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Maidstone Borough Local Plan Examination  
Session 10A - Yalding Representations

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# **1 Introduction**

## **1.1 Overview**

- 1.1.1 This additional evidence is submitted on behalf of Reside Developments Ltd (Reside) in respect to the emerging Maidstone Local Plan.
- 1.1.2 Reside Developments Ltd is actively promoting land north of Lughorse Lane, Yalding as a potential allocation site and object to the site's omission. Furthermore, we wish to comment on the soundness of the plan in respect to the delivery of housing, specifically how this is delivered in Yalding.
- 1.1.3 We expand upon the evidence for this within this statement specifically responding to the questions of the Inspector.

## **1.2 Scope of Representations**

- 1.2.1 Maidstone Borough Council (MBC) has submitted its Local Plan and associated Documentation for Independent Examination. An Examination Programme has been published, which divides the hearing into various sections over six week-long sessions. The first tranche of hearings is currently in progress and these address issues of national policy consistency, housing and supply and other strategic borough-wide policy issues. The subsequent tranches, to be heard in November and December 2016, will consider site-specific allocations and more generic planning issues.
- 1.2.2 Yalding has been allocated its own session, rather than being a part of the Larger Village session, to look at a range of specific issues raised.
- 1.2.3 This statement constitutes Reside's formal response to the questions raised by the Inspector in regards to Matter 10A only.

## **2 Response to the Inspector's Questions**

### **2.1 Overview of Evidence**

2.1.1 The Inspector has raised ten questions in respect to matters relating to Yalding. Whilst some are directed to the Council, we also take the opportunity to respond where we feel can add to the discussion and assist the examination.

2.1.2 This evidence highlights in detail why there are very real concerns about the Council's ability to deliver the housing numbers on the sites proposed.

### **2.2 Qn10.1 With what strategic local plan policies for housing and employment provision would a neighbourhood plan for Yalding need to generally conform?**

2.2.1 Policy SP16 proposes minor development and redevelopment in respect to infilling and development of previously developed land, as well as proposing two allocations; Land at Vicarage Road (H1(67)) and the Syngenta site (RMX1(4)).

2.2.2 Policy SP16 states that 265 dwellings will be delivered at the two allocations. Furthermore, reference is made at Policy RMX1 (4) to 8,600sq.m of employment space.

2.2.3 Reside believes that the overall number of dwellings proposed at Yalding should be higher than that proposed. The housing number only relates to 65 dwellings in or around the village itself, with the majority being delivered on a brownfield site disconnected to the main village. As a Larger Village Reside believes that Yalding should and can provide more housing than is currently proposed. We also raise uncertainty to the delivery of the two proposed allocations in our responses below, which will only increase the need.

**2.3 Qn10.2 Would MBC respond to the specific objections to the proposed H1(67) allocation and clarify where on Vicarage Road the footway is to be extended?**

- 2.3.1 Whilst we do not object to the Vicarage Road allocation, we are aware of concerns regarding the quality of Vicarage Road itself. At a recent appeal for nine dwellings (APP/U2235/W/15/3136916), whilst it was refused on character and appearance grounds and not highway grounds, the Inspector noted “*there is some local evidence of traffic difficulties along Vicarage Road and on-street parking effectively reduces parts of it to a single carriageway with consequent interruptions to vehicle flow*” (para 29).
- 2.3.2 The existing situation consists of a mix of single and double sided footpaths along Vicarage Road, until The Vicarage, where the footpath ends on either side of Vicarage Road. Vicarage Road then continues as a non-standard road width westward. There appears to be little capacity/space to provide a footpath (a requirement of Policy H1 (67)), with sufficient retained width for cars also. Again, it is for agent/landowner and Highway Authority to clarify this matter.
- 2.3.3 It is interesting to note that the SHEDLAA highways assessment for sites HO3-276 and HO3-277, which are adjacent to the proposed allocation, refer to a concern regarding the lack of public footway on Vicarage Road.
- 2.3.4 This seems to bring into doubt the ability for this site to be brought forward and would at least indicate some delay in resolving the issue. Clearly it is for agent/landowner and Highway Authority to clarify this matter, but it raises doubt on the deliverability of this policy and the plan.
- 2.3.5 However, all of this points to the fact that there is insufficient flexibility with this aspect of the plan, whereby a single allocation is being relied upon. Should this not come forward then the plan, in this respect, would be unsound and would fail.
- 2.3.6 Overall we believe that the village is sustainable and is capable of providing much needed housing numbers. Given the level of facilities and services available in the village, we believe the village has been under-allocated and should be categorised as a Rural Service Centre, rather than a Larger Village. The Parish themselves agree that the village is well served by a good range of amenities and states that Yalding is a “vibrant community that Yalding has

built and maintains itself" (Parish's Reg 19 response). Even should this not be agreed with, as a Larger Village Yalding is providing significantly lower levels of housing compared with other Larger Villages such as Boughton Monchelsea (193 homes on six sites) and Coxheath (506 homes on five sites), neither of which has access to a railway station and which have less facilities and services available.

