

Cheryl Parks

From: WALKDEN, NIGEL <N [REDACTED]>
Sent: 24 August 2016 17:03
To: Paul Goodenough; 'Olley, Martina E'
Cc: Rapa, Pia
Subject: RE: M20 Junctions - modelling

Paul,

Again, this sounds reasonable, my main query relates to the differences in the TEMPRO 2016-31 factors for J5-J8 you have sent. The difference between the consented/non-consented housing (7574 and 8126) is roughly similar but the implied growth rates shown for the non-consented element in Scenario 2 is much lower:

Scenario 1 - Consented Development				
TEMPRO Factors 2016-2031				
	J5	J6	J7	J8
AM	1.098	1.100	1.133	1.092
PM	1.098	1.101	1.131	1.091

Scenario 2 - Consented + Non-consented Development				
TEMPRO Factors 2016-2031				
	J5	J6	J7	J8
AM	1.138	1.132	1.155	1.109
PM	1.141	1.135	1.154	1.109

Happy to wait for the report.

Regards,

Nigel

From: Paul Goodenough [REDACTED]
Sent: 24 August 2016 16:10
To: WALKDEN, NIGEL; 'Olley, Martina E'
Cc: Rapa, Pia
Subject: RE: M20 Junctions - modelling

Nigel,

Many thanks for your reply.

Scenario 2 assumes 15,700 households (7,574 consented + 8,126 non-consented) on top of the 2,860 completions to 31st March 2016 (which are assumed to be included in the 2016 baseline). That makes a total of 18,560 households as per the objectively assessed need.

In terms of TEMPRO7, we took the 2016 household/job numbers and then calculated junction-specific 2016-2031 TEMPRO AM and PM peak growth factors by adding to background traffic growth the consented Local Plan households/jobs for each junction (for Scenario 1) and consented + non-consented Local Plan households/jobs for each junction (for Scenario 2) as per the distributions. The overall household/job totals take into account not just the Maidstone Borough Local Plan but allocations in Swale BC and Tonbridge & Malling BC also, as per the information in Martina's email of 11 August.

I trust that this approach is acceptable to you. Certainly the report will clearly set out how the methodology has been applied to calculate the junction-specific growth factors.

Kind regards

Paul Goodenough

Senior Transport Planner

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ

t: [REDACTED] w: www.maidstone.gov.uk

From: WALKDEN, NIGEL [REDACTED]

Sent: 24 August 2016 15:17

To: Paul Goodenough; 'Olley, Martina E'

Cc: Rapa, Pia

Subject: RE: M20 Junctions - modelling

Paul,

The distributions from Martina's two emails on 11 and 12 August look reasonable. I would double check the TEMPRO7 figures as they may already be superseded by the Local Plan household and employment numbers. If I have interpreted correctly your 18521 households in Scenario 2 equates well with the 18560 objectively assessed need totals.

Will you be providing methodology on how these figures will be converted into morning and evening peak hour trips?

Regards,

Nigel

Nigel Walkden BA MSc MBA CMILT

Managing Consultant, Transportation

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From: Paul Goodenough [REDACTED]

Sent: 24 August 2016 14:31

To: 'Olley, Martina E'; WALKDEN, NIGEL

Cc: Rapa, Pia

Subject: RE: M20 Junctions - modelling

Nigel,

I was wondering if you had yet had an opportunity to consider the distributions that Martina sent you the week before last? Do these provide the further clarification you were seeking? Apologies again for the roughness of the sketches - as Martina said they will be tidied up for the draft report which, as I advised yourself and Kevin, will be issued by Monday 5 September.

If you have any queries please could you let us know – I am on leave after today until the 31st but Pia is available tomorrow (25th) to assist if necessary.

Kind regards

Paul Goodenough

Senior Transport Planner

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ

t: [REDACTED] w: www.maidstone.gov.uk

From: Olley, Martina E [REDACTED]

Sent: 12 August 2016 15:57

To: WALKDEN, NIGEL

Cc: Paul Goodenough; Rapa, Pia

Subject: RE: M20 Junctions - modelling

Hi Nigel

I understand you spoke to my colleague Paul yesterday – apologies I wasn't available at the time.

Attached some sketches showing how we distributed the Maidstone sites onto the four junctions. Please note, these are very rough sketches. We intend to "make them pretty" for inclusion in our final report, but this task just hasn't been done yet.

I will now be on leave until 31 August – please contact either Pia or Paul if you have any queries regarding the attached.

Best regards,
Martina

From: Olley, Martina E

Sent: 11 August 2016 12:01

To: 'WALKDEN, NIGEL' <[REDACTED]>

Cc: [REDACTED]; Rapa, Pia [REDACTED]

Subject: RE: M20 Junctions - modelling

Hi Nigel

Apologies for the slight delay in passing the attached information to you. We got some further information from Tonbridge&Malling on Tuesday and didn't quite manage to finalise the spreadsheet yesterday.

The attached shows the household and job numbers from Maidstone, Tonbridge&Malling and Swale we assume would impact this stretch of the motorway. We then considered the location of these (consented and non-consented) developments and which junction they would affect. The numbers are outlined in the spreadsheet.

These numbers were then entered into TEMPro7 to obtain the growth factors which are also contained in the spreadsheet.

I suggest I contact you this afternoon once you have had the opportunity to consider the attached. Presumably it is best to contact you on your mobile (07780228427)?

Best regards,
Martina

From: WALKDEN, NIGEL [mailto:N [REDACTED]]
Sent: 29 July 2016 11:41
To: Olley, Martina E <M [REDACTED]>
Subject: RE: M20 Junctions - modelling

Martina,

Your second “first principles” approach is acceptable subject to agreement on the robustness of the numbers involved. Your text doesn’t go into detail as to how you would apply the growth at each of the junctions. Additionally, for your benefit we are only interested in those developments that currently do not have planning consent, so you will need to compare two scenarios with/without Local Plan consented development for the Local Plan horizon year.

As you may know, TEMPro7 was released yesterday and will provide more up to date growth forecasts, however from an initial view of the underlying assumptions for other (planning authority areas) the figures may need revising based upon a) current Local Plan development totals and b) consented developments.

Please let me know if you require further clarification.

Regards,
Nigel

Nigel Walkden BA MSc MBA CMILT
Managing Consultant, Transportation

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From: Olley, Martina E [[REDACTED]]
Sent: 29 July 2016 11:20
To: WALKDEN, NIGEL
Cc: [[REDACTED]]
Subject: FW: M20 Junctions - modelling

Nigel

Further to my email below and the voicemail I left last Monday, I would be grateful for your comments on the attached.

I will be on leave next week but will contact you w/c 8 August to discuss.

Many thanks,
Martina

From: Olley, Martina E
Sent: 18 July 2016 12:15
To: 'Elizabeth. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: M20 Junctions - modelling

Elizabeth / Nigel

Further to our meeting with Kevin on 18 May 2016, please find attached a note setting out our intended modelling approach.

I would be grateful if you could please review, and provide comments or acceptance of this approach at your earliest opportunity to enable us to progress with this work as soon as possible.

Please contact me if you have any queries.

Best regards,
Martina

Ref: 344395/MEO

Martina Olley
Projects Director

T + [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]



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Cheryl Parks

From: Bown, Kevin <[REDACTED]>
Sent: 04 October 2016 16:57
To: Paul Goodenough
Cc: WALKDEN, NIGEL; 'Brendan.Wright [REDACTED]'; 'Olley, Martina E'
Subject: RE: Draft HE Maidstone Local Plan M2 Junctions 5-8 Assessments

Paul

Re Matters to be agreed – although the evidence is heading in the right direction and we don't see any reason why we won't get there (although this is more likely by Transport Session/ end of EIP rather than by Thursday!) - we're not there yet.

So perhaps it will be better to hang fire on the SOCG and do only the one, once all matters are agreed, rather than iterations.

Regards

Kevin Bown, Spatial Planning Manager

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From: Paul Goodenough [REDACTED]
Sent: 04 October 2016 15:46
To: Bown, Kevin
Cc: WALKDEN, NIGEL; 'Brendan.Wright [REDACTED]'; 'Olley, Martina E'
Subject: RE: Draft HE Maidstone Local Plan M2 Junctions 5-8 Assessments

Kevin,

Further to my earlier email, Martina and technical colleagues are still reviewing the comments. However, in the meantime I was wondering what changes to the attached revised draft Statement of Common Ground you would wish to see in order to move towards an agreed Statement before Thursday's seminar?

Many thanks

Paul Goodenough

Senior Transport Planner

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ

t: [REDACTED] **w:** www.maidstone.gov.uk

From: Paul Goodenough
Sent: 04 October 2016 11:16
To: [REDACTED]
Cc: [REDACTED]; 'Olley, Martina E'
Subject: RE: Draft HE Maidstone Local Plan M2 Junctions 5-8 Assessments

Kevin,

Many thanks for your email and the attachment. We're currently reviewing the comments and in the first instance will come back to you shortly if any of these require clarification.

Regards

Paul Goodenough

Senior Transport Planner

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ

t: [REDACTED] w: www.maidstone.gov.uk

From: James [REDACTED]
Sent: 03 October 2016 15:37
To: Kevin.Bown [REDACTED] Paul Goodenough
Cc: Nigel.Walkden [REDACTED] Brendan.Wright [REDACTED]
Subject: RE: Draft HE Maidstone Local Plan M2 Junctions 5-8 Assessments

Hi Kevin,

My colleague Brendan Wright (copied in) covers Maidstone.

Regards,

James

From: Bown, Kevin [<mailto:Kevin.Bown>] [REDACTED]
Sent: 03 October 2016 15:34
To: 'Paul Goodenough'; Hammond, James - GT HTW
Cc: WALKDEN, NIGEL
Subject: Draft HE Maidstone Local Plan M2 Junctions 5-8 Assessments

Paul/James,

I've only just received the attached, but need to leave for a meeting, so am copying the draft to you.

I'll have a chance to run through it all tomorrow, so any matters can be clarified then.

We have gone through the study work and have a number of points to note. Comments on the merge/diverge assessment to follow when we have agreed the figures below.

Firstly, the growth and how it has been calculated is not clear. A basic TEMPro assessment undertaken by Atkins gives a much higher growth rate. Additionally the non-consented development element of growth has far higher housing totals than the committed element but tends to give lower growth at the junctions.

Can worked examples be provided as previously requested? Also, has the Tonbridge and Malling and Swale non-consented growth been included in Scenario 2 or 1? If we are interested in Maidstone's impacts in isolation they should be in Scenario 1. Have potential through trip growth been omitted/Medway growth been included?

Can you also provide details on how the trips have been distributed? You have provided diagrams showing the distribution to each junction from each development, but how have the initial numbers of base trips for each development to and from the motorway been calculated e.g Census journey to work?

There are comments relating to the modelling inputs from your modelling report sent on 5 September. Please see the attached note. Some of these comments will not change the results, particularly some of the small inaccuracies in measurements (but some will), and others may have impacts upon the conclusions such as blocking back/need to include stacking capacities that may invalidate the results and lane based flow assumptions e.g at Junction 6 in the base model. I also add that the Junction 6 roundabouts sent separately on 12 September have some anomalies e.g the flare for the M20 off slip to the Running Horse roundabout has a modelled increased flare but none shown on the plan, plus geometry at other approaches where it is not clear how measurements have been taken as we have had difficulty in replicating the geometry in the model runs.

I should also add that Scenario 1 runs should be based upon extant permission mitigations especially M20 Junctions 5 and 7 signalisation scheme for the Kent Medical Campus mitigation – see the Maidstone Infrastructure Delivery Plan. If not, any mitigation will need to bring the junctions back to within capacity rather than provide nil detriment.

The junction 5 base counts date from 2006. Given the age of the counts can you provide an assessment of the robustness of the turning movements?

Finally, improvements will need costing to ensure viability and some assessment to ensure that there are no safety showstoppers/are DMRB compliant.

Regards

Kevin Bown, Spatial Planning Manager

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Cheryl Parks

From: WALKDEN, NIGEL <N [REDACTED]>
Sent: 19 October 2016 14:10
To: 'Olley, Martina E'
Cc: Paul Goodenough; Bown, Kevin
Subject: RE: Draft HE Maidstone Local Plan M2 Junctions 5-8 Assessments

Hello Martina,

The approach is acceptable. You seem to have included the non-consented growth for the other Boroughs in the non-consented (All Development) scenarios. Given that we are looking at Maidstone's impacts in isolation we would not insist on this. We will now continue looking at the merge/diverge assessments and look forward to your response relating to our other comments.

Regards,

Nigel

Nigel Walkden BA MSc MBA CMILT
Managing Consultant, Transportation

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From: Olley, Martina E [REDACTED]
Sent: 13 October 2016 11:04
To: Bown, Kevin; WALKDEN, NIGEL
Cc: Paul Goodenough
Subject: RE: Draft HE Maidstone Local Plan M2 Junctions 5-8 Assessments

Kevin / Nigel

Further to our discussion last week, please find attached further information on how the TEMPro factors were derived.

With this being key to any further modelling, I would be grateful if you could review and confirm acceptance of this approach as soon as possible. In the meantime, we will comment on your note further, and send these through separately.

I hope to be in a position to amend the models and re-run them in line with your comments next week subject to reaching agreement on the TEMPro approach.

Regards,
Martina

Martina Olley
MSc ETH
Projects Director

[Redacted]

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From: Bown, Kevin [mailto:[Redacted]]
Sent: 03 October 2016 15:34
To: Paul Goodenough; 'James.Hammond [Redacted]'
Cc: WALKDEN, NIGEL
Subject: Draft HE Maidstone Local Plan M2 Junctions 5-8 Assessments

Paul/James,

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Can you also provide details on how the trips have been distributed? You have provided diagrams showing the distribution to each junction from each development, but how have the initial numbers of base trips for each development to and from the motorway been calculated e.g Census journey to work?

There are comments relating to the modelling inputs from your modelling report sent on 5 September. Please see the attached note. Some of these comments will not change the results, particularly some of the small inaccuracies in measurements (but some will), and others may have impacts upon the conclusions such as blocking back/need to include stacking capacities that may invalidate the results and lane based flow assumptions e.g at Junction 6 in the base model. I also add that the Junction 6 roundabouts sent separately on 12 September have some anomalies e.g the flare for the M20 off slip to the Running Horse roundabout has a modelled increased flare but none shown on the plan, plus geometry at other approaches where it is not clear how measurements have been taken as we have had difficulty in replicating the geometry in the model runs.

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The junction 5 base counts date from 2006. Given the age of the counts can you provide an assessment of the robustness of the turning movements?

Finally, improvements will need costing to ensure viability and some assessment to ensure that there are no safety showstoppers/are DMRB compliant.

Regards

Kevin Bown, Spatial Planning Manager

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To : Maidstone Joint Transportation Board
By : Tim Read – KCC Head of Transportation
Date : 22nd February 2016
Subject : Results of the VISUM Transport Modelling
Classification: For Information and Discussion

Summary : This report summarises the results of the interim 2022 modelling scenario that has been undertaken to inform the Maidstone Local Plan.

1. Introduction

1.1 The VISUM modelling work undertaken by Amey in support of the emerging Local Plan has tested a series of scenarios relating to the transport interventions that could be implemented alongside future housing and employment development. Each of the scenarios has been predicated on an individual set of assumptions regarding the package of transport interventions.

1.2 The modelling enables the relative effectiveness of each scenario to be compared and contrasted by providing a measure of their influence on future travel demand and highway network performance.

1.3 The purpose of this report is to ensure that Members are informed of the model results for the 2022 scenario and how these compare against those previously derived for 2031.

2. Background

2.1 At the previous meeting of this board on 7th December 2015, Members resolved:

“We agree in the absence of an agreed transport strategy and in light of the evidence presented to this Board demonstrating Maidstone’s significant highway capacity constraints, this Board recommends that a transport strategy be taken forward urgently by the Borough and County Councils covering the period of the Local Plan, with a further review completed in 2022.

The aim of this strategy will be to mitigate the transport impact of future growth, in the first instance up to 2022. The strategy should comprise of the key highway schemes and public transport improvements agreed by the Board, and further traffic modelling will be required to identify its impact. It is proposed that the £8.9 million growth fund monies identified for transport be used to accelerate the delivery of these improvements. Existing developer contributions may then be used to support further measures.

The agreed transport strategy should also develop the justification for a relief road between the A20 to the A274 (the Leeds and Langley Relief Road), along with a preferred route, in order to allow testing with other strategic transport options and

identify all source of potential funding to enable the schemes to be implemented at the earliest opportunity.”

2.2 The traffic modelling referred to within the resolution has now been undertaken by consultants Amey in order to identify how implementation of the strategy over this interim period to 2022 could impact upon network performance.

2.3 Assumptions on the quantum of development that is expected to come forward over the period to 2022 have been made on the basis of advice from MBC. This has resulted in an adjustment being made to the Local Plan housing target of 18,560 to deduct the strategic sites, namely those at Lenham, Invicta Barracks and the town centre, and windfall sites that are expected to come forward over the period 2022 – 2031. A revised housing target of 14,034 has therefore been taken forward for 2022 modelling purposes, alongside all employment and retail sites.

2.4 Two model runs have been undertaken for the 2022 scenario. The ‘2022 Base’ model run assumes that no transport interventions are implemented, aside from the Bridges Gyratory scheme. The ‘2022 Do Something’ model run assumes that the transport strategy components previously agreed by this Board are implemented, with the exception of the Leeds Langley Relief Road. These components are comprised of:

- the package of highway improvement schemes
 - Bridges Gyratory
 - A20/M20 Junction 5
 - A229/A274 Wheatsheaf
 - A20/Willington Street
 - A274/Willington Street and A274/Wallis Avenue
 - A20/Hermitage Lane
 - A20/Coldharbour Lane
 - A249 Bearsted Road and Bearsted Road/New Cut
 - A26/Fountain Lane
- a typical 10 minute bus frequency
- the discounting of walk/cycle trips to be based on a distance threshold of 5km within the town centre
- a 50% increase in long-stay parking charges
- the removal of park and ride sites at Linton and M20 J7

2.5 The above components are entirely consistent with the ‘2031 Do Something 4b’ model run previously reported to Members on 4th November 2015 and provide a basis for comparing and contrasting results.

2.6 It should be noted that the exclusion of the Leeds Langley Relief Road from the 2022 tests is purely intended to reflect how the timescales associated with the delivery of this scheme are expected to extend beyond 2022.

3. Modelling Results

3.1 In view of the limited timeframe within which to undertake the modelling work, Amey were instructed to focus on the AM peak period. This has ensured that the busiest period has been tested.

3.2 A summary of the 2022 results, set against the results of the previously modelled '2014 base' and '2031 Do Something 4b' scenarios, is presented in Appendix A.

3.3 The results of the '2022 Do Minimum' scenario serve to emphasise how substantive increases of 16% in travel distance and 29% in travel time will occur on the highway network in the absence of mitigation.

3.4 Implementation of the transport strategy components in the '2022 Do Something' scenario results in increases of 8% in travel distance and 10% in travel time across the highway network. These increases compare favourably against those identified for the '2022 Do Minimum' scenario and support the transport strategy as a form of mitigation.

3.5 A comparison of the '2022 Do Something' results against those previously reported for the '2031 Do Something 4b' modelling results highlights how the '2022 Do Something' approach would result in a near halving of the associated impact on travel distance and time.

4. Summary

4.1 The modelling work has been completed to test the effects of the 2022 scenario on travel demand and highway network performance.

4.2 On the basis of a revised housing target of 14,034, this has identified a level of impact that is close to half of that previously reported for the 2031 scenario in terms of travel time.

4.3 The findings support the implementation of the transport strategy over the period to 2022 in how they demonstrate a substantially lower impact on the highway network.

4.4 It can also be concluded that the added inclusion of the Leeds Langley Relief Road within the transport strategy will provide further benefits to network performance, as previous model runs have identified how, by 2031, this scheme could achieve a 25% saving in travel time across the network and could reduce traffic flows on individual routes by up to 16%. It is therefore imperative that the work necessary to support delivery of the Leeds Langley Relief Road is progressed immediately.

5. Recommendation

5.1 The findings of the 2022 modelling are commended to Members on the basis that they demonstrate a level of impact on the highway network that is not regarded as severe in the context of the National Planning Policy Framework.

5.2 In light of these findings it is recommended that the identified transport interventions, together with the requirement for further work to be undertaken in support of the Leeds

Langley Relief Road, are approved by Members as forming the transport strategy that will cover the period to 2022.

Contact Officers:

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Appendix A: Maidstone Transport Model - Option Testing Summary

Model Scenario	Transport Intervention Assumptions	Model Results: Network Performance	
		Travel Distance (Veh km)	Travel Time (Veh hours)
		AM	AM
2014 Base	None	122,000	8,300
2022 Do Minimum	Adjusted housing allocation (14,034 homes) and unchanged employment allocation (200,100m ²) Maidstone Gyrotory scheme only	141,400 (+16%)	10,700 (+29%)
2022 Do Something	Adjusted housing allocations (14,034 homes) and unchanged employment allocation (200,100m ²) Package of transport improvements: <ul style="list-style-type: none"> • Highway capacity improvements • Public transport improvements (10 min bus frequency) • Discounting of walk/cycle trips up to 5km • Increase in long-stay parking charges (by 50%) • Removal of P&R at Linton and M20 J7 	132,000 (+8%)	9,100 (+10%)
2031 Do Something 4b	Revised housing and employment allocations (18,560 homes) Package of transport improvements: <ul style="list-style-type: none"> • Highway capacity improvements • Public transport improvements (10 min bus frequency) • Discounting of walk/cycle trips up to 5km • Increase in long-stay parking charges (by 50%) • Removal of P&R at Linton and M20 J7 	135,600 (+11%)	9,700 (+17%)

URGENT UPDATE 15/509015 – Land South of Sutton Road**Additional Transport / Highway Information**

Additional highway information was requested by members at the Planning Committee Meeting on 7 July 2016. This note sets out the view of Maidstone Borough Council's independent transport consultant Mott MacDonald on the highway work carried out by the applicant and KCC's responses to the proposals.

This paper also covers bus prioritisation measures and air quality issues, as well as proposing additional conditions and heads of terms.

KCC's comments are very detailed. Except for positively acknowledging the traffic generation assumed by the applicant, no mention is made about either flows or traffic distribution. It is therefore concluded that KCC accept the traffic flow, generation and distribution assumptions that underpin the assessments carried out in the TA.

