

# AGENDA

## PLANNING COMMITTEE MEETING



Date: Thursday 30 June 2016  
Time: 6.00 p.m.  
Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Boughton, Clark, Cox, English,  
Harwood, Hastie, Hemsley, Munford,  
Perry (Chairman), Powell,  
Prendergast, Round and Mrs Stockell

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 7 July 2016

**Continued Over/:**

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**Issued on 22 June 2016**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 2 June adjourned to 9 June 2016 - to follow
11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Items 1 - 2
13. 14/506264 - Land At Bicknor Farm, Sutton Road, Langley, Kent 3 - 41
14. 15/503288 - Land At Woodcut Farm, Ashford Road, Hollingbourne, Kent 42 - 101
15. 15/509015 - Land South Of Sutton Road, Langley, Kent 102 - 140
16. 15/509251 - Land North Of Bicknor Wood, Sutton Road, Maidstone, Kent 141 - 173
17. Chairman's Announcements

**PLEASE NOTE**

**The order in which the items are taken at the meeting may be subject to change.**

**The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

**BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent ME15 6JQ.**

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

**30 JUNE 2016**

#### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

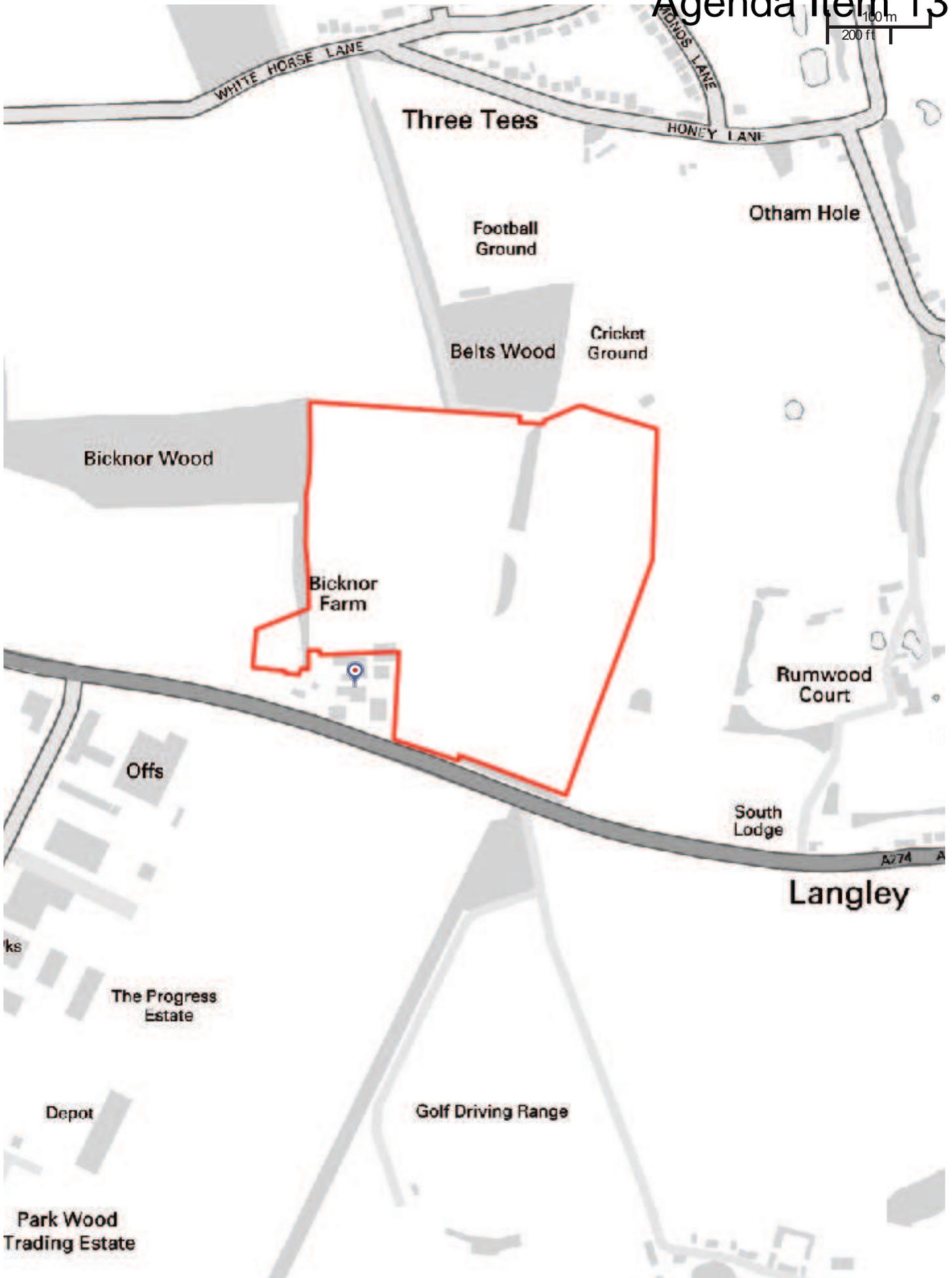
#### **DEFERRED ITEMS**

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

<b><u>APPLICATION</u></b>	<b><u>DATE DEFERRED</u></b>
<p><u>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</u></p> <p>Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.</p>	14 January 2016
<p><u>15/503223 - PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT</u></p> <p>Deferred (a) for further investigation of the flood evacuation plan, including seeking confirmation from the Environment Agency as to whether the initial warning/informing system is possible as the occupants would be holidaymakers and (b) to seek further information on details of the private flood defence system.</p>	2 June adjourned to 9 June 2016
<p><u>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</u></p> <p>With acceptance of the apportionment of contributions set out in paragraph 14.5 of the report of the Head of Planning and Development, deferred for one cycle to seek the following amendments to the scheme:</p>	2 June adjourned to 9 June 2016

The apex corner by Crumps Lane to be demarcated from the residential curtilages and to be a flood attenuation and natural habitat receptor site and the gardens on the west side to be cut in half and the western boundary demarcated as an open woodland landscape buffer/semi-natural state receptor site.

When the application is reported back to Committee a full set of proposed conditions and draft Heads of Terms is to be included to assist Members should they be minded to grant delegated powers to approve.



**REPORT SUMMARY**

<b>REFERENCE NO - 14/506264/FULL</b>			
<b>APPLICATION PROPOSAL</b> Residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure (amended 08.03.2016)			
<b>ADDRESS</b> Land at Bicknor Farm Sutton Road Langley Kent ME17 3NG			
<b>RECOMMENDATION:</b> THAT THE PLANNING COMMITTEE INFORMS THE PLANNING INSPECTORATE THAT HAD THE APPEAL NOT BEEN SUBMITTED, THE COUNCIL WOULD HAVE APPROVED PLANNING PERMISSION SUBJECT TO CONDITIONS & THE COMPLETION OF AN ACCEPTABLE SECTION 106 LEGAL AGREEMENT.  (see section 11 of report for full recommendation)			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> 1. The proposed development would be acceptable in principle. 2. The impact on the highway would not be severe, adequately mitigated through highway capacity improvements, measures to relieve traffic congestion and improvements to bus frequency along Sutton Road. 3. Ecological mitigation measures can be successfully implemented subject to conditions. 4. The visual impact on the landscape character is considered to be low to moderate. 5. The impact on surrounding heritage assets would amount to less than substantial harm. 6. Potential harm caused by the development would be outweighed by the benefits of additional housing contributing to the 5 year housing supply.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> 1) The recommendation is contrary to the views of Parish Councils. 2) It is a departure from the adopted local development plan.			
<b>WARD</b> Downswood & Otham	<b>PARISH/TOWN COUNCIL</b> Otham	<b>APPLICANT</b> Jones Homes (Southern) Ltd <b>AGENT</b> DMH Stallard LLP	
<b>DECISION DUE DATE</b> 01/05/15	<b>PUBLICITY EXPIRY DATE</b> 01/05/15	<b>OFFICER SITE VISIT DATE</b> Various visits	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
14/500532/EIASC R	EIA screening opinion was issued setting out that the most significant implications would be from increased road traffic and resultant air quality and visual impact which could have a cumulative effect with other developments on Sutton Rd but would be at a local level. Concluded that an EIA was not required and impacts could be adequately mitigated.	EIA not required	30/06/2014
<b>Planning History – Surrounding Sites</b>			
13/1523	The erection of 100 dwellings together with associated new access road, car parking, landscaping, and open space at land west of	Approval	14/11/2014

	Bicknor Farm, Sutton Road.		
13/1149	Outline application for the erection of up to 600 dwellings, with associated local centre comprising convenience store (Use Class A1) (1,300sqm - 1,500sqm Gross Floor Area (GFA), retail/commercial units (Use Class A1, A2, A3, A5 and/or D1) (400sqm GFA), and public house (Use Class A4) (550sqm - 700sqm GFA); a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conservation area; and landscaping at land At Langley Park, Sutton Road.	Approval	06/02/2014
13/0951	Full application for residential development of 186 dwellings comprising a mixture of 2, 3, 4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works at Imperial Park (land north of Sutton Road, Otham).	Approval	26.09.2014
15/509251	Outline application for a minimum of 250 residential dwellings 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.	Pending	
15/509015/OUT	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, allotments, 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.	Pending	

## **1.0 BACKGROUND INFORMATION – APPEAL AGAINST NON-DETERMINATION**

- 1.01 This application's target date for a decision was 1<sup>st</sup> May 2015. The applicant submitted an appeal to the Planning Inspectorate (PINS) against the Council's failure to determine the application by this date in April 2016, and the start date for the appeal was 16<sup>th</sup> May 2016.
- 1.02 As an appeal has been submitted, the Council has no jurisdiction to determine this planning application, the merits of which will be considered by a planning inspector appointed by the Secretary of State to consider and determine the submitted appeal.
- 1.03 However, the procedural rules for planning appeals require the Council to inform PINS of the decision it would have taken on the planning application had an appeal not been submitted. The Council must submit its appeal statement, including this information, by 29<sup>th</sup> July 2016. If the Planning Committee decides that it would have granted planning permission, the Council would not contest the appeal but will be represented at any appeal hearing or inquiry to assist the Inspector appointed to determine the appeal. If the Planning Committee decides that it would have refused planning permission, the Council must defend that decision at the appeal. Any putative reasons for refusal must be clearly justified by reference to relevant development plan policies and must be based upon relevant and reliable evidence. Otherwise, the Council will be at risk of an adverse costs award being made if an unreasonable failure to defend any reasons for refusal causes the appellant to incur wasted expenditure.
- 1.04 This report includes officers' recommendation that the Council inform PINS that, had the appeal not been submitted, the Council would have granted planning permission subject to the conclusion of a section 106 legal agreement and planning conditions considered necessary to make the proposed development acceptable in planning terms.

## **MAIN REPORT**

### **2.0 DESCRIPTION OF SITE**

- 2.01 The site is located on the south-eastern edge of Maidstone within the Parishes of Otham and Langley to the north of Sutton Road, adjacent to the built up area boundary. It is located outside the defined settlement, adjacent to other allocated housing sites which are currently being built out and/or currently have live applications submitted to the Council.
- 2.02 The site area is contained within two field parcels and small areas of associated utility space adjacent to the farmyard buildings and is accessed via a gate from the A274 Sutton Road to the southern boundary and is one of the major routes from the south to the town centre being two-way and subject to a 40mph speed limit.
- 2.03 The topography of the site area reflects the immediate surrounding landscape, and is relatively level with a gentle fall across the site area predominantly from the eastern edge toward the north western corner of the site area.
- 2.04 The site is edged to the east by the paddock land and setting of Rumwood Court and to the northern boundary with further paddock enclosures. A woodland block known

as Belts Wood directly adjoins the northern boundary between the nearby cricket and football grounds and the agricultural land south of White Horse Lane and Honey Lane beyond which lies the village of Three Tees. Further north lies the village and conservation area of Otham and the scattered blocks of Ancient Woodland including East Wood. To the west the site is edged with the Ancient Woodland block of Bicknor Wood and the scrubland lying adjacent to the northern edge of Sutton Road approaching the urban eastern edge of Maidstone. To the south the site is defined by Sutton Road, lined with a mature belt of trees and vegetation and the curtilage of Bicknor Farm to the south western corner.

