rates and distribution and consider the Forstal Lane/Stockett Lane and Stockett Lane/Heath Road will all operate within capacity with the development.
- 6.16 Firstly, dealing with the matter of congestion, the Local Plan identifies the improvement to Linton Crossroads as being essential to the delivery of the housing sites within the locality. The application site is a key contributor to the Linton Crossroads improvement scheme as identified in the Infrastructure Delivery Plan and the funds to be secured by the application are crucial to this improvement plan coming forward. Whilst it has been recognised the capacity of the Linton Crossroads is currently over capacity and the development will add to this in the short term, the site will be required to provide contributions of £1500 per unit (£315,000 in total if 210 units are delivered) towards the Linton Crossroad improvement scheme. Once this is in place, the impacts of such development can be largely mitigated. In relation to the wider impacts, KCC consider development would not cause any severe effects which could justify a refusal on transport grounds.

- 6.17 There has also been concern raised over the suitability of Forstal Lane as an access as this matter has been raised by local people and councillors, including a local petition. An access appraisal has also been submitted in support of this local opinion which concludes an access through Site H1-57 (as modified) is most appropriate. Whilst such comments and information is acknowledged, it should be noted that the site specific policy specifically requires the development to be accessed only from Forstal Lane and the development accords with this requirement. This matter was specifically discussed at the Local Plan Examination whereby the Inspector explored this part of the Policy and found it to be sound. This can be seen from the Inspectors examination report and its appendices dated July 2017 that this part of the policy remains unmodified and is to be taken forward as part of the adopted plan.
- 6.18 Furthermore, the applicant is proposing improvements to the lane, which including widening of the road nearest to the access to 5.5m and the remainder of the lane to 4.8m in width along with a footpath of 1.8m from the site entrance to Mill Road, all within highway land. Furthermore, the junction of Forstal Lane/Stockett Lane is to be subject to improvements to improve visibility at this junction. These changes have been subject to a Road Safety Audit and have been reviewed by KCC Highways who have no objection in principle to these works and it is recommended these works are secured by a Section 278 agreement by way of planning condition.
- 6.19 As the scheme seeks approval for the access point to Forstal Lane, aside from the principle issue, this is the only detailed matter to be subject of assessment under this application. There have been comments by residents, a petition and views put across by Councillor Brian Mortimer (who draws upon the supporting Access Appraisal) regarding an alternative access point being more appropriate than that of Forstal Lane, this being an alternative access through the new estate, Willow Grange, to the south although it is noted this will require access through third party land. Whilst it is understood the applicant has investigated this matter through a meeting with the councillors and investigated this point in more detail in response to the council's concerns, it is considered the access to Forstal Lane is acceptable and the notion of requiring the applicant to look at alternative access points at this stage is unjustified and inappropriate for the reasons set out below -
- 6.20 Firstly, the most important point is that it is a specific policy requirement for the development to access via Forstal Lane and thus the scheme would be contrary to the policy if the alternative access was utilised. This policy has been scrutinised and approved by the council at many stages of the plan process and also reviewed by the government Inspector who found the access element of Policy H-58 to be sound. The policy has remained unchanged with the access to be taken only from Forstal Lane. This access scheme has been subject of a Road Safety Audit and KCC Highways have no objection to the access or the means of access along Forstal Lane. Therefore from a technical and policy standpoint, the means of access is fully justified and acceptable. Such policy support and acceptance of detail means it would very difficult to substantiate any objections on the basis of the access to Forstal or presence of an alternative access. It is considered if one were to object to the application on the point of access, such a decision could be seen to represent unreasonable behaviour which could face a potential cost award at any appeal.
- 6.21 Secondly, it is also noted that the access via the new estate is restricted by intervening third party land. Whilst it is suggested that the landowner of the third party land is happy to discuss potential resolution of this issue, it would also be inappropriate for the council to insist the applicant engages with other landowners which could then threaten the deliverability of the development especially when the scheme complies with the relevant policy in terms of access. It should also be noted that the policy also



requires retention of the southern hedgerow, which would be breached by the alternative access and there is a clear policy intention to retain this southern hedgerow in order to create a natural break between housing sites. This risk to deliverability is relevant as the site plays an important role in the council's housing trajectory and the contributions towards the Linton Crossroads improvements which are both crucial matters in the council's future strategy for the area.