Discussion of VISUM Modelling*Executive Summary*

The Maidstone VISUM transport model has been used to test the strategic implications of Local Plan growth over the period to 2031 and the package of transport interventions identified in the Integrated Transport Strategy (ITS). **As a strategic model, it is unsuited to considering the local level transport impacts of individual planning applications. Despite this, however, KCC has relied upon the VISUM model outputs in making its objections to these applications.** It is standard practice to assess the local transport impacts of individual planning applications by undertaking detailed junction modelling using the LinSig, ARCADY and PICADY modelling software packages.

The VISUM model covers the Maidstone urban area only. It does not model in detail the rural areas of the Borough nor the M20 junctions and main motorway carriageway. The key data on which the model is based is 15 years old. For these reasons Highways England (HE), the highway authority for England's strategic motorway and trunk road network, has indicated that the VISUM model is unsuitable for use as a tool for assessing the impacts of the Local Plan on the motorway network.

VISUM cannot model the impacts of junction capacity improvements in detail. It can, however, assess how mitigation measures can reassign traffic across the highway network and their effect on travel time delay. In terms of the latter, VISUM predicts an increase in inbound travel time on the A274 Sutton Road corridor of just 1 minute 20 seconds in the year 2031 compared with the existing situation. This cannot be regarded as significant in the context of the variations in traffic conditions that can typically be expected to occur on a day to day basis.

Traffic flows on the A274 Sutton Road in the year 2031 Do Something scenarios are predicted to increase by 400 vehicles during the AM peak relative to the existing situation, an increase of 38%. However, this increase cannot be attributed solely to the traffic generated by the application sites in south east Maidstone – it represents the cumulative impact of the full Local Plan objectively assessed housing need of 18,560 units, together with background traffic growth not associated with the Local Plan. **A comprehensive package of improvements to highway capacity, improvements to the already frequent and high quality bus services and the provision of comprehensive walking and cycling facilities connecting directly with existing routes has been proposed to mitigate the transport impacts of the application sites.**

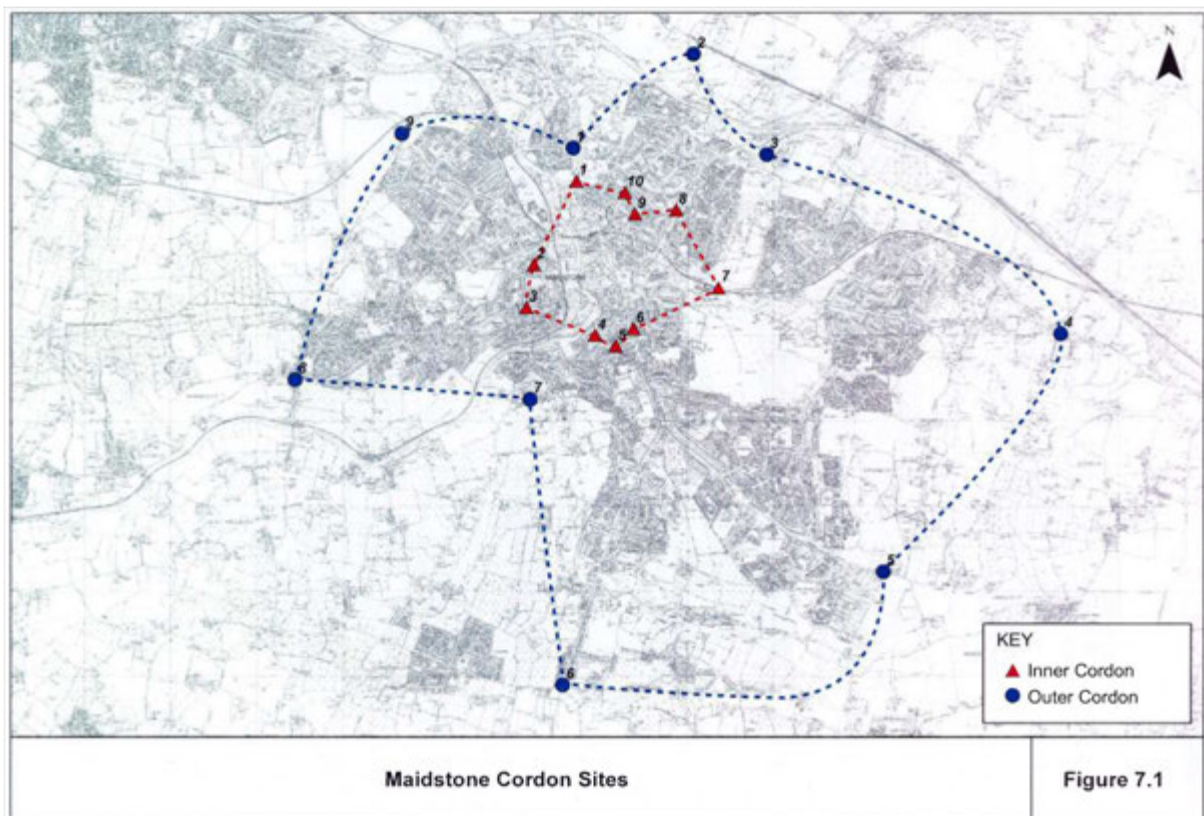
Detailed junction capacity assessments using LinSig, ARCADY and PICADY conclusively demonstrate that the traffic impacts of proposed development in south east Maidstone can be mitigated to a situation where congestion is **lower** than if the developments were **not** built and if the mitigation was **not** implemented. The transport improvements proposed by the applicants will provide benefits to existing transport users on the corridor as well as mitigating the impact of proposed development.

VISUM model runs were also undertaken for the year 2022, including **all development identified for the South East Maidstone Strategic Development Location to the end of the Local Plan period**. In their original report to the 22 February 2016 JTB, KCC noted that the model results “*demonstrate a level of impact on the highway network that cannot be regarded as severe in the context of the National Planning Policy Framework*” (paragraph 5.1).

Overview

The Maidstone VISUM transport model has been used to test the strategic implications of Local Plan growth over the period to 2031 and the package of transport interventions identified in the Integrated Transport Strategy (ITS). Paragraph 3.6 of the joint KCC/MBC report to the Joint Transportation Board (JTB) on 7 December 2015 noted that “*VISUM does not model the impacts of local junction mitigation... It provides a strategic overview of movement patterns on the road network and the context for more detailed modelling at a local level*”.

Only those ITS interventions within the Maidstone urban area have been tested by VISUM. Interventions specific to the Rural Service Centres and Larger Villages have not been tested as they fall outside the outer model cordon. This is shown in the figure below, taken from the *Maidstone Multi Modal Transport Model – Local Model Validation Report* (Jacobs, February 2011). The only trips from the Rural Service Centres and Larger Villages which will have been accounted for in the VISUM model will be those trips to the Maidstone urban area.



Furthermore, VISUM does not fully model the M20 junctions and main motorway carriageway. The trip origin/destination matrices used within the model have been based upon 2001 London Area Transport

Study (LATS) survey data, 2001 Census Journey to Work data and other roadside interview (RSI) data. Due to the age of the original 2007 base VISUM model produced by Jacobs, this was updated by Amey to a 2014 baseline using third party data from Transport Assessments and journey time data, but no new trip origin/destination data was collected. It is possible that this may affect the accuracy of the VISUM forecasts, as trip patterns may have changed in the past 15 years. The DfT's WebTAG guidance advises that any trip origin/destination data over six years old should be replaced.

For these reasons Highways England (HE), the highway authority for England's strategic motorway and trunk road network, has indicated that the VISUM model is unsuitable for use as a tool for assessing the impacts of the Local Plan on the motorway network. HE's Regulation 19 representation therefore objected to the Local Plan. The Borough Council is working towards the agreement of an alternative methodology with HE and KCC involving localised junction modelling at M20 Junctions 5 to 8 using the LinSig, ARCADY and PICADY modelling software packages.

In the context of south east Maidstone, LinSig, ARCADY and PICADY have already been used to assess the detailed impact of development proposals at individual junctions. The use of localised transport models to supplement strategic modelling tools such as VISUM is standard practice (notwithstanding the issues with the age and coverage of the Maidstone VISUM model), to consider junction capacity in detail and to confirm that identified transport mitigation measures will be effective. Results of the LinSig, ARCADY and PICADY modelling for the relevant junctions are presented separately.

Forecast VISUM models were built from the 2014 base model for 2031 (the end of the Local Plan period) and subsequently for an interim forecast year of 2022, at which time the first review of the Local Plan is scheduled to take place.

VISUM Model Outputs

Various scenarios have been tested for the 2031 forecast year, but only the Do Something 4a (DS4a, with the South East Maidstone Strategic Link (SEMSL)) and Do Something 4b (DS4b, without SEMSL) have tested the objectively assessed housing need of 18,560 units. However, the Do Minimum (DM) scenario (i.e. including committed highway schemes only (the Maidstone Bridges gyratory) and not the package of highway, public transport and walking/cycling improvements identified in the ITS) was re-run in June 2016 with the 18,560 housing units. A full report of the DM scenario outputs is awaited from KCC.

With regard to the 2022 forecast year, the Do Minimum and Do Something scenarios have both tested a revised housing target of 14,034 units, adjusted to remove the three broad locations for housing growth towards the end of the Local Plan period (Maidstone town centre, Invicta Park Barracks and Lenham) and the windfall sites expected to come forward between 2022 and 2031. **However, the 2022 target includes all development identified for the South East Strategic Development Location.**

A summary of the travel demand and network performance for the AM peak in each of these scenarios is provided in the table below.

	2014 Base	2022 DM	2022 DS	2031 DM	2031 DS4a (with SEMSL)	2031 DS4b (without SEMSL)
Travel Distance (veh km)	122,000	141,400	132,000	143,900	140,100	135,600
<i>% difference vs 2014</i>		16%	8%	18%	15%	11%
Travel Time (veh hours)	8,300	10,700	9,100	11,000	9,300	9,700
<i>% difference vs 2014</i>		29%	10%	33%	12%	17%
Person Trips	50,300	56,800	56,800	59,100	59,200	59,200

<i>% difference vs 2014</i>		13%	13%	17%	18%	18%
Vehicle Trips	35,500	40,000	37,800	41,500	39,300	39,300
<i>% difference vs 2014</i>		13%	6%	16%	11%	11%

When compared against the 2014 baseline, the results identify an increase in vehicle trips of 6% for the 2022 Do Something scenario. This increase is lower than the 13% predicted for the 2022 Do Minimum scenario, due to the positive effect of the ITS interventions including bus and walking/cycling improvements.

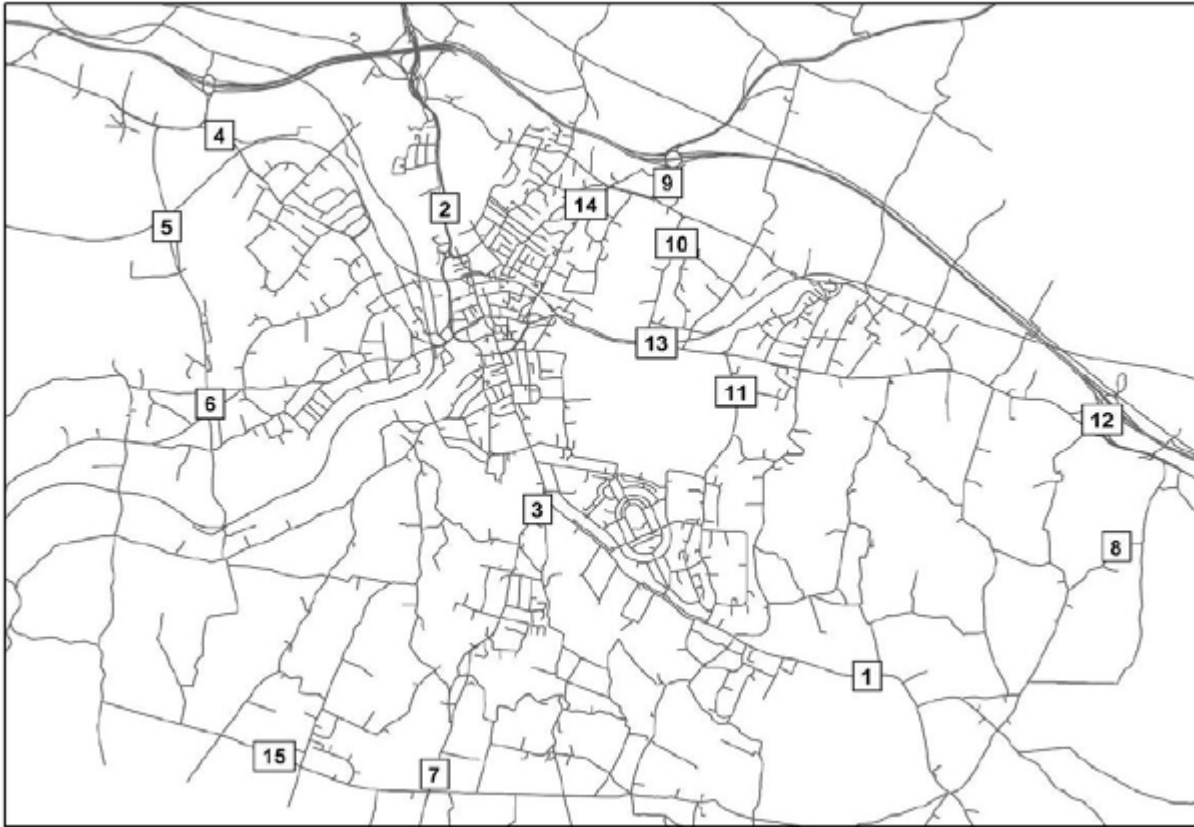
With respect to the 2031 scenarios, the Do Something 4a (with SEMSL) and 4b (without SEMSL) scenarios predict an 11% increase in vehicle trips relative to the 2014 baseline. This is lower than the 16% increase predicted by the Do Minimum scenario, again due to the positive effect of the ITS interventions.

The 6% increase in vehicle trips in the 2022 Do Something scenario is equivalent to an additional 2,300 vehicle trips on the highway network in the AM peak. A further 1,500 vehicle trips are predicted to be added to the highway network during the AM peak between 2022 and 2031. As the 2022 scenarios assume that the South East Maidstone Strategic Development Location and other Local Plan housing and employment allocations are fully built out, this increase can be attributed to traffic generated by the broad housing locations and windfall sites – representing less than 25% of the objectively assessed need of 18,560 housing units – and background traffic growth not associated with Local Plan development.

It is notable that in summarising the results of the 2022 model runs, paragraph 5.1 of KCC’s original report to the 22 February 2016 JTB noted that the results “*demonstrate a level of impact on the highway network that cannot be regarded as severe in the context of the National Planning Policy Framework*”.

With respect to the A274 and A229 corridors, analysis of VISUM model outputs has necessarily been confined to the link flows and travel time routes published in Appendix E of the *Maidstone VISUM Transport Model Forecasting Report* (Amey, March 2016). This covers the 2014 base and 2031 Do Something 4a and 4b scenarios only as equivalent data for the updated 2031 Do Minimum (i.e. with the objectively assessed need of 18,560 housing units) and 2022 Do Minimum and Do Something scenarios is awaited from KCC.

The figure below shows the model network and the approximate location of the links for which directional traffic flows have been published in Amey’s March 2016 report. Traffic flows for sites 1 and 3 are presented in the following table.

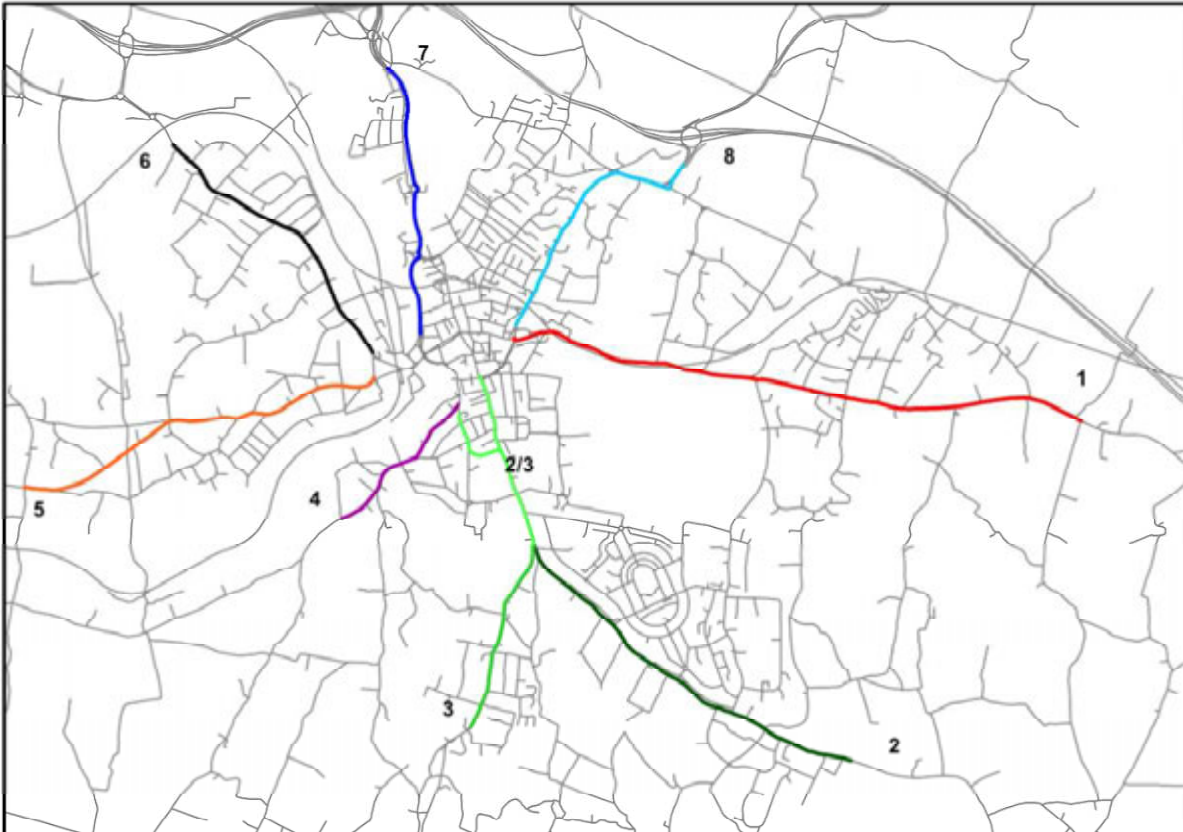


Site	Link	2014	2022 DM	2022 DS	2031 DM	2031 DS4A (with SEMSL)	2031 DS4B (without SEMSL)
1	A274 (W)	1050	<i>Data awaited</i>	<i>Data awaited</i>	<i>Data awaited</i>	1450	1450
3	A229 Loose Road (N)	2600	<i>Data awaited</i>	<i>Data awaited</i>	<i>Data awaited</i>	3000	3200

It can be seen that on the A274 (W) that traffic flows in the 2031 Do Something scenarios are predicted to increase by 400 vehicles relative to the 2014 baseline, an increase of 38%. On the A229 Loose Road (N), the equivalent increase is 400 vehicles for DS4a (with SEMSL) and 600 vehicles for DS4b (without SEMSL), an increase of 15% and 23% respectively. However, **these increases cannot be attributed solely to the traffic generated by the proposed developments in south east Maidstone** – this represents the cumulative impact of the full Local Plan objectively assessed housing need of 18,560 units, together with background traffic growth not associated with the Local Plan.

It must be reiterated that VISUM is a strategic highway model and is unsuited to the assessment of individual junction capacity. This is more robustly undertaken using the LinSig, ARCADY and PICADY modelling software packages, as is industry standard practice. VISUM can, however, model the impacts of mitigation measures to a degree, not to assess individual junction capacity but to assess how these mitigation measures can reassign traffic across the highway network and their effect on travel time delay.

With respect to travel times, Amey's March 2016 report presented forecast travel times from VISUM for eight key radial road corridors as shown in the figure below.



It can be seen from the above figure that travel time route 2 relates to the A274 Sutton Road and, north of the Wheatsheaf junction, the A229 Loose Road into Maidstone town centre. The table below shows the the AM peak inbound and outbound travel times for the A274, for the 2014 baseline and 2031 Do Something 4b scenario.

Travel times in seconds – AM Peak

Route	2014		2031 DS4B (without SEMSL)	
	Inbound	Outbound	Inbound	Outbound
2 - A274 Sutton Road	738	602	818	713
Difference vs 2014	-	-	80	111

The VISUM model predicts an AM peak inbound travel time for route 2 of 12 minutes 18 seconds for the 2014 baseline scenario. This compares with an inbound travel time for scenario 2031 DS4b of 13 minutes 38 seconds. This represents an increase in travel time of 1 minute 20 seconds.

In the outbound direction, VISUM predicts an AM peak travel time of 10 minutes 2 seconds in the 2014 baseline scenario, compared with 11 minutes 53 seconds for scenario 2031 DS4b. This represents an increase in travel time of 1 minute 51 seconds.

The increases in travel time predicted by VISUM in 2031 relative to the 2014 baseline **cannot be regarded as significant in the context of the variations in traffic conditions that can typically be expected to occur on a day to day basis.** Notwithstanding this, it appears from Appendix C of Amey’s March 2016 report that the proposed junction capacity improvements at the A229 Loose Road/Armstrong Road/Park Way junction

and the A274 Sutton Road/St Saviours Road junction have **not** been modelled in the VISUM Do Something scenarios. Therefore it is likely that the beneficial impacts of the proposed junction improvements on travel time delay on the A274 corridor have been underestimated by VISUM.

Discussion on LINSig Junction Modelling Assessment Results

In this section, the drawings by the applicants of the relevant junctions together with their assessment results are presented. Different scenarios were considered in the transport documentation. The 2029 scenarios are included in this note showing a future situation with committed development without highway mitigation, the future situation with committed and proposed development without highway mitigation, and the future situation with committed and proposed development with highway mitigation.

A274 / Site Access – Western Access



Year	Junction Arm	Comm+Dev (Do Minimum)			
		AM		PM	
		RFC	Q	RFC	Q
2029	Sutton Road (S)	0.835	5.1	0.832	4.9
	Site Access	0.733	2.9	0.747	3.0
	Sutton Road (N)	0.388	0.7	0.200	0.3
	Avg Delay (s/pcu)	13.76		13.30	

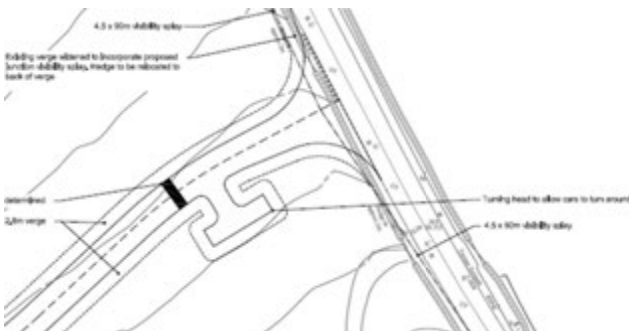
Table 3-3: A274 Sutton Road / Site Access Roundabout Capacity Modelling Results

The vehicular access to the site is proposed in form of a roundabout from the A274. The assessment results for 2029 are presented for the future situation with committed and proposed development only as this junction would not be in place without the proposed development. They show that the roundabout performs within capacity with minimal queues along the A274 of 5pcus on the northbound approach in both the morning and evening peak, and up to 1pcu on the southbound approach.