- 2.05 The buildings of Bicknor Farm are largely contained from view within the site by the outlying barns and sheds of the yard and an array of large disused lorry containers immediately west of the existing site entrance. Further associated paraphernalia includes large skips and abandoned plant vehicles. Areas of hardstanding and access surrounding the enclosed farmyard development are becoming overrun with scrub and ruderal vegetation and have been utilised for the storage of excavation debris, rubble and waste material forming large spoil heaps. The field to the east of the proposed site is occasionally used for car boot fairs accessed from the Sutton Road entrance via a hard surfaced track.
- 2.06 An existing Public Right of Way (PRoW) runs directly through the site linking Sutton Road to in the south to White Horse Lane and the western edge of Threes Tees in the north beyond Belts Wood and the adjacent football ground and agricultural field.
- 2.07 To the south of the site, beyond Sutton Road is Langley Park, a development of up to 600 new homes, is directly opposite the site and will provide further sustainability credentials to the site as the proposals include a new retail hub, primary school, allotments and open space.
- 2.08 Bicknor Farm Farmhouse is a Grade II Listed Building but also benefits from commercial mixed uses. Rumwood Court, also a Grade II Listed Building is to the east of the site.

### 3.0 PROPOSAL

- 3.01 The site forms part of the emerging strategic housing allocations set out in Policy SP3 and Policy H1 (9) of the Submission Version of the Maidstone Borough Local Plan for approximately 335 dwellings.
- 3.02 The application seeks full planning permission for the development of the Site for 271 dwellings on 10.8ha of land on the edge of the defined development boundary of Maidstone. It will be accessed via a new 'arm' on the roundabout proposed as part of the permitted Langley Park scheme. An emergency access is also proposed as well as other possible pedestrian links to the wider area. The scheme represents a mix of housing sizes and types including 30% affordable housing.
- 3.03 The proposed development comprises a mix of 2, 2.5 & 3 storey properties constituting a density of 25dph.

Private Housing:

<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>5 bed</b>	<b>Total</b>
0	24	93	56	17	190
0%	13%	49%	29%	9%	70%

Affordable Housing:

<i>1 bed</i>	<i>2 bed</i>	<i>3bed</i>	<i>4 bed</i>	<i>5 bed</i>	<i>Total</i>
<b>Shared Ownership</b>					
10	15	6	0	0	31
12%	19%	7%	0	0	11.5%
<b>Social Rented</b>					
18	16	12	4	0	50
22%	20%	15%	5%	0	18.5%
<b>Total</b>					
28	31	18	4	0	81
35%	38%	22%	5%	0	30%

- 3.04 Access to the site is via the new Langley Park roundabout where a feature entrance to the site would comprise grassed verges and two pairs of houses on an offset sweeping bend opposite a pocket of open space fronting Sutton Road. The main spine access road would be planted with trees within a verge to create an avenue leading to a forked junction which splits the site into 4 distinct districts where the open space would be the main focal feature. The large central tree belt is retained and provides a backdrop for the open space provision within the north east section of the site. The north-east section provides a low density area with large detached dwellings to act as transition between the urban and rural edge. The south-east and western parts of the site are high density mixed development of 1, 2 and 3 bed private and affordable dwellings. The central areas, along the access road comprise low density detached housing.
- 3.05 The scheme provides 2.34ha of open space comprising a mix of formal and informal open space and landscape buffers of which approximately 1.04ha is useable open space and 1.28ha being landscape and visual buffer zones. A landscape strategy is also submitted demonstrating how open space and planting/landscaping could be provided; this includes 15m buffer zone between the houses and Bicknor Woods together with buffer strips to the edges of the site. Any under provision of open space will be provided for by a financial contribution to be secured by the S106 agreement as per the adjoining and adjacent sites granted permission and under construction. The public footpath PROW KM94 will be retained and enhanced continuing the link between Sutton Road and White Horse Lane.
- 3.06 The design and appearance of the buildings will take reference from the local vernacular buildings in terms of scale, form, materials and detail and would be a contemporary interpretation of traditional housing, of relatively simple form, incorporating materials to include brick, weatherboard, render and tile hanging.
- 3.07 Parking provision is generally in accordance with KCC's parking standards . It will be a mixture of parking within plot curtilages and parking courts and will include some garages. Overall, 600 spaces are provided (566 allocated and 34 unallocated). Cycle parking will be provided with garages, outbuildings or in secure cycle stores.

**4.0 PLANNING CONSTRAINTS**

- Setting of grade II listed building at Bicknor Farm
- Allocated Site – housing/economic development
- Airfield Detling DVOR Technical Site

- Ancient Woodland
- Potential Archaeological Importance
- MOD Thurnham Multiple (Spatial)
- Public Right of Way KM94
- Thurnham Exclusion Zone Multiple (Spatial)
- Tree Preservation Order Point MBC\_SBC Multiple (Spatial)
- Tree Preservation Order Polygon MBC\_SBC Multiple (Spatial)

## 5.0 POLICY AND OTHER CONSIDERATIONS

5.01 In determining applications for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, regard must be had to all material planning considerations and the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.02 National and local planning policy and guidance relevant to this application include:

- The National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan 2000: H1, T1, T2, T13, ENV6, ENV21, ENV26, ENV28, ENV32, ENV35, ENV41, CF1
- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015) and Landscapes of Local Value (2015)
- Maidstone Integrated Transport Strategy 2012-2026
- Draft Maidstone Borough Local Plan (Submission Version): SS1, SP3, SP5, SP17, H1(9), H2, DM1, DM2, DM3, DM11, DM12, DM13, DM14, DM23, DM24, ID1

5.03 Material considerations relevant to this planning application include:

- The Transport White Paper (2011);
- KCC Local Transport Plan (2011-2026);
- Safer Places, The Planning System and Crime Prevention.

5.04 The Maidstone Borough Local Plan will provide a framework for development until 2031. It plans for homes, jobs, shopping, leisure and the environment, and will plan infrastructure to support these. The Local Plan is emerging and its policies are material to the consideration of this application and as the plan has reached submission stage to the Secretary of State, the plan is afforded significant weight.

5.05 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.

## 6.0 LOCAL REPRESENTATIONS

6.01 **Otham Parish Council** – Objection raised.

- 6.02 Concern raised about the Langley Park, Imperial Park, The Coppice and Bicknor Green sites and other sites identified in the Draft Local Plan and their impact on Church Road, Otham and Downswood.
- 6.03 Bicknor Farm development would add further heavy traffic on Sutton Road and cause further congestion at Sutton Road/Willington Street junction diverting drivers along narrow Church Road into Downswood, Ashford Road via Otham and the Otham Conservation Area. The village and surrounding lanes and tracks are not suitable to take the impact of additional traffic generated.
- 6.04 Future capacity problem at the Sutton Road/Willington Street junction in the morning peak (in the 2027 calculations) after all completed developments and junction improvements.
- 6.05 Applicants not consulted Kent Police regarding crime prevention.
- 6.06 **Neighbours/Interested Parties:** The Council posted site notices, advertised a press notice and wrote to surrounding neighbours of the site. Neighbours were re-consulted when material amendments to the proposed development were received by the Council.
- 6.07 In total, 9 representations of objection were received from 7 households in response to the consultation exercises and are summarised as follows:
- Sutton Road is notoriously busy and more housing will make it worse.
  - The housing developments along Sutton Road will have significant impact on Sutton Road traffic. The developments are excessive being so close to each other.
  - Traffic during rush hour is barely tolerable along Willington Street.
  - Increased traffic would have impact on Highway safety.
  - Narrow lanes and tracks around Langley and Otham will become rat runs.
  - Access in and out of our home is unsafe due to traffic speed on Sutton Road.
  - Additional air pollution and traffic noise in quiet rural village.
  - Insufficient infrastructure - doctors, dentists and hospitals cannot cope with the existing numbers of patients.
  - Building houses next to a grade 2 listed building.
  - Overlooking Rumwood Court and Gatehouse reducing privacy.
  - Will have devastating effect on Langley.
  - Sewage, water supply and flooding will also be affected.
  - Adverse impact on environment, wildlife, habitat and existing trees.
  - Insufficient distance between the development and neighbouring properties.
  - Increased noise and disturbance.
  - Adverse visual impact on character of the area and village.
  - Other sites should be explored.
  - Road/junction mitigation measures will not ease traffic congestion.
  - Hedge rows will be removed.
  - Litter will proliferate.

## 7.0 CONSULTATIONS

- 7.01 **KCC Highways:** Object to the proposal on the basis of its severe impact on the highway network. The summarised comments below represent the County Council's initial objection response:.

- *KCC Highways wish to maintain the objection previously raised in relation to this development proposal on account of the worsening levels of congestion that will result in an unacceptably severe impact on the highway network.*
- *In the event that the Borough Council are minded to grant planning approval against Highway Authority advice, and in the absence of an agreed transport strategy, KCC Highways would seek agreement with the Borough Council on the use of monies equivalent to the value of the proposed highway works on Sutton Road.”*

7.02 Subsequently after submission of a further technical note from the applicant's Transport Consultants to provide supplementary information including further traffic modelling of the local highway network and junction designs, KCC Highways provided a further response and is summarised as follows:

- The conclusion that the impact on A274 Sutton Road/Willington Street/Wallis Avenue Junction should not be regarded as severe undervalues the importance of the A274 (Sutton Road) as a key arterial route serving south and south eastern Maidstone and the extent to which existing congestion will be made worse.
- The applicant's Transport Note argues the impact on the A274 Sutton Road/Horseshoes Lane Junction is not severe and no mitigation is proposed. KCC regards the worsening of conditions on this part of the A274 to contribute to the overall severe impact that would arise on this route and mitigation should be provided to prevent further delays to road users.
- KCC Highways wish to maintain the objection previously raised in relation to this development proposal on account of the worsening levels of congestion that will result in an unacceptably severe impact on the highway network.

7.03 **KCC Public Rights of Way and Access:** No objection subject to conditions.

7.04 **KCC Ecological Service:** No objection subject to the submission of additional information which can be dealt with by conditions.

7.05 **KCC Archaeology:** No comment

7.06 **KCC Economic Development:** No objection subject to the following financial contributions being secured by way of a section 106 planning obligation:

Primary Education -	£905,000
Secondary Education -	£533,904.75
New school land acquisition costs -	£611,243.84
Community Services -	£37,453.72
Libraries -	£13,012.28

Adult Social Care – Provision of 6 wheelchair accessible units as part of the affordable housing provision.

7.07 **MBC Planning Policy:** No objection. The site has been brought forward to Regulation 19 stage of the emerging MBLP. The submitted scheme appears to address the criteria of Policy H1(9) of the emerging plan; retains and enhances local habitat and connectivity links.

- 7.08 **MBC Landscape Officer:** No objection subject to conditions relating to a landscaping strategy.
- 7.09 **MBC Conservation Officer:** It is considered that the proposal would result in less than substantial harm to the surrounding heritage assets and their setting.
- 7.10 **MBC Housing:** No objection subject to a viability assessment to justify 30% affordable housing provision, rather than 40% as set out in the Affordable Housing DPD.
- 7.11 **MBC Arboricultural Officer:** No objection subject to conditions.
- 7.12 **MBC Parks & Leisure:** No objection subject to a contribution of £400 per dwelling towards off site open space.
- 7.13 **MBC Environmental Health:** No objection subject to conditions relating to potential ground contamination.
- 7.14 **MBC Environment & Street Scene:** No objections subject to a condition requiring a Sustainable Travel Plan.
- 7.15 **NHS:** No objection subject to a financial contribution of £210,960 towards healthcare needs at local surgeries within the local area secured by way of a section 106 planning obligation.
- 7.16 **Environment Agency:** No objection subject to conditions. Initial objection removed following submission of additional information.
- 7.17 **Crime Prevention Design Advisor (Kent Police) –** No objection subject to further consultation covered by condition.
- 7.18 **Southern Water –** No objection
- 7.19 **Arriva** (local bus company) - Support the proposal as follows:
- a) provision of bus-only route from the east;
  - b) provision of five year subsidy from the development for improvements to existing buses (routes 12 and 82).