- 6.22 Notwithstanding the compliance with the policy, the applicant has in any event met with councillors and has investigated this potential access further. However, it is the applicants view that the alternative access is restricted by other site specific matters such as ecology, notably the presence of badger setts along the southern and eastern boundaries and the applicant has also estimated the likely costs of this alternative access which they consider to be potentially prohibitive, for example the works required to enable an access road to be built to the appropriate gradient into Willow Grange and new roundabout on Heath Road, would be in excess of the costs to upgrade Forstal Lane. It is their view this would place financial burdens on the development when it is already providing substantial contributions to infrastructure such as affordable housing, highways, healthcare and open space. That being said, due to the policy position outlined above, there is no reasonable requirement to require applicant to undertake any further work on this matter.
- 6.23 Concerns have also been raised regarding motorists potentially turning east out of the site and using Well Street. This point has been addressed by KCC Highways who consider a suitable access design can be achieved along with suitable signage which would discourage such travel and this would be secured by planning condition and Section 278 agreement.
- 6.24 It is noted, part of the criteria of H1-58 as modified (H1-60 Reg 19) requires contributions to improve the crash record at the junction of Stockett Lane and Heath Road. The applicant has provided a highway safety risk assessment for the area and KCC Highways has reviewed this requirement and concur that there is a low to medium safety risk and there are no issues that the development would exacerbate and thus there are no grounds to require such a contribution. The applicant has also submitted a framework Travel Plan which KCC Highways request is secured by legal agreement along with a monitoring fee.
- 6.25 Therefore, on the basis of access and highway matters it is considered the scheme fully complies with policy H1-58 – as modified, Policy H1 and DM1, DM24 of the emerging plan and Section 3 of the NPPF.

### **Visual Impact/Landscape Considerations**

- 6.26 The application is supported by a Landscape Visual Impact Assessment (LVIA) which assessed the impact of development from a range of vantage points and this has been reviewed by the MBC Landscape officer who confirms that this study has been undertaken in accordance with best practice guidelines. The site lies within the Coxheath Plateau Farmlands LCA and within the Coxheath Orchards LCA. The report identifies a number of potential receptors to the visual impacts of the development, including users of the local footpath network, users of Forstal Lane and the residential properties on the adjacent estate to the west.
- 6.27 The MBC Landscape officer has drawn attention to the site assessment of the application site that was undertaken for the local plan process where the Landscape Sensitivity was considered to be low and the overall capacity to accommodate housing was considered to be high. The assessment considered the site to be well related to

Coxheath Village and there to be an opportunity to strengthen the rural village edge with new landscaping. I would concur with such a conclusion as the development abuts the existing village to its western and southern boundaries and any views from the footpath already takes in the existing built form which in its current state, is a relatively harsh visual edge to the village. Whilst the detail of the layout, scale and landscaping of the development is to be reserved for later determination, the size of the site offers the opportunity to create a substantial landscaped area to the eastern part of the site which will create a green wedge running southwards into the Heathfield (Willow Grange) site to the south which is currently under construction. This area will be planted with trees and hedgerows and the indicative masterplan includes planting buffers to the boundaries which will provide further screening to the site and soften views from local receptors. In terms of the impact of the access, the development will require some additional hedgerow to be removed to widen the existing access but whilst this will have some urbanising effect on Forstal Lane, along with the footpath, these impacts were specifically considered to be acceptable at the Local Plan stage (as they form part of the policy criteria).

- 6.28 Whilst the development of the site will inevitably have some visual effects, the allocation as a Local Plan housing site infers a degree of acceptance of some visual impact on the landscape, and indeed the council's own assessment considers the site is suitable for new housing having regard to its landscape character and lower sensitivity. It is also key that the emerging Local Plan has defined the land as being part of the built up area of Coxheath and will not be within the countryside where policies seeks to strictly prevent harm to the character of the countryside. Instead it will form part of the village. On the basis of the information submitted it is considered the site can accommodate the proposed quantum of development in manner that can preserve the character of its surroundings and manage the transition from the existing urban area to the wider countryside. Thus the development will accord with policies DM1 and SP17 of the emerging plan.