KCC commented as follows on these results: *“Whilst the provision of this new junction will introduce additional delays on the A274 corridor, the capacity modelling has demonstrated that the roundabout will operate within the limits of capacity during both peak periods.”*

Although it is correct that there would be some very minor additional delays along the A274 due to adding a new junction, these cannot be considered severe given the above results.

A274 / Site Access – Eastern Access



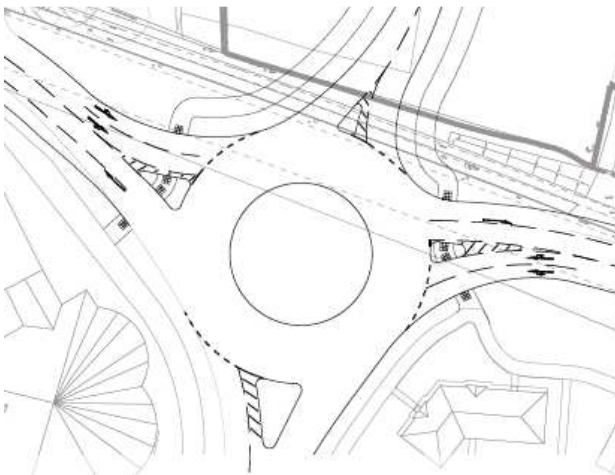
Year	Junction Arm	Comm+Dev (Do Minimum)			
		AM		PM	
		RFC	Q	RFC	Q
2029	Sutton Road (N)	0.000	0.00	0.000	0.00
	Site Access	0.007	0.01	0.007	0.01
	Avg Delay (s/pcu)	11.4		11.7	

Table 3-4: A274 Sutton Road / Eastern Site Access Capacity Modelling Results

The eastern access to the development will be for buses only and is proposed as a priority junction. The assessment results for 2029 are presented for the future situation with committed and proposed development only as this junction would not be in place without the proposed development. They show that there would not be any delay to traffic along A274 at all. Buses would be experiencing some very minor delays turning out of the site.

KCC’s response dated 1 June 2016 comments as follows: *“Capacity modelling of the eastern site access, which will be dedicated for use only by buses, has been included to confirm that it will operate satisfactorily”*. It identifies the delays to buses and suggests that the views of Arriva should be sought on the acceptability of this arrangement.

A274 / Langley Park / Bicknor Farm



Year	Junction Arm	Comm+Dev (Do Minimum)			
		AM		PM	
		RFC	Q	RFC	Q
2029	Sutton Road (E)	0.751	3.1	0.696	2.3
	Langley Park	0.551	1.3	0.292	0.4
	Sutton Road (W)	0.722	2.7	0.883	7.2
	Bicknor Farm	0.207	0.3	0.138	0.2
	Avg Delay (s/pcu)	10.11		14.22	

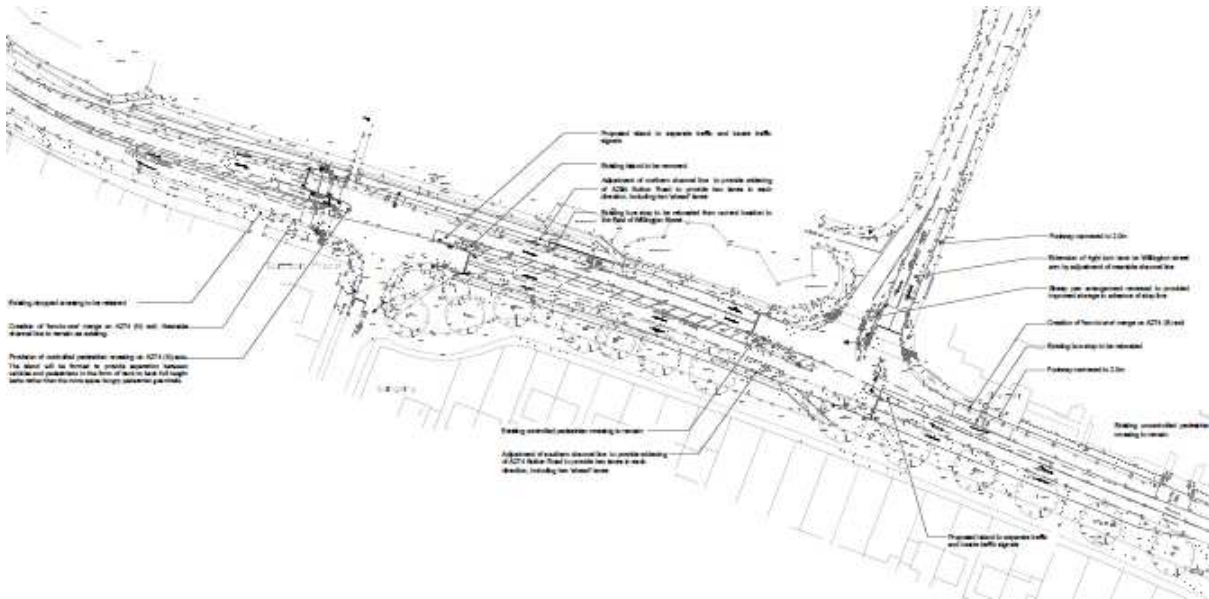
Table 3-2: A274 Sutton Road / Langley Park / Bicknor Farm Rbt Capacity Modelling Results

The 4-arm roundabout proposed by Bicknor Farm was tested within the transport documents submitted by the Sutton Road development. The results for 2029 are presented for the future situation with committed and proposed development for the 4-arm roundabout only in the submission. They show that the roundabout would operate within capacity with minimal queuing and delays. Queues would be up to 3pcus on the northbound approach in the morning peak and up to 7pcus on the southbound approach in the evening peak.

KCC’s response comments as follows: *“The results are broadly comparable to those presented in support of the Bicknor Farm application, which indicated that the junction would operate close to capacity in the PM peak by 2027. Whilst these findings support eh proposed junction design, they continue to be relevant to the wider concerns expressed by KCC Highways regarding the overall worsening of congestion and delay on the A274 corridor.”*

Whilst the transport documentation submitted with this application does not include the modelling of the existing 3-arm roundabout at this location, the Bicknor Farm submission includes such assessment. This clearly shows that the introduction of the 4-arm roundabout significantly reduces queuing and delays when compared to the 3-arm roundabout.

A274 / Willington Street / Wallis Avenue



Period		Comm (Do Nothing)		Comm + Dev (Do Minimum)		Comm+Dev (Do Something)	
		AM	PM	AM	PM	AM	PM
2029	Wallis Avenue	-38.2%	-46.4%	-51.4%	-46.4%	-10.1%	-19.9%
	Willington St	-43.7%	-45.9%	-52.5%	-68.8%	-23.4%	-30.6%
	Avg delay (s/pcu)	425.6	516.9	527.9	614.9	169.8	335.7

Table 3-1: A274 Sutton Road / Wallis Avenue Capacity Modelling Results (PRC%)

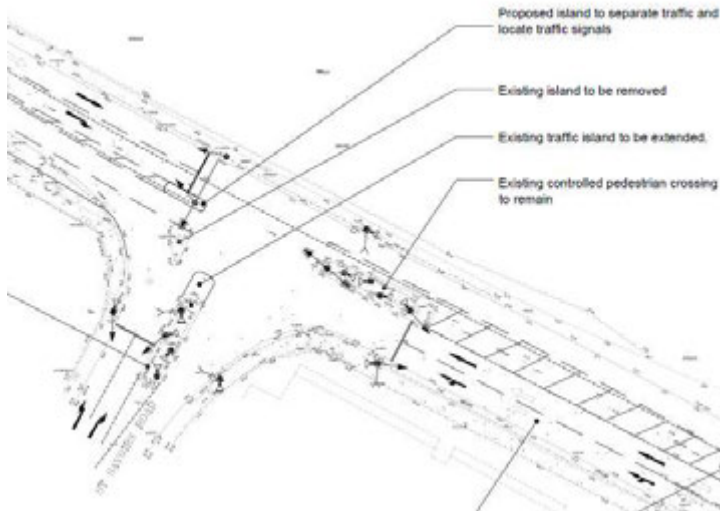
The proposal for this junction put forward by the developer is identical to the latest scheme drawing produced by KCC’s consultant Amey. It contains two lanes in each direction between the two junctions, both of which allow ahead movements, and two to one lane merges on the exits along A274.

The above table shows the results for the do nothing scenario, with development flows added in the second scenario and both development flows and mitigation included in the third scenario. The results show all three scenarios to be significantly over capacity. They also show the third scenario to perform significantly better than both the first and second scenario. This demonstrates that by introducing the mitigation and adding development flows, the junction would operate significantly better than without mitigation and without development flows. Whilst the mitigation would not resolve existing congestion, it would entirely mitigate the development’s impact at this junction leading to overall significantly lower average delays.

KCC’s response comments as follows: *“In a similar fashion to the original TA, the modelling indicates that the proposed junction improvements would fully mitigate the impact of the additional development traffic. Both junctions would nonetheless continue to operate well above capacity. KCC Highways acknowledge that there is scope to achieve improvements to traffic flow in this location. It is evident however, that the substantive and severe nature of the congestion reduces the levels of confidence that can be attributed to the detailed modelling findings, such that there is a lower degree of certainty associated with achieving full mitigation of impact. This uncertainty assumes a high level of importance in view of the key function of the A274 Sutton Road corridor and therefore adds weight to the concerns expressed regarding the unacceptable severity of impact.”*

The robustness of LinSig Modelling is discussed in detail in the appendix to this document. It is our highway consultant’s view that LinSig is the industry standard tool to assess signalised junctions. As such, the results of such modelling are acceptable and all the scenarios modelled are comparable.

A274 / St Saviours Road



Period	Comm (Do Nothing)		Comm+Dev (Do Minimum)	
	AM	PM	AM	PM
2014	41.1%	10.9%	-	-
2019	-3.0%	-18.1%	-16.3%	-25.5%
2024	-9.6%	-25.0%	-22.1%	-32.5%
2029	-15.3%	-31.9%	-27.0%	-38.7%

Table 7-9: A274 Sutton Road / St Saviours Road Capacity Modelling Results (PRC%)

Period	Comm+Dev (Do Something)	
	AM	PM
2019	-6.5%	-21.9%
2024	-12.0%	-26.9%
2029	-18.6%	-31.7%

Table 7-10: Do Something A274 Sutton Rd / St Saviours Rd Junction Capacity Modelling Results (PRC%)

Mitigation at this junction is proposed in form of two ahead lanes on A274 northbound with a two to one lane merge on the exit. The results tables show that full mitigation is not quite achieved in the morning peak but that “nil detriment” is achieved in the PM peak. The difference in the morning peak is however small.

KCC comments as follows: *“Updated drawings, which are not supported by updates to capacity modelling analysis, have been included [in the TA Addendum].”* The above has been *“identified in KCC Highways previous consultation comments and formed part of the holding objection raised in the absence of evidence to demonstrate full mitigation of impact. They remain pertinent in view of the worsening severe congestion that will arise at the above junctions on the A229 and A274 corridors and increased propensity for road users to seek alternative routes to avoid delays.”*

The results as presented by the applicant are not considered to show a severe impact at this junction. The assessments do not take into consideration any modal shift. Should any modal shift be achieved based on the significant contributions towards public transport improvements, footways and cycleways as well as Travel Plan measures, the results would further improve.

A274 / Horseshoes Lane

Year	Junction Arm	Comm (Do Nothing)				Comm+Dev (Do Minimum)			
		AM		PM		AM		PM	
		RFC	Q	RFC	Q	RFC	Q	RFC	Q
2029	Horseshoes Lane	0.973	9.34	0.687	2.05	1.104	18.96	0.863	4.68
	Sutton Road (N)	0.035	0.05	0.082	0.15	0.037	0.05	0.087	0.17
	Avg Delay (s/pcu)	128.33		33.81		233.96		69.30	

Table 3-5: A274 Sutton Road / Horseshoes Lane Capacity Modelling Results

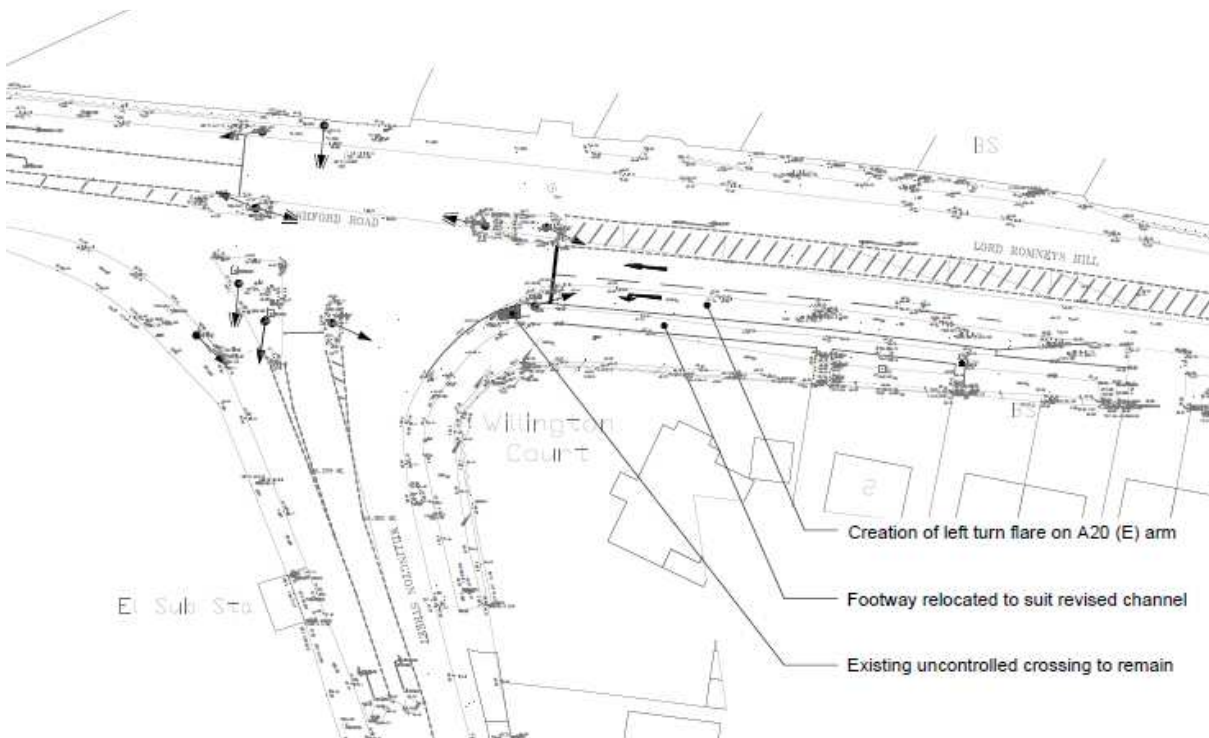
The results for 2029 show that there would be no additional queuing on A274, the addition of the development traffic therefore has no impact on the A274. Although Horseshoes Lane exceed theoretical capacity with the development flows added, the increase in queuing is not significant.

The developer has tested the widening of Horseshoes Lane immediately at the junction with a flare to allow separate left and right turning lanes at the stopline as a possible mitigation measure. This would reduce overcapacity to below the desired level on Horseshoes Lane.

KCC's comments are as follows: *"In order to address the concerns previously raised regarding congestion at this junction, the applicant has proposed mitigation in the form of the widening of the Horseshoes Lane carriageway to form two approach lanes. This will require the removal of part of the existing hedgerow and a reconfigured footway arrangement. The submitted swept path analysis indicates that a pantechicon vehicle could be prevented from completing a left a turn manoeuvre into Horseshoes Lane in the event that vehicles are queued at the Horseshoes Lane exit. This is not dissimilar to the current situation. Capacity modelling analysis has demonstrated that this improvement would satisfactorily mitigate the impact by enabling the junction to operate within capacity during both peak periods."*

It is considered that such an improvement could lead to induced demand along this lane which would not be desirable due to the type of road and its width restrictions. No mitigation at this junction is therefore suggested but a solution would be possible should members wish so.

A20 Ashford Road / Willington Street



Period	Comm (Do Nothing)		Comm+Dev (Do Minimum)	
	AM	PM	AM	PM
2014	-9.8%	-7.0%	-	-
2019	-21.1%	-35.3%	-26.1%	-42.1%
2024	-28.0%	-43.3%	-33.0%	-50.9%
2029	-35.2%	-51.8%	-38.3%	-57.1%

Table 7-15: A274 Sutton Road / Willington Street Capacity Modelling Results (PRC%)

Period	Comm+Dev (Do Something)	
	AM	PM
2019	-18.8%	-26.9%
2024	-27.5%	-33.0%
2029	-33.1%	-39.2%

Table 7-16: Do Something A20 Ashford Road / Willington Street Capacity Modelling Results (PRC%)

The proposal for this junction put forward by the developer is identical to the latest scheme drawing produced by KCC’s consultant Amey. It contains a left turn flare on the A20 eastbound approach.

The results show all three scenarios to be significantly over capacity. They also show the third scenario to perform significantly better than both the first and second scenario. This demonstrates that by introducing the mitigation and adding development flows, the junction would operate significantly better than without mitigation and without development flows. The mitigation would entirely mitigate the development’s impact at this junction leading to overall significantly lower average delays.

KCC’s response comments as follows: *“The TA Addendum has provided further clarifications regarding the applied approach to the capacity modelling, although no updated modelling has been undertaken due to the limited arising changes in traffic volumes. Whilst it is acknowledged that there is scope to improve traffic flow in this location, the previous comments of KCC Highways regarding the high levels of congestion at this junction and uncertainties regarding full mitigation of impact remain pertinent.”*

The robustness of LinSig Modelling is discussed in detail in the appendix to this document. It is our highway consultant’s view that LinSig is the industry standard tool to assess signalised junctions. As such, the results of such modelling are acceptable and all the scenarios modelled are comparable.

A274 Wheatsheaf Junction

The developer originally put forward an identical scheme to that promoted at the time by KCC which included the closure of the exit of Cranbourne Avenue. Following the rejection of this scheme, alternatives have been considered.

Given how constrained this junction is, an alternative layout would not appear to be possible. Other measures were therefore considered that would mitigate the impact of the development.

- Signal optimisation in form of phase delays: This means that if both a vehicular phase and a pedestrian phase occur during the same stage of a cycle (in the same green), the pedestrian phase usually takes longer to clear the junction (crossing) than the vehicular phase due to the lower speed of pedestrians. With phase delays introduced, the vehicular phase can be extended to make full use of its shorter clearance time without extending the duration of this stage (i.e. without taking green away from other approaches). The vehicular phase thereby gains some additional green time in every cycle.

For the Wheatsheaf junction with signal optimisation, the southern approach on the A229 can run for an additional 3 seconds every cycle and Cranbourne Avenue can run for an additional 2 seconds every cycle. For this junction which has been modelled with a cycle time of 150 seconds, this would equate to approximately an additional 60pcus per hour.

- Allow for modal shift in the traffic flows: as stated earlier, the flows used for the assessments do not take into consideration any modal shift. The assessments for this junction were run with an assumed 3% modal shift away from car driver. This is considered a conservative assumption given the Integrated Transport Strategy contains a target of 7.3% decrease in car driver mode share for all work trips by 2031.

The two above measures would lead a to a “nil detriment” situation with the development flows added.

	Base +Committed / present signal control		Base +Committed + Development / signal optimisation and 3% lower traffic	
	AM 2029	PM 2029	AM 2029	PM 2029
Queues in pcu				
A229 N right	103	126	102	128
A229 N ahead	38	55	32	54
A274	114	120	122	121
Cranbourne	20	23	23	20
PRC	-31.8%	-40.1%	-32.8%	-35.7%

The table above shows the practical reserve capacity in the morning to be very slightly worse with development and improved in the evening peak. Queues are shown to be very similar in both scenarios with the biggest decrease being 6pcus on A229 southbound and the biggest increase being 8pcus on A274 in the morning peak. This change is not considered severe.

KCC's comments to this junction entirely relate to the scheme presented in the TA Addendum that included the closure of Cranbourne Avenue. They are as follows: *"Further analysis of capacity modelling outputs has been provided in order to quantify the effects of the previous mitigation proposal, which included closure of the Cranborne Avenue egress.*

The analysis has indicated that such a closure could enable an additional 569 Passenger Car Units (PCUs) to move through the junction in each peak period. This figure is substantially higher than KCC Highways estimate of 340 vehicles that had been reported to the JTB on 22nd February 2016.

The relevant LinSig analysis has been submitted to substantiate the applicants' prediction. KCC Highways would acknowledge that a more optimistic projection may be achievable in the event that efficiencies in lane usage and movement through the junction are maximised. It is maintained however, that a more conservative estimate is likely to be appropriate in view of the uncertainties over whether such conditions could materialise in practice.