## 8.0 BACKGROUND PAPERS AND PLANS

- Planning Statement dated December 2014
- Icenit Transport Technical Note dated March 2016
- Transport Assessment dated December 2014
- Extended Phase 1 Habitat Survey dated August 2014
- Bat Survey dated August 2014
- Reptile Survey dated August 2014
- Flood Risk Assessment & Drainage Strategy dated December 2014
- Draft Travel Plan dated December 2014
- Agricultural Land Classification and Soil Resources dated December 2014
- Air Quality Assessment dated December 2014
- Noise Assessment dated December 2014
- Cultural Heritage Desk Based Assessment dated December 2014
- Landscape and Visual Impact Assessment dated 4<sup>th</sup> December 2014

- Landscape and Ecology Mitigation Proposals – Landscape Design Strategy dated 11 December 2014
- Construction Traffic Management Plan dated November 2015

- 3642/2.03 A 'Langley' 3 bed 2 storey semi-detached or mews house plans & elevations
- 3642/2.04 A 'Thornton' 3 bed 2 storey semi-detached or mews house plans & elevations
- 3642/2.05 A 'Davenham' 4 bed 2 storey detached house plans & elevations
- 3642/2.06 B 'Holcombe' 4 bed 2 storey detached house plans
- 3642/2.07 A 'Banbury' 4 bed 2 storey detached house plans & elevations
- 3642/2.08 A 'Ashby' 3 bed 2 storey semi-detached house plans & elevations
- 3642/2.09 A 'Birch' 3 bed 2 storey semi-detached or mews house plans & elevations
- 3642/2.10 A 4 bed 2 storey semi-detached house plans & elevations
- 3642/2.11 A 'Cranford' 2 bed 2 storey mews house plans & elevations
- 3642/2.12 A 'Hartford' 4 bed 2 storey detached house plans & elevations
- 3642/2.13 A 'Hartford Regent' 4 bed 2 storey detached house plans
- 3642/2.14 A 'Knightsbridge 2' 5 bed 2 storey detached house plans
- 3642/2.15 A 'Latchford' 5 bed 2 storey detached house plans & elevations
- 3642/2.16 A 'Stratton' 4 bed 2 storey detached house plans & elevations
- 3642/2.17 A 'Westbourne' 4 bed 2 storey detached house plans & elevations
- 3642/2.18 A 'Knightsbridge A' 5 bed 2 storey detached house plans
- 3642/2.19 A 'Connaught' (front entry garage) 5 bed 2 storey detached house plans
- 3642/2.20 A 'Connaught' (side entry garage) 5 bed 2 storey detached house plans
- 3642/2.21 'Chester' & 'Chester 2' 4 bed 3 storey town house plans
- 3642/2.22 A 'Chester' & 'Chester 2' 4 bed 3 storey town house elevations
- 3631/2.26/1 C Streetscape
- 3642/2.26/2 C Streetscape
- 3642/2.26/3 C Streetscape
- 3642/2.26/4 C Streetscape
- 3642/2.26/5 C Streetscape
- 3642/2.26/6 C Streetscape
- 3642/2.26/7 C Streetscape
- 3642/2.26/8 C Streetscape
- 3642/2.27 A 3B LTH 3 bed 2 storey semi-detached house elevations
- 3642/2.28 B 2B LTH & 3B LTH 2 & 3 bed 2 storey semi-detached or mews house plans
- 3642/2.29 'Connaught' (front entry garage) 5 bed 2 storey detached house elevations
- 3642/2.30 'Connaught' (side entry garage) 5 bed 2 storey detached house elevations
- 3642/2.31 'Holcombe' 4 bed 2 storey detached house elevations
- 3642/2.32 A 'Hartford' (front entry garage) 4 bed 2 storey detached house elevations
- 3642/2.33 'Hartford Regent' 4 bed 2 storey detached house elevations
- 3642/2.34 'Knightsbridge 2' 5 bed 2 storey detached house elevations
- 3642/2.35 'Knightsbridge A' 5 bed 2 storey detached house elevations
- 3642/2.37 A 2B LTH & 3B LTH 2 & 3 bed 2 storey semi-detached or mews house elevations
- 3642/2.39 'Hartford' (side entry garage) 4 bed 2 storey detached house elevations
- 3642/2.40 Apartments 1 & 2 bed 2 storey plans
- 3642/2.41 Apartments 1 & 2 bed 2 storey elevations
- 3642/2.42 Apartments 1 & 2 bed 3 storey plans
- 3642/2.43 Apartments 1 & 2 bed 3 storey elevations
- 3642/2.44 Apartments 1 & 2 bed 3 storey plans
- 3642/2.45 Apartments 1 & 2 bed 3 storey elevations
- 3642/2.46 3B LTH (side entry) 3 bed 2 storey semi-detached house elevations

3642/2.47 2B LTH & 3B LTH (side entry) 2 & 3 bed 2 storey semi-detached or mews house plans  
3642/2.48 2B LTH & 3B LTH (side entry) 2 & 3 bed 2 storey semi-detached or mews house elevations  
3642/3.00 P Site layout  
3642/3.01 Location plan

## 9.0 APPRAISAL

### Local planning policies – weight

- 9.01 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 9.02 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031 (which will be discussed in detail below), which the draft MBLP addresses, in part, by way of site allocations for housing outside sites outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings are expected to take place in September 2016. The draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed over the plan period. Saved policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough and in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.
- 9.03 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies SP3 and H1. Consequently, although saved policy ENV28 continues to be a material planning consideration, as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF.
- 9.04 Paragraph 216 of the NPPF states that,
- “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

- 9.05 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

*“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”*

- 9.06 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(9) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

- 9.07 In conclusion and bearing in mind the fact that the Council has agreed to use Submission Draft Local Plan policies for development management purposes, the weight to give that plan and the draft site allocation policy H1 (9) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

#### 9.08 **Principle of Development**

- 9.09 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is saved policy ENV28 which relates to development within the open countryside. The policy states that:

*“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*
- (4) the provision of public or institutional uses for which a rural location is justified; or*
- (5) such other exceptions as indicated by policies elsewhere in this plan.”*

- 9.10 None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the adopted Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case.

- 9.11 The emerging MBLP is at an advanced stage and was submitted to the Secretary of State for examination on 20 May 2016. The independent examination has commenced and examinations hearings are expected to be held in September 2016. Policy SP17 of the draft MBLP, which relates to development in the countryside and Policy SP3 relating to the Maidstone South East Strategic Development Location are relevant together with Policy H1(9) which allocates the site for housing development

comprising approximately 335 dwellings. As such, whilst the site is located within the countryside, outside of the existing settlement boundary having regard to the sites allocation for housing within an extension of the urban development boundary set out in Policies SP3 and H1(9) of the draft MBLP extending into the countryside (as restrained by Policy ENV28 of the adopted development plan), the proposed development would accord with the draft MBLP which should be afforded significant weight in the determination of this application. The non-compliance with saved policy ENV28 must be considered in the context of the site's inclusion within a planned eastern extension to the edge of Maidstone, albeit in a fully contained and screened setting. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the draft MBLP, which will alter the existing development boundary. Those allocations include this site (draft MBLP policy H1(9)). Accordingly, although this application does not comply with ENV28 as it proposes development in the 'countryside', limited weight should be accorded to that non-compliance, as the site is allocated for development in the draft MBLP.

- 9.12 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to the national planning priority to boost significantly the supply of housing to meet identified needs (in paragraph 47 which states that local planning authorities should;

*'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'*

- 9.13 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the Borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

- 9.14 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with paragraph 47 of the NPPF, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

- 9.15 Policy SP3 of the emerging local plan relating to the Maidstone urban area south

east strategic development location, sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(9) of the emerging plan for development of approximately 335 dwellings and sets out the criteria to be met whereby planning permission would be granted.

9.16 The site is located close to public transport routes and in close proximity to the Langley Park development opposite which would enhance the sustainability of the site through the provision of new retail, school and commercial development and the provision of other local services and facilities. This also represents a strong material consideration in favour of the development.

9.17 For these reasons, it is considered that the principle of the development is acceptable in principle, having regard to relevant national and local planning policy in the NPPF the draft MBLP, respectively. Accordingly, applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, planning permission should be granted unless the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits having regard to the policies of the NPPF considered as a whole. Accordingly, in the following paragraphs of this appraisal, detailed consideration is given to the impact of the proposed development.

#### **9.18 Highway Impact**

9.19 Paragraph 32 of the NPPF states that all development which generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.14 The housing allocation in draft MBLP Policy H1(9) sets out the following Highways and Transportation criteria required to secure planning permission:

*“10. Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*

*11. Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.*

*12. Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*

*13. Improvements to capacity at the A229/A274 Wheatsheaf junction.*

*14. Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.*

*15. Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor”.*

9.15 The applicant has submitted a Transport Assessment and associated Transport Technical Notes, which consider the traffic and transportation implications and present capacity testing of highway junction models in close vicinity of the site and

whether they have sufficient capacity with the additional development traffic flows. Highway mitigation measures are subsequently recommended to address the increase in traffic associated with the application site, committed development sites and surrounding housing sites where planning applications have been submitted to the Council but not as yet determined.

Existing Conditions

- 9.16 The A274 Sutton Road forms one of the major routes from areas to the south and east of Maidstone into the town centre. It also provides a route (via the B2163 through the villages of Langley Heath and Leeds) to Junction 8 of the M20. Junction 8 of the M20 is some 6km northeast of the Site. At the point adjacent to the site frontage, Sutton Road is a two-way single lane carriageway with an approximate width of 7.5 metres and is subject to a 40mph speed limit.
- 9.17 Approximately 1km south east of the site, Horseshoes Lane forms a simple priority junction with the A274 Sutton Road and forms the signposted route from the northwest to Langley Heath and Leeds villages, which in turn provides onwards travel to Junction 8 of the M20.
- 9.18 Approximately 1.5km to the west of the site, the A274 Sutton Road forms a staggered signal controlled junction with Willington Street and Wallis Avenue. This includes the provision of a toucan crossing in the centre of the stagger and sign-posted cycle routes to Maidstone Town Centre, with a controlled pedestrian crossing on Willington Street and uncontrolled pedestrian crossing of Wallis Avenue.
- 9.19 Pedestrian routes in the vicinity of the site provide connections to existing bus stops, employment sites, surrounding residential areas, schools, health services and local centre shops.
- 9.20 Regular bus services served by 3 routes are currently accessible within short walking distance of the site. Future residents and their visitors will have the opportunity to access the site by a choice of travel modes.
- 9.21 The local and wider highway network in the vicinity of the site is of a good standard and is suitable for providing access to the proposed development. A review of accident records for the most recently available five-year-period shows that there are no particular highway safety concerns relating to the existing operation of local roads.

Traffic Impact Assessments

- 9.22 The Council have commissioned transport consultants Mott MacDonald to assess the likely impact of the proposal, and other relevant planning applications in the area and have reviewed all the information that has been submitted by the applicant's transport consultant Icen and have advised the Council accordingly.
- 9.23 Analysis was undertaken of the traffic flows used within the traffic modelling to further consider which committed development would demonstrate this degree of certainty to proceed by 2018. Each of the following sites detailed in the table below were considered for inclusion with the traffic modelling.

*Summary of Committed Developments:*

<b>Site</b>	<b>No. of units</b>	<b>Included with 2014 TA modelling</b>	<b>Considered likely to be built/started before 2018</b>	<b>Notes</b>
Land rear of police headquarters, Sutton Road112	112	N	Y	Planning permission granted
Land rear of Kent Police training school, St Saviours Road	90	N	Y	Scheme still awaiting completion of S106
Langley Park	600	Y	Y	Only 170 units considered likely by 2018, however 600 units include in modelling (source: iTransport TA)
Land north of Sutton Road	285	Y	Y	
North of Bicknor Wood	190	Y	Y	Not included with previous IcenI modelling June 2015 given the absence of planning consent
West of Church Road	440	Y	Y	Not considered likely to be delivered by 2018 given current stage in pre-planning.
	950	N	N	Not considered likely to be started by 2018 due to scale of development and stage in planning process

- 9.24 It was requested that the proposed Countryside development at Land South of Sutton Road be included within the 2027 committed development scenario of the traffic modelling. Whilst it was accepted that this development was unlikely to be delivered by 2018, it was considered by MBC/Mott MacDonald that given a planning application for the scheme had been submitted that it should be included within the future 2027 assessment year modelling for completeness.