### **Ecology**

- 6.29 The application is supported by a Phase 1 Ecology survey, Ecological Impact Assessment and a Badger mitigation strategy, all which have been reviewed by KCC Ecology who consider there to be sufficient information submitted to enable a decision to be made and that any impacts can be compensated and mitigated for in accordance with the guidance and policy approach of Paragraph 118 of the NPPF. The ecology phase identified potential for reptiles, badgers, dormice and bats and further surveys have been carried out in respect of these species. One of the surveys identified a pair of ground nesting Skylarks and Linnets on the site and KCC Ecology are content with the extent of land remaining as open space and confirm that there is sufficient space for mitigation and enhancement of habitat for these species.
- 6.30 Of note is the number of badger setts within the site, with three active setts along the eastern boundary and three setts on the southern boundary, all of which are considered to be occupied by the same family group. Of these, there is a main breeding sett on the site near to the southern boundary which borders the existing housing estate. Whilst the reserved matters scheme could have secured a buffer around the breeding sett as per the relevant guidance, the consultant considered it more preferable to the health of the group to build a new artificial sett within the site, with work starting on this in June 2017. This is located 20m from the eastern boundary, in the area to be secured as open space which will avoid conflict between badgers and the development. The existing sett will remain although during construction it will be temporarily closed off to avoid impacts although the sett will be reopened on completion of construction to allow badgers to reuse the sett if required.

6.31 The development will secure a significant amount of open space which offers opportunities for enhancements including opportunities for significant enhancement and habitat creation across the site. Native landscaping including new tree and hedgerow planting and good pollinating species can be secured as part of the reserved matters stage of the application. It is proposed the legal agreement secures the detail and long term management and enhancement of the site in ecological and landscape terms through a Landscape and Ecology Management Plan which need to be submitted and approved.

### **Other matters**

6.32 The scheme would deliver 40% Affordable Housing as part of the development in accordance with DM13 (DM14 Reg 19) and MBC Housing has advised that the tenure mix should be 70% affordable rent and 30% shared ownership and this will be secured by the legal agreement. The MBC Housing Officer also advised that the need is predominately for smaller units, including 2 and 3 bed dwellings. As this is an outline application, the exact location and mix of house types is to be agreed at the reserved matters stage although it is expected a mix of affordable properties can be secured to meet the local housing needs.

6.33 It is noted KCC Minerals and Waste objected to the scheme on the basis of the site lying within a safeguarding area for Ragstone and that the applicant had not submitted an assessment as to whether extraction of the mineral could be undertaken prior to the development starting. However, since that consultation response, the modifications to the local Plan have identified the sites under Policy H1 which have to undertake such an assessment (modification MM-16). The modification confirms the application site is not one of the H1 sites which are required to undertake such an assessment and therefore the development is not contrary to the relevant policies on this basis.

6.34 The site lies in Flood Zone 1 and thus is at a low risk of flooding. The applicant has also submitted details of how SUDS can be incorporated into the detailed scheme and these have been reviewed by KCC Drainage. This will be secured by an attenuation pond in the open space area which will maintain run-off rates to that of the existing greenfield situation. The reserved matters stage allows further opportunity to integrate SUDS feature within the final layout which can aid drainage and wildlife opportunities. A condition is also recommended to be imposed to require the development to provide a connection to the foul water system at the point of adequate capacity in collaboration with the local provider.

6.35 The application includes a desk top archaeological assessment which considers the site would have low potential for archaeological deposits over all periods. This has been reviewed by KCC Archaeology and they have suggested a planning condition to require some initial field evaluation works to provide further investigation and this is to be secured at this outline stage.

6.36 The Environment Health officer drew attention to the potential for air quality impacts and recommended a condition which calculated air quality impacts and requires a scheme to address any impacts identified through measures to be incorporated into the scheme. A condition in respect of renewable energy and electric charging points are also recommended in order the detailed detail stage secures the optimum sustainable benefits.

6.37 Whilst the design and layout is to be reserved for later determination, it is considered the masterplan shows any future development can maintain the amenity of adjoining

properties with substantial hedgerows and buffer planting and suitable back to back distances achieved. Whilst, there will be some additional vehicles passing properties to Forstal Lane and other roads, this is not considered to be to the extent that would justify the refusal of planning permission.

