

Urgent Update for Items 15, 16 and 17 Planning Committee 17th August 2017

Land South of Sutton Road,(15/509015, Pages 51-144)

Land North of Bicknor Wood (outline) (15/509251, Pages 145-228) and

Land North of Bicknor Wood (full) (17/501449 Pages 229-257)

A. Matters relating to all three applications:

1.Highways Matters

KCC have issued a further objection on highways grounds, Appendix 1 to this Urgent Update. Countryside, the developers of Land South of Sutton Road, have issued a response (attached as Appendix 2) to KCC's recent objection.

Officer response: Highways issues were considered in considerable detail when the Committee resolved to grant consent for 15/509015 and 15/509251 on 14th July 2016. Maidstone officers have stated that the proposals will not lead to a severe impact on highways. The County Council have consistently failed to implement necessary highways improvements funded through S106 which were necessary to relieve congestion on A274. This has been clearly acknowledged by the Inspector of the Maidstone local plan EiP (See below). It is in this context that KCC have been excluded as signature for the relevant S106s. They have, however, been consulted on the contents of the S106s. The proposed highways works represent a comprehensive approach to impact mitigation and are in line with expert specification, such as the A274 Corridor Study, part of the evidence base underpinning consideration of the applications. I consider that the relevant reports presented to this and previous relevant committees provide an accurate summary of the County Council's view.

2. Minerals assessment Update

The Local Plan Inspector's report was published on 27th July 2017 and makes the following relevant points. "The Kent Minerals and Waste Local Plan" does not require that proposed allocations must be subject to a prior Minerals Assessment, as is the case for other types of sites, and Policy DM7 (7) specifically exempts allocations in adopted Local Plans from being subject to this requirement.

3.The relevant extract of the Local Plan Inspector's report is included below:

Minerals

"61. In September 2016 KCC published for consultation a draft Supplementary Planning Document entitled 'Minerals and Waste Safeguarding.' MBC has made representations on this document [Document ED 119] and has highlighted that the approach to emerging site allocations has not yet been clarified. It remains unclear what type of minerals assessment is needed for such sites.

62. In these circumstances I conclude that the absence of a policy requirement for a minerals assessment in respect of allocated non-minerals development within the ragstone or Sandgate formation MSA would not result in material inconsistency with national policy since these minerals are not likely to be needed."

Highways

"Conclusion on Transport in South East Maidstone

169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.

170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town."

4. Overlap between Conditions and s.106 Obligations

The Committee will note that there is duplication between some conditions and S106 Heads in these reports. Because of the complicated nature of this development, full delegated authority is sought to resolve conflicts between conditions and obligations, to identify which is more appropriate in the circumstances, including if needs be, a Unilateral Undertaking, and also to amend, vary and, where appropriate and if necessary, delete and/or add to the draft conditions. Officers are seeking maximum delegated authority in order to find the most appropriate solution to ensure delivery of the developments and mitigation of their impacts.

B. Matters relating to 15/509251 and 15/509015

5 Update of background for Health Contribution and Primary & Secondary Schooling Contributions .

5.1 The report seeks to accurately reflect the financial contribution due to West Kent CCG and to update the medical practices which the CCG have identified as being impacted on by this proposal. On 14 July 2016, this Committee resolved to grant planning permission subject to a s.106 legal agreement securing, amongst others, a financial contribution of **£978.34 per dwelling** towards one of 5 named surgeries

- Wallis Avenue Surgery
- Mote Medical Practice
- Northumberland Court
- Downswood Surgery
- Grove Park Surgery.

5.2 The figure of £978.34 per dwelling was inaccurate for various reasons including:

- It assumed that 250 units would be delivered. However, as this is an outline permission where the number of dwellings would be settled as part of the reserved matters, it is not possible to 'fix' the contribution;
- the CCG do not apply for contributions for affordable housing units. The figure of £978.34 included affordable housing;
- the CCG's calculation is based on a per person (and not a per dwelling) amount of **£306 per person** with the calculation then based on a predicted occupancy rate

(for e.g. a 1 bed unit assumed 1.4 persons x £360 per person = £504 per 1 bed unit whilst a 4 bed unit assumes 3.5 persons x £360 per person = £5,040 per 4 bed unit).

5.3 Furthermore, West Kent CCG have updated their named surgeries

- Wallis Avenue Surgery
- Mote Medical Practice
- The Medical Centre Group (replacing Northumberland Court)
- The Orchard Surgery, Langley (replacing Downswood Surgery)
- Grove Park Surgery

5.4 For similar reasons to those set out above, the Primary and Secondary School education contribution figures require clarification. Similarly to the health contribution above, KCC do not work on a per dwelling figure but rather an Applicable House and Applicable Flat amount. The figures in the report of 14 July 2016 represent the figures as a per dwelling amount and not as a per Applicable House and per Applicable Flat amount. Furthermore, and again in line with the health care contribution above, the figures presented in the report fail to take into account that this is an outline application where the total amount of the contribution can only be 'fixed' once the reserved matters have been approved.