- 9.25 The following sites have been included as committed developments within the modelling assessments:

*2018 Assessment*

- Land Rear of Police Headquarters, Sutton Road
- Land Rear of Kent Police Training School, St Saviours Road
- Langley Park (170 units only)
- Land North of Sutton Road
- North of Bicknor Wood

*2027 Assessment*

- Land Rear of Police Headquarters, Sutton Road
- Land Rear of Kent Police Training School, St Saviours Road
- Langley Park
- Land North of Sutton Road
- North of Bicknor Wood
- Land South of Sutton Road

- 9.26 The following junctions have been identified for a traffic impact assessment as a result of the impact of the proposed development and cumulatively with other committed developments in the vicinity,:

- 1) Sutton Road / Willington Street / Wallis Avenue; and
- 2) Sutton Road / Horseshoes Lane.
- 3) Sutton Road/ Langley Park/ Site Access

*Sutton Road / Willington Street / Wallis Avenue Traffic Impact Assessments*

*2018 Assessments:*

- 9.27 A LinSig model has been used to assess the operation of the A274 Sutton Road / Willington Street / Wallis Avenue junction for '2018 + committed development' and '2018 + committed + development' traffic flows.
- 9.28 The layout presented in the Langley Park TA is considered to be a committed scheme and the '2018 + committed' scenario was therefore assessed based on this layout. The '2018 committed + development' scenario was assessed based on a proposed improvement layout.
- 9.29 Both schemes can be provided on currently adopted highway land. The proposed layout will be funded by financial contribution from Maidstone strategic sites relative to their impacts.
- 9.30 The results are set out in Table 3 and 4 of the Transport Note dated March 2016. They demonstrate an improvement to the operation of the junction as a result of the proposed junction improvements with both peaks being within capacity for the '2018 + committed + development' (with proposed layout) scenario, whereas the '2018 + committed' (with committed layout) AM peak is slightly over capacity.

*2027 Assessment:*

- 9.31 The traffic modelling results include committed cumulative development and

associated committed junction improvements, and therefore provide a baseline against which the impact of the proposed development should be evaluated.

- 9.32 When evaluating the impact of the proposed development on the Sutton Road/Wallis Avenue/Willington Street junction, it is important to consider who the development affects across the junction as a whole, on the most constrained arm in terms of Degree of Saturation (DoS) and on the Practical Reserve Capacity (PRC).
- 9.33 The modelling results show that the junction is predicted to operate within capacity during the AM and PM peak hour with the inclusion of development traffic in the 2018 future assessment year. The results also demonstrate a significant improvement in operation, following the proposed modifications to the design of the junction. It is therefore considered that the impact of the development in 2018 is acceptable.
- 9.34 The outcome of the junction modelling for 2027 shows that it would be operating in excess of capacity during both the AM and PM peak hours for both the Base + Committed (with the committed Langley Park junction layout) and the Base + Committed + Development Traffic Scenarios (with the proposed junction layout). However the operation of the junction is significantly improved in the Base + Committed + Development Traffic Scenario.
- 9.35 In their recent consultation response, KCC Highways assert that the proposals would result in a severe impact on the A274 in the absence of effective mitigation. However, the figures demonstrate that the proposed modifications to the Sutton Road/Wallis Avenue/Willington Street junction scheme more than mitigate the impacts of the inclusion of development traffic and result in an improvement in the operation of the junction. As such, it is clear that effective mitigation is identified and the impact of the proposed development cannot be considered as severe in the context of the criteria outlined within the NPPF.

*Sutton Road / Horseshoes Lane Traffic Impact Assessments*

- 9.36 A Picady model has been used to assess this junction. The 2018 results included in the original TA indicated that the junction would operate within capacity in both peaks and scenarios (without and with development traffic). More recent analysis with updated traffic flows has therefore only been undertaken for the 2027 scenario.

*2027 Assessment:*

- 9.37 The results show that the junction is predicted to exceed its theoretical capacity in the 2027 Base + Committed and Base + Committed + Development Traffic scenarios. The maximum predicted queuing at the junction is shown to increase from 18 PCU's (passenger car units) to 24 PCU's in the AM peak hour and from 5 PCU's to 7 PCU's in the PM peak hour for the right turn from Horseshoes Lane into A274.
- 9.38 KCC Highways considers that the worsening of conditions on this part of the A274 to contribute to the overall severe impact that would arise on this route and mitigation should be provided to prevent further delays to road users. However, in response to this, an increase in maximum level of queuing of 6 vehicles and 2 vehicles during the respective peak hours falls short of the level of impact that could be considered severe. As such, the Council's transport consultants Mott McDonald agree with the submitted information that it is not necessary to mitigate the impact of the proposed development at this junction.

*Sutton Road/ Langley Park/ Site Access*

- 9.39 The Arcady model for the Sutton Road/ Langley Park/ Site Access roundabout, which

will serve the proposed development via the north arm, has been updated in accordance with the comments provided by Mott MacDonald. The updated traffic flows have been entered into the model to produce the results for the 2018 and 2027 scenarios. The layout of the junction has been modified from that detailed within the submitted Transport Assessment so as to improve the operation of the junction.

- 9.40 The results for the 2018 scenario show that the proposed site access junction operates within capacity following the inclusion of development traffic and the conversion to a 4-arm roundabout, with a maximum ratio of flow to capacity (RFC) value of 0.52, and maximum queue of 2 vehicles during the PM peak hour.
- 9.41 The results indicate that the junction can still operate satisfactorily in the 2027 assessment year with the addition of development traffic. The results also show a significant improvement in operation of the junction and reduction in predicted maximum level of queuing following conversion to a 4-arm roundabout (new access arm) in this assessment year.
- 9.42 The maximum RFC is shown on the Sutton Road (west) arm of the junction at 0.94, and associated maximum vehicle queue of 12 during the PM peak hour. This should be further considered in the context of the Base + Committed scenario which shows a maximum RFC in the AM peak hour of 0.97 and associated queuing of 16 vehicles and a maximum RFC of 1.09 in the PM peak hour and associated queuing of 70 vehicles. Whilst the maximum RFC for the Base + Committed + Development scenario is above the ideal maximum value of 0.85, the results above clearly show an improvement in the operation of the junction, and that the proposed layout of the 4-arm roundabout more than mitigates the impact of the proposed development.
- 9.43 The provision of these off-site works would be secured by a Grampian condition to be implemented prior to commencement of the development.

Conclusion

- 9.44 The supporting transport documents contain assessments for three junctions; the access roundabout, the junction of A274 Sutton Road / Willington Street / Wallis Avenue, and A274 Sutton Road / Horseshoes Lane. The impact of the proposed junction layout at A274 Sutton Road / Willington Street / Wallis Avenue tested with development flows is shown to reduce overall queuing and delays when compared to the Langley Park committed scheme with committed traffic only. The impact of the proposed development on the junction of A274 Sutton Road / Horseshoes Lane is not considered to be severe with limited additional queuing.
- 9.45 The design of the proposed four-arm site access roundabout from A274 Sutton Road is shown to operate within capacity in 2018 in both AM and PM peak hours. In 2027 the desirable capacity is slightly exceeded. However, compared to the 3-arm roundabout implemented by Langley Park, the addition of a 4<sup>th</sup> arm together with amendments to the roundabout would result in a significant decrease in queuing when comparing with and without development scenarios.
- 9.46 In addition to the implementation of the 4-arm access roundabout, the applicant would make proportionate financial contributions towards the implementation of the proposed improvement scheme for A274 Sutton Road / Willington Street / Wallis Avenue and towards bus improvement measures involving provision of a five year subsidy from the development for improvements to bus frequency and quality in accordance with Policy H1(9) of the emerging local plan.
- 9.47 In addition, a Grampian style condition will require the provision of additional bus

shelters and bus stops close by to the site, pedestrian footpaths and crossing points to reach bus stops and local services and facilities comprehensively linking the site to the surrounding area.

- 9.48 The Council's transport consultants Mott McDonald consider that with the appropriate mitigation measures put forward, the impact of the proposed development cumulatively with the other developments is mitigated and therefore cannot be considered to be severe.
- 9.49 KCC Highways fails to demonstrate by reference to relevant and reliable evidence that granting permission for the amended proposal would cause any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and that the residual cumulative impacts of development are severe. Even if the 'as developed' scenario would potentially be 'materially worse', it does not follow that permission should necessarily be refused as the assessment must balance any worsening of the already severe conditions against the benefits of the proposal. In this case, the Council is satisfied that the applicant has submitted reliable evidence to demonstrate that the 'as developed' mitigated scenario would be 'no worse' or 'no materially worse' than the existing scenario and cannot therefore be considered to be severe. As such, it is considered that the proposal would accord with paragraph 32 of the NPPF.

#### **Landscape and Visual Impact**

- 9.50 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 9.51 The immediate surrounding landscape is of a gentle spread of undulating land across a mix of agricultural and wooded landscape, before localised and more extensive hills and dip slopes rise and fall in the terrain of the wider landscape. The topography of the site area reflects the immediate surrounding landscape, and is relatively level with a gentle fall across the site area predominantly from the eastern edge toward the north western corner of the site area.
- 9.52 The site occupies an area of existing farmland of Bicknor Farm, contained to the south by the main A274 Sutton Road. The site is edged to the east by the paddock land and setting of Rumwood Court and to the northern boundary with further paddock enclosures. A woodland block known as Belts Wood directly adjoins the northern boundary between the nearby cricket and football grounds and the agricultural land south of White Horse Lane and Honey Lane beyond which lies the village of Three Tees. Further north lies the village and conservation area of Otham and the scattered blocks of Ancient Woodland including East Wood. To the west the site is edged with the Ancient Woodland block of Bicknor Wood and the scrubland lying adjacent to the northern edge of Sutton Road approaching the urban eastern edge of Maidstone.
- 9.53 The site is lined with mature treeline vegetation to the southern edge adjacent to which runs the A274 Sutton Road. The land extends beyond Sutton Road with a large elongated open agricultural field, edged to the east by the Langley Park Driving Range and to the west by the trading estate development of Bircholt Road. To the east of the driving range is the horticultural nursery development of Rumwood Nurseries.

- 9.54 The Low Wealden landscape of open farmland and woodland cover lies further to the south whilst the elevated ridge of the North Downs rises beyond the M20 corridor to the north east. Away from the urban built environment and influence of Maidstone west of the site, the wider landscape is predominantly of an open agricultural nature with a mix of arable and pasture land and extensive nurseries spreading to the north, east and south with intermittent woodland blocks and treebelts giving way to field boundary hedge lined lanes.

Landscape Character Impact

- 9.55 The applicants have submitted a Landscape Visual Impact Assessment to demonstrate the potential impact of the development on the surrounding landscape. The assessment examines the effects of the proposed development in isolation and cumulatively with the surrounding housing developments. In summary, the assessment concludes that due to the proposed development largely enclosed and contained within the site area by the existing mature boundary tree lines and woodland block vegetation to the site boundaries, the change and effect upon the landscape character area would be '*moderate adverse*' effect upon the landscape resource of the character area and setting of Bicknor Wood. The scale of the proposals is considered slight and limited within the more immediate setting of the site and would not be readily perceived within the larger scale character areas and landscape effects are assessed to be '*negligible neutral*'.
- 9.56 The development proposals would not be perceptible from the Otham conservation area to the north. There would be '*no change*' upon the historic landscape component due to the consequential effects of the development proposals. The Grade II listed Bicknor Farmhouse would undergo a '*slight adverse*' effect due to the proximity of the building setting adjacent to the proposed development.

Landscape Visual Impact

- 9.57 The proposed development would not be highly visible from beyond the immediate site area and boundary frontages. The views made from publicly accessible areas and Public Right of Way footpaths predominantly range between '*negligible neutral*' and '*no change*'; due to the encompassing woodland block and treeline features, areas of existing built settlement areas combined with the level topography and lack of public access in the vicinity of the site.
- 9.58 The Public Right of Way which passes through the site would receive a greater magnitude of views. The surrounding environment also contains detracting elements and the proximity to the A274 Sutton Road degrades the experience and the proposals would therefore be deemed to have a '*moderate adverse*' significance.
- 9.59 Views made locally from north of the site are distinctly more rural in nature and a number of viewpoints potentially receive more open views to the site from more sensitive and publicly accessible space. The views tend to be glimpsed or limited in extent and otherwise filtered by existing landscape features. A single view from White Horse Lane adjacent to the western edge of Three Tees would receive '*slight adverse*' visual effects consequential to the development proposals.

Cumulative Visual Impact

- 9.60 There would be '*negligible neutral*' in-combination effects due to the lack of the amalgamated views of the combined developments. Whilst the exposure of the proposed development would allow sequential views to be made in addition to the amalgamated development, these would predominantly be oblique and of short frequency.