### **Heads of Terms**

- 6.38 Any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet 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.
- 6.39 The regulations also mean that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).
- 6.40 During the application KCC have requested contributions to a range of infrastructure affected by the development and this would be secured by a legal agreement should it be resolved to grant planning permission. These include contributions to Primary Education at South Borough Primary School £3,324 per dwelling (£831 per flat) and £2,359.80 per dwelling (£589.95 per flat) towards secondary education at Maidstone Grammar School. KCC also request further contributions towards Community Learning of £30.70 per dwelling, Libraries at £48.02, Youth Services at £8.49 per dwelling. These contributions are considered to be justified having regard to the impacts of the development in creating additional demands and pressures on local infrastructure and these monies will assist in creating additional provision or enhancing existing facilities in relation to the identified sectors.
- 6.41 The development will place additional pressure on local health services and local doctors surgeries and therefore the contribution requested by the NHS of £70,761 is considered to be justified and necessary and proportionate to the likely occupation of the site. It is also considered to meet the requirements of the Inspector's main modification MM4 – helping to improve health infrastructure in the village.
- 6.42 Whilst the applicant is seeking to provide a large area of on-site open space, there will be a requirement to provide off-site contributions to meet the shortfall in the various typology types of open space as required by policy DM22. On this basis, MBC Parks and Leisure department have requested an amount of £880 per dwelling or £184,800 relating to the 210 units. These monies would be spent on the following;
- Whitebeam Drive Play Area – improvements to the surfacing of the play area and access to the site including pathways and gates.
  - Teen Facilities – infrastructure to engage teenagers with the open space at Stockett Lane to replace the existing “teen shelter”

- Access to Outdoor Sports and Amenity Green Space (Linden Road) – improvements to pathways, signage and access points to the outdoor space from Linden Road to improve accessibility for the local community
  - Car park for Outdoor Sports and Amenity Green (Linden Road) – improve access and visual appearance to encourage greater use of open space
- 6.43 The legal agreement would also secure the affordable housing and the contribution towards Linton Crossroads Improvement Scheme of £1500 per dwelling which is also considered to be justified on the additional trips the scheme will generate in relation to this existing junction.
- 6.44 KCC Highways have requested the Travel Plan be secured by legal agreement along with a £5,000 monitoring fee which is considered necessary to secure a modal shift towards sustainable modes of travel.
- 6.45 The above contributions are considered to be CIL compliant and justified in relation to the regulations.

## **7.0 CONCLUSION**

- 7.1. The application relates to an outline application for the residential development of an emerging housing allocation H1-58 (as modified) within the Local Plan which the council can give very significant weight. Therefore, the matter subject of this application is whether the site is suitable for residential development, whether it could accommodate the proposed quantum of dwellings and whether the means of access is suitable. On all those points, the application is considered acceptable as set out above. Furthermore, the site specific impacts have been assessed and reviewed by the various stakeholders and departments and there are no issues that would suggest the site is not suitable for development or that the site cannot accommodate the proposed quantum of development. Whilst the various concerns over the point of access and congestion are noted, the access point is a specific policy requirement and the levels of local congestion were considered at the local plan stage which considered the level of growth at Coxheath was acceptable subject to the proposed mitigation and improvement works on the local highway network. Therefore, it is considered the site accords with the development plan and other material considerations weigh heavily in favour of the development. Therefore it is recommended outline permission is granted subject to the imposition of the relevant planning conditions and Section 106 agreement.

## **8.0 RECOMMENDATION**

- 8.0 RECOMMENDATION - Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:
- The provision of 40% affordable residential units within the application site (Tenure mix to be 70 Affordable Rent, 30% Shared Ownership).
  - The securing of a LEMP for the management of the Open Space and management of other communal areas within the development.

- Financial contribution of £3324 per dwelling (£831 per flat) for Primary Education and towards permanent expansion to 2FE of South Borough Primary School
- Financial contribution of £2359.80 per dwelling (£589.95) towards Secondary Education and the cost of Phase 2 expansion at Maidstone Grammar School
- Travel Plan and monitoring fee of £5,000
- Financial contribution of £1,500 per dwelling towards the Linton Crossroads Improvements scheme
- Financial contribution of £30.79 is sought towards community learning and the cost of additional portable equipment in Maidstone
- Financial contribution of £48.02 towards libraries to address the demand from the development towards additional bookstock (supplied to Coxheath Library).
- Financial contribution of £70,761 towards Healthcare at Stockett Lane surgery and Orchard.
- Financial contribution of £8.49 per dwelling for Youth Services which will be put towards Coxheath youth workers
- Financial Contribution of £63.56 per dwelling is sought towards Social Care and Trinity Foyer Sensory beds and rockery
- Open Space Contribution of £184,800 (or £880 per unit) is based upon the off-site provision that cannot be provided on site