6. Scheme specific points.

Item 15, Pages 51-144 Land South of Sutton Road Ref: 15/509015

6.1 Updates and corrections

- Page 53 (section 1.1) remove from the last sentence "*as is the latest draft of the Section 106 agreement.*"

Reason: to correct an error.

- Page 60 (section 9.2) after the words "*That the Head of Planning and Development is able to settle*" add the word "*delete*".

Reason: to properly reflect the requirements for post resolution changes to conditions.

6.2 Recommendation: alter to RECOMMENDATION – Subject to

1. the prior completion of a s106 legal agreement in such terms as the Head of Planning and Development in consultation with the Head of Legal Partnership may advise
2. such conditions and informatives as the Head of Planning and Development may advise, the Head of Planning and Development be given delegated powers to grant outline permission.

Item 16, Pages 145-228 Land North of Bicknor Wood (outline) Ref: 15/509251

6.3 Corrections

- Page 145 (section 4.01) Remove "*or on-site provision to meet health care needs*"

Reason: To correct error.

- Page 146 (section 1.1) remove from the last sentence *“as is the latest draft of the Section 106 agreement.”*

Reason: To properly reflect the contents of the report

- Page 150 (section 5.06.2): delete first sentence.

Reasons: To correct error.

- Page 152 (Section 9.1) add: *“a contribution of £31,680 for the upgrading of PROW s KM87, KM88 and KM94”* (reflecting the requirement of paragraph 5.06 of the report, Page 234)

Reason: To reflect a further relevant planning obligation previously omitted in error.

- Page 152 (Section 9.2) after the words *“That the Head of Planning and Development is able to settle”* add the word *“delete”*.

Reason: To properly reflect the contents of the report

6.4 Recommendation: Alter to read:

RECOMMENDATION – Subject to

1. the prior completion of a s106 legal agreement in such terms as the Head of Planning and Development in consultation with the Head of Legal Partnership may advise
2. such conditions and informatives as the Head of Planning and Development may advise, the Head of Planning and Development be given delegated powers to grant outline permission

Item 17, Pages 229-257 Land North of Bicknor Wood (Full) Ref: 17/501449

6.5 Corrections and Updates

- Page 241 section 8 add: *“a contribution of £31,680 for the upgrading of PROW s KM87, KM88 and KM94”* (reflecting the requirement of paragraph 5.06 of the report, Page 234)

Reason: To reflect a further relevant planning obligation previously omitted in error.

- Section 8 Last Paragraph on page 241: Add, *after the words “That to properly reflect the contents of the report the Head of Planning and Development is able to settle”* add the word *“delete”*.

Reason: to properly reflect the content of the report.

6.6 Recommendation: alter to read:

RECOMMENDATION –Subject to

1. the prior completion of a s106 legal agreement in such terms as the Head of Planning and Development in consultation with the Head of Legal Partnership may advise

2. such conditions and informatives as the Head of Planning and Development may advise, Head of Planning and Development be given delegated powers to grant full permission

Appendix 1 – Objection by KCC dated 16th August 2017



Mrs. A Broom
Chief Executive
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BY EMAIL ONLY

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& Transport**

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Phone: 03000 415981
Ask for: Barbara Cooper
Email: Barbara.Cooper@kent.gov.uk

Dear Alison

Maidstone Planning Committee Meeting 17/08/17 – Position of Kent County Council as Highway Authority

I write to set out the position of Kent County Council (KCC) as Highway Authority and statutory consultee in respect of planning applications 15/509015/OUT, 15/509251/OUT and 17/501449/FULL in advance of the Maidstone Borough Council (MBC) Planning Committee meeting on 17 August 2016.

The County Council has raised strong objections in relation to all three applications. These have consistently highlighted the severe cumulative impacts that the developments will have on congestion and delay on the south eastern A274/A229 corridor into Maidstone, which already suffers from extensive queuing and delay over prolonged periods. To this point our objections have remained unresolved.

The MBC Committee reports draw attention to the progress made by MBC on the S106 Agreements associated with the two outline planning applications. It remains profoundly disappointing that your authority has chosen to exclude KCC from the S106 negotiations, as this has effectively removed any scope for collaborative working to secure the best achievable package of mitigation measures.

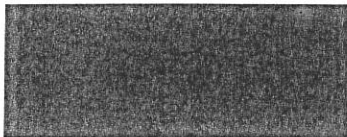
Our formal consultation responses on each of the planning applications made it clear that, in the event of planning approval being granted against the advice of the Highway Authority, we would seek agreement with the Borough Council on the use of monies for mitigation. This position recognises the continued absence of an agreed transport strategy that supports the Local Plan as a whole. It is hugely frustrating that you have disregarded these requests and the concerns that I raised in my letter to you of 13 March 2017.