- 9.61 The sequential cumulative effects made from the A274 Sutton Road highway corridor would be of *'minor'* sensitivity; the sequential views would be dominated by long term intrusive elements such that the views would hold little visual amenity and the proposals would not have a marked effect upon the visual quality of the view. The development proposals would be perceptible but would not be a dominating element and the magnitude of change is assessed to be *'low'*; the significance of the cumulative effects consequential to the development proposals to the A274 Sutton Road highway corridor are judged to be *'negligible neutral'*.
- 9.62 The sensitivity of sequential views to the north and west is assessed to be *'Low'*. There would potentially be a noticeable awareness of the proposals in the short term which would have a *'medium'* magnitude of change. The significance of cumulative effects is judged to be *'Slight Adverse'* as a consequence of the development proposals in combination with the amalgamated developments.
- 9.63 In conclusion, whilst there will be some negative impact arising from the proposed development, it is considered that the site is well contained within the existing mature vegetation from long distance views and landscape mitigation measures to strengthen the boundary vegetation would reduce the perceptibility of the site from public viewpoints. As such it is considered that whilst there will be some harm to the landscape character, the impact would be localised in the short term and would accord with Policies ENV6, ENV26, and ENV35 of the Maidstone Local Plan and Policy H1(9) of the emerging Local Plan.

### **Design and Layout**

- 9.64 Paragraph 17 of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.65 Paragraph 56 of the NPPF attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people.
- 9.66 Paragraph 58 of the NPPF states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the Site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.
- 9.67 The Kent Design Guide (2005) (KDG) emphasises that design solutions should be appropriate to context and the character of the locality. Development should reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context.
- 9.68 The site is served by a main access from Sutton Road (A274) from a new arm of the new Langley Park roundabout. The site frontage would incorporate a prominent feature entrance to the west side of the frontage and communal and private garden areas set behind a belt of trees fronting Sutton Road to the east side.

- 9.69 The development layout has been criticised for being too urban in this edge of countryside/suburban location. However, it is similar in scale and layout to the adjoining developments already granted planning permission and incorporates a reduced density of 25dph as opposed to a 32dph figure set out in the draft MBLP policy H1(9) of the housing allocation. The proposed layout uses the existing landscape features and constraints to dictate the general layout and to protect and retain the existing landscape resources (including the designated ancient woodland of Bicknor Wood with the provision of a 15 metre wide landscape buffer) and include extensive structural reinforcement of the site boundaries; the site edges would be bolstered and enhanced through structural planting of native tree, hedge and boundary vegetation supplemented with wildflower grassland fringes. Substantial ecology landscape buffers would be maintained and enhanced as part of the landscape mitigation and open space strategy to form protective space to the adjacent existing woodland belts and treelines.
- 9.70 The layout has been designed to incorporate green infrastructure throughout the site providing structure to the residential areas whilst promoting the provision for public open space through the core of the site and to the site boundaries. The residential properties would include garden plots providing separation to the architectural layout with frontage and feature amenity planting proposed through the site.
- 9.71 The development frontages and architectural street arrangement would be edged with boundary hedge lines and accent focal planting areas to the residential elements; the street frontages would be planted with a number of specimen trees adjacent to the vehicular and pedestrian access. The proposed ornamental planting scheme would reinforce the residential dwelling frontages within the scheme, and compliment the style and design of the proposed development architecture. The planting would become a design feature providing identity and character to the proposed residential development scheme.
- 9.72 The main spine access road would be planted with trees within a verge to create an avenue leading to a forked junction which splits the site into 4 distinct districts where the open space would be the main focal feature. with street scenes providing views to key spaces and glimpses of the existing tree belt to the north. Streets have active frontages, and open spaces are overlooked providing natural surveillance, and where possible all properties have dual aspects to avoid blank facing walls and 'dead' frontages.
- 9.73 The layout has made provision for possible future pedestrian/vehicular access to adjoining development sites to the north and west increasing permeability through the site to surrounding developments and the wider townscape to produce a more integrated comprehensive strategic extension to the South East of Maidstone and avoid isolated piecemeal development. In addition, a condition is recommended to secure off-site footpaths and crossing points linking the development to bus stops and future local services and facilities within adjoining and adjacent sites.
- 9.74 The design approach to the houses and apartments is traditional and of a good quality design, incorporating well designed house types and apartment blocks of a similar architectural theme of 2, 2.5 and 3 storeys in height. The majority of houses/buildings are 2 storeys in height. The 3 storey houses are located to the north west quarter of the site where views into the site would be obscured by the mature vegetation to the north and west boundaries, Bicknor Wood and the 2 storey houses to the front of the site.

9.75 Discussions have been ongoing with the applicant to ensure that revised amendments undertaken reflect the quality applied to the detailing and appearance of the scheme and reflect the design approach adopted on surrounding sites in order to provide an integrated comprehensive approach to this strategic housing area.

9.76 It is considered, therefore, that the scale, density, and massing is appropriate to the site and location.

### **Ecology**

9.77 The Conservation of Habitat and Species Regulations 2010 (as amended) contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

9.78 As local planning authority, the Council is obliged to consider whether granting planning permission engages the legal requirements of the Habitats Directive and Habitats Regulations 2010. Where granting planning permission will engage relevant statutory provisions within the Regulations prohibiting and regulating the disturbance of European protective species and their habitat, the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the 'three tests' under Regulation 53 being satisfied. Natural England will grant a licence where the following three tests are met:

- There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment";
- there is no satisfactory alternative; and
- the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.79 Section 40 of the Natural Environment and Rural Communities Act (2006) states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

9.80 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environmental by minimising the impacts on biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.

9.81 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity, Where development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or compensated for, then planning permission should be refused. Development proposals where the primary objective is to

conserve or enhance biodiversity should be permitted. Opportunities to incorporate biodiversity in and around developments should be encouraged.

- 9.82 Saved Policy ENV41 states that development will not be permitted which would lead to the loss of ponds, or which would harm their visual and wildlife functions.
- 9.83 The applicants have submitted a Phase 1 Ecology Report identifying the potential ecological constraints on the site which identified potential for roosting bats within trees, reptiles under trees and within the scrub and grassland, badgers and breeding birds. The site was not considered to be suitable habitat for dormice and amphibians. Thus, the applicants have submitted reptile and bat surveys to determine the likely presence, numbers and activity on the site.

#### Bats

- 9.84 The submitted surveys provide a good understanding of the how the site is used by foraging and commuting bats and highlights where the main bat foraging areas are located. A number of trees have been identified as containing suitable features for roosting bats. No bats were recorded emerging from the trees during the emergence surveys however there is still potential that bats will occasionally roost within the trees. It appears that the only tree with bat roosting features to be lost is tree T9 (as numbered within the Bat Survey Report). A condition is recommended to ensure that tree T9 must be felled following the precautionary mitigation strategy detailed within the Bat Survey Report.
- 9.85 There is a need to ensure that the lighting for the site and, in particular, the main bat foraging areas is designed to minimise impact on foraging bats. A condition is therefore recommended requiring full details of a lighting plan or how the proposed lighting would minimise any impact on foraging bats.

#### Reptiles

- 9.86 A reptiles presence/absence survey was carried out and the only reptile found on site were Slow Worms albeit a low population was found. However, the number was significant enough to require a mitigation strategy which would involve capturing and relocating the Slow Worms to an offsite receptor area identified within the adjacent field to the east. The strategy involves trapping and moving the animals out of the development area to the habitat enhanced receptor area and exclusion fencing installed to prevent the animals moving back into the development area.
- 9.87 The KCC Ecologist is satisfied with the proposed receptor site but it is recommended that connectivity between the proposed receptor site and the proposed development is retained. The development is proposing to enhance existing habitat within the site to create a habitat corridor within the centre of the site which, once completed, will provide suitable habitat for reptiles and there is a need to ensure connectivity is retained between the receptor site and proposed development to ensure that reptiles can re-colonise the site once construction works have been completed. A condition is recommended requiring this to be demonstrated within the submission of a Landscape and Ecological Management Plan together with a Reptile Mitigation Strategy prior to commencement of development.

#### Badgers

- 9.88 An active badger sett has been recorded within the development site within an area to be retained. The submitted information has advised that an up dated badger survey is carried out and this would be conditioned as such. The area where the badger sett is located is to be retained within the development site, however, as the construction of the development and after completion is likely to result in an increase

in disturbance to the sett, additional information would be required to be submitted detailing what measures to be provided to ensure the badgers will not be impacted by the proposed development during construction and after occupation and secured by condition.

Breeding Birds

- 9.89 There is suitable habitat within the site for breeding birds although no nests were recorded during the ecological scoping survey it's still possible that birds will nest within the site in future years. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). As such we advise that any vegetation is removed outside of the breeding bird season (March – August) and if that is not possible an ecologist must examine the site prior to works starting. If any nesting birds are recorded all work must cease in that area until all the young have fledged.

Air Quality Impact

- 9.90 The applicants have undertaken an Air Quality Assessment as the site is located on the edge of the Maidstone Air Quality Management Area and has considered levels of nitrogen dioxide concentrations and particulate matter, mainly as a direct result of associated traffic movements, on areas of ecological importance. The assessment concludes that the significance of nitrogen dioxide exposure would be negligible and particulate matter exposure would also be expected to be negligible. The impact can be mitigated by planning conditions to reduce the reliance on a car, promote alternative modes of transport and provision of pedestrian paths into surrounding sites and routes.

Enhancements

- 9.91 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 9.92 The landscape proposals would enhance the species and biodiversity within the development site with habitat diversification and creation to the development site boundaries, retaining and strengthening through management the habitat fringes of the existing groups of mature broad-leaved trees to the eastern and southern site boundaries. Planting of native tree, hedgerow, understorey shrub planting and wildflower grassland seeded areas with ornamental flowering shrub species, specimen and accent planting within the residential gardens would also be included.
- 9.93 Areas of existing habitat within the site boundary to the central site area would be mitigated and enhanced through initial management and retention of significant vegetation and by the planting of native understorey shrubs and herb layer visually strengthening the existing vegetation and enhancing the site's potential for biodiversity and wildlife interest, maintaining habitat and wildlife corridors for Reptiles, Birds, and Bats adjacent to the proposed areas of Public Open Space central to the development.
- 9.94 The landscape mitigation strategy would enclose the development edge and reinforce the hedge rowed containment and character of the surrounding landscape environment. The landscape and ecological strategy proposals would improve the site's potential for ecological connectivity, through the creation of a habitat and wildlife corridor to the eastern boundary.
- 9.95 The western site boundary is edged with mature trees and the ancient woodland of Bicknor Wood. The landscape mitigation proposals would comprise a landscape Buffer zone of 15.0m offering protection of the ancient woodland. The landscape and

ecology mitigation strategy would seek to enhance the woodland edge through the implementation of wildflower grassland seeded areas fringing a planting mix of native mixed species understorey shrubs and scattered trees. The planting proposals would further protect the landscape resource whilst reinforcing the site provision and creation of connective habitat with existing valued ecological features.

- 9.96 Areas of wildflower grassland combined with native species planting of trees, shrubs and hedgerows would create ecological habitat, providing an enhancement of site bio-diversity and connectivity with the existing landscape and ecological resource, with increased foraging and hibernating potential for protected species.
- 9.97 It is considered that there is a significant need to ensure that these enhancement measures will be managed appropriately to benefit biodiversity. As such, a condition is recommended requiring that they should be addressed within the submission of the Landscape and Ecological Management Plan.

### **Residential Amenity**

- 9.98 The NPPF makes clear that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.99 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 9.100 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 9.101 The impact upon surrounding residential amenity will be very limited due to the sites significant distance from the nearest residential properties and the presence of mature trees and vegetation surrounding the site. With the exception of Bicknor Farm, it is noted that the property is already surrounded by high fences, barns and commercial sheds in association with the commercial activity within the grounds which would to a greater extent screen the proposed development from the residential farmhouse.
- 9.102 Whilst a number of objections have been received with regards to the impact upon residential properties within Otham and Langley, due to the distance between this site and the village, it is considered that there would be no significant harm caused by this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.
- 9.103 With regards to the additional traffic movements, the majority of these will be along the main thoroughfares of Sutton Road, Willington Street and Wallis Avenue. Whilst a number of objections have been received concerning potential rat running through the lanes and narrow tracks surrounding the site as a direct result, the proposed highway mitigation initiatives set out above would alleviate any potential increase in traffic which may result, thereby negating any need to use surrounding roads. In any event, there is no evidence to show that using surrounding roads would provide a quicker, shorter, indirect route than the main thoroughfares.