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:
  1. Scale
  2. Layout
  3. Appearance
  4. 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.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The reserved matters application relating to landscaping should include a full landscaping plan and specification which is based upon the opportunities and mitigation measures set out in the Maidstone Landscape Character Guidelines and should include native species and species which are good pollinators for local wildlife. The landscaping should also include a specification to require the length of the PROW to the east of the site to be upgraded to bounded surface made up of loose materials.

Reason: to give clarity on the appropriate type of landscaping which is suitable to the local area.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. The parking of vehicles of site operatives and visitors
  - ii. Loading and unloading of plant and materials
  - iii. Wheel washing facilities
  - iv. Measures to control the emission of dust and dirt during construction
  - v. A scheme for recycling/disposing of waste resulting from demolition and construction works
  - vi. Provision of measures to prevent the discharge of surface water onto the highway.

Reason: In the interest of highways safety.

4. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
  - i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

5. All existing hedges shall be retained, other than the part required to create the approved access, unless removal has been agreed in writing. Such hedgerows shall be protected over the course of the construction of the development and retained thereafter as part of the landscaping scheme to the site

Reason: in order to maintain existing landscaping and wildlife habitat

6. The development shall not commence for the relevant phase until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

8. Development shall not begin until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:
  - i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.
  - ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
  - iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

9. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
  - i. a timetable for its implementation, and
  - ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: In the interests of sustainability.

10. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.



11. A minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

Reason: In the interests of good design.

12. Details of a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority prior to occupation of the relevant phase of the development. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity

13. Prior to the commencement of development an ecological design and management strategy (EDS) addressing mitigation, habitat creation, management and enhancement, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long term management and maintenance.
- i) Details for monitoring and remedial measures.
- j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter unless otherwise agreed in writing.

Reason: To protect and enhance biodiversity.

14. The reserved matters application for layout will secure 1.85 hectares of open space which will include childrens play space as part of the final development.

Reason: to ensure compliance with Policy H1-58 (as modified and DM19 (as modified) of the emerging plan to create a good quality area of open space to serve the development

15. Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost.<sup>9</sup>

- Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
- The emissions calculated for the pollutants of concern (NO<sub>x</sub> and PM<sub>10</sub>) [from the Emissions Factor Toolkit];

The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);The result should be totalled for a five year period to enable mitigation implementation.

The calculation is summarised below:

Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs] The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local Planning Authority, prior to development. The measures shall then be carried out as part of the development.[The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.*]

Reason: to ensure the impact of the proposal upon air quality is mitigated.

16. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to

all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure the future development is not at risk from pollutants or contaminants.

17. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

18. The development shall be strictly undertaken in relation to the Bagder Mitigation Strategy and the mitigation measures set out in the Ecological Impact Assessment and its recommendations shall be fully implemented in line with its recommendations and timescales for implementation

Reason: To protect the ecological integrity of the site and protected species

19. Prior the commencement of development above damp proof course, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.

20. The access to the site shall be constructed strictly in accordance with the detail set out on drawing number. BR-514-001-H-SK04- 1 and this shall be completed prior to first occupation the development

Reason: to ensure a safe means of access is created to the development.

21. No development shall commence on site until a signed S278 Agreement is finalised and ready for signing, covering the following;

- The alterations to Forstal Lane and Junction with Stockett Lane as set out in the Transport Assessment
- Any alteration relating to the access to the site with measures to discourage vehicles along Well Street
- Pedestrian Footpath from site to Mill Road along the southern side of Forstal Lane

The development shall not be occupied until the Section 278 is complete and highways works covered in the agreement as set out have been completed.

Reason: To ensure compliance with Policy H-58 (as modified) and to ensure highway and pedestrian safety.

22. The development shall not commence (excluding a haul road) until a drainage strategy detailing the proposed means of foul water and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

The development shall be carried out in accordance with the approved schemes and timetable.

23. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, According to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained
24. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing 9001 A Location Plan, Drawing 9600 A Parameters Plan Green Infrastructure 9604 A

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

Case Officer: Ashley Wynn