We are now faced with the prospect of S106 Agreements being taken forward that are based on a piecemeal approach to mitigation and will fall far short of KCCs requirements. Furthermore, it is apparent that they will fail to help deliver the strategic forms of transport improvement that are so clearly required to alleviate congestion and support housing growth in this part of Maidstone. In particular, note that it was anticipated that S106 from these sites would contribute to the investigative work required for the Leeds Langley bypass scheme.

I am also deeply concerned that the reports to your Planning Committee, both on Thursday and at previous meetings, have failed to properly represent not only KCC's views and requests but those of other representative bodies in the area.

The continuing uncertainty over the effectiveness and delivery of mitigation on this severely congested part of the highway network must form a key consideration for Members of the Planning Committee on Thursday and I trust that you will confirm this letter will be made available to all planning committee members to assist their decision-making.

Yours sincerely,



Barbara Cooper

Corporate Director – Growth, Environment and Transport

Appendix 2 – Countryside's response dated 17th August 2017 to KCC's objection

Rob Jarman
Head of Planning and Development

Our Ref CJH/10165

SENT BY EMAIL

17 August 2017

Dear Rob

RE: LAND TO THE SOUTH OF SUTTON ROAD (POLICY H1(10))

I am writing to both you and Members following the receipt of further representations received from Kent County Council regarding the impact upon this proposal upon both the A274 and the Strategic Highway Network.

We note the comments that are raised and we would like to address some of the key issues with both Officers and Members prior to the Planning Committee meeting this evening.

It is well known that Kent County Council has raised strong objections to the development within the South East of Maidstone, and in particular the sites brought forward through Policies H1(7), H1(9) and H1(10). The concerns being centred around the 'severe' congestion within the locality that would be exacerbated by these proposals.

It is important to note that throughout the pre-application process, during the life of the application (i.e. prior to the resolution) and post resolution, Countryside Properties has sought to engage with Kent County Council Highways in order to discuss the modelling work undertaken, and the proposed mitigation. On this matter the NPPF is clear that Local Planning Authorities should look for solutions rather than problems (para. 187) and 'should work 'proactively with applicants' in order to secure development that are sustainable in terms of the social, environmental and economic benefits they bring.

It has been as a result of the County's unwillingness to engage pro-actively that the Borough Council was obliged to employ independent consultants in order to assist with the consideration of the application to allow officers and Members to assess and make a determination as to the acceptability in planning terms of the proposed development and its potential for impact on the strategic highway network.

Members will be aware that Countryside Properties submitted a detailed Transport Assessment (TA) in support of the outline planning application, which examined the cumulative impact of Local Plan development in South East Maidstone on the A274 and A229 corridors. The TA identified improvement schemes at several key junctions on these routes, which were reviewed by the Borough Council's independent transport consultants and confirmed as providing effective mitigation in line with national and local planning policy requirements. The developers of the strategic sites in South East Maidstone are prepared to meet the full cost of these improvements –

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as well as to provide proportionate contributions for mitigation at M20 Junction 7 – via Section 106 contributions. Much of the discussion since the original resolution in relation to Countryside Properties' proposed development at Sutton Road has centred around ensuring that the mitigation is deliverable and that it is delivered at the appropriate point in time. This is based upon evidence and has been agreed between Highways England, Maidstone Borough Council (including Mott McDonald) and the applicants.

By contrast, Kent County Council has failed to implement much-needed highway and public transport mitigation for the A274 corridor in recent years, despite already having received Section 106 contributions from the developers of Sites H1(5) and H1(7), which were first granted planning consent in 2014. The County Council has instead sought to divert these funds to pay for feasibility work in respect to the proposed Leeds-Langley Relief Road. The Inspector's Final Report on the Maidstone Local Plan Examination is clear that KCC's actions will: -

"...at best delay mitigation by up to 10 years and at worst may result in no mitigation if that road does not go ahead. Neither would that road promote sustainable travel or provide significant transport capacity for movements between South East Maidstone and the town centre."

It is for Officers and Members to draw their own conclusions as to whether the County's stance on development within the South East of Maidstone has complied with its duties in the NPPF and has been proactively approaching the need to deliver solutions for allocated development sites delivering sustainable development, as the Inspector concluded, or indeed has been consistent with their approach elsewhere within the County.

Countryside Properties has fully engaged with the NHS, Southern Water, the Environment Agency, Historic England, Highways England, and other statutory consultees in order to address any initial concerns that had been raised and Countryside Properties will bring forward a high-quality development that fully mitigates any impact that it has. It is unfortunate that the County Council did not feel that they were able to engage in a similar manner.

It is hoped that this will provide both Officers and Members the reassurance that significant efforts have been made to engage appropriately through the life of this application, and through the Examination in Public to ensure that the proposal is not only policy compliant, but a high-quality scheme that will help Maidstone deliver both much needed housing growth and significant infrastructure.

I trust that this is of some assistance, and can also be made available to Members prior to this evening's meeting. Should you have any questions, please do not hesitate to contact me.

Yours Sincerely



Chris Hawkins
Associate Director

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