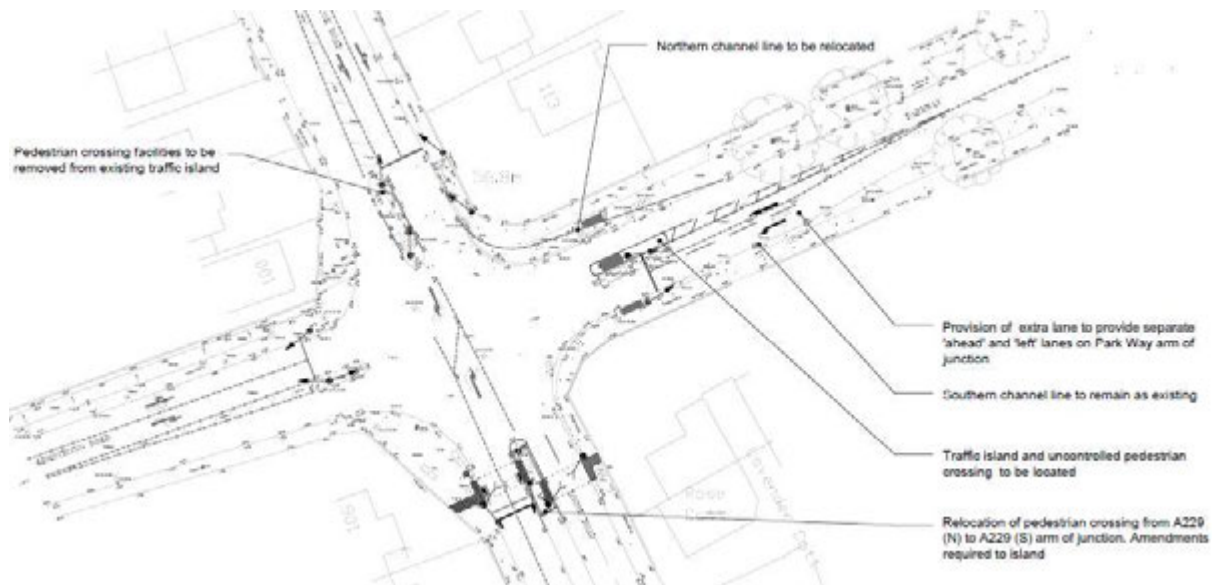
It is also important to note that at the JTB meeting held on 22nd February 2016, members resolved to reject a proposal to close the Cranbourne Avenue egress. This was primarily due to objections raised by local residents and concerns over potential impacts on other nearby local roads.

The findings of the applicants' analysis, irrespective of any capacity gains that could be realised, do not address the concerns that underpinned the JTB resolution. This makes it highly unlikely that the requisite Traffic Regulation Order would be approved by the JTB. The deliverability of the proposed form of junction improvement is therefore highly uncertain.

On this basis KCC Highways must maintain the previously raised objection to the development on account of the unacceptably severe impact that will arise in the absence of suitable mitigation."

Whilst the above is not relevant to the latest mitigation proposal put forward, it should be noted in relation to the LinSig discussion elsewhere in this paper, that KCC acknowledge that "a more optimistic projection may be achievable".

A229 / Armstrong Road / Park Way



Period	Comm (Do Nothing)		Comm+Dev (Do Minimum)	
	AM	PM	AM	PM
2019	-28.9%	-9.2%	-38.4%	-14.6%
2024	-35.2%	-18.6%	-44.8%	-24.0%
2029	-41.2%	-24.8%	-50.6%	-29.5%

Table 7-3: Optimised Do Nothing and Do Minimum A229 Loose Rd / Park Way / Armstrong Rd Capacity Modelling Results (PRC%)

Period	Comm+Dev (Do Something)	
	AM	PM
2019	-18.5%	3.7%
2024	-25.0%	-2.9%
2029	-30.1%	-9.1%

Table 7-4: Optimised Do Something A229 Loose Rd / Park Way / Armstrong Rd Capacity Modelling Results (PRC%)

The proposal for this junction put forward by the developer includes the relocation of the pedestrian crossing from the A229 northern arm to the southern arm which allows for one stage to be removed from the signal cycle, and the provision of separate left and ahead lanes from Park Way.

The results show all three scenarios to be significantly over capacity in 2029. They also show the third scenario to perform significantly better than both the first and second scenario. This demonstrates that by introducing the mitigation and adding development flows, the junction would operate significantly better than without mitigation and without development flows. Whilst the mitigation would not resolve existing congestion, the mitigation would entirely mitigate the development’s impact at this junction leading to overall significantly lower average delays.

KCC have not specifically commented on this junction in their latest response dated 1 June 2016. Their previous response dated 22 December 2015 contained the following comments: *“The modelling indicates that the junction already operates over capacity in both peak periods.*

The modelling of future conditions has been based on assumptions identical to those applied at the Wheatsheaf junction. The above comments also therefore apply to this junction.

The TA proposes further mitigation in the form of the reallocation of lanes on the Park Way arm, relocation of the existing pedestrian crossing (including the installation of puffin technology) and provision of a new pedestrian crossing further to the north.

The findings of the additional modelling undertaken to show the effects of this mitigation are considered by KCC Highways to be unreliable, as per the Wheatsheaf. Accordingly, the TA has not satisfactorily demonstrated that the worsening congestion and delays caused by development traffic will be fully mitigated. An objection is therefore raised on account of the unacceptably severe impact.”

The robustness of LinSig Modelling as discussed in detail in the appendix to this document, is pertinent to this junction and KCC’s comments made in their previous response.

'Rat Running'

At the Planning Committee Meeting of 7 July 2016, a survey demonstrating "100,000 vehicles rat running along the lanes" was cited by members. To date, we have not had sight of this survey and therefore are not able to comment on the survey.

The applicant in their original TA dated October 2015 considered the potential for rat running along Gore Court Road and the B2163 through Leeds village. The relevant paragraphs for Gore Court Road are as follows:

Paragraph 5.2.6: *"As can be seen from Table 5-2 the traffic flows on Gore Court Road can be considered relatively light, with no more than 118 vehicles in the morning peak hour travelling southbound and 84 vehicles travelling northbound. This equates to an average of no more than two vehicles per minute in either direction, which suggests that the route is of limited attractiveness as a 'rat-run'."*

Paragraph 5.2.7: *"Traffic speed was also recorded by the ATC, and this shows vehicles entering the urban area travelling at 34.61mph (85th percentile) and heading north away from the urban area at 35.21mph (85th percentile), which reflects Gore Court Road's limited width and restricted forward visibility. It should be noted that Gore Court Road is subject to a 60mph speed limit at this location."*

Given the significant highway improvements proposed by the applicant and the junction assessment results presented in this paper which show improved junction performance or "nil detriment" at the key junctions, is considered unlikely that the development would result in rat running along the lanes to the north of Sutton Road. This is supported by the applicant's highway consultant's statement that the *"traffic distribution analysis carried out using web based journey time / travel tools confirmed that principal routes offered the shortest journey time and distance in all cases."*

Notwithstanding the above, an additional Section 106 Heads of Terms is suggested to monitor and if necessary mitigate any impact in respect of rat running.

Public transport improvements and Modal Shift

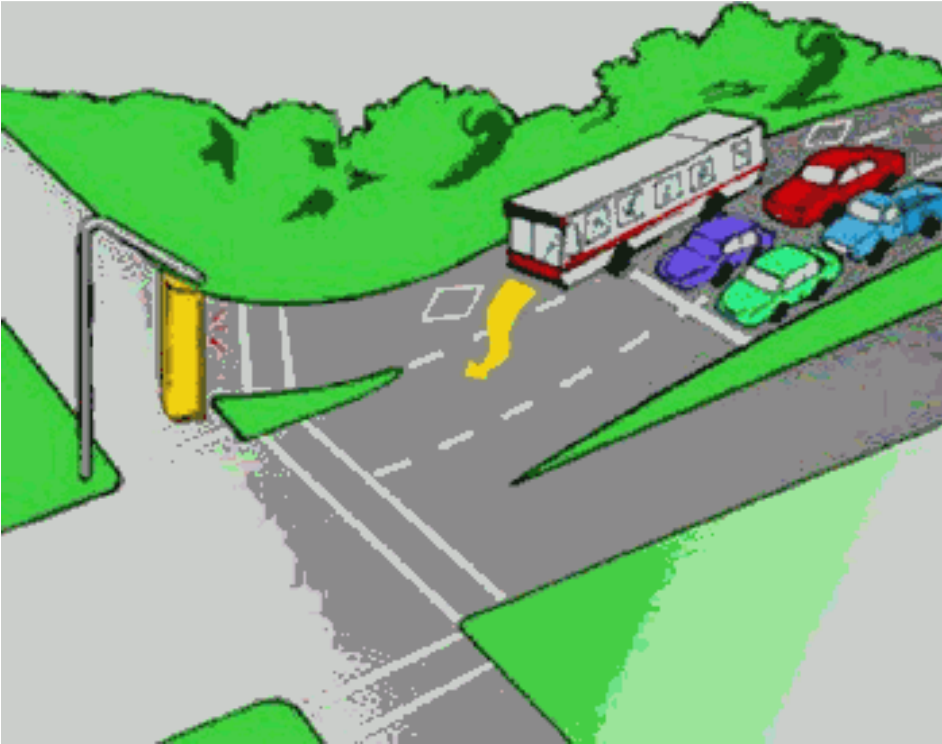
Public transport improvements, including bus prioritisation are put forward as part of the highways mitigation for housing proposals on the A274. Such improvement will assist in encouraging modal shift: the change from the use of the private car to other forms of transport. Such improvements include:

- **Bus improvements** Including
 - bus prioritisation at key junctions on the A274,
 - prioritisation of individual buses via transponders,
 - bus stop improvements including real time information systems and shelters,
 - improvements to ticketing (such as smart ticketing).
- **Improving walking and cycling** improving access to bus stops and to provide alternatives to the private car.
- **Increasing bus** frequency from 12 minutes to 6 minutes overall.

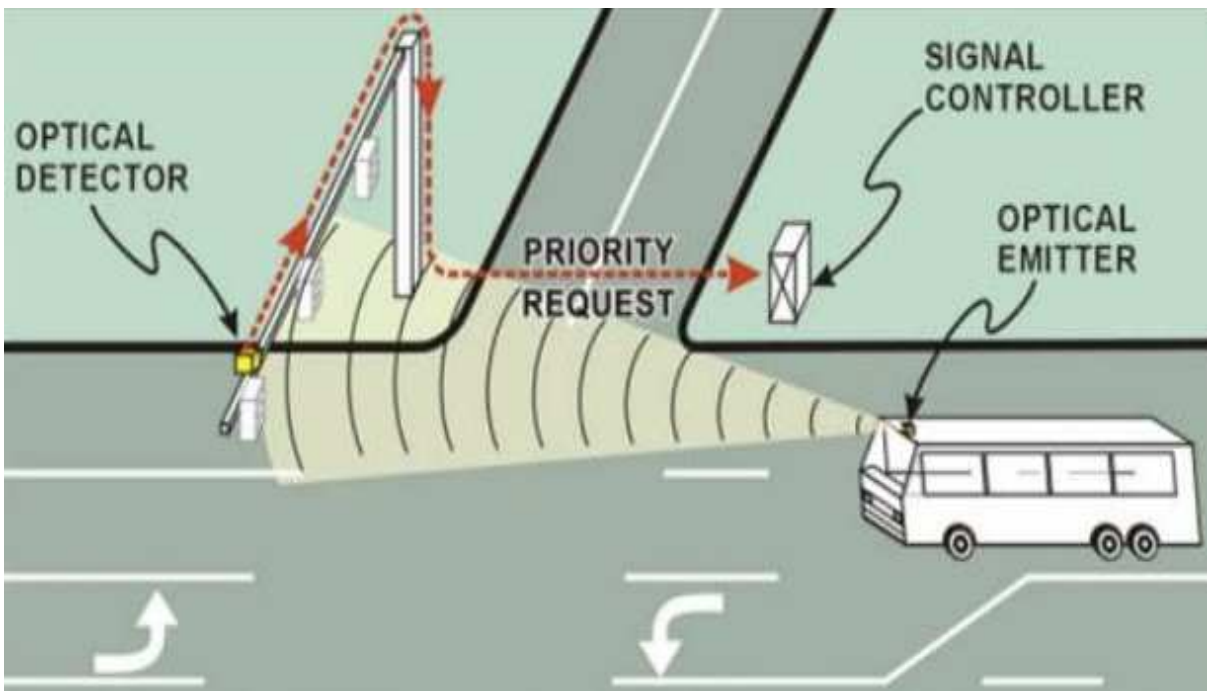
The housing proposals include Section 106 contributions to provide for the above improvements. The Transport Assessment of the applications make no assumption about modal shift, apart from the alternative solution for the Wheafsheaf junction where a conservative 3% modal shift is assumed.

Examples of bus prioritisation

Pre-signals to allow buses to pull ahead of traffic in advance of a signalised junction



Bus prioritisation via transponder, which allows the bus to communicate to the signal ahead, altering the signal to prioritise the bus at the junction



Bus Stop pull-out priority, allowing buses priority to pull out of bus stops

HOW DOES THE SCHEME WORK?

When motorists see these road markings near a bus stop, they must:



It is a traffic offence if motorists do not give way to buses or stay in the yellow box marked **Give Way to Buses**.

Transport Conclusions

The proposed housing allocations at the south east strategic development location are well related to existing development and existing bus routes and walking and cycling facilities. The transport improvements proposed by the developers consist not just of junction capacity improvements, but improvements to the 82 bus service to Maidstone town centre (this is already high quality with frequencies of up to every 8 minutes, low emission vehicles and on board WiFi), together with the provision of walking and cycling routes and crossing facilities to connect seamlessly with existing infrastructure and provide an attractive choice of travel modes for work, education, business and leisure purposes.

The above directly contributes to the delivery of the balanced package of transport interventions set out in the Integrated Transport Strategy . The 2022 Do Something and 2031 Do Something 4b VISUM models have tested these interventions. The model outputs demonstrate that the transport impacts of the proposed development in the south east area (as well as across the whole Maidstone urban area) can be mitigated to a level where the residual impact is less than severe. Furthermore, KCC have themselves acknowledged in summarising the results of the 2022 model runs, which included all development identified for the South East Strategic Development Location to the end of the Local Plan period, that the results “demonstrate a level of impact on the highway network that cannot be regarded as severe in the context of the National Planning Policy Framework” (paragraph 5.1 of the original report to the 22 February 2016 JTB).

The detailed junction modelling undertaken using LinSig, ARCADY and PICADY conclusively demonstrates that the traffic impacts of proposed development in south east Maidstone can be mitigated to a situation

where congestion is **lower** than if the developments were **not** built and if the mitigation was **not** implemented.

The level of impact on the highway network of the planned developments in south east Maidstone, following mitigation, cannot therefore be regarded as severe in the context of the National Planning Policy Framework. As well as mitigating the impact of proposed development, the transport improvements proposed by the developer will provide benefits to existing transport users on the corridor.

Air Quality Issues

Introduction

As part of the submission an Air Quality Assessment (AQA) was submitted by the developers which assessed the impact of the proposal in terms of air quality.

The AQA made the following points regarding the impact on air quality:

Effect Significance

10.5.10 The air quality effects of road traffic generated by the Proposed Development are considered to be not significant for human health receptors. This judgement has been made based on criteria set out in paragraph 10.3.13, in particular, that the majority of impacts are negligible with only slight adverse impacts at worst. The Proposed Development does not lead to any exceedances of air quality strategy objectives. In addition, the air quality for future residents of the Proposed Development is acceptable.

Mitigation from Completed Development Effects

10.6.3 The Proposed Development is judged not to have a significant effect on air quality at existing receptor locations. As air quality for the future residents of the Proposed Development is predicted to be below air quality objectives, no additional on-site mitigation is required to specifically address air quality within the Site.

The Environmental Health Officer had the following comments:

An Air Quality Assessment has been carried out, by dha environment, it considers potential effects of Nitrogen dioxide and small particles (PM10) and considers the effects of road traffic generated by the proposed Development not to be significant for human health receptors.

With regard to the scale and nature of the construction works it states that the standard mitigation measures (such as wheel washing and dampening of soil stock piles) outlined in the Construction Environmental Management Plan (CEMP) will result in the remaining effect being insignificant. The site is outside the Maidstone Town Air Quality Management Area, but Environmental Health do consider the scale of this development and/or its site position warrant consideration of the impacts of the proposed development on local air quality during its operation, and feel that despite the negligible effects on receptors assessed in the AQ assessment (chapter 10 of the ES); there should be conditions attached to any planning permission granted regarding installation of electric vehicle charge points and sustainable travel plans.

Commentary and assessment

Air Quality Assessment

Maidstone has an Air Quality Management Area (AQMA) seeking to address air quality issues in the centre of Maidstone. The hot spots are areas where the air quality objective for NO₂ is known to be exceeded. They are at:-

- Well Road/Boxley Road
- Tonbridge Road/Fountain Lane
- High Street

- Upper Stone Street
- The Wheatsheaf Junction

Impact of the proposal upon the AQMA

The Air Quality Assessment (AQA) accompanying the application has modelled this of the impact on the Wheatsheaf junction, more than 3km away from the site. It concludes that that there would be an insignificant impact of air quality of roughly $0.5\mu\text{gm}^{-3}$ of NO_2 for the annual average, an increase in the region of 1.25%, by 2029, the estimated year of completion of the development. It should be noted that the NO_2 measuring points are located very close to the carriageway and residential properties are commonly set back several metres from the emission source: the impact of emissions drops off very sharply the further away from the source one is.

Secondly the AQA predicts general improvements in air quality, due to measures such as low emission vehicles and general improvements in vehicle technology by 2029. These improvements are modelled using emissions factors provided by DEFRA Even if these general improvements turn out to be optimistic the EHO considered that the potential increases in NO_2 which would occur as a result of this development would be too small to provide grounds to object to the application.

Thirdly conditions and Section 106 requirements are suggested to mitigate the impact of the development on emissions and improve air quality. In particular additional conditions are suggested to off-set emissions (which calculates an amount of money to go towards mitigation), and to safeguard the proposed public open space in perpetuity:

Previously proposed conditions, Heads of Terms and relevant scheme elements

- bus priority (proposed S106 heads of terms)
- bus revenue (proposed S106 heads of terms)
- Tree planting and landscaping (reserved matter condition)
- Landscape management (condition)
- Hedge retention (condition)
- 30 metre landscape buffer proposed between the development and the A274. (proposed as part of the development)
- Provision of 19.77 hectares of public open space (proposed as part of the development)
- Electric Vehicle charging points (condition)
- 10% renewables (condition)
-

Conclusion

The impact of the proposal upon air quality has been assessed and is considered to be minimal, even if a number of mitigating factors are discounted. Additional conditions are suggested to boost the ability of the scheme to improve air quality. On this basis the impact of the proposal upon air quality is therefore considered acceptable.

Proposed Additional Conditions

1. AIR QUALITY RE OFFSETTING EMISSIONS (Calculation of Mitigation/Compensation)

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. The calculation should include:

- Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
- The emissions calculated for the pollutants of concern (NOx and PM10) [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 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.

2. Retention of Public Open Space

The public open space hereby approved shall be retained as such in perpetuity.

Reason: In order to safeguard the open space provided by the development.

Further Proposed Additional Condition

3. No development east of PROW 369

No built development is permitted east of the Public Right of Way 369.

Reason: in order to mitigate the visual impact of the proposal and ensure it accords with the H1 (10) policy designation.

Additional Heads of Terms

'Rat Running' Monitoring

Within six months of the first occupation of any development within sites designated by policies H1(7); H1(8); H1(9) or H1(10) the respective applicants shall commence 'rat running' monitoring of the highway routes to the north of A274 Sutton Road linking with the A20 Ashford Road. Three Automatic Traffic Count (ATC) survey points shall be undertaken for a period of one week, 24 hours a day, at locations to be agreed by the Council, in the same week every year for a period of 5 years beyond the first commencement of each of the abovementioned sites. A Monitoring Report will be produced within four weeks of the completion of each annual survey and submitted to the Council for review and agreement. It will incumbent upon the Council to respond to this data within a 28 day period.

Should the Monitoring Report identify significant adverse traffic flow conditions (a quantum to be determined) arising from 'rat running' activity, as decided by the Borough Council, then the Council will enact the Trigger to release the S106 Contribution sum of Two Hundred Thousand Pounds (£200,000) to be paid towards suitable mitigation.

The 'rat running' mitigation scheme will be devised by the Council and Highway Authority and implemented by the Highway Authority.

'Rat Running' Mitigation Sum

The Rat Running Mitigation Sum is Two Hundred Thousand Pounds (£200,000) to be split proportionately between sites H1(7), H1(8), H1(9) and H1(10) on the basis of housing unit numbers.

The recommendation remains unchanged.

APPENDIX

Traffic Flows / Traffic Generation / Traffic Distribution

Existing flows are based on traffic surveys that were undertaken in July and December 2014. Traffic surveys carried out within 3 years of an application being submitted are usually considered up to date enough to be valid to establish an existing traffic situation.

Background growth to the future years has been applied using TEMPro (Trip End Model Presentation Program) which is based on the National Trip End Model (NTEM), the DfT's model used in transport planning which includes forecasts on population, employment, households by car ownership, trip ends and simple traffic growth factors. Committed development has also been included. This is the standard approach taken in Transport Assessments.

Development flows were calculated based on TRICS, the tool used nationally to calculate traffic generation of developments. It is based on surveys at various different development types across the UK and Ireland. The traffic generation for the various use classes proposed are presented in the TA. It should be noted that the TRICS data has not been adjusted to allow for any modal shift from either the significant investment in public transport, footways and cycleways proposed by the developer or the travel plan measures. KCC confirmed in their response dated 1 June 2016 accepts the traffic generation assumptions.

The traffic distribution is presented in the TA. It is assumed that approximately three quarters of all trips turn north along the A274, with a third of all trips arriving at the Wheatsheaf junction. KCC have not commented in any way on those assumptions which were clearly put in front of them.

Given KCC's responses were very detailed, and except for positively acknowledging the traffic generation assumed by the applicant, don't make any mentioning with regards to either flows or traffic distribution, it can therefore be concluded that KCC accept the traffic flow, generation and distribution assumptions that underpin the assessments carried out in the TA.

Robustness of LinSig Modelling

KCC stated during the meeting on 7 July 2016 that officers had undertaken detailed assessments of the A274 / Willington Street / Wallis Avenue junction. In a meeting involving all parties (KCC, MBC, developer) in February 2016, the LinSig modelling and KCC's assertion that the models would "become unstable" with "lower levels of confidence" and the results would likely be "distorted" was discussed. Clarification was requested and liaison between the applicant's transport consultant and KCC's Traffic Signal Team was suggested. No further information, nor alternative modelling of this junction has been received from KCC since then that would further substantiate their assertion that the numbers would be "unstable" or "distorted".