**2.4 Qn10.3 Having regard to national policy, would the residual traffic impacts of the H1(67) development be 'severe' after mitigation?**

2.4.1 We have not undertaken any assessments ourselves and therefore have no comment, further to our observations at paragraph 2.3.

**2.5 Qn10.4 Is there scope to improve Hampstead Lane in association with new development and should that be a policy criterion?**

2.5.1 Reside has no detailed knowledge of this point and therefore has no comment to make.

**2.6 Qn10.5 Would MBC please provide an update on progress on the flood risk issue?**

2.6.1 We await confirmation from MBC and the updated SFRA before being able comment further.

**2.7 Qn10.6 Would the Syngenta allocation be consistent with national policy for flood risk in the National Planning Policy Framework?**

2.7.1 We are aware that the Council is undertaking an updated SFRA. However, we have not had the benefit of reviewing this document at this point. We would note that the NPPF requires local plans to be supported by an up to date SFRA (para 100), should this not be forthcoming or suitably resolved, then the allocation of this site would render the plan unsound. However, this site is within Flood Zone 3 as shown on the Environment Agency's website map, where the NPPF states that development should be directed away from areas at highest risk (which Flood Zone 3 represents).

- 2.7.2 Fundamentally, the EA has objected to this site on flood risk grounds and it is difficult to see that this will be overcome. Since the most recent assessment, the EA has increased the climate change allowances for flood risk assessment. It is hard to see that if a site as considered worthy of objection by the EA previously, that this can be resolved now.
- 2.7.3 The site has been promoted over the years and a planning permission has never been forthcoming, predominantly due to flood risk issues. The most recent planning application in 2008, was subsequently withdrawn. There has been no planning applications since, even with the site being previously developed and the council not being able to demonstrate 5-year supply of housing land in recent years.
- 2.7.4 Given this position and the fact that site is within Flood Zone 3, it is hard to see how the plan can be found sound incorporating this allocation. Furthermore, the loss of 200 dwellings will need to be found elsewhere within the village. The plan cannot therefore be considered either “positively prepared” or “consistent with national policy”.
- 2.7.5 As stated above, we believe that there is uncertainty in respect to the delivery of housing on the two allocations. This uncertainty is exaggerated by the fact that there is no flexibility in how the housing numbers can and will be delivered. As explained, other Larger Villages are providing more homes over more sites. Whilst Syngenta is a brownfield site, it is seriously constrained due to flood risk. This alone is sufficient to review whether the site should be allocated for housing (we accept that other uses also proposed are potentially suitable in flood zone 3).
- 2.7.6 Our evidence submitted to Session 5A points out that the three Broad Locations all have some level of doubt over them and therefore their deliverability in the timescales set out. There is already a need therefore to find further sites to reinforce this delivery. It is clear that Yalding is a sustainable village with the amenities to support housing growth. The location of this growth therefore needs to be reviewed and new and further allocations made.
- 2.7.7 We therefore believe that further work is needed to be undertaken by the council to allocated further sites within Yalding, to replace those highly likely to be lost at the Syngenta site, if the plan is to be found sound.

**2.8 Qn10.7 Should the FRA conclude that suitable flood risk mitigation is not available, what would be the implications for:**

**a) The viability and deliverability of redevelopment on the Syngenta site?**

2.8.1 In short, if it is shown that the site cannot be suitably mitigated, being in Flood Zone 3, the viability is not really a matter to be considered any longer, as the site is not developable for housing. It will be for others to prove whether the site is viable for an employment only scheme.

2.8.2 Regarding deliverability, being in Flood Zone 3 will leave the site undeliverable in housing terms, as it will not be consistent with the NPPF. Clearly the site is proposed for a mix of uses and those other uses may still be capable of being brought forward, but in respect to 200 homes the site would be considered undeliverable and unsustainable and therefore unsound.

**b) The delivery of housing to meet strategic Local Plan targets?**

2.8.3 Should the FRA be found to conclude that there is not suitable flood risk mitigation available, then the site would be within Flood Zone 3, fail the Sequential and Exception tests and the delivery of 200 homes would need to be found elsewhere.

2.8.4 We do not believe that this housing requirement should be put into the borough-wide pot in the first instance, as Yalding is considered a Larger Village and is therefore clearly capable of accommodating further development, something we are arguing the village should be doing anyway.

2.8.5 As stated elsewhere in this statement, we believe there are already supply issues with the three Broad Locations, as well as other issues with the housing supply figures, and therefore further sites need to be found.