- 9.104 Other objections relate to increased air pollution from the increased traffic levels generated by the proposed development and the cumulative impact with the surrounding housing developments. The applicants have undertaken an Air Quality Assessment as the site is located on the edge of the Maidstone Air Quality Management Area and has considered impacts on nitrogen dioxide concentrations and particulate matter, mainly as a direct result of associated traffic movements.
- 9.105 The Air Quality Assessment concludes that prior to the implementation of appropriate mitigation measures such as dust suppression, the risk of impacts from the construction phase has been assessed as 'low risk' at the worst affected receptors.
- 9.106 The significance of the effects of the proposed development from traffic associated with the development with respect to NO<sub>2</sub> exposure is determined to be 'negligible'. With respect to predicted PM<sub>10</sub> exposure, the significance of the proposed development is also determined to be 'negligible'. All modelled residential receptor locations are predicted to meet the national AQO's for both NO<sub>2</sub> and PM<sub>10</sub> in both the 'do minimum' and 'do something' scenarios.
- 9.107 Following the adoption of the recommended mitigation measures, the development is not considered to be contrary to any of the national, regional or local planning policies.
- 9.108 With regards the noise impact, the proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of an appropriate glazing and ventilation strategy as set out in the submitted noise assessment.
- 9.109 Environmental Protection have been consulted and raise no objection to the conclusions of the assessments. As such, subject to the relevant conditions, it is considered that the proposed development is not likely to result in an unacceptable impact existing or future residents in respect of additional noise, or air quality.

### **Heritage**

- 9.110 Sections 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.
- 9.111 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.112 Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the

heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

9.113 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

9.114 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

9.115 Planning Practice Guidance (PPG) states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of development on such assets.

9.116 The development site lies immediately adjacent to the listed building at Bicknor Farmhouse, which is a 17<sup>th</sup> Century timber-framed building with later extensions. Further to the East lies the Grade II Rumwood Court, a large 15<sup>th</sup>/16<sup>th</sup> Century timber-framed property with extensive late Victorian additions now divided into flats. The eastern part of the application site lies within land shown on the 1933 Six Inch OS map as being parkland associated with Rumwood Court and some vestigial tree-planting of parkland character remains. The current formal gardens of Rumwood Court lie some distance further to the East and are bounded on their western side by a significant tree belt.

9.117 Bicknor Farmhouse originally occupied an isolated and entirely rural location. Housing developments currently under way have severely truncated this to its western side and the current proposals, wrapping around its northern and eastern sides, would remove this rural setting entirely. However, Bicknor Farmhouse has not had a direct inter-relationship with this rural background for some time, the listed building being hemmed in to the North and East by substantial modern agricultural/ industrial/ storage buildings and lorry parking areas which detract significantly from its setting. For the most part these buildings and structures will remain and will screen the listed building from the new development now proposed. Although the development proposals will have some detrimental impact on the setting, it is considered that this would be slight.

- 9.118 The loss of some of the former parkland to Rumwood Court will remove some of the historic context of that building, but the land seems to be no longer directly related to it and a further field will remain undeveloped before the well-landscaped boundary of the existing gardens is reached. It is considered, therefore, that there will be no significant impact on the setting of Rumwood Court. It is recommended, therefore, that conditions are imposed concerning the submission of full details of materials and landscaping.
- 9.119 With regard to archaeological significance at the site, the submitted Heritage Statement concludes that the site would have low potential for remains of all archaeological periods. However, due to the sites location on free draining land near a river stream, the presence of archaeological remains cannot be ruled out. A standard archaeological condition is, therefore, recommended appropriate in this case.
- 9.120 As such, on balance it is considered that there are insufficient heritage grounds to justify refusal of this application and the proposed development would have no significant impact on the significance of surrounding Heritage assets and their setting and would thus amount to less than substantial harm. The extent of the harm will be addressed in the conclusion section in weighing up the harm against the public benefits of the proposed development.

### **Contributions**

- 9.121 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

### **Affordable Housing**

- 9.122 The adopted Affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision on grounds that a 40% provision would render the development unviable.
- 9.123 The applicant submitted a viability assessment in support of the application which the District Valuation Office has independently appraised. Notwithstanding the outcome of the viability assessment appraisal, draft MBLP Policy DM13 sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Policy DM13 is underpinned by draft MBLP Policy SP3 (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and 5 other strategic housing sites identified in draft MBLP Policies H1(5) to H1(10) inclusive. As such, as the site is an allocated housing site (Policy H1(9)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances.
- 9.124 It is acknowledged that whilst relevant draft MBLP Policies have not been adopted and do not carry full weight at this stage, as stated above, those draft policies should be accorded significant weight in the determination of this application.

- 9.125 As such, it is considered appropriate timing wise to apply draft Policy DM13 to this allocated housing site which would bring forward earlier than anticipated, the implementation of a strategic housing site which would provide a significant proportion of the Council's strategic 5 year housing supply. As such, I am of the view that in this instance there are material considerations that indicate that a 30% affordable housing provision is acceptable in the circumstances.

KCC Contributions

- 9.126 Kent County Council has requested that contributions be made towards primary education, secondary education, new school land acquisition, libraries, Community Services and Adult Social Care. These contributions are considered to have been fully justified, necessary and related to the scale of development proposed and are in accordance the aforementioned regulations.

Primary Education -	£905,000
Secondary Education -	£533,904.75
New school land acquisition costs -	£611,243.84
Community Services -	£37,453.72
Libraries -	£13,012.28
Adult Social Care –	Provision of 6 wheelchair accessible units as part of the affordable housing provision.

Primary Education

- 9.127 The proposal gives rise to 63 additional primary school pupils during occupation of this development and cumulatively with other developments in the vicinity can only be met through the provision of a new primary school at Langley Park. The school forms part of the outline element of planning application (MA/13/1149) for 600 houses at the Langley Park site. An area of land within the Langley Park site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction.
- 9.128 In order to ensure that this school could be delivered, it would be necessary for contributions of £4000.00 per applicable house and £1000.00 per applicable flat together with the associated costs of purchasing the land which amount to £2701.63 per applicable house and £675.41 per applicable flat. The site acquisition cost is based upon the price KCC is required to pay for the school land and the strategy agreed by the Borough Council when determining previous development proposals in the area. KCC Education consider it necessary to seek the provision of this school in order to accommodate the additional pupil numbers, and this is borne out by the fact that it is included within the emerging Local Plan Policy. Education provision is a strong material consideration with regards to the provision of community facilities, and the creation of good development. It is considered, therefore, that this element of the proposal does meet the tests as set out above.

Secondary School Provision

- 9.129 A contribution is sought based on the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded. The proposal is projected to give rise to 45 additional secondary school pupils from the date of occupation. This need can only be met through the provision of new accommodation within the locality. A contribution of £2359.80 per applicable house and £589.95 per

applicable flat is requested for the construction of a phase of extending Cornwallis Academy Maidstone.

Community Services

- 9.130 KCC requests that the development contribute to the community facility which is being delivered as part of the school. The proportionate cost of this additional part of the building is £37,453.72.

Libraries

- 9.131 There is currently an assessed shortfall in provision. Bookstock in Maidstone at 1339 per 1000 population is below the County average of 1349 and both the England and UK figures of 1510 and 1605 respectively. The assessment shows that 13.28% of new residents in the development will be active library borrowers. To mitigate this increase in demand, KCC will purchase and provide new books for these residents, the cost of which is £18,005.93 resulting in a contribution of £48.02 per household.

Parks and Open Space

- 9.132 For a development of this size, a minimum of between 2.85ha and 3.52ha of meaningful onsite open space would be required. The proposal involves the provision of 2.34ha of open space within the site. The shortfall would therefore trigger a contribution towards offsite open space for surrounding open space which is likely to see an increase in usage as a result of this development. Senacre Recreation Ground is approximately 400 metres away and is a large area of open space providing outdoor sports facilities. An offsite contribution is requested towards this site for the improvement, maintenance, refurbishment and replacement of facilities such as play equipment and play areas, ground works, outdoor sports provision and pavilion facilities. The contribution would equate to a sum of £400 per dwelling x 271 amounting to £108400.
- 9.133 It is considered that the contributions sought would ensure that the provision of contributions and facilities would accommodate the impact made by the proposal upon existing infrastructure.

NHS Contributions

- 9.134 The NHS has been consulted and have confirmed that no new provision is required on site. The NHS has indicated that the existing provision within the locality can be expanded to accommodate this growth. As such, contributions are sought to upgrade surgeries within the locality, which include the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice, and Northumberland Court Surgery. The above surgeries are within a 1.3 mile radius of the development and the contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.
- 9.135 A contribution of £360 per person is sought based on the following predicted occupancy rates per dwelling size as follows.

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

- 9.136 As such, the calculated contribution requested is £210,960 in connection with securing the contribution. The NHS confirms that not more than 5 pooled contributions for the sites listed above have been incorporated and thus meets with

CIL regulations. It is considered that the request meets the specific tests set out above.

Highway Contributions

- 9.137 In assessing the transport and highways impact of the proposals (Land North of Bicknor Wood, Land South of Sutton Road and Bicknor Farm), the Planning Department has looked strategically at all the sites and apportioned mitigation works to each. These works have been considered by transport advisors Mott MacDonald as necessary to mitigate the increase in traffic caused by the proposals.
- 9.138 In the case of this proposal (Bicknor Farm), the following mitigation is proposed:
- 9.139 A financial contribution of £2938 per dwelling amounting to £798,095 in total towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development. This is the recommended apportionment set out in the apportionment table in the attached appendix A.
- 9.140 A financial contribution of £365,850 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. This is the recommended apportionment set out in the apportionment table in the attached appendix A.
- 9.141 In drawing up this apportionment, the following considerations have been followed:
- That the mitigation is necessary to address the highways impacts of the proposals;
  - That the overall cost of the mitigation was proportionate with the number of units being proposed in each scheme;
  - Ensuring that the proposals were compliant with the Regulations 122 and 123 of the CIL Regulations 2010, in being reasonable, proportionate and directly related to the development and the restrictions on pooling section 106 planning obligations (limiting the number of contributions per mitigation) to no more than 5 obligations.
- 9.142 Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions for each site on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

## 10.0 CONCLUSION

- 10.01 Policy SP3 of the emerging local plan sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(9) of the emerging plan for development of approximately 335 dwellings and sets out the criteria to be met whereby planning permission would be granted. Due to the advanced stage of

the emerging Draft Local Plan submitted to the Secretary of State for examination on the 20 May 2016, these policies now afford significant weight in the determination of this application.

- 10.02 As an appeal has been submitted, the Council has no jurisdiction to determine this planning application, which the merits of which will be considered by a planning inspector appointed by the Secretary of State to consider and determine the submitted appeal. However, the Council must inform PINS of the decision it would have made on the application, had the appeal not been submitted. If the Planning Committee decides that it would have granted planning permission, the Council would not contest the appeal but would be represented at any hearing or inquiry as explained above. If the Planning Committee decides that it would have refused planning permission, the Council must defend that decision at the appeal. Any putative reasons for refusal must be clearly justified by reference to relevant development plan policies and must be based upon relevant and reliable evidence. Otherwise, the Council will be at risk of an adverse costs award being made if an unreasonable failure to defend any reasons for refusal causes the appellant to incur wasted expenditure.
- 10.03 The proposed development is contrary to saved policy ENV28 in that it proposes housing development outside a settlement boundary in the adopted Maidstone Borough-wide Local Plan (2000)
- 10.04 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as policy ENV28) should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council can demonstrate a five year supply of deliverable housing sites.
- 10.05 The site is in a sustainable location adjoining the settlement boundary of Maidstone in the Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant protrusion into open countryside beyond existing developed areas. Appropriate infrastructure and highway mitigation could be provided together with the provision of 30% affordable housing. Drainage issues have been fully considered and mitigation for the development could be achieved. There are no objections from the Environment Agency in terms of flooding. There are no ecology objections or any other matters that result in an objection to the development. The Conservation Officer considers that the harm to the setting of the listed building would be slight and would thus amount to less than substantial harm.
- 10.06 Accordingly, Paragraph 14 of the NPPF provides that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In determining whether the proposal would be a sustainable form of development there are three dimensions to consider giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). Officers consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the

environment or the significance of the listed building. As such, it is considered that the development would perform well in terms of economic, social and environmental roles required under the NPPF and would constitute sustainable development. It is considered, therefore, that the harm caused would not outweigh the public benefits of providing additional housing in a sustainable location which would provide a significant proportion of the Council's strategic 5-year housing supply.

- 10.07 The development would be acceptable in terms of its impact on the landscape, biodiversity, heritage, on neighbours' living conditions and highways subject to appropriate planning conditions and obligations. In relation to biodiversity, taking into account mitigation measures, it is likely there would be an improvement and enhancement of the ecological value of the site.
- 10.08 Considering the low level of harm that will be caused by the proposed development, it is considered that those adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, in a sustainable location. As such, the presumption in favour of sustainable development in paragraph 14 indicates that planning permission should be granted. the NPPF. As such, I consider that compliance with policy within the NPPF would have been sufficient grounds to depart from the adopted Local Plan.
- 10.09 Heads of Terms and planning conditions that would have been recommended are listed below. However, as the Council is not determining the application, planning conditions have not been set out in full.