JCT Consultancy Ltd who produced the LinSig modelling responded to KCC's response as follows:

"It is over generalised to say that model results will always be unacceptably distorted in cases where the highway network being modelled is over capacity. In some cases, high levels of congestion in traffic models can distort results if not suitably identified and addressed; however, in most cases a well constructed traffic model should be capable of forecasting the relative performance of development and highway mitigation options even where oversaturation occurs. In any event, it would not be correct to dismiss modelling as flawed simply because over capacity exists without identifying specific issues with the model and demonstrating that any issue will actually lead to distortions in the comparison of options. Depending on the circumstances, in many cases a model operating over capacity will be more stable than a model operating at capacity as the random effect of arriving traffic will have less of an effect"

Recent Local Growth Fund business case submission to the South East Local Enterprise Partnership (SELEP) in respect to Phase 1 of the Maidstone Integrated Transport Package includes similar junction improvements at this junction. The following statements in this document should be considered in relation to the differing views with regards to the LinSig modelling carried out in the TA:

- *“A main objective of the Willington Street junction improvements is to reduce delay and congestion on the A274 and A20 corridors and on Willington Street. This will allow the existing network to operate more efficiently and also present some potential capacity to accommodate the future trip growth arising from new development in and around Maidstone”* (Page 22);
- *“LinSig is assumed to be a robust tool for this assessment”* (Page 27)

In conclusion, LinSig is the industry-standard tool to assess signalised junctions. There is no evidence to suggest that results would be “distorted” or “unstable” in oversaturated conditions. It is correct that modelling is never perfect and always ever a best approximation. Modelling is based on a layout and input flows. Given the proposed layouts can be achieved within the highway boundary and there is no objection in principle to such improvements, the same levels of confidence should be applied to both layouts tested (Do Nothing / Do Something). KCC have not objected to the flows (existing / future / development) in any of their responses, these being the other key element to a LinSig model. With both input elements to the LinSig models being clearly defined, there is therefore no reason to suggest that the model results should lack in confidence.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 14 JANUARY 2016

Present: Councillor English (Chairman) and Councillors Ash, Clark, Cox, Harper, Harwood, Hemsley, Munford, Paine, Paterson, Perry, Round and Mrs Stockell

Also Present: Councillors Mrs Blackmore, Daley, Mrs Robertson and Sargeant

229. APOLOGIES FOR ABSENCE

There were no apologies for absence.

230. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

231. NOTIFICATION OF VISITING MEMBERS

Councillors Daley and Mrs Robertson indicated their wish to speak on the report of the Head of Planning and Development relating to application 15/505942.

It was noted that Councillor Mrs Blackmore had indicated her wish to speak on the report of the Head of Planning and Development relating to application 15/507908.

Councillor Sargeant attended the meeting as an observer.

232. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

233. URGENT ITEMS

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it contained further information relating to the applications to be considered at the meeting.

234. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the reports of the Head of Planning and Development relating to applications 12/0986 and 12/0987, Councillor Mrs Stockell stated that she had been a Member of the former Kent Police Authority.

235. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

236. MINUTES OF THE MEETING HELD ON 10 DECEMBER 2015

RESOLVED: That the Minutes of the meeting held on 10 December 2015 be approved as a correct record and signed.

237. PRESENTATION OF PETITIONS

There were no petitions.

238. 13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH 40% AFFORDABLE HOUSING. ALL MATTERS RESERVED - LAND NORTH OF HEATH ROAD (OLDERS FIELD), COXHEATH, MAIDSTONE, KENT

All Members except Councillors Paterson and Mrs Stockell stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Hughes of Coxheath Parish Council and Mr Atkinson, for the applicant, addressed the meeting.

RESOLVED: That subject to:

- A. The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:
- The provision of 40% affordable housing (22 affordable units);
 - A primary education contribution of £2,360.96 per applicable house and £590.24 per applicable flat (applicable excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) towards the enhancement of Coxheath Primary School;
 - A secondary education contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the Cornwallis School second phase of expansion;
 - A contribution of £2,640.87 towards additional book stock to be supplied to Coxheath Library to address the demand from the development;
 - A contribution of £466.69 for youth equipment required for the new residents of this development (to be supplied to youth workers and organisations covering Coxheath);

- A contribution of £1,688.32 for community learning to be used towards St Faiths Adult Education Centre enhancements;
- A contribution of £3,495.80 for social care to be used towards a Changing Places Facility in central Maidstone;
- A highways contribution of £1,500 per dwelling towards improvements to Linton Crossroads;
- A healthcare contribution of £46,332 towards expansion of and improved service provision at the Stockett Lane and Orchard Surgeries in Coxheath in order to mitigate the additional impact on service provision likely to be generated by the development;
- In the event of there being no provision of open space on site, an off-site open space contribution of £1,575 per dwelling towards the upgrading and improvement of the open space at Stockett Lane; and

B. The enhancement and enlargement of the ecology receptor site by way of condition or legal agreement (the details to be negotiated by the Head of Planning and Development in consultation with Ward Members). This could include use of land to the west of the application site. The receptor site is to be managed in accordance with a management plan which shall include rotational coppicing of the woodland (the timing of the coppicing being a fundamental part of such a plan),

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report as amended by (a) the urgent update report and (b) the outcome of the negotiations in relation to the enlargement and enhancement of the receptor site.

Voting: 11 – For 2 – Against 0 – Abstentions

Councillors Harwood and Paterson requested that their dissent be recorded.

239. 15/505317 - OUTLINE APPLICATION CONSIDERING ACCESS ARRANGEMENTS IN RESPECT OF THE DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF FOUR DETACHED CHALET BUNGALOWS (MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR FUTURE CONSIDERATION) - 3 BLIND LANE, BREDHURST, KENT

The Committee considered the report of the Head of Planning and Development.

Mr Mickleborough addressed the meeting on behalf of the applicant.

RESOLVED: That subject to no new issues being raised from outstanding consultations, the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report with the amendment of condition 11 as follows:

The wildlife safeguarding and habitat improvement measures set out in the Preliminary Ecological Appraisal undertaken by KB Ecology dated 11 May 2015 shall be carried out in accordance with the submitted details. In addition:

Prior to the development reaching damp proof course level:

a) details of how bat boxes and swift bricks shall be incorporated into the scheme (including a timetable for implementation) shall be submitted to and approved by the Local Planning Authority; and

b) if reptiles need to be trapped and translocated then, before that takes place, details of the receptor habitat and the timetable for implementation shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Cox left the meeting during consideration of this application, and returned prior to consideration of application 15/505942.

240. 15/505942 - REDEVELOPMENT OF THE EXISTING PETROL FILLING STATION TO INCLUDE NEW SALES BUILDING, CANOPY, FUEL PUMPS, CAR WASH, BOUNDARY TREATMENTS, SERVICE COMPOUND, HARD AND SOFT LANDSCAPING AND ANCILLARY REARRANGEMENTS TO THE FORECOURT - TUDOR GARAGE, LONDON ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

Mrs Thomas-Davies and Ms Baker, for the applicant, and Councillors Daley and Mrs Robertson (Visiting Members) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report.

Voting: 12 – For 0 – Against 1 - Abstention

241. 15/507908 - CHANGE OF USE FROM TRADITIONAL ORCHARD TO NEW BUILD RESIDENTIAL DEVELOPMENT COMPRISING 4 NO. TWO-BED AND 2 NO. THREE-BED HOUSES, TOGETHER WITH LANDSCAPING, PARKING SPACES AND ACCESS - LAND ADJ HIGHFIELD HOUSE, MAIDSTONE ROAD, MARDEN, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Spanier, an objector, Mr Blundell, for the applicant, and Councillor Mrs Blackmore (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that the Planning Inspectorate be advised that if the applicant had not lodged an appeal against non-determination, the Council would have refused permission. In making this decision, Members felt that the proposed development by virtue of its location (breaching the northern boundary of the village in this location marked by the railway line) would cause harm to the character and appearance of the open countryside contrary to Local Plan Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Central Government advice contained within the National Planning Policy Framework 2012.

RESOLVED: That the Planning Inspectorate be advised that if the applicant had not lodged an appeal against non-determination, the Council would have refused permission for the following reason:

The proposed development by virtue of its location (breaching the northern boundary of the village in this location marked by the railway line) would cause harm to the character and appearance of the open countryside contrary to Local Plan Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Central Government advice contained within the National Planning Policy Framework 2012.

Voting: 9 – For 3 – Against 1 – Abstention

242. 15/505938 - PART-RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND FOR THE SITING OF ONE STATIC AND ONE TOURING CARAVAN FOR GYPSY/TRAVELLER OCCUPATION. INSTALLATION OF SEPTIC TANK AND UTILITY ROOM. CREATION OF HARDSTANDING AND POST AND RAIL FENCE TO EASTERN BOUNDARY AND ASSOCIATED LANDSCAPING SCHEME - PEAS PLACE, GREEN LANE, CHART SUTTON, KENT

Councillor Munford stated that he had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Poulter, an objector, Councillor Jull of Chart Sutton Parish Council (against) and Mr McKay, for the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report, as amended by the urgent update report, and

the additional condition set out in the urgent update report, with the following additional informative:

With regard to landscaping, the applicant should work with the Council's Landscape Officer to produce a scheme that restores a landscape more traditional and characteristic of the area.

2. That the Enforcement Team be requested to investigate the legality of the boundary fence that has been erected on the eastern boundary of the application site.
3. That the Development Manager be requested to provide an update to Members on when the Gypsy and Traveller Accommodation Assessment is to be revisited in light of the changes to the Planning Policy for Traveller Sites.

Voting: 10 – For 3 – Against 0 – Abstentions

243. 14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

Councillor Mrs Stockell stated that she had been lobbied.

The Committee considered the report of the Head of Planning and Development.

Mr Nichols, an objector, and Councillor Wyles of Hunton Parish Council (against) addressed the meeting.

RESOLVED: That consideration of this application be deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.

Voting: 12 – For 1 – Against 0 – Abstentions

244. 12/0987 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 90 DWELLINGS WITH ASSOCIATED DEVELOPMENT WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND TO REAR OF KENT POLICE TRAINING SCHOOL OFF ST SAVIOURS ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following amended obligations:

- The provision of 40% affordable residential units within the application site;

- A contribution of £3,000 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge Gyratory traffic signal junctions;
- A contribution of £4,000 per applicable house and £1,000 per applicable flat towards the build cost, and £2,701.63 per applicable house and £675.41 per applicable flat towards land costs, of the construction of a new primary school;
- A contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the Phase 1 expansion of Cornwallis Academy;
- A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock at Shepway Library;
- A contribution of £30.70 per dwelling to be used to address the demand from the development towards community learning for adults through the funding of improvements to the St Faiths Jewellery Studio to provide purpose built work areas and equipment;
- A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through the funding for equipment for the Fusion Café, Parkwood, Maidstone;
- A contribution of £53.88 per dwelling to be used to address the demand from the development towards adult social services through funding for adult changing place facilities in Central Maidstone;
- A contribution of £45,489 to be used to address the demand from the development towards healthcare provision through funding for the Phase 1 extension, refurbishment and improvement to Mote Medical Centre; and
- A contribution of £1,575 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Pested Bars Open Space,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the amended conditions and informatives set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

245. 12/0986 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 112 DWELLINGS WITH ASSOCIATED DEVELOPMENT, INCLUDING DEMOLITION OF EXISTING DWELLINGS/POLICE BUILDING IN WEALD

CLOSE WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION -
LAND REAR OF POLICE HEADQUARTERS, SUTTON ROAD, MAIDSTONE,
KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following amended obligations:

- The provision of 40% affordable residential units within the application site;
- A contribution of £3,000 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge Gyrotory traffic signal junctions;
- A contribution of £4,000 per applicable house and £1,000 per applicable flat towards the build cost, and £2,701.63 per applicable house and £675.41 per applicable flat towards land costs, of the construction of a new primary school;
- A contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the Phase 1 expansion of Cornwallis Academy;
- A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock at Shepway Library;
- A contribution of £30.70 per dwelling to be used to address the demand from the development towards community learning for adults through the funding of improvements to the St Faiths Jewellery Studio to provide purpose built work areas and equipment;
- A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through the funding for equipment for the Fusion Café, Parkwood, Maidstone;
- A contribution of £53.88 per dwelling to be used to address the demand from the development towards adult social services through funding for adult changing place facilities in Central Maidstone;
- A contribution of £56,440 to be used to address the demand from the development towards healthcare provision through funding for the Phase 1 extension, refurbishment and improvement to Mote Medical Centre; and

- A contribution of £1,575 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Pested Bars Open Space,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the amended conditions and informatives set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

246. 14/506690 - CHANGE OF USE OF LAND FOR STATIONING OF 2 CARAVANS ON PLOTS FOR RESIDENTIAL OCCUPATION AND 2 TOURERS WITH ASSOCIATED DEVELOPMENT (HARD STANDING, FENCING, CESS PIT, 2 TIMBER SHEDS) - RETROSPECTIVE APPLICATION FOR USE AS A GYPSY/TRAVELLER SITE - ASHTREE PLACE, HAMPSTEAD LANE, NETTLESTEAD, KENT

The Committee considered the report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 11 – For 2 – Against 0 – Abstentions

247. 15/508972 - ERECTION OF TWO DETACHED DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING - LAND NORTH AT BLIND LANE, BREDHURST, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 11 – For 2 – Against 0 – Abstentions

248. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

249. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the Committee that following finalisation of the schedule of S106 contributions held by the Council on behalf of infrastructure providers, discussions had taken place regarding the arrangements for drawing down and spending the contributions allocated

for public open space and recreation. An update would be provided for Members in due course.

250. DURATION OF MEETING

6.00 p.m. to 9.30 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 14 JULY 2016

Present: Councillor Perry (Chairman) and Councillors Brice, Clark, Cox, English, Harwood, Hemsley, Munford, Powell, Prendergast, Round, Mrs Stockell and Willis

Also Present: Councillor Newton

76. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Boughton and Hastie.

77. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:

Councillor Brice for Councillor Boughton
Councillor Willis for Councillor Hastie

78. **NOTIFICATION OF VISITING MEMBERS**

Councillor Newton indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 14/506264, 15/509015 and 15/509251.

79. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

80. **URGENT ITEMS**

The Chairman advised the Committee that he had agreed to take the reports of the Head of Planning and Development relating to applications 15/509015 and 15/509251 as urgent items to avoid further delay. He had also agreed to take the update reports of the Head of Planning and Development as urgent items as they related to applications to be considered at the meeting.

81. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Prendergast said that, in the past, she had been a member of CPRE Kent which had commented on applications 14/506264, 15/509015 and 15/509251. However, she had not participated in CPRE Kent's discussions on these applications, and intended to speak and vote when they were considered.

82. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the reports of the Head of Planning and Development relating to applications 14/506264, 15/505906, 15/509015 and 15/509251.

83. EXEMPT ITEMS

RESOLVED: That the legal advice contained in the exempt Appendix to the reports of the Head of Planning and Development relating to applications 14/506264, 15/509015 and 15/509251 be considered in public, but the information contained therein should remain private.

84. MINUTES OF THE MEETING HELD ON 30 JUNE ADJOURNED TO 7 JULY 2016

RESOLVED: That the Minutes of the meeting held on 30 June adjourned to 7 July 2016 be approved as a correct record and signed.

85. PRESENTATION OF PETITIONS

It was noted that a petition objecting to application 15/509015 had been presented to the adjourned meeting of the Committee held on 7 July 2015.

There were no other petitions.

86. DEFERRED ITEMS

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

15/503223 - PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT

There were no updates in respect of these applications on this occasion.

87. DECLARATIONS OF PRE-DETERMINATION

The representative of the Head of Legal Partnership reminded Members that if they felt that they may have pre-determined any applications on the agenda, they should make a declaration to that effect.

Councillor Brice said that since she had spoken as a Visiting Member in support of application 15/505906 (Grafty Green Garden Centre) on a previous occasion, she would leave the meeting when it was discussed.

In response to a question by the representative of the Head of Legal Partnership, Councillor Mrs Stockell said that she did not think that she had pre-determined; she would listen to the discussion and then decide.

88. 15/505906 - DEMOLITION OF THE EXISTING GARDEN CENTRE BUILDINGS AND INFRASTRUCTURE, ERECTION OF 14 DETACHED BESPOKE DWELLINGS INCLUDING GARAGES WITH ANNEX ABOVE, TWO STOREY B1 OFFICE UNIT (5,515SQFT); TOGETHER WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING - GRAFTY GREEN GARDEN CENTRE, HEADCORN ROAD, GRAFTY GREEN, KENT

Having stated that she had pre-determined this application, Councillor Brice left the meeting when it was discussed.

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Quinn, the applicant, addressed the meeting.

It was noted that a £50,000 contribution in respect of the provision of a broadband connection to the wider village of Boughton Malherbe had been put forward by the applicants. However, the Officers maintained that such a contribution was not a policy requirement of the Council and did not meet the tests of the CIL Regulations, and should be prioritised instead towards providing an overall affordable housing contribution totalling £290,000. It was suggested that the provision of broadband would benefit the existing community and future occupiers of the development by reducing the need for car journeys and making the site and village more sustainable. The provision of the broadband connection could be dealt with outside the S106 legal agreement, with a corresponding £50,000 reduction in the affordable housing contribution, reinforced by an informative regarding its delivery.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to the prior completion of a S106 legal agreement, including a reduced contribution of £240,000 towards affordable housing off-site having regard to the proposed provision of a broadband connection, the Head of Planning and Development be given delegated powers to grant permission subject to conditions and informatives. In making this decision, the Committee felt that the amended proposal was a sustainable approach to the use of this redundant brownfield site and that the benefits for the local community, economy, landscape and wildlife were sufficient to outweigh any disbenefit arising from the development proposals.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following summarised contributions:

- A contribution of £240,000 towards affordable housing provision off-site;
- A contribution of £33,053 towards the provision of primary education;
- A contribution of £18,864 towards NHS provision;
- A contribution of £22,050 towards off-site provision of public open space; and
- A contribution of £672 towards library book stock,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the second urgent update report, and the additional condition set out in the first urgent update report, with an additional informative as follows:

The Council expects to see the £50,000 reduction in the affordable housing contribution allocated towards the provision of the broadband connection for the benefit of the community.

2. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement.

Voting: 12 – For 0 – Against 0 – Abstentions

89. 15/509015 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT, TOGETHER WITH NON-RESIDENTIAL USES INCLUDING POTENTIALLY A1 (RETAIL), A3 (SALE OF FOOD AND DRINK ON THE PREMISES E.G. RESTAURANT), A4 (PUBLIC HOUSE), D1(A) (MEDICAL USE), D1(B) (CRECHE/DAY CENTRE/DAY NURSERY), OR B1 (OFFICE), UP TO 0.4 HA OF LAND RESERVED FOR C2 (RESIDENTIAL CARE), THE RESERVATION OF 2.1 HA OF LAND FOR PRIMARY EDUCATION (USE CLASS D1), PUBLIC OPEN SPACE IN THE FORM OF NATURAL GREEN SPACE, PLAY FACILITIES AND INFORMAL OPEN SPACE TOGETHER WITH LANDSCAPING, PARKING, FOOTPATH AND CYCLE LINKS AND THE NECESSARY SERVICING, DRAINAGE AND THE PROVISION OF NECESSARY UTILITIES INFRASTRUCTURE, WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION WITH THE EXCEPTION OF ACCESS - LAND SOUTH OF SUTTON ROAD, LANGLEY, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Councillor Taylor-Maggio of Langley Parish Council (against), Mrs Etherington, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- A financial contribution of £1,000.00 per dwelling towards the provision of health facilities at the Orchard Langley Surgery and/or Wallis Avenue Surgery OR the provision of on-site health facilities to be determined at reserved matters stage;
- A financial contribution of £5,625.00 per dwelling (assuming 1 Form Entry School required) for provision of a primary school on a site of a minimum of 1.2 hectares but cascade approach to allow for 2.1 hectares if the needs of the development requires it, through reserved matters process. If required the additional land to be provided at agricultural land value;
- A financial contribution of £750.00 per dwelling towards on or off-site community facilities, proposed as part of the development;
- The provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 16 Wheelchair Accessible Homes;
- The provision of a minimum 19.77 hectares of public open space as shown on drawing number RD1557_PP_104 Rev. M;
- A financial contribution of £2,359.80 per dwelling towards the expansion of the Cornwallis Academy (secondary education);
- A financial contribution of £30.70 per dwelling towards the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees (community learning contribution);
- A financial contribution of £8.49 per dwelling towards additional equipment required to support the additional attendees at the Fusion Café youth project (youth services contribution);
- A financial contribution of £48.02 per dwelling towards additional library book stock required to mitigate the impact of the new borrowers from this development;
- A financial contribution of £53.88 per dwelling towards the cost of providing additional services for this proposed development, namely accessibility improvements to a community building local to the development where social care services are delivered by KCC or a third party (social care contribution);
- The provision of a travel plan, public transport incentives, including free taster tickets for local buses and a contribution towards monitoring of the travel plan;
- A Landscape and Ecological Management Plan, to include:
 - Description and evaluation of features to be managed;

Aims and objectives of management;
Management prescriptions for achieving aims and objectives;
Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
Details of the body or organisation responsible for implementation of the plan;
Details of on-going species and habitat monitoring; and
Provision for remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery;

- Appropriate financial contributions for significant highways and transport improvements to include the following elements that are subject to further negotiations:

A per dwelling contribution for the signalisation of Junction 7 of the M20;

A per dwelling contribution for bus prioritisation measures on the A274;

A per dwelling contribution for improvements to bus services to/from the site with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc.;

A per dwelling contribution for the improvement of the junction of Loose Road/Armstrong Road/Park Way;

A per dwelling contribution for the improvement of the junction of the A20 Ashford Road/Willington Street;

Improvements to the junction of the A274 Sutton Road/St Saviours Road as per condition 28;

Improvements to public footpath KH365 to a cycle track, surface of KH369, surface of KH365 and dedication as cycle link;

Connections to the existing cycle network from Park Wood to the town centre and by upgrading the PROW network to accommodate cycles;

A new pedestrian and cycle route will be provided running east-west from Sutton Road to Brishing Road connecting with the planned route through the adjacent site at Langley Park; and

The provision of additional pedestrian and cycle crossings across the A274 in the vicinity of Langley Church/Horseshoes Lane and in the vicinity of Rumwood Court.

Per dwelling contributions to be based on the South East Maidstone Highway Mitigation Apportionment Table attached as Appendix A to the report of the Head of Planning and Development subject to any subsequent amendments negotiated and agreed by the Head of Planning and Development acting under delegated powers.

- Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site (“rat-running” monitoring);
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
- The establishment of a “development monitoring committee” prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development, including design, phasing, quality etc., with such members to include an Officer of the Borough Council, Ward Member(s), representatives of the appropriate Parish Council(s) and a representative of the developers; and
- A financial contribution towards the setting up and running of this “development monitoring committee”,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report and the additional conditions set out in the first urgent update report (relating to air quality, retention of public open space and no development east of PROW 369), with the amendment of condition 3 as follows:

Condition 3 (Landscaping)

Add sub-section:

n) Landscape details shall include “green fingers” down to Langley Loch, screening to protect views from the A274 and B2163 and a wooded buffer zone next to the A274 with the retention of existing vegetation.

2. That the Head of Planning and Development be given delegated powers to negotiate and agree any subsequent amendments to the South East Maidstone Highway Mitigation Apportionment Table.
3. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement in respect of this application.

