

Committee Update

Milton Pipes Planning Application (15/502912/Full)

Item 2.12, Page 168

Members,

Further to the Committee Report before you this evening, further discussions have taken place with the applicant and the statutory consultees on a number of key matters, much of which centres around the viability of the application. These discussions - and impact upon the recommendation - are summarised below:

Applicant Details

On Page 168, the report states the wrong applicant and agent; the applicant is actually Milton Pipes Limited, and the agent is Studio RGP.

Site History

The reference to '15/503378/FULL' is incorrect; this relates to a different site. As stated in the report, this site has no planning history that is of particular relevance to the current application.

Environment Agency/Flooding

Concern had been raised by the Environment Agency that part of the site fell within the 1 to 200 year flood zone. A plan has been produced by the applicants which sets out the relationship between the proposed development and this flood zone. Members will see that it is only a small portion of the site, but nevertheless, will impact upon some of the proposed housing.

The applicant has been liaising directly with the Environment Agency on this matter, who have agreed that the development would not give rise to any flooding issues should all properties that are located within the 1 in 200 year flood zone have a finished internal floor level of 5.58m AOD. This is an increase in 200mm from that previously suggested within the Flood Risk Assessment, and will not impact upon the appearance of these properties. Members will note that the final slab levels have been conditioned in any event, which would ensure that this detail is fully considered at this stage. In addition to this, the Environment Agency have sought confirmation that any residents would have a suitable means of escape should a 1 in 200 year flood event occur. I therefore recommend that the following condition be imposed should Members be minded to grant consent.

- 31) *The mitigation measures that include the internal floor levels of all buildings (which shall be no lower than 5.58OAD on any property within the 1 in 200 flood zone), and the means of access and egress in the event of a flood, detailed in the approved Flood Risk Assessment (FRA) [10 February 2016/MT/LDN/NS/1838/FRA compiled by Morgan Tucker] shall be carried*

out in full prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the FRA

REASON: In the interests of flood prevention.

Highways

With regards to Kent Highway Services, it should be noted that previously concern had been raised with regards to the provision of on street car parking for any flatted development within the site. As such, the scheme was amended to ensure that all parking for the flats would be provided off street, which would ensure that they can be allocated for individual units.

There remain a few concerns with regards to this proposal that have been raised. The main concerns are as follows:

- *The repositioning of the footpath along the central spine road to the southern side;*
- *A schedule which demonstrates which parking space is allocated to which property/plot;*
- *Three additional laybys on the north-western side of the spine road;*
- *Appropriate turning heads for all private access roads, together with tracking diagrams;*
- *Details that demonstrate how 'on kerb' parking will be avoided within the development.*

Given the level of changes that would be required to meet the satisfaction of the Highways Officer, but acknowledging that these do not go to the heart of the application, I therefore recommend that Delegated Powers be given to the Head of Planning to receive amended plans to the address this particular concerns.

Viability/Heads of Terms

The applicant has submitted an additional viability report, which demonstrates that only 6% affordable housing can be provided within the application site, with a tenure split of 50% social rented, and 50% intermediate. This falls below the 10% affordable housing that is normally requested within sites such as these (i.e. within Sittingbourne) but this is brought about by the significant level of contamination, and clean-up costs of the site as a whole. This viability report also indicates that a maximum of £850,000 can be provided for S106 contributions, which falls below the level that is currently being requested by all interested parties.

The full list of financial contribution requests are as follows:

- (1) A contribution of £393,099.84 towards primary education.
- (2) A contribution of £392,906.70 towards secondary education.
- (3) A contribution of £54,934.00 towards library book stock.
- (4) A contribution of £14,623.26 towards community learning.
- (5) A contribution of £12,913.12 towards adult social care.
- (6) A contribution of £9,095.14 towards youth services.

- (7) A contribution of £31,395 for wheelie bin provision;
- (8) A contribution of £60,500 for parks and open space provision within the locality;
- (9) A contribution of £53,966 for ecological mitigation.

These requests total £1,023,433.00, which, as set out cannot be met in full. This also does not include any monitoring fee for the Local Authority which is ordinarily set at 5% of the combined contributions. As such, Officers have had to consider which contributions they consider to be most important to mitigate the impact of this proposal upon the existing infrastructure.

Given the large number of family homes that would be provided within the development, it is considered necessary for the impacts upon primary and secondary education to be fully mitigated. As such, contributions of £786,006.54 are requested to mitigate the impact upon these provisions.