2.8.6 In addition, the designation of Yalding as a Larger Village does not seem to accord with the assessment of other villages with similar facilities and services, which have been designated Rural Service Centres. If this point is not agreed with, at the very least Yalding, as a Larger Village, should be providing a higher level of housing numbers, similar to Coxheath and Boughton Monchelsea, which are both providing 500 and 200 homes each respectively, with arguably at least an equal level of facilities.

2.8.7 Whilst Yalding on paper is providing some 265 dwellings, 200 of those are outside the village and will not necessarily contribute to the sustainability and vitality of the village. Further allocations are therefore necessary to meet the requirements of the plan in order to be sound.

**2.9 Qn10.8 Would those Representors seeking changes to the wording of the DM policies please identify:**

**a) Why that policy as worded may be unsound (eg because it may be ineffective as worded or inconsistent with a specified national policy)?**

2.9.1 Reside has no comment on this point.

**b) What specific wording change is sought by the Representor?**

2.9.2 Reside has no comment on this point.

**2.10 Qn10.9 Do Representors have any comments on the contents of the Duty of Compliance Statement?**

2.10.1 Reside has no comment on this point.

**2.11 Qn10.10 Are there any matters in the original Regulation 19 representations from those invited to Session 10A which they consider have not been addressed at other public hearing sessions?**

2.11.1 We have set out that we believe that Yalding, with the level of facilities and services available in the village should be designated as a Rural Service Centre. If this is not agreed with, in either case, as a Larger Village we believe that a higher level of housing numbers should be allocated to Yalding. There are a number of potential sites where this can be delivered, which we feel have not been properly assessed to date.

2.11.2 We have seen no evidence that council has assessed the environmental and social capacity of Yalding. Whilst it is clear that there are few opportunities

south of the river and village, due to it laying in Flood Zones 2 and 3, there are clear opportunities elsewhere around the village.

2.11.3 Reside controls one such site to the north of the village (Land north of Lughorse Lane). The site is unconstrained by any designations and has access onto Lughorse Lane and B2010 Yalding Hill. The site has no other constraints to its development for circa 30 homes. The site is available, suitable and viable

2.11.4 We note that other sites are also being promoted and it will be for each site to prove that it is deliverable, developable and sustainable. However, it points to a potential capacity of sites that can and should be delivering the housing both the village and wider borough needs.

### **3 Conclusion and Suggested Modifications**

#### **3.1 Summary**

- 3.1.1 We have set out that we believe that Yalding, with the level of facilities and services available in the village, should be designated as a Rural Service Centre. If this is not agreed with, in either case, as Larger Village we believe that a higher level of housing numbers should be allocated to Yalding.
- 3.1.2 Policy SP16 proposes minor residential development and residential redevelopment in respect to infilling and development of previously developed land, as well two allocations Land at Vicarage Road (H1(67)) and the Syngenta site (RMX1(4)) for a total of 265 dwellings (Policy SP16). We raise uncertainty as to the delivery of the two proposed allocations in our statement, which would indicate the plan is not positively prepared and therefore unsound.
- 3.1.3 Reside believes that the overall housing number for Yalding should be higher than that proposed. The housing number only relates to 65 dwellings in or around the village itself, with the majority being delivered on a brownfield site disconnected to the main village, which there is doubt over its deliverability. As a Larger Village Reside believes that Yalding should and can provide more housing than is currently proposed.
- 3.1.4 There are a number of potential sites where this can be delivered, which we feel has not been properly assessed to date, including land that Reside controls at Land north of Lughorse Lane.
- 3.1.5 Reside believes part of the problem is the overall housing delivery strategy of relying on larger sites that are either undeliverable and/or have major doubts over the timescale of their deliverability. In addition, larger sites are inherently difficult to deliver in the short term and are more susceptible to market changes.
- 3.1.6 The overall borough-wide housing delivery strategy should be based around some larger developments, but well supplemented by smaller sites across the lifetime of the plan. As it stands we do not believe that the current strategy is “justified”.

3.1.7 Villages such as Yalding are far better served by a series of smaller sites, which can better deliver the housing in a short time period and are more guaranteed to deliver housing, due to them not having large infrastructure costs associated with them. In addition, such sites can allow for a more organic growth of villages, which can assimilate with the existing village more easily.

## **3.2 Suggested Modifications**

3.2.1 It seems unlikely that the Syngenta site will be capable of being delivered ultimately, and therefore a revised strategy for delivering the housing numbers in Yalding is required. This policy, if the revised SFRA confirms this, should be deleted in respect to the housing allocation.

3.2.2 We would propose that Policy SP16 should be altered to reflect an alternative strategy of proposing several sites around the village to deliver at least the 265 dwellings proposed.



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