Voting: 5 – For 4 – Against 4 – Abstentions

FURTHER RESOLVED: That the Communities, Housing and Environment Committee be recommended to look at how the Sutton Road/Loose Road area can be built into any action plan for air quality mitigation having regard to the developments coming forward.

Voting: 12 – For 0 – Against 1 – Abstention

Councillor Round left the meeting after consideration of this application (8.20 p.m.).

90. 15/509251 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED VEHICULAR, PEDESTRIAN AND CYCLE ACCESS AND ASSOCIATED WORKS, INCLUDING PROVISION OF PUBLIC OPEN SPACE. (ALL MATTERS RESERVED FOR FUTURE CONSIDERATION WITH THE EXCEPTION OF ACCESS) - LAND NORTH OF BICKNOR WOOD, SUTTON ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Barker, an objector, Councillor Aplin of Otham Parish Council (against), Councillor Greenhead of Downswood Parish Council (against), Mr Goodban, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:
 - A financial contribution of £978.34 per dwelling towards the provision of health facilities at one of the following surgeries: Wallis Avenue Surgery, Mote Medical Practice, Northumberland Court, Downswood Surgery, Grove Park Surgery;
 - A financial contribution of £6,460.00 per dwelling towards the construction of Langley Park Primary School and Langley Park Primary School site acquisition;
 - A financial contribution of £272.00 per dwelling towards improvements to existing off-site open space facilities at Senacre Recreation Ground;
 - The provision of 30% affordable housing with a 60/40 tenure split in favour of Affordable Rent including 2 (two) Wheelchair Accessible Homes;
 - The provision of a minimum 5.8 hectares of public open space;
 - A financial contribution of £2,274.84 per dwelling towards the third phase of the expansion of the Cornwallis Academy (secondary education);
 - A financial contribution of £30.70 per dwelling towards the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees (community learning contribution);

- A financial contribution of £8.49 per dwelling towards additional equipment required to support the additional attendees at the Fusion Café Youth project (youth services contribution);
- A financial contribution of £48.02 per dwelling towards additional library book stock required to mitigate the impact of the new borrowers from this development;
- A financial contribution of £53.88 per dwelling towards the cost of providing additional services for this proposed development, namely accessibility improvements to a community building local to the development where social care services are delivered by KCC or a third party (social care contribution);
- A Landscape and Ecological Management Plan, to include:

Description and evaluation of features to be managed to include the long term maintenance and management of the SUDS schemes located in the buffer zone to the southern boundary;
 Aims and objectives of management;
 Management prescriptions for achieving aims and objectives;
 Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 Details of the body or organisation responsible for implementation of the plan;
 Details of on-going species and habitat monitoring; and
 Provision for remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

- Appropriate financial contributions for significant highways and transport improvements to include the following elements that are subject to further negotiations:

A per dwelling contribution towards the A274 Sutton Road/Willington Street/Wallis Avenue junction improvements;
 A per dwelling contribution towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction;
 and

A per dwelling contribution for improvements to bus services to/from the site with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc.

Per dwelling contributions to be based on the South East Maidstone Highway Mitigation Apportionment Table attached as Appendix A to the report of the Head of Planning and Development subject to any subsequent amendments negotiated and agreed by

the Head of Planning and Development acting under delegated powers.

- Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site (“rat-running” monitoring);
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
- The establishment of a “development monitoring committee” prior to the submission of the first reserved matters application to be responsible for the review of all aspects of the development, including design, phasing, quality etc., with such members to include an Officer of the Borough Council, Ward Member(s), representatives of the appropriate Parish Council(s) and a representative of the developers; and
- A financial contribution towards the setting up and running of this “development monitoring committee”,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report and the additional condition set out in the first urgent update report (relating to air quality) with the deletion of suggested condition 23 limiting the number of dwellings, the amendment of conditions 3, 13, 19 and 31 and an additional informative as follows:

Condition 3 (Landscaping) (amended)

Amend sub-section:

d) The provision of a 15m wide protective buffer zone along the entire southern boundary of the site, adjacent with Bicknor Wood, excluding footways. The buffer zone shall be fenced off in accordance with BS 5837 2012 before and during construction; and thereafter fenced off in accordance with details to be submitted to and approved by the Local Planning Authority. The approved fencing shall be maintained thereafter.

Add sub-section:

q) Details of the location of flood attenuation swales and ponds within the 15m buffer zone to the south and such features shall not affect root protection areas.

Condition 13 (Arboricultural Implications Assessment) (amended)

Add to the condition:

The details shall include a constraints plan and how the areas are to be fenced which shall include the use of scaffolding to secure the fencing for the duration of the build.

Condition 19 (Highways and Access) (amended)

Amend sub-section:

e) On-site footways shall be constructed before the dwellings to which they serve are first occupied, including the provision of a PROW to the Bicknor Farm site to the south west. At no time shall development take place that would preclude these accesses being opened up. The details of the new PROW shall ensure a naturalistic approach to the surface of the footpath to include limestone chippings or bark surfacing, and not black top, and the footpath shall not be adopted.

Reason: In the interests of good accessibility and sustainable travel and to ensure acceptable appearance through the site.

Condition 31 (Design Principles Statement) (amended)

Amend the condition to read:

No construction of the development above ground level hereby permitted shall take place until a Design Principles Statement has been submitted to and approved in writing by the Local Planning Authority. The development proposals shall be of a high standard of design and sustainability incorporating the use of vernacular materials taking their cue from the local context. The development shall be carried out in accordance with the approved details.

Additional Informative

The reserved matters must be reported back to the Planning Committee for consideration rather than dealt with under delegated powers.

2. That the Head of Planning and Development be given delegated powers to negotiate and agree any subsequent amendments to the South East Maidstone Highway Mitigation Apportionment Table.
3. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement in respect of this application.

Voting: 4 – For 4 – Against 4 – Abstentions

The Chairman used his casting vote in favour of approval.

Councillor Harwood left the meeting after consideration of this application (21.55 p.m.).

91. 14/506264 - RESIDENTIAL DEVELOPMENT OF 271 DWELLINGS INCLUDING 30% AFFORDABLE HOUSING, ACCESS AND ASSOCIATED INFRASTRUCTURE (AMENDED 08.03.2016) - LAND AT BICKNOR FARM, SUTTON ROAD, LANGLEY, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Ms Lamb addressed the meeting on behalf of the applicant.

RESOLVED:

1. That the Planning Inspectorate be informed that if the applicant had not lodged an appeal against non-determination, the Council would have granted planning permission subject to the completion of a S106 legal agreement and the imposition of suitable planning conditions as necessary to make the proposed development acceptable in planning terms.
2. That the S106 legal agreement would have provided the following:
 - The provision of 30% affordable residential units within the application site; the tenure split to be 38% shared ownership (31 units) and 62% social rented (50 units);
 - A financial contribution of £798,095.00, as calculated in Appendix A to the report of the Head of Planning and Development, towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development subject to final amendments to be negotiated between the Head of Planning and Development acting under delegated powers and developers;
 - A financial contribution of £365,850.00, as calculated in Appendix A to the report of the Head of Planning and Development, towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc., subject to final amendments to be negotiated between the Head of Planning and Development acting under delegated powers and developers;
 - A financial contribution of £611,243.84 towards the land acquisition costs for provision of a new school at Langley Park and £905,000.00 towards construction costs;

- A financial contribution of £37,453.72 towards the community facility being delivered as part of the new school at Langley Park;
 - A financial contribution of £533,904.75 towards the construction of a phase of extending the Cornwallis Academy, Maidstone;
 - A financial contribution of £13,012.28 towards libraries to address the demand from the development for additional book stock;
 - A financial contribution of £108,400.00 towards the improvement, maintenance, refurbishment and replacement of off-site facilities for play equipment and play areas, ground works, outdoor sports provision and pavilion facilities at Senacre Recreation Ground;
 - A financial contribution of £210,960.00 towards the upgrade of facilities as required at the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice and Northumberland Court Surgery;
 - Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site (“rat-running” monitoring);
 - A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
 - The establishment of a “development monitoring committee” to be responsible for the review of all aspects of the development, including design, phasing, quality etc., with such members to include an Officer of the Borough Council, Ward Member(s), representatives of the appropriate Parish Council(s) and a representative of the developers; and
 - A financial contribution towards the setting up and running of this “development monitoring committee”.
3. That the conditions that would have been imposed be as set out in the report of the Head of Planning and Development, as amended by the first urgent update report, and the additional conditions set out in the first urgent update report (relating to ducting, architectural detailing and air quality) with the amendment of conditions 8, 9 and 10 and an additional condition as follows:

Condition 8 (Landscape and Ecological Management Plan) (amended)

Add sub-section:

- l) Details of the management of an on-site play area.

Condition 9 (Landscaping) (amended)

Add sub-section:

v) Details of tree planting to create a strong boundary treatment to the immediate north of the site to create a landscape corridor between Bicknor Wood and Belts Wood.

Condition 10 (PROW KM94) (amended)

Prior to commencement of development, full details of the alignment of public footpath PROW KM94 together with surfacing material details shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure a naturalistic approach to the surface of the footpath to include limestone chippings or bark surfacing, and not black top, and the footpath shall not be adopted.

The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: The submitted plan no 22663A/SK01 does not show the definitive alignment of the PROW and to ensure good quality connectivity and acceptable appearance through the site.

Additional Condition – On Site Play Area

Prior to the commencement of development full details of an equipped children's on-site play area to be provided as part of the public open space shall be submitted to and approved by the Local Planning Authority. The approved play area shall be available for use before the first occupation of the housing hereby permitted. The details shall include the location of the play area; and the arrangement and design of play equipment to be provided.

Reason: In order to ensure that the occupiers of the housing are provided with adequately set out and equipped play space for children.

Voting: 4 – For 1 – Against 6 – Abstentions

4. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement to be submitted to the Planning Inspectorate as part of the appeal process.

Voting: 10 – For 0 – Against 1 – Abstention

92. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

93. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

94. DURATION OF MEETING

6.00 p.m. to 10.25 p.m.

SE Maidstone Highway Mitigation Apportionment Table - based on suggested pro rata contributions to deliver Highway Mitigation for each site.

Schedule	Scheme	Importance	Cost	Cost notes	Funds secured	Gap	No. Contributions	Planning ref.	Site name	Funding	Status	Notes
Transport	Bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction	Critical	100 - £3,840,000	Motts corridor analysis - taking the higher option due to potential cost hikes	£2,688,000 of which £2,422,200 is available for bus measures	Taking the higher figure of costs for mitigation - shortfall of £1,417,000	3	MA/13/1149 MA/13/0951 MA/13/1523	Langley Park (H1-5) N Sutton Road (H1-6) W BF Cottages (H1-6)	1,800,000 558,000 330,000	Committed Committed Committed	TW paid first £450,000 to KCC Bellway have paid £621,569.62 to KCC
	PROPOSED					shortfall of £1,417,000 as above	5	MA/15/509015 MA/15/509251	Land South of Sutton Road (H1- 800 units x 10) Land North of Bicknor Wood (H1-7)	£1350=£1,080,000 250 units x £1350 = £337500	to be delivered by S106	shortfall divided by 1050 homes (both allocations) = £1,350 per dwelling
	Willington Street/Wallis Avenue and Sutton Road	Critical	KCC (Amev scheme) - £1,800,000, Countryside see Countryside costing sheet	KCC scheme - £1,534,200, Countryside £1,016,880	268,800		3	MA/13/1149 MA/13/1523 MA/13/1523	Langley Park (H1-5) W BF Cottages (H1-6) W BF Cottages (H1-6)	180,000 30,000 33,000	Committed Committed Committed	Currently proposed to be provided via LGF funding but could be incorporated in apportionment process if necessary
	PROPOSED			Agreed at meeting on 11.05.16 with all developers that higher KCC costs would be used for apportionment.		shortfall as £1,531,200 above	5	MA/15/509251 MA14/506264	Land North of Bicknor Wood (H1-7) Bicknor Farm (H1-9)	250 units x £2,945 = £736,250 271 units x £2,945 = £798,095	to be delivered by S106 to be delivered by S106	shortfall divided by 521 homes (both allocations) = £2,938 per dwelling
	Junction 7 - signalisation	Critical	13/1163 -s106 signalisation	PROPOSED SIGNALISATION of Junction	Clause 14.2 of S106	No costing identified - just provision	1 currently - 2	MA/13/1163 MA/15/509015	Maidstone Medical Campus Land South of Sutton Road (H1-	No funding - S106 1,460,000	Committed to be delivered by	£1,460,000-800 = £1,825 per dwelling
	A229/A274 Wheatsheaf junction	Critical	483,000		714,000	-231,000	3	MA/14/503167 MA/12/0986 MA/12/0987	Cripple Street KP Training (H1-28) KP HQ (H1-27)	108,000 270,000 336,000	Committed Approved Approved	split between SE6/HTUA1 and already funded split between SE6/SE7 split between SE6/SE7
	the A274 Sutton Road	Essential	2,700,000	Revenue to be deducted	0	2,700,000						
	PROPOSED						3	MA/15/509015 MA/14/506264	Land South of Sutton Road (H1- 10) Bicknor Farm (H1-9)		to be delivered by S106 to be delivered by S106	Land South of Sutton Road 800 x £1793.75 per dwelling = £1,435,000 contribution towards shortfall 271 x £1,350 per dwelling = £365,850
	A229 Loose Road/Park Way/Armstrong	Critical	236,789	Costing provided by Allen Dadswell - off site highway improvements. Costing divided by allocated sites 1120 dwelling	0	236,789	4	MA/15/509015	Land South of Sutton Road (H1- 10) New Line Learning, Boughton Lane (H1-29) Boughton Lane, Boughton Monchelsea and Loose (H1-53) Boughton Mount, boughton Lane H1-54)		to be delivered by S106 to be delivered by S106 to be delivered by S106 to be delivered by S106	Land South of Sutton Road 800 x £211.42 per dwelling = £169,136 New Line Learning - 220 x £211.42 per dwelling = £46,512.4 Boughton Lane, Boughton Monchelsea 75 x £211.42 per dwelling = £15,856.50 Boughton Mount, 25x£211.42 per dwelling = £5,285.50
	A20 Ashford Road/Willington Street	Critical	198,877	Costing provided by Allen Dadswell - off site highway improvements	0	198,877	2		Land South of Sutton Road (H1- 10) West of Church Road, Oatham (H1-8)			Land South of Sutton Road 800 x £160.4 per dwelling = £128,320 West of Church Road - 440 x £160.4 per dwelling = £70,576

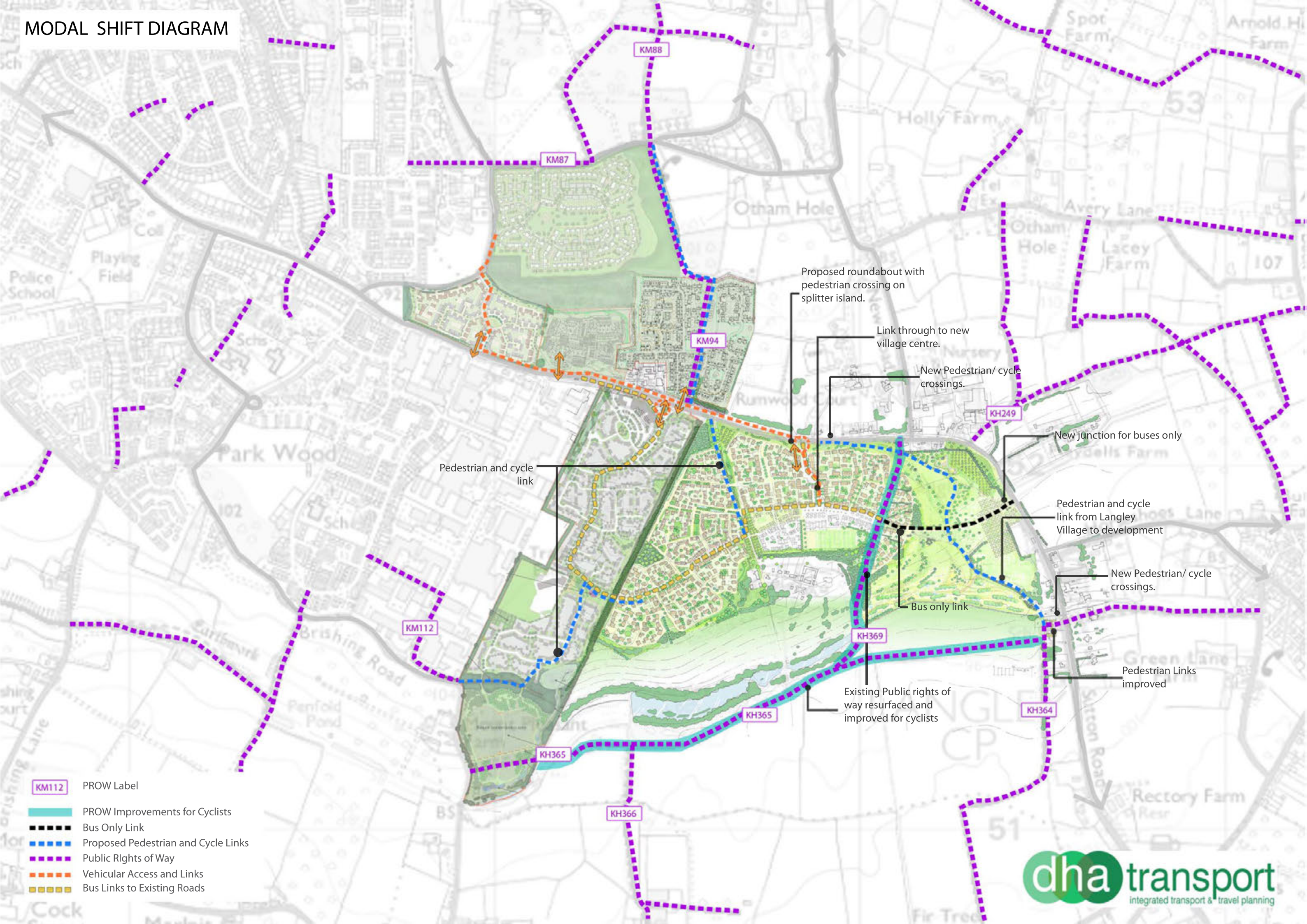
Highway Mitigation Cost Apportionment

Land South of Sutton Road costs per dwelling £1,825 per dwelling for J7, £1,350 per dwelling for bus prioritisation, £1,793.75 per dwelling for Bus Services along A274, £211.42 per dwelling for A229 Loose Road/Park Way/Armstrong Junction and £160.4 per dwelling for A20 Ashford Road/Willington Street Total **£5,340.57** per dwelling.

Bicknor Farm - £1,350 per dwelling for bus service, £2,938 per dwelling for Willington Street, TOTAL **£4,288** per dwelling.

Land North of Bicknor Wood - £2,938 per dwelling for Willington Street and £1,350 per dwelling for Bus Prioritisation along A274, Total **£4,288** per dwelling.

MODAL SHIFT DIAGRAM



- KM112 PROW Label
- PROW Improvements for Cyclists
- Bus Only Link
- Proposed Pedestrian and Cycle Links
- Public Rights of Way
- Vehicular Access and Links
- Bus Links to Existing Roads

Dated

26th September

2014

- (1) ANDREW JOHN CECIL KIRKWOOD
 - (2) BELLWAY HOMES LIMITED
- TO
- (3) MAIDSTONE BOROUGH COUNCIL
 - (4) THE KENT COUNTY COUNCIL

UNILATERAL UNDERTAKING

pursuant to Section 106 Town and Country Planning Act 1990

relating to

the Development of Land North of Sutton Road Otham Kent

Speechly Bircham LLP
6 New Street Square
London
EC4A 3LX
Tel: +44 (0)20 7427 6400
Fax: +44 (0)20 7427 6600

Ref

Doc 17244576.2

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THIS UNILATERAL UNDERTAKING is dated

26th September 2014

BY

- (1) **ANDREW JOHN CECIL KIRKWOOD** of PO Box 1200 Jinja, Uganda ("**Owner**");
- (2) **BELLWAY HOMES LIMITED** (Company Number 00670176) whose registered office is at Seaton Burn House Dudley Lane Seaton Burn Newcastle upon Tyne NE13 6BE ("**Developer**");

TO

- (3) **MAIDSTONE BOROUGH COUNCIL** of Maidstone House, King Street, Maidstone, Kent ME15 6JQ ("**Borough Council**"); and
- (4) **THE KENT COUNTY COUNCIL** of County Hall Maidstone Kent ME14 1XQ ("**County Council**").

RECITALS

(A) Definitions

- (A1) Words and phrases used in this undertaking are defined in clause 2.1.

(B) Interests in the Site

- (B1) The Owner is the registered proprietor with freehold title of the Land under title number K949252 subject to the entries disclosed in the Charges Register of the said title.
- (B2) The Developer has entered into an option agreement with the Owner for the purchase of the freehold title of the Land.

(C) The Council

- (C1) The Borough Council is the local planning authority for the purposes of section 106 of the 1990 Act for the area in which the Land is situated.
- (C2) The County Council is the highway authority for the purposes of the Highways Act 1980 and the local education authority for the purposes of the Education Act 1996 for the area in which the Land is situated.

(D) Planning

- (D1) On 29 May 2013 Bellway Homes (South East) Limited submitted the Application to the Borough Council.
- (D2) By a decision of the Planning Committee of the Borough Council made on 6 February 2014 it was resolved that planning permission for the Development should

be granted subject to the terms of the Permission and the prior completion of a legal agreement to secure the measures set out in the Planning Committee's resolution.

- (D3) The Owner and the Developer consider that the planning obligation contained in this undertaking is required to mitigate the impact of the Development.

OPERATIVE PROVISIONS

1. OPERATIVE POWERS

This undertaking is given pursuant to section 106 of the 1990 Act.