## **11.0 RECOMMENDATION –**

- 11.1 That the Council informs the Planning Inspectorate that, had the appeal not been submitted, it would have granted planning permission subject to the conclusion of a section 106 legal agreement and the imposition of suitable planning conditions as necessary to make the proposed development acceptable in planning terms.
- 11.2 For Information:

Any legal agreement would have provided the following:

- The provision of 30% affordable residential units within the application site.
- Financial contribution of £798,095 towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development.
- Financial contribution of £365,850 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. Financial contribution of £611,243.84 towards the land acquisition costs for provision of new school at Langley Park and £905,00 towards construction costs.
- Financial contribution of £37,453.72 towards the community facility being delivered as part of the new school at Langley Park.
- Financial contribution of £533,904.75 towards the construction of a phase of extending Cornwallis Academy Maidstone.

- Financial contribution of £13,012.28 towards libraries to address the demand from the development towards additional bookstock.
- Financial off-site contribution of £108,400 towards the improvement, maintenance, refurbishment and replacement of facilities such as play equipment and play areas, ground works, outdoor sports provision and pavilion facilities at Senacre Recreation Ground.
- Financial contribution of £210,960 to the NHS to upgrade surgeries within the locality, which include the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice, and Northumberland Court Surgery.
- The provision of 6 wheelchair accessible units as part of the affordable housing provision.

Planning conditions would have addressed the following matter:

- Time Limit for Implementation.
- Compliance with the approved plans and supporting documentation.

#### Highways

- Provision of off-site works to include vehicular access to site and 4<sup>th</sup> arm to Langley roundabout prior to commencement of development.
- Details of connections to the cycle network and upgrading the PROW to accommodate cycles to reduce the reliance on the private car.
- Prior to construction of the development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.
- Construction Traffic Management Plan
- Parking and turning areas provided prior to occupation

#### Landscaping

- Parameters on Landscaping (retaining/strengthening boundaries)
- Hard and soft landscaping
- Landscape and Ecological Management Plan
- Landscape Implementation
- Planting which dies within 5 years to be replaced.

## Planning Committee Report

- Details of alignment of public footpath KM94
- Surfacing details to public footpath KM94

### Ecology/Trees

- Arboricultural Method Statement
- Tree T9 to be felled following mitigation strategy within Bat Survey Report.
- Badger Survey
- Ecological Mitigation and Enhancement Plan
- External lighting

### Materials

- Details of Materials
- Boundary Treatments

### Residential Amenity

- Construction Environmental Management Plan (CEMP) to cover how the development and construction will avoid, minimise or mitigate effects on the environment and surrounding residents.

### Other

- Foul and Surface Water Drainage Details
- Archaeology
- Contaminated Land and Remediation
- Provision of decentralised and renewable or low carbon energy sources

Case Officer: Richard Elder

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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

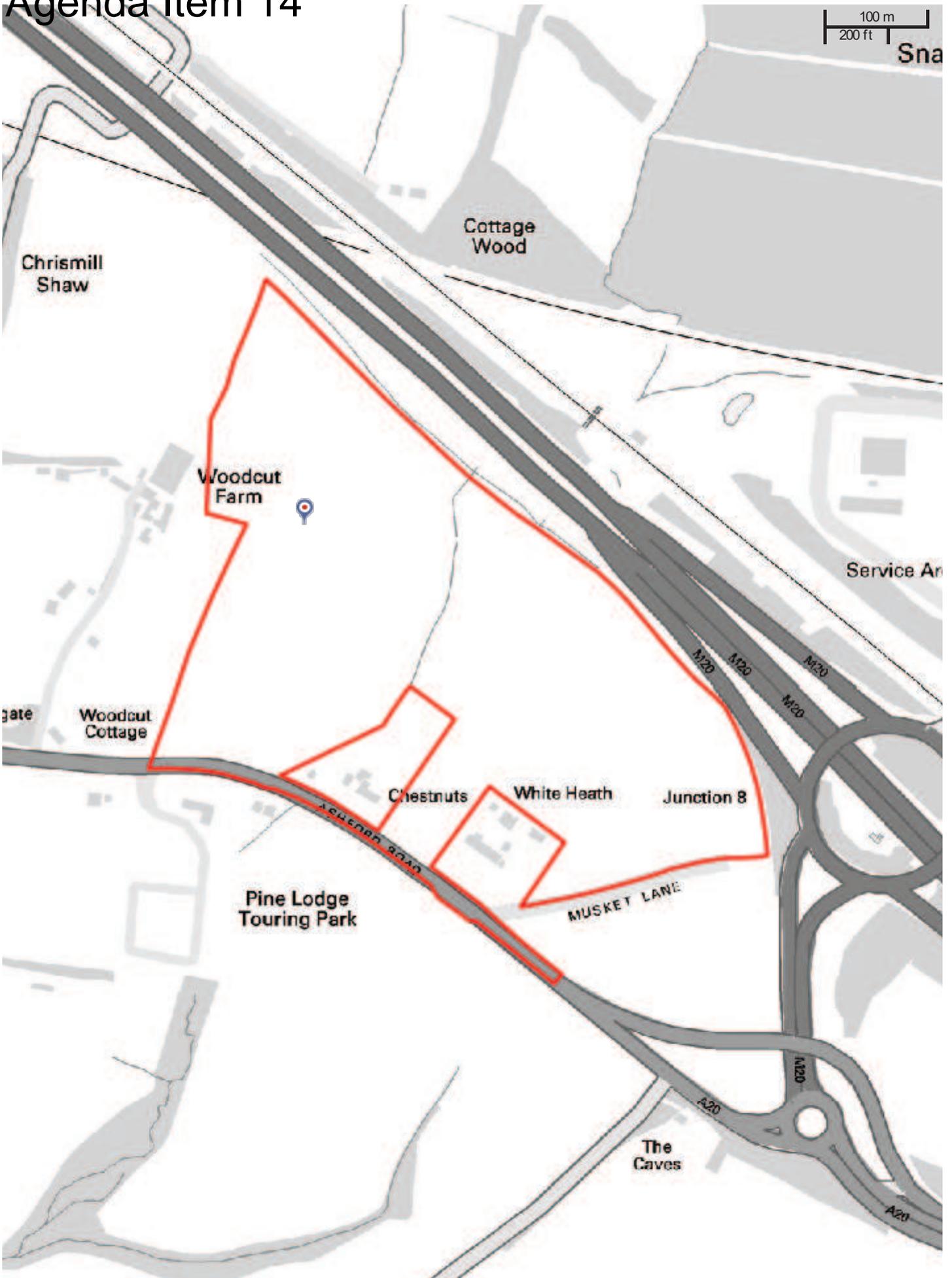
Highway Mitigation Cost Apportionment

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.

# Agenda Item 14



15/503288 - Land at Woodcut Farm  
Scale: 1:5000  
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**REPORT SUMMARY**

<b>REFERENCE NO - 15/503288/OUT</b>			
<b>APPLICATION PROPOSAL</b>			
Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, maximum floor space 46,623 square metres. (Access being sought at this stage).			
<b>ADDRESS</b> Land At Woodcut Farm, Ashford Road, Hollingbourne, Kent, ME17 1XH			
<b>RECOMMENDATION</b> – Approve subject to conditions and Section 106 agreement			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<p>The proposed development would conflict with policies ENV21, ENV28, ENV34 and T21 of the Maidstone Borough-wide Local Plan 2000 to varying degrees, and there is conflict with the environmental aims of the National Planning Policy Framework in that it would be harmful to the character and appearance of the countryside in localised views, and to the setting of the Kent Downs Area of Outstanding Natural Beauty; and the setting of a Grade II listed building to the west of the site.</p> <p>However it is considered that other material considerations being,</p> <ul style="list-style-type: none"> <li>• That the Council has allocated the site for employment development within the submission version of the Maidstone Local Plan (2011-2031), which is considered to carry significant weight and with which the proposals fundamentally accord;</li> <li>• That the Council have accepted the need for employment land at Junction 8 on the basis of there being an identified 'qualitative gap' in the future supply of employment land and a quantitative shortfall in office floorspace;</li> <li>• That significant economic benefits would arise from the proposals which would achieve the economic and social aims of the NPPF; and</li> <li>• That saved policy ENV34 is not proposed to be taken forward as a landscape designation in the submitted Local Plan.</li> </ul> <p>are sufficient grounds to outweigh the harm caused by the development, and sufficient reasons to depart from the Development Plan.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Departure from the Development Plan</li> <li>• Contrary to the views of Statutory Consultees.</li> </ul>			
<b>WARD</b> North Downs	<b>PARISH COUNCIL</b> Hollingbourne	<b>APPLICANT</b> Roxhill Developments Ltd <b>AGENT</b> Hobbs Parker Property Consultants	
<b>DECISION DUE DATE</b> 08/07/16	<b>PUBLICITY EXPIRY DATE</b> 19/02/16	<b>OFFICER SITE VISIT DATE</b> 27/08/15 & 16/05/16	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
13/1076	Request for a Scoping Opinion in respect of an Environmental Statement to be submitted in relation to a	N/A	02/08/13

	<p>proposed development being:</p> <p>Distribution Centre to meet relocation requirements of ADL (principally Use Class B8 but including Use Class B1 offices and training) in the order of 17,000sqm; Business Park comprising B8 storage and distribution (in the order of 6410sqm); Use Class B1c Light Industrial Use (in the order of 4737sqm) and Use Class B1 Offices (in the order of 10,684sqm); New Site Access on north side of A20, west of M20 Junction 8; and Internal drainage, new internal road network, and structural landscaping.</p>		
07/2092	<p>(KIG Site)</p> <p>Outline planning permission for the construction of hardstanding areas to form rail/road freight interchange with freight handling equipment, new railway sidings in part with acoustic enclosure, earthworks and retaining walls, buildings for Class B8 warehousing and Class B1 uses, access works, internal roads and bridges, loading and manoeuvring areas, car and lorry parking, ancillary truck-stop and gatehouse security facilities, electricity substation, realignment of public rights of way and watercourses, drainage works and landscaping with access to be considered at this stage and all other matters reserved for future consideration.</p>	Refused & Appeal Dismissed	05/08/10
07/0682	<p>(KIG Site)</p> <p>Scoping opinion sought in respect of an environmental assessment to be submitted in relation to a proposed rail freight interchange with associated development.</p>	N/A	03/05/07
91/0908	<p>Outline Application for erection of buildings for Multiscreen Cinema Tennis Centre Function Suite/Disco Ten Pin Bowling Cattle Market Restaurants 60 Bedroom Hotel Service Station Railway Station Sports Stadium Athletics Track All Weather Pitch with ancillary car and coach parking.</p>	Refused	12/11/91
14/501895	<p>(Waterside Park Site to South)</p> <p>Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m<sup>2</sup> of B1 light industrial, B2 general industrial and B8 storage and distribution uses with ancillary offices; ancillary cafe and crèche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m<sup>2</sup>) and associated offices (2,995m<sup>2</sup>) with access, service yard, parking and landscaping.</p>	Refused & Appeal Dismissed	22/10/14 & 23/07/15
13/1549	<p>(Waterside Park Site to South)</p> <p>Hybrid planning application (part outline-part detailed) for</p>	Refused & Appeal	27/02/14 & 23/07/15

	<p>re-grading of site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 56,000m<sup>2</sup> of B1 office/light industrial, B2 general industrial and B8 storage and distribution uses; ancillary cafe and crèche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath, with access to be determined and appearance, landscaping, layout and scale reserved for subsequent approval. Detailed permission sought for the erection of a new warehouse building (23,533m<sup>2</sup>) and associated offices (4,145m<sup>2</sup>) with access, service yard, parking and landscaping</p>	<p>Dismissed</p>	
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## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is an irregular shaped parcel of arable farm land with an area of approximately 19 hectares that lies immediately west of junction 8 (J8) of the M20 motorway. The site is around 1.24km east of the urban boundary of Bearsted in the Local Plan 2000 and 5.7km east of Maidstone town centre.
- 1.02 Along the northern boundary is the M20 with the High Speed railway (HS1), J8 service station and the Ashford to Maidstone railway line beyond; to the eastern boundary is the J8 roundabout and its slip roads; along the south eastern boundary is Musket Lane, a narrow track which provides agricultural access to the site; along the southern boundary is the A20 (Ashford Road) and two residential properties; and along the west boundary is further farmland and a number of residential properties including the Woodcut Farm complex of buildings.
- 1.03 Approximately 290m to the south is the 'Waterside Park' site where two appeals were dismissed for large-scale employment development in July 2015. The application site also covers part of the 'KIG' application site where an appeal was dismissed by the Secretary of State for a rail/road freight interchange in 2010. These appeals will be discussed where relevant in the appraisal section of the report.
- 1.04 The M20 is elevated above the site to the north and the site itself gently slopes from the east to its middle, where it begins to steepen down to a dip in the field where there is a small stream. The lowest part of the site is its southern edge, where the land then rises steeply to the sites north western corner at the western part of the site. The site levels range from 49m Above Ordnance Datum (AOD) where the site meets the A20, to 57m AOD in the north western corner of the part of the site proposed for development, and 58m AOD along the north eastern site boundary. In the north western corner, the land rises to a height of 68m AOD where no development is proposed. The site boundaries are formed by a mix of trees and hedges varying in density. Beyond the site to the north the land begins to rise to the steep scarp slope of the Kent Downs, and generally beyond to the west, south, and east the land is undulating.
- 1.05 The two dwellings adjoining the south edges of the site are 'Chestnuts' and 'White Heath' and there is a car wash/garage facility that adjoins part of the south boundary.