The increased pressure upon the local nature reserves are also required to be fully mitigated, and here, contributions of £53,966 are requested to mitigate this impact. With this set as an EU Directive, there is no flexibility on the provision of this contribution.

For the avoidance of the doubt, the necessary highway works (to be agreed under Section 278) to connect the development to the adopted highway network will also have to be funded by the developer.

However, in addition we require the payment for wheelie bins (£31,395) and a payment for Section 106 monitoring (in this instance £3633 is suggested, which is obviously considerably less than the standard 5%).

This would give a grand total of £875,000. This is £25,000 more than the maximum level for contributions of £850,000 suggested by the developer, following the assessment of development viability. However, the contributions sought are all considered to be essential to allow the scheme to be granted planning permission.

Clearly the lack of funds available for all other matters is regrettable, and the proposal does not strictly adhere to the Development Plan (either existing or emerging) as a result. For this reason, Members are required to carefully consider the impacts of this proposal, and whether it is acceptable to permit this development without full provision.

It is officer's advice that given the allocation of this site for residential purposes, and given the substantial level of information that has been provided with regards to the viability, it is appropriate to accept the levels of affordable housing and contributions proposed. As set out above, we have carefully considered where it is most appropriate to direct these funds in order to best meet the direct impacts of these proposals. Members are clearly in a position to debate these – as the Council does not have any hierarchy with regards to where contributions should be directed in these instances.

Parks and Open Space

The application proposes a significant level of open space within the core of the site. It is proposed that this open space be maintained through a management company that the future residents of the

scheme would pay into. This would ensure that no additional burden would be placed upon the local authority to maintain, which would have resulted in future costs to the Borough Council.

With regard to play equipment, delegated authority is sought to agree appropriate play equipment provision, mindful of the proximity of the open space to a number of proposed dwellings.

The applicant is proposing a pedestrian link to the west of the site into Milton High Street. Given that this is a fundamental part of the application, and its delivery goes to the heart of ensuring that this development is 'sustainable'. I consider it appropriate to recommend a condition be imposed that would ensure its delivery at an appropriate point of the development. Whilst the phasing of the development is unknown, it is my view that this link should be provided before the occupation of the 125th unit (approximately 50% of the way through the development). I therefore recommend that should Members be minded to approve the application, the following condition be imposed:

32) Before the 125th dwelling of the development hereby permitted is occupied, the proposed pedestrian access to Milton Street shall be provided in accordance with details to be submitted and approved in writing by the Local Planning Authority. The access shall thereafter be maintained in accordance with the approved details and at no point closed without the written consent of the local planning authority.

Reason: In the interests of sustainable development.

Environmental Health

The Environmental Health Officer had previously expressed concerns about the location of the rear gardens along the Mill Way frontage, and the amount of noise and disturbance that this would result in for the future residents.

Given the scheme has been amended so that the majority of rear gardens are set behind the proposed dwellings; this impact is now not at a level that would be considered harmful. There are however, a small number of dwellings (4) that do still back on to the highway. In order to ensure that the future residents of these properties have a suitable level of accommodation, I recommend that the following condition be imposed.

33) No development shall take place on site until a scheme for protecting the approved dwellings (and rear gardens) from noise from the vehicular movements along Mill Way has been submitted to and approved by the Local Planning Authority. All works comprised in the approved scheme shall be completed before any part of the residential development is occupied.

REASON: To minimise the disturbance which that could otherwise be caused to incoming occupiers by noise from Mill Way.

I therefore request that the recommendation be amended, to seek Delegated Powers to approve, subject to the imposition of suitable safeguarding conditions, and the completion of the S106 legal agreement securing the heads of terms set out below (with authority to negotiate amendments as

required), following the receipt of amended plans addressing the highway's concerns and setting out details of the proposed play equipment to be provided within the area of open space.

- 1) A minimum provision of 6% affordable housing;
- 2) A contribution of £393,099.84 towards primary education.
- 3) A contribution of £392,906.70 towards secondary education.
- 4) A contribution of £53,966 towards ecological mitigation.
- 5) A contribution of £31,395 towards wheelie bin provision.
- 6) A Section 106 monitoring fee of £3633.
- 6) A landscape management plan which sets out the methodology for the long term maintenance of the open space.
- 7) Highway works under Section 278.
- 8) GRAND TOTAL: £875,000 PLUS the cost of the Section 278 highway works