2. DEFINITIONS AND INTERPRETATION

- 2.1 In this undertaking the following expressions shall unless the context otherwise requires have the following meanings:

1990 Act means the Town and Country Planning Act 1990 (as amended);

Application means the planning application referred to in Recital D1 submitted to the Borough Council for planning permission for the Development and bearing reference number MA/13/0951;

Completion means the issue of a cover note by NHBC (or other warranty provider) certifying the Housing Unit is complete;

Development means erection of 186 dwellings comprising 1 2 3 4 and 5 bedroom properties with associated parking landscaping amenity space and engineering works;

Highways Contribution means a contribution of £613,800 of which £558,000 is intended to be applied towards the Sutton Road Improvement and £55,800 is intended to be applied towards improvements to the junction of Willington Street and Sutton Road further details of which are set out in Schedule 1 Highway Works;

Housing Unit or Units means any housing unit to be erected on the Land pursuant to the Permission including for the avoidance of doubt any flats or apartments;

Implementation means the carrying out by the Owner on the Land of a material operation as defined in section 56(4) of the 1990 Act pursuant to the Permission but not otherwise save that for the purpose of this definition the carrying out of any works of demolition, works of site clearance, ground investigation and site survey works, construction of boundary fencing or hoardings, construction of temporary accesses and/or highway works archaeological investigations, site decontamination or remediation works, landscaping works, laying of sewers and other services, creation of site compounds the display of advertisements (including erection of advertisement hoardings), works below ground level, interim landscaping works, arboricultural works and ecological works, noise attenuation works and works for the

laying out or maintenance of any play space shall not be deemed to be the carrying out of a material operation and Implement and Implemented shall be construed accordingly;

Index means the General Building Cost Index as published by the Building Costs Information Service on behalf of the Royal Institution of Chartered Surveyors or any similar successor index;

Index Linked means the sum payable shall be increased in the same proportion as the percentage increase in the Index between the firm quarterly Index figure immediately preceding the date of this Deed and the firm quarterly Index figure for the quarter immediately preceding the date of actual payment and "**Indexation**" shall be construed accordingly;

Land means all that land shown for identification purposes only edged red on Plan 1 and known as land north of Sutton Road Otham Kent;

Parties means the owner and the Developer

Plan 1 means the attached plan labelled with drawing number 12-2181-500;

Permission means planning permission for the Development pursuant to the Application and any planning permission subsequently granted under section 73 or 73A of the 1990 Act and the Permission shall be construed to include the development authorised by such subsequent planning permission;

Secretary of State means the Secretary of State for Communities and Local Government or other minister or other authority for the time being having or entitled to exercise the powers conferred on the Secretary of State for Communities and Local Government by the 1990 Act;

Statutory Undertaker means any public gas transporter water or sewerage undertaker electricity supplier or public telecommunications operator;

Working Day means any day from Monday to Friday inclusive which is not Christmas Day Good Friday a statutory bank holiday or a day between Christmas Day and New Year's Day; and

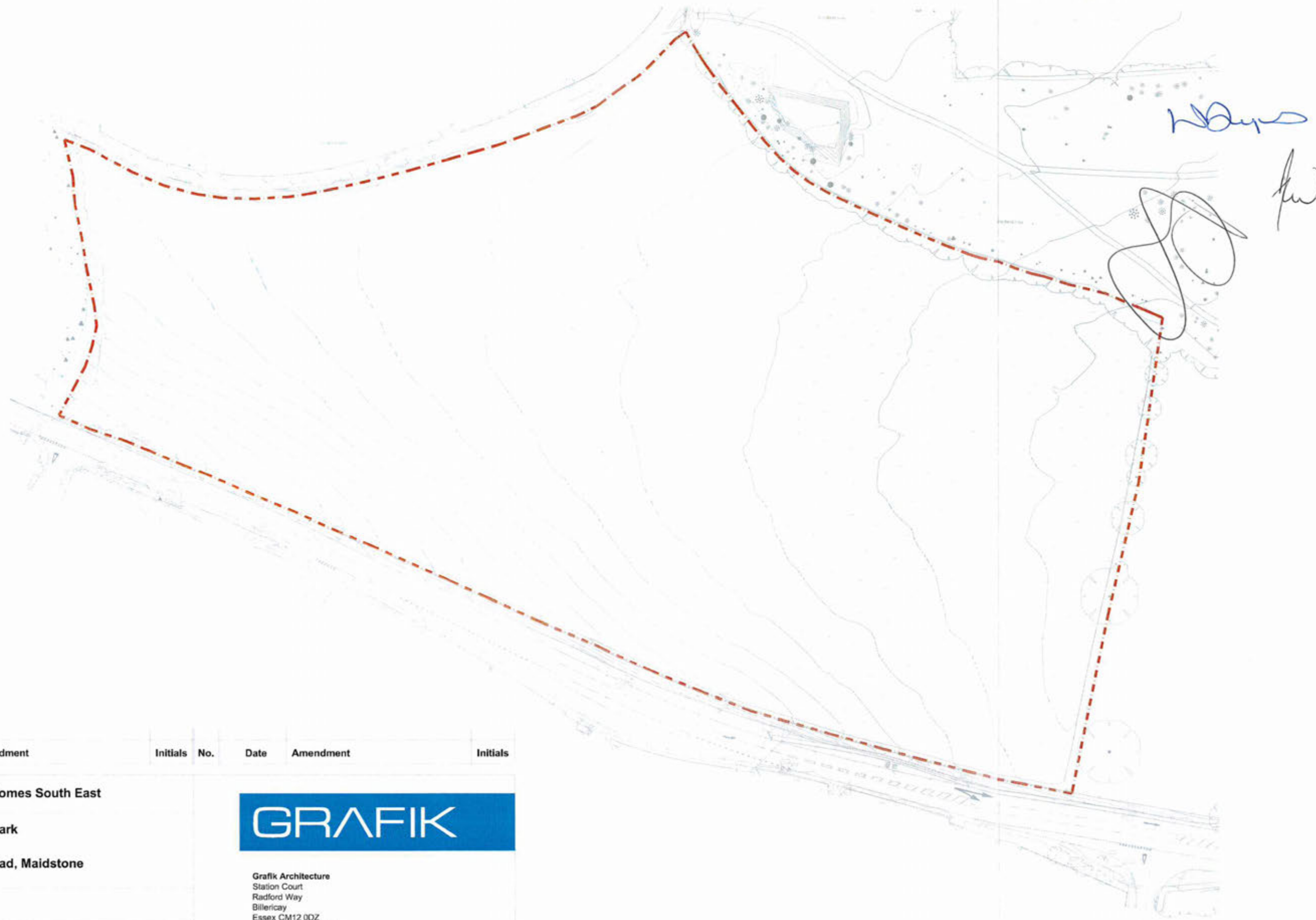
2.2 Where in this undertaking reference is made to a clause sub-clause paragraph Schedule plan or recital such reference (unless the context otherwise requires) is a reference to a clause paragraph Schedule plan or recital of or (in the case of a plan) attached to this undertaking.

2.3 Words denoting any one gender only shall include both genders and may be used interchangeably and words denoting natural persons include firms companies and corporations and vice versa.

- 2.4 Words importing the singular number only shall include the plural number and vice versa and where there is more than one covenantor the obligation of such covenantors shall be joint and several.
- 2.5 Any reference to a statute or statutory instrument (whether or not specifically named) includes any statute or statutory instrument amending consolidating or replacing them respectively and for the time being in force and references to a statute include all statutory instruments orders plans regulations byelaws permissions and directions for the time being made issued or given or deriving validity pursuant to them.
- 2.6 Save where the context otherwise requires references to any party shall include the successors in title of that party.
- 2.7 References in this undertaking to the County Council and Borough Council shall include references to its successor as local authority.

3. LEGAL EFFECT

- 3.1 This undertaking is executed by the Parties as a deed and will constitute a planning obligation for the purposes of section 106 of the 1990 Act to the extent that it shall bind the Owner and his successors in title to each and every part of the Land subject to the terms of this undertaking.
- 3.2 The planning obligations contained in this undertaking shall be enforceable by the Borough Council and the County Council.
- 3.3 The Owner shall upon parting with the fee simple in any part of the Land be released from all obligations rights and duties under the terms of this undertaking insofar as they relate to such part of the Land (save in respect of liability for any antecedent breach of the undertaking) and shall upon parting with the entirety of his interest in the Land as a whole be released from all liability whatsoever under the terms of this undertaking save insofar as it relates to an antecedent breach of this undertaking.
- 3.4 If the Permission is Implemented by a party other than Bellway Homes Limited then Bellway Homes Limited shall be released from all obligations rights and duties to the Borough Council and the County Council under the terms of this undertaking in its capacity as Developer **PROVIDED THAT** in the event that Bellway Homes Limited acquires or owns an interest in any part of the Land Bellway Homes Limited shall continue to be bound by all obligations rights and duties to the Borough Council and the County Council under the terms of this undertaking in its capacity as the owner of such interest whilst it retains such interest.
- 3.5 This undertaking (save for clauses 1 to 3 and 6 and 7 which shall take effect on the date hereof) shall not take effect until the following conditions precedent have been satisfied:



No.	Date	Amendment	Initials	No.	Date	Amendment	Initials
-----	------	-----------	----------	-----	------	-----------	----------

Client : **Bellway Homes South East**
Project : **Imperial Park**
Sutton Road, Maidstone



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Drawing : **Plan 1**
Scale : **1:1250 @ A3** Status : Rev :
Date : **Jan 2013** Dwg No : **12-2181-500**

© THIS DRAWING IS THE COPYRIGHT OF GRAFIK ARCHITECTURE. It shall not be in any way used or reproduced without their prior written consent. All dimensions are to be checked on site or in the workshop prior to commencing any work. Work only to figured dimensions. Any discrepancies are to be reported to the Architect.

- 3.5.1 the Permission being granted by the Borough Council; and
- 3.5.2 the Implementation of the Development.
- 3.6 Nothing in this undertaking shall be construed as prohibiting limiting or affecting any right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted by the Borough Council or the Secretary of State on appeal or by reference to him after the date of this undertaking and for the avoidance of doubt any operations works or development in accordance with such a planning permission shall not constitute Implementation under the terms of this undertaking.
- 3.7 Each clause sub-clause paragraph Schedule or plan shall be separate distinct and severable from each other to the extent only that if any clause sub-clause paragraph Schedule or plan becomes or is invalid because of a change of circumstances or any other unforeseen reasons or if any one or more of such clause sub-clause paragraph Schedule or plan shall be held by the courts to be void for any reason whatsoever but would be valid if severed or any wording was deleted or any time period reduced or scope of activities or area covered diminished then any modifications necessary to ensure such clause sub-clause paragraph Schedule or plan be valid shall apply without prejudice to any other clause sub-clause paragraph Schedule or plan contained therein.
- 3.8 If the Permission shall expire within the meaning of sections 91 92 and 93 of the 1990 Act or be revoked modified or otherwise withdrawn by the Borough Council or the Secretary of State then (if the Owner or Developer so elects) this undertaking shall cease to have further effect but in ceasing to have further effect shall not prejudice any express or implied rights accrued or accruing to the Owner or Developer by virtue of anything done by the Borough Council in connection with or arising from the terms of this undertaking.
- 3.9 For the purposes of (inter alia) the Contracts (Rights of Third Parties) Act 1999 nothing in this undertaking is intended to confer any benefit upon or create rights in favour of any party other than the parties executing this undertaking and their respective successors in title.
- 3.10 Nothing in this undertaking shall be construed as imposing any obligation on persons who purchase or occupy completed Housing Units within the Development and the undertaking shall not be enforceable against any such persons.
- 3.11 Nothing in this undertaking shall be construed as imposing any obligation on any Statutory Undertaker who acquires an interest in the Land for the purpose of undertaking their statutory functions.

4. COUNTY COUNCIL CONTRIBUTIONS

- 4.1 The Owner covenants to pay to the County Council the Highways Contribution prior to Completion of the first Housing Unit

5. INDEX LINKED

The Highways Contribution payable under this undertaking shall be Index Linked.

6. LAND CHARGE

- 6.1 This undertaking is a local land charge and shall be registered as such by the Borough Council.

7. JURISDICTION

This undertaking is governed by and shall be interpreted in accordance with the laws of England.

**Schedule 1
Highway Works**

1. Mitigation works to the A274 Sutton Road/Willington Street/Wallis Avenue junction comprising: the widening of Sutton Road on the southern side to accommodate two lanes of traffic in both directions on the link between Willington Street and Wallis Avenue; the widening of the westbound Sutton Road approach arm to provide three lanes at the stop line; the widening of the eastbound Sutton Road approach arm to accommodate the additional westbound lane; and the linking of the controllers of the two junctions to improve the efficiency of the whole intersection.

2. Mitigation works to the A274 Sutton Road comprising the widening of the inbound carriageway of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road, incorporating bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction. In addition, the provision of two new bus stops, serving the eastbound and westbound services on the A274 between the junctions as described, comprising of new shelters, bus boards and real time bus information.

fw ANNE CATHERINE WALTER as attorney for
SIGNED as a DEED by)
ANDREW JOHN CECIL KIRKWOOD)
in the presence of: *under a power*)
of attorney dated 18 march)
2012
in the presence of:

fw 

Witness signature: 

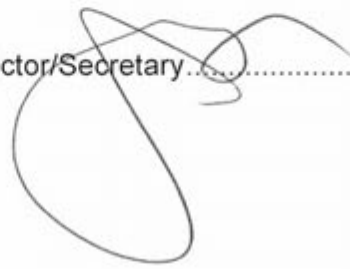
Name: *Malcolm Lakin*

Address: *17 Quai Charles-Page*
1205 GENEVA

Occupation: *Journalist*

SIGNED as a DEED by)
BELLWAY HOMES LIMITED)
in the presence of: acting by)
two Directors

Director..... 

Director/Secretary..... 

.....

Authorised signatory

DATED

4th September

2014

**UNILATERAL UNDERTAKING BY DEED UNDER
SECTION 106 OF THE TOWN AND COUNTRY
PLANNING ACT 1990**

relating to land at Langley Park
Maidstone Kent
given by

GEORGE WIMPEY LIMITED

to

THE KENT COUNTY COUNCIL

and

MAIDSTONE BOROUGH COUNCIL

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THIS UNILATERAL UNDERTAKING is dated 4th September 2014

BY

(1) **GEORGE WIMPEY LIMITED** (company number 1397926) of Gate House, Turnpike Road, High Wycombe, Buckinghamshire, HP12 3NR ("TW")

TO

(2) **THE KENT COUNTY COUNCIL** of County Hall, Maidstone, Kent ME14 1XQ ("the **County Council**"); and

(3) **MAIDSTONE BOROUGH COUNCIL** of Maidstone House, King Street, Maidstone, Kent ME15 6JQ ("the **Borough Council**")

Background

- 1 The County Council is the highways authority for the purposes of the Highways Act 1980.
- 2 TW is the freehold owner of the Site.
- 3 TW submitted the Application to Maidstone Borough Council on 27 June 2013.
- 4 Maidstone Borough Council resolved through its planning committee to approve the Application on 6 February 2014 subject to conditions and the prior completion of this Undertaking and the Deed.

NOW THIS UNDERTAKING WITNESSES AS FOLLOWS:

OPERATIVE PART

1 **Definitions**

For the purposes of this Unilateral Undertaking, the following expressions shall have the following meanings:

"Act" means the Town and Country Planning Act 1990 as amended;

"Affordable Housing Unit" means an Affordable Rent Dwelling or a Shared Ownership Dwelling;

"Affordable Rent Dwellings"

means an Affordable Housing Unit that is let by Registered Providers and which is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable) and "Affordable Rent" shall be construed accordingly;

"Application"

means the application for planning permission for the erection of up to 600 Dwellings, with associated local centre comprising a convenience store (use class A1) (1,300 sqm – 1500 sqm gross floor area); retail/commercial units (use class A1, A2, A3, A5 and/or D1) (400 sqm); and public house (use class A4) (550 sqm – 700 sqm); a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conversation area; and landscaping, submitted to Maidstone Borough Council on 27 June 2013 and allocated reference number MA/13/1149;

"Commencement of Development"

the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development is carried out other than (for the purposes of this Unilateral Undertaking and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements, the construction of site access roads and "Commence" "Commence Development" and "Commencement" shall be construed accordingly;

"Deed"

means the deed entered into between TW and Maidstone Borough Council of even date in respect of the Development;

"Development"	means the development of the Site as set out in the Application;
"Dwelling"	means any dwelling to be constructed pursuant to the Planning Permission on the Site which shall include Flats and Houses and shall include Open Market Units and Affordable Housing Units;
"First Phase"	means the first phase of the Development being brought forward (shown numbered 1 on the Phasing Plan);
"Flat"	means a flat or apartment being a Dwelling or part of a Dwelling;
"Highways Contribution"	means the sum of £3,000 (three thousand pounds) Index Linked payable per Dwelling in accordance with the instalments set out at paragraph 1.1 of Schedule 1 such contribution to be used by the County Council for the funding of the Highways Scheme;
"Highways Scheme"	means mitigation works to the A274 Sutton Road comprising the widening of the inbound carriageway of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road incorporating bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction. In addition, the provision of two new bus stops, serving the eastbound and westbound services on the A274 between the two junctions as described, comprising of new shelters, bus boards and real time bus information;
"House"	means any Dwelling which is not a Flat;
"Index"	means the General Building Cost Index as published by the Building Costs Information Service on behalf of the Royal Institution of Chartered Surveyors or any similar successor index;

"Index Linked"

means the sum payable shall be increased or decreased in the same proportion as the percentage increase or decrease in the Index between the firm quarterly Index figure immediately preceding the date of this Unilateral Undertaking and the firm quarterly Index figure for the quarter immediately preceding the date of actual payment;

"Interest"

means interest at 2 (two) per cent above the base lending rate of the HSBC Bank Plc from time to time;

"Junction Contribution"

means the sum of £180,000.00 (one hundred and eighty thousand pounds) Index Linked being £300 (three hundred pounds) payable per Dwelling in accordance with paragraph 1.3 of Schedule 1 such contribution to be used by the County Council for the Willington Street Junction Enhancements;

"Occupation" and "Occupied"

means occupation of the Development as permitted by the Planning Permission but for the avoidance of doubt not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations;

"Open Market Units"

means those Dwellings for sale lease or other disposal on the open market and excluding the Affordable Housing Units;

"Phase"

means a distinct building phase of the Development as shown on the Phasing Plan;

"Phasing Plan"

means the plan showing the distinct building phases of the Development to be submitted to and approved by Maidstone Borough Council pursuant to condition 28 of the Planning Permission as amended from time to time;

"Planning Permission"

means the planning permission subject to conditions to be granted pursuant to the

	Application;
"Practical Completion" or "Practically Complete"	the issue of a certificate of practical completion by TW's architect or in the event that the Development or any part of it is constructed by a party other than TW the issue of a certificate of practical completion by the other party's architect;
"Registered Provider" or "RPSH"	means a registered provider of Social Housing as defined by S.80 of the Housing and Regeneration Act 2008 or any other entity providing Affordable Housing under equivalent rental or lease arrangements as is approved by the Borough Council in writing;
"Shared Ownership Dwelling"	means an Affordable Housing Unit provided on a tenure granted by a Registered Provider and to be disposed of pursuant to shared ownership arrangements within the meaning of Section 70(4) of the 2008 Act;
"Site"	means the land within the ownership of TW known as Langley Park Maidstone Kent and identified edged red on Plan 1 appended to this Unilateral Undertaking; and
"Willington Street Junction Enhancements"	means mitigation works to be carried out by the County Council to the A274 Sutton Road/Willington Street/Wallis Avenue junction comprising <ul style="list-style-type: none"> • the widening of Sutton Road on the southern side to accommodate two lanes of traffic in both directions on the link between Willington Street and Wallis Avenue; • the widening of the west bound Sutton Road approach arm to provide three lanes at the stop line; • the widening of the east bound Sutton

Road approach arm to accommodate the additional west bound lane; and

- the linking of the controllers of the two junctions to improve the efficiency of the whole intersection; and

"Working Day"

means any day which is not a Saturday, Sunday or Bank Holiday.

2 Construction of this Unilateral Undertaking

- 2.1 Where in this Unilateral Undertaking reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Unilateral Undertaking.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation *all their obligations can be enforced* against all of them jointly and severally.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.

3 Legal Basis

- 3.1 This Unilateral Undertaking is made pursuant to Section 106 of the Act.
- 3.2 TW acknowledges that the undertakings given by TW under this Unilateral Undertaking create planning obligations pursuant to Section 106 of the Act and are enforceable by the County Council and the Borough Council against TW and any person deriving title from TW.
- 3.3 Subject to clause 3.4 this Unilateral Undertaking shall be enforceable against TW and any person deriving title from TW.

3.4 None of the planning obligations contained in this Unilateral Undertaking shall be binding upon:

- (a) individual householders or occupational tenants of the Development; or
- (b) statutory undertakers.

4 Conditionality

4.1 Other than the obligations set out at clause 4.2 which shall have immediate effect, the obligations in the Schedules are conditional upon:

- (a) the grant of the Planning Permission; and
- (b) the Commencement of Development

4.2 The obligations referred to in clause 4.1 which have immediate effect are clauses 11(a) and 11(b).

5 Covenants by TW

5.1 TW undertakes to observe and perform the undertakings set out in the Schedule.

6 Miscellaneous

6.1 No provisions of this Unilateral Undertaking shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

6.2 This Unilateral Undertaking shall be registrable as a local land charge by Maidstone Borough Council.

6.3 Any notices shall be deemed to have been properly served if sent by first class post to the principal address or registered office (as appropriate) of the relevant party.

6.4 Insofar as any clause or clauses of this Unilateral Undertaking are found (for whatever reason) to be invalid illegal or unenforceable, then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Unilateral Undertaking.

6.5 This Unilateral Undertaking shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of TW) it is modified by any statutory procedure or expires prior to the Commencement of Development.

6.6 No body shall be liable for any breach of any of the planning obligations or other provisions of this Unilateral Undertaking after it shall have parted with its entire interest in that part of the Site to which the planning obligation relates, but without prejudice to liability for any subsisting

breach arising prior to parting with such interest.

- 6.7 Nothing in this Unilateral Undertaking shall prevent the development of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Unilateral Undertaking.

7 Indexation

Any sum referred to in the Schedules shall be Index Linked.

8 Interest

If any payment due under this Unilateral Undertaking is paid late, Interest will be payable from the date payment is due to the date of payment.

9 Payment and Calculation of Contributions

Payment of the contributions referred to in this Unilateral Undertaking shall be made subject to receipt by TW of written confirmation by the County Council that the contributions shall only be applied by the County Council towards the purposes specified in the relevant schedule to this Unilateral Undertaking.

10 VAT

All consideration given in accordance with the terms of this Unilateral Undertaking shall be exclusive of any value added tax properly payable.

11 Notices

TW shall serve written advance notice on the County Council of at least 10 Working Days prior to:

- (a) The Commencement of Development;
- (b) The Commencement of Development of each Phase;
- (c) Occupation of the 150th Dwelling, 300th Dwelling, 450th Dwelling and 600th Dwelling.

12 Jurisdiction

This Unilateral Undertaking is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

13 **Delivery**

The provisions of this Unilateral Undertaking (other than this clause which shall be of immediate effect) shall be of no effect until this Unilateral Undertaking has been dated.

IN WITNESS whereof George Wimpey Limited has executed this Unilateral Undertaking on the day and year first before written.

The Schedule

Highways

1 TW undertakes to the County Council and separately to the Borough Council:

1.1 Immediately following the earlier of:

(a) the date on which the County Council first begins to implement the Highways Scheme;
or

(b) the date which is one year from the date on which Commencement of Development,

TW shall pay £450,000 of the Highways Contribution to the County Council.

1.2 Not to Occupy or permit Occupation of the number of Dwellings set out in Column 2 below until the relevant instalment of the Highways Contribution set out in Column 1 has been paid to the County Council.

Column 1	Column 2
<u>Instalment</u>	<u>Number of Dwellings</u> (cumulative total)
£450,000	100
£450,000	200
£450,000	300

1.3 Not to Occupy or permit Occupation of any Dwelling until the Junction Contribution has been paid to the County Council.

APPENDIX A

PLAN 1: The Site

EXECUTED as a DEED by)
GEORGE WIMPEY LIMITED)
acting by two Directors)

.....

Director

.....

Director

EXECUTED as a DEED by)
GEORGE WIMPEY LIMITED)
acting by two Directors)

.....

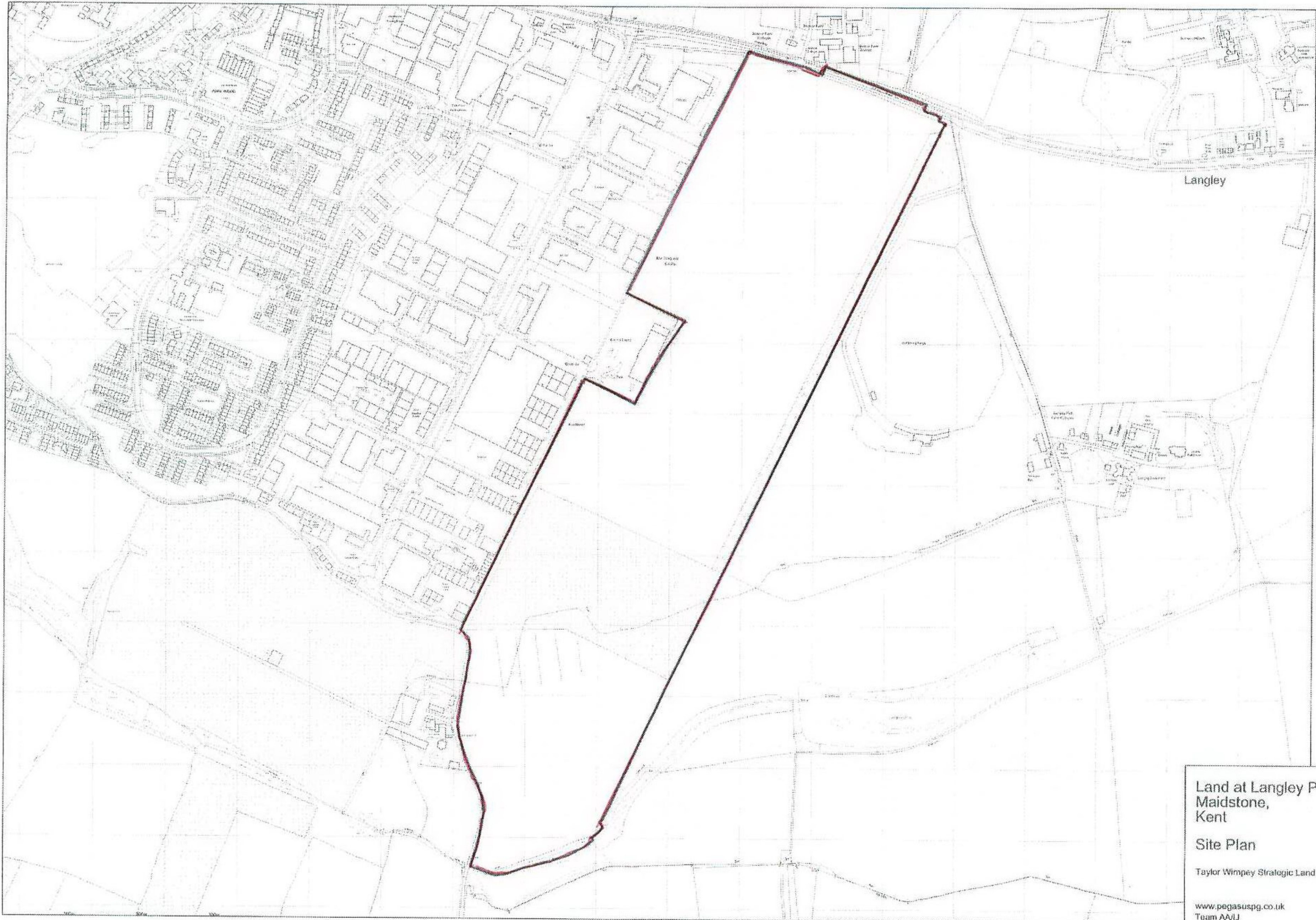
Directo



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Dire





Land at Langley Park,
Maidstone,
Kent

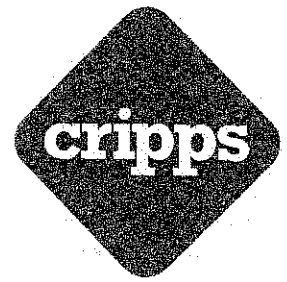
Site Plan

Taylor Wimpey Strategic Land

www.pegasuspg.co.uk
Team AA/J
31st March 2014
1:5,000 @A3



BRS.3089_32-1



UNILATERAL UNDERTAKING

pursuant to Section 106 Town and Country Planning Act 1990

relating to
the development of a site at
Sutton Road
Maidstone
Kent

**EDWARD JOHN UREN
and PETER JOHN UREN and GLENIS KAY UREN
and
REDROW HOMES LIMITED**

In favour of :

**MAIDSTONE BOROUGH COUNCIL
and
THE KENT COUNTY COUNCIL**

REF: JOT/RE45548.5

This Unilateral Undertaking is made as a deed and dated

14 November 2014

BY:

- (1) **EDWARD JOHN UREN PETER JOHN UREN and GLENIS KAY UREN** of Egremont House Boughton Lane Boughton Monchelsea Maidstone Kent ME18 4NA ("**First Owner**")
- (2) **REDROW HOMES LIMITED** (Company Number 01990710) whose registered office is at Redrow House, St Davids Park, Flintshire, CH5 3RX ("**Second Owner**")

TO:

- (3) **MAIDSTONE BOROUGH COUNCIL** of Maidstone House, King Street, Maidstone, Kent, ME15 6JQ ("**Borough Council**") and
- (4) **THE KENT COUNTY COUNCIL** of County Hall, Maidstone, Kent ME14 1XQ ("**County Council**")

RECITALS

A Definitions

- A.1 Words and phrases used in this undertaking are defined in clause 2.1

B Interests in the Site

- B.1 The First Owner is the registered proprietor with freehold title of the First Land under title number K530692.
- B.2 The Second Owner is the registered proprietor with freehold title of the Second Land under title number K531048.
- B.3 The Second Owner has entered into a contract with the First Owner for the purchase of the freehold title of the First Land.

C The Council

- C.1 The Borough Council is the local planning authority for the purposes of section 106 of the 1990 Act for the area in which the Land is situated.
- C.2 The County Council is the highway authority for the purposes of the Highways Act 1980 for the area in which the Land is situated.

D Planning

- D.1 The Second Owner on 2 September 2013 submitted the Application to the Borough Council.
- D.2 By a decision of the Planning Committee of the Borough Council made on 6 February 2014 it was resolved that planning permission for the Development should be granted subject to the terms of the Permission and the prior completion of this undertaking.

D.3 The Owners the County Council and the Borough Council agree the need for the planning obligations contained in this undertaking both for the benefit of the Development and in the interests of proper planning of the area and have executed it accordingly.

OPERATIVE PROVISIONS

1 Operative Powers

This undertaking is entered into pursuant to section 106 of the 1990 Act.

2 Interpretation

2.1 In this undertaking the following expressions shall unless the context otherwise requires have the following meanings:

2.1.1	1990 Act	The Town and Country Planning Act 1990 (as amended)
2.1.2	Application	The planning application submitted by the Second Owner to the Borough Council for planning permission for the Development and bearing Borough Council reference number MA/13/1523
2.1.3	The Borough	Means the local authority borough of Maidstone
2.1.4	Development	Development of 100 dwellings together with associated new access road car parking landscaping and open space
2.1.5	First Land	Means that part of the Land shown for identification purposes only edged red on Plan 2
2.1.6	Flat	A separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building separate from some other part of which it is divided horizontally.
2.1.7	Highways Contribution	Means a contribution of £330,000 towards the construction costs of the highway works set out at Schedule 1
2.1.8	Housing Unit or Units	Any housing unit to be erected on the Land pursuant to the Permission including for the

avoidance of doubt any Flats or apartments

- 2.1.9 Implementation The carrying out by the Owners on the Land of a material operation as defined in section 56(4) of the 1990 Act pursuant to the Permission but not otherwise save that for the purpose of this definition the carrying out of any works of demolition works of site clearance ground investigation and site survey works construction of boundary fencing or hoardings construction of temporary accesses and/or highway works archaeological investigation site decontamination or remediation works landscaping works laying of sewers and other services creation of site compounds and noise attenuation works shall not be deemed to be the carrying out of a material operation and "Implement" and "Implemented" shall be construed accordingly
- 2.1.10 Index The General Building Cost Index as published by the Building Costs Information Service on behalf of the Royal Institution of Chartered Surveyors
- 2.1.11 Index Linked The sum payable shall be increased in the same proportion as the percentage increase in the Index between the firm quarterly Index figure immediately preceding the date of this undertaking and the firm quarterly Index figure for the quarter immediately preceding the date of actual payment and "Indexation" shall be construed accordingly
- 2.1.12 Land All that land shown for identification purposes only edged red on Plan 1 and known as land to the north of Sutton Road, Maidstone, Kent
- 2.1.13 Occupation Beneficial occupation of Housing

Units other than occupation for the purposes of construction fitting out security marketing or repair and 'Occupy' and 'Occupied' shall be construed accordingly.

- | | | |
|--------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1.14 | Owners | The First Owner and Second Owner together. |
| 2.1.15 | Plan 1 | The attached plan marked 'Plan 1' |
| 2.1.16 | Plan 2 | The attached plan marked 'Plan 2' |
| 2.1.17 | Permission | Planning permission for the Development pursuant to the Application |
| 2.1.18 | Second Land | Means that part of the Land shown for identification purposes only edged blue on Plan 2 |
| 2.1.19 | Secretary of State | Means the Secretary of State for Communities and Local Government or other minister or other authority for the time being having or entitled to exercise the powers conferred on the Secretary of State for Communities and Local Government by the 1990 Act |
| 2.1.20 | Statutory Undertaker | Any public gas transporter water or sewerage undertaker electricity supplier or public telecommunications operator |
| 2.1.21 | Working Day | Any day from Monday to Friday inclusive which is not Christmas Day, Good Friday, a statutory bank holiday, or a day between Christmas Day and New Year's Day |
- 2.2 Where in this undertaking reference is made to a clause sub-clause paragraph schedule plan or recital such reference (unless the context otherwise requires) is a reference to a clause paragraph schedule plan or recital of or (in the case of a plan) attached to this undertaking.
- 2.3 Words denoting any one gender only shall include both genders and may be used interchangeably and words denoting natural persons include firms companies and corporations and vice versa.

- 2.4 Words importing the singular number only shall include the plural number and vice versa and where there is more than one covenantor the obligation of such covenantors shall be joint and several.
- 2.5 Any reference to a statute or statutory instrument (whether or not specifically named) includes any statute or statutory instrument amending consolidating or replacing them respectively and for the time being in force and references to a statute include all statutory instruments orders plans regulations byelaws permissions and directions for the time being made issued or given or deriving validity pursuant to them.
- 2.6 Save where the context otherwise requires references to any party shall include the successors in title of that party.
- 2.7 References in this undertaking to the County Council and Borough Council shall include references to their successors as local authorities.

3 Legal Effect

- 3.1 This undertaking is executed by the parties as a deed and will constitute a planning obligation for the purposes of section 106 of the 1990 Act to the extent that it shall bind the Owners and their successor in title to each and every part of the Land.
- 3.2 This undertaking shall be enforceable by the Borough Council and County Council.
- 3.3 The Owners shall upon parting with the fee simple in any part of the Land be released from all obligations rights and duties under the terms of this undertaking insofar as they relate to such part of the Land (save in respect of liability for any antecedent breach of the undertaking) and shall upon parting with the entirety of their respective interests in the Land as a whole be released from all liability whatsoever under the terms of this undertaking save insofar as it relates to an antecedent breach of this undertaking.
- 3.4 This undertaking (save for clauses 1 to 3 and 6 to 9 which shall take effect on the date hereof) shall not take effect until the following conditions precedent have been satisfied:
 - 3.4.1 the Permission being granted by the Borough Council; and
 - 3.4.2 the Implementation of the Development.
- 3.5 Nothing in this undertaking shall be construed as prohibiting limiting or affecting any right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted by the Borough Council or the Secretary of State on appeal or by reference to him after the date of this undertaking and for the avoidance of doubt any operations works or development in accordance with such a planning permission shall not constitute Implementation under the terms of this undertaking.
- 3.6 Each clause sub-clause paragraph schedule or plan shall be separate distinct and severable from each other to the extent only that if any clause sub-clause paragraph schedule or plan becomes or is invalid because of a change of circumstances or any other unforeseen reasons or if any one or more of such clause sub-clause paragraph schedule or plan shall be held by the courts to be void for any reason

whatsoever but would be valid if severed or any wording was deleted or any time period reduced or scope of activities or area covered diminished then any modifications necessary to ensure such clause sub-clause paragraph schedule or plan be valid shall apply without prejudice to any other clause sub-clause paragraph schedule or plan contained therein.

- 3.7 If the Permission shall expire within the meaning of sections 91, 92 and 93 of the 1990 Act or be revoked modified or otherwise withdrawn by the Borough Council or the Secretary of State then (if the Owners so elect) this undertaking shall cease to have further effect but in ceasing to have further effect shall not prejudice any express or implied rights accrued or accruing to the Owners by virtue of anything done by the Borough Council or County Council in connection with or arising from the terms of this undertaking.
- 3.8 Except insofar as legally or equitably permitted nothing contained within this undertaking shall fetter the Borough Council or County Council in their future exercise of rights and powers under the 1990 Act or any other statutory power.
- 3.9 For the purposes of (inter alia) the Contracts (Rights of Third Parties) Act 1999 nothing in this undertaking is intended to confer any benefit upon or create rights in favour of any party (save for the avoidance of doubt the Borough Council and County Council) other than the parties executing this undertaking and their respective successors in title.
- 3.10 Nothing in this undertaking shall be construed as imposing any obligation on persons who purchase or occupy completed Housing Units within the Development and the undertaking shall not be enforceable against any such persons.
- 3.11 Nothing in this undertaking shall be construed as imposing any obligation on any Statutory Undertaker who acquires an interest in the Land for the purpose of undertaking their statutory functions.

4 Highways Contribution

- 4.1 The Owners covenant with the Borough Council and County Council to pay to the County Council the Highways Contribution to be used solely for the purposes referred to in clause 2.1.7 such payment to be made by instalments in the following manner:
- 4.1.1 50% prior to the first Occupation of the 25th Housing Unit to be Occupied;
and
- 4.1.2 50% prior to the first Occupation of the 75th Housing Unit to be Occupied.

5 Index Linked

The Highways Contribution payable under this undertaking shall be Index Linked

6 Costs

The Second Owner covenants with the Borough Council and the County Council to pay on demand the Borough Council's and the County Council's reasonable legal costs incurred in connection with the preparation and completion of this undertaking.

7 Land Charge

This undertaking is a local land charge and is to be registered as such by the Borough Council.

8 Service Provisions

Any notice or other written communication to be served upon or given under the terms of this undertaking shall be deemed to have been validly served or given if transmitted by facsimile (and confirmed by transmission confirmation slip) delivered by hand or sent by recorded delivery post to the party upon whom it is to be served or to whom it is to be given or as otherwise notified for the purpose by notice in writing.

9 Disputes

9.1 In the event of any dispute or difference arising between any of the parties to this undertaking in respect of any matter contained in this undertaking (other than the quantum of the Contributions which are agreed) such dispute or difference shall be referred to an independent and suitable person holding appropriate professional qualification to be appointed (in the absence of an agreement) by or on behalf of the president for the time being of the professional body chiefly relevant in England with such matters as may be in dispute and such person shall act as an expert whose decision shall be final and binding on the parties in the absence of manifest error or fraud and any costs shall be payable by the parties to the dispute in such proportion as the expert shall determine and failing such determination shall be borne by the parties in equal shares.

9.2 In the absence of agreement as to the appointment or suitability of the person to be appointed pursuant to clause 9.1 or as to the appropriateness of the professional body then such question may be referred by either party to the president for the time being of the Law Society for him to appoint a solicitor to determine the dispute such solicitor acting as an expert and his decision shall be final and binding on all parties in the absence of manifest error or fraud and his costs shall be payable by the parties to the dispute in such proportion as he shall determine and failing such determination shall be borne by the parties in equal shares.

9.3 Any expert howsoever appointed shall be subject to the express requirement that a decision is reached and communicated to the relevant parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than twenty-eight Working Days after the conclusion of any hearing that takes place or twenty-eight Working Days after he has received any file or written representation.


9.4 The expert shall be required to give notice to each of the said parties inviting them to submit to him within ten Working Days of notification of his appointment written submissions and supporting material and all parties will be entitled to make counter written submissions with a further ten Working Days.


Schedule 1 Highway Works


1. The sum of £300,000 towards mitigation works to the A274 Sutton Road comprising the widening of the inbound carriageway of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road incorporating bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction. In addition the provision of two new bus stops, serving the eastbound and westbound services on the A274 between the two junctions as described, comprising of new shelters, bus boards and real time bus information.

2. The sum of £30,000 towards mitigation works to the A274 Sutton Road/Willington Street/Wallis Avenue junction comprising: the widening of Sutton Road on the southern side to accommodate two lanes of traffic in both directions on the link between Willington Street and Wallis Avenue; the widening of the westbound Sutton Road approach arm to provide three lanes at the stop line; the widening of the eastbound Sutton Road approach arm to accommodate the additional westbound lane; and the linking of the controllers of the two junctions to improve the efficiency of the whole intersection.

EXECUTED and delivered as a deed on the date of this agreement

SIGNED as a deed by EDWARD JOHN UREN in the presence of:	Signature 
Signature of witness <u>D.R. Todd</u>	
Name (in BLOCK CAPITALS) <u>DORREN ROSE GOODWIN</u>	
Address <u>31 BOUGHTON LANE</u> <u>MAIDSTONE ME 15 9QN</u>	

SIGNED as a deed by PETER JOHN UREN in the presence of:	Signature 
Signature of witness <u>D.R. Todd</u>	
Name (in BLOCK CAPITALS) <u>DORREN ROSE GOODWIN</u>	
Address <u>31 BOUGHTON LANE</u> <u>MAIDSTONE ME 15 9QN</u>	

SIGNED as a deed by GLENIS KAY UREN in the presence of:	Signature 
Signature of witness <u>D.R. Todd</u>	
Name (in BLOCK CAPITALS) <u>DORREN ROSE GOODWIN</u>	
Address <u>31 BOUGHTON LANE</u> <u>MAIDSTONE ME 15 9QN</u>	

SIGNED as a deed by *KEITH PARRETT*
As attorney for **REDROW HOMES LIMITED** in the
presence of:

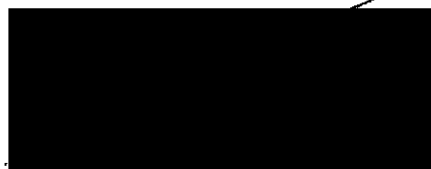
Signature of witness *[Signature]*

Name (in BLOCK CAPITALS) *JAS VIRDEE*

Address *REDROW HOMES SOUTH EAST*

2, AURUM COURT, SYLVAN WAY

LONDON, ESSEX SS15 6TU


as Attorney for **REDROW HOMES LIMITED**

SIGNED as a deed by *HARISH LAD*
As attorney for **REDROW HOMES LIMITED** in the
presence of:

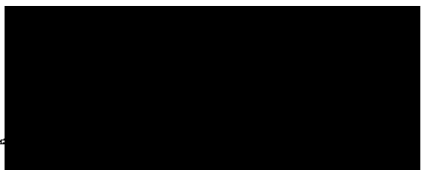
Signature of witness *[Signature]*

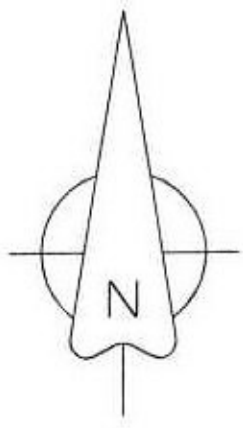
Name (in BLOCK CAPITALS) *JAS VIRDEE*

Address *REDROW HOMES SOUTH EAST*

2, AURUM COURT, SYLVAN WAY

LONDON, ESSEX SS15 6TU


.....
as Attorney for **REDROW HOMES LIMITED**



B 07/10/14 KEY REMOVED AT CRIPPS REQUEST
A 07/10/14 BOUNDARY AMENDED TO INCLUDE LAND TO EAST

Rev	Date	Description
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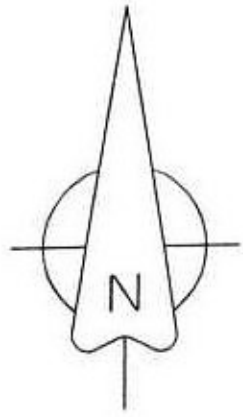
Ref	Dwg No	Rev
	PLAN 1	B

Drawing Title
SITE OWNERSHIP

Scale at A3	1:2000
Approval Date	03/10/2014



THIS DRAWING MUST BE READ IN CONJUNCTION WITH THE RELEVANT REDROW STANDARD DETAILS
Sheet Published: 07 Oct 2014
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DO NOT SCALE FROM THIS DRAWING



Rev	Date	Description
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Ref	Dwg No	Rev
	PLAN 2	

Drawing Title
SITE OWNERSHIP

Scale at A3	1:2000
Approval Date	07/10/2014



- KEY:
- EXTENT OF REDROW OWNERSHIP
 - EXTENT OF UREN OWNERSHIP

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