On the south side of the A20 are a caravan site and a garage/car sales site. To the north west is the Woodcut Farm complex, set at a higher level with a private driveway (over which PROW KH641 runs) providing access from the A20. There are also around six other dwellings here including Woodcut Farmhouse a Grade II listed dwelling.

- 1.06 In terms of landscape designations, the site falls within a Special Landscape Area (designated under policy ENV34 of the Local Plan 2000). The Kent Downs Area of Outstanding Natural Beauty (AONB) is north of the M20 and the Ashford to Maidstone railway line. At its closest point the AONB is within approximately 120m of the application site. It is considered that the application site falls within the setting of the AONB. There is also a local nature reserve to the north of the railway line.
- 1.07 The site does not contain any designated heritage assets but there are a number within the vicinity, the closest being the Grade II listed Woodcut Farmhouse 80m to the west of the site. The Hollingbourne/Eyehorne Street Conservation Area, which features a number of listed buildings is around 710m to the east, and Leeds Castle (Grade I) and its Grade II\* listed grounds (which features other listed buildings) are around 2km and 1km to the south east respectively.
- 1.08 There are no public footpaths running through the site but some within the local area. There are 5 protected trees (Oak and Scots Pine) along the south east boundary of the site with Musket Lane. A recent Council Agricultural Land Classification Study (November 2014) reveals the site to comprise a mixture of Grades 2 and 3a and therefore falls into the 'best and most versatile' category.
- 1.09 As outlined above, the application site covers an area of 19 hectares but the plans also show two areas of land outlined in blue (being adjoining land within control of the applicant) on the west edges of the site. Their purpose will be outlined below under the 'Proposal' section of the report.

## **2.0 PROPOSAL**

- 2.01 This is an outline application for a mixed commercial development comprising uses of B1(a), B1(b), B1(c) and B8 units, with a maximum floor space 46,623m<sup>2</sup>. For clarity, B1(a) use is offices, B1(b) is research and development, B1(c) is light industry, and B8 is storage and distribution. In addition to the principle of the development, only the specific detail of the access to the site is being considered at this stage and all other matters (layout, appearance, scale, and landscaping) are reserved for future consideration.
- 2.02 Whilst an outline application, illustrative plans have been provided showing a number of buildings across the site and the potential floorspace (amount and use) for the units. This is illustrated as follows:
  - 9 commercial units (A1 to A9) for use either within use class B8 or B1(c) with floor space totalling 22,920m<sup>2</sup> and unit sizes varying from 2130m<sup>2</sup> to 4180m<sup>2</sup>.
  - Two commercial units (B1 and B2) for storage and distribution/warehouse accommodation (use class B8), totalling 15,840m<sup>2</sup>, individual sizes 6225m<sup>2</sup> and 9615m<sup>2</sup>.
  - Two units (C1 and C2) for use in either use class B1(b) or B1(c) totalling 4550m<sup>2</sup>, individual units sized 2140m<sup>2</sup> and 2415m<sup>2</sup>.

- Two units (D1 and D2) for uses in either use class B1(a) or B1(b) totalling 3310m<sup>2</sup>, individual units sizes 1440m<sup>2</sup> and 1870m<sup>2</sup>.

2.03 This can be summarised as follows:

B8 or B1(c) uses	22,920m <sup>2</sup>
B8 uses	15,840m <sup>2</sup>
B1(b) or B1(c)	4,550m <sup>2</sup>
B1(a) or B1(b)	3,310m <sup>2</sup>
Total	46,620m <sup>2</sup>

These proposals for floorspace are only illustrative and are not being considered at this stage. The applicant has tested the following maximum amounts of floorspace within the Transport Assessment and so this would be the maximum amounts that could actually be secured under this outline application:

<b>Warehousing (B8)</b>	<b>24,387m<sup>2</sup></b>
<b>Office (B1 (a))</b>	<b>5,360m<sup>2</sup></b>
<b>Light Industrial (B1(c))</b>	<b>18,004m<sup>2</sup></b>

- 2.04 There would be one main access to the site off the A20 between the dwellings 'Chestnuts' and 'White Heath'. An emergency access would be provided onto Musket Lane. Off-site highways works are also proposed to improve capacity at the A20/Willington Street junction. A package of measures to provide bus stops, financial contributions towards providing increased bus services, pedestrian refuges and improvement to the footway on the northern side of the A20 are also proposed.
- 2.05 Whilst details of layout, appearance, scale and landscaping are reserved, illustrative plans have been provided to show how the proposed amount of development could potentially be accommodated on the site. This shows the two largest buildings on the east side of the site (B units), two smaller units at the eastern edge (C units), small units alongside the access (D units), and 9 medium sized units (A units) within the western part.
- 2.06 Although an outline application, the applicant has stated that key site parameters, including the finished ground levels, and maximum height of buildings would be established through any grant of outline permission. The undulating nature of the site means that ground levels would need to be altered to create level platforms for development. A cut and fill exercise will take place which seeks to achieve a net balance between cut and fill. Buildings would have finished floor levels of between 51.3 AOD and 56.2 AOD. The two largest buildings would have maximum ridge heights of 12m, Units A1-A9 would be 10m to ridge. The C Units would be 7.8m to ridge and the D Units 10.6m.
- 2.07 Internal structural landscaped areas and perimeter landscaping are shown on the illustrative plans. This includes woodland planting along the A20 frontage at the south western edge of the site of at least 20m width; a circa 20m native woodland belt with understorey shrubs and grasses along the western edge of the site; planted landscape buffer zones around 'Chestnuts' and 'White Heath'; to the north west a woodland area would be provided on rising ground (and conveyed to a Trust to maintain and manage in perpetuity); to the south east the protected trees along Musket Lane will be retained and augmented with hedgerows and additional tree planting; creation of a circa 38m-70m landscape buffer between Units A8 and A9 and the M20 which includes the 18m gas pipe easement; a circa 8m wide planting belt of native trees and understorey

would be provided between the easement and units B1 and B2; and a woodland shaw along the northern boundary and the M20 of between 10-24m width.

- 2.08 As outlined above, there are two parcels of land adjoining the west of the site (outline in blue). The larger north western parcel of land would be retained as woodland pasture (agricultural, horticultural or forestry use) with new tree planting and this is proposed to be secured through any Section 106 agreement with long term management. The other parcel of land to the west would be planted up with trees.
- 2.09 The construction programme outlines that Phase 1 of the proposed development (Plots A1 to A9) will be constructed simultaneously along with the supporting infrastructure, while the other smaller plots will be developed later. The construction programme for Phase 1 (Units A1 to A9) is expected to span approximately 12-18 months and is expected to commence in 2016, subject to gaining planning permission. The construction of the rest of the development would be occupier led where demand arises, and taking approximately a further two years to complete.
- 2.10 The application has been amended since its original submission largely in response to consultee response on the application, and also the emerging Local Plan position. Full re-consultation and advertisement was carried out on the amended information.
- 2.11 The application is accompanied by an Environmental Statement in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

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

- **The National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance (NPPG)**
- **Maidstone Borough-Wide Local Plan 2000:** ENV6, ENV21, ENV28, ENV34, ENV49, ED9, T3, T13, T21, T23
- **Draft Maidstone Local Plan 2011-2031 (Submission Version):** SS1, SP17, EMP1(5), DM1, DM2, DM3, DM5, DM7, DM24, DM25, DM27, DM34
- **The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)**
- **Kent Downs AONB Management Plan (2014-2019)**

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 30 representations received from local residents raising the following (summarised) issues:

- Harm to the landscape.
- Harm to the setting of the AONB.
- Contrary to Local Plan policy.
- Greenfield site.
- Loss of agricultural land.
- Harm to wildlife.
- Entirely speculative proposal.

- No proven need for the development.
- Doubt as to delivery of economic benefits.
- Staff will come from other areas and not Maidstone.
- Suitable alternative brownfield sites in and outside the Borough.
- Won't employ large numbers.
- Not served by public transport.
- Car dependant.
- Dangerous access.
- Traffic and congestion on local roads.
- Disruption on local roads.
- Noise and disturbance.
- Pollution.
- Overshadowing.
- Overlooking/loss of privacy.
- Poor outlook.
- Flood risk.
- Harm to heritage assets.
- Archaeology.
- Lack of infrastructure.
- Negative impact upon tourism including Leeds Castle.
- Contrary to KIG decision.
- Worse than Waterside Park site.
- Risk of groundwater pollution.
- Light pollution.
- Harm to quality of life.
- Does not meet sustainability aims of the NPPF.
- Local Plan allocation should not be given weight.
- Precedent.
- Inadequate overnight HGV parking will lead to parking on local roads.
- Litter and increased rats.
- Magnet for illegal immigration.

4.02 1 representation from a local business offering support for the application for the following (summarised) reasons:

- Development will deliver size and quality of space needed.
- Will enable business to stay in Maidstone.
- Good location for access to strategic road network.

4.03 **Cllr Fort (Leeds Ward):** *"I strongly object to this application which causes harm to the countryside. Development in the proposed location would be visible from various viewing points not to mention the AONB. Proposed commercial development on this site and "Waterside Park" have been previously rejected by MBC and by the inspector at appeal for these various reasons. I am also concerned that there is not sufficient infrastructure in place to cater for this development. The local road network is nearly at breaking point and this development and the increase in homes proposed by the Local Plan will cause misery and a detrimental effect to all in the south and east of Maidstone."*

4.04 **Cllr Cumming (Bearsted Ward):** *"This application is inappropriate in this location, as the buildings are too large and on high ground. It is closer to the Kent Downs AONB than the Waterside Park recently rejected at Public Inquiry, and would have a much*

*more damaging effect on the landscape. This area has been put forward for inclusion as an Area of Local Landscape Value in the draft Local Plan.”*

- 4.05 **Cllr Springett (Bearsted Ward):** *“Following the outcome of the Public Inquiry on the two Waterside Park planning applications, the Planning Inspector gave great weight to the impact that development in this location would have on the setting of the AONB. Warehouses are a totally unsuitable proposal for this sensitive site which sits immediately adjacent to the actual AONB. In addition, a proposal was recently brought to the Strategic Planning, Sustainability and Transportation Committee to re-protect the Special Landscape Area within which Woodcut Farm lies by including it in the Draft Local Plan as an area of Local Landscape value. I am therefore writing to ask that in view of the above matters, that the application by Roxhill Developments is refused.”*

*“I still fully oppose this application despite recently submitted documents. The harm that will be caused to the countryside in this location will be enormous and warehouse type development is totally inappropriate in this rural setting. It will be difficult to mitigate the impact of warehouses when viewed from the Kent Downs AONB as most viewpoints are elevated, and normal screening will not be sufficient. Policies ENV 28 and ENV 34 are still current and apply to this site. The proposal contravenes both these policies. In addition, emerging policy SP17 also applies and as all three are in conformity with the countryside protection elements of the NPPF they are to be considered up to date. The benefit of the development does not outweigh the harm it will cause to the countryside.”*

*“I am concerned that the above planning application may be determined ahead of the inspection of our Local Plan. This strategic site forms a significant part of our employment land allocation. In addition, although this land is not proposed as an area of LLV, it has been protected as a SLA for many years, and an inspector may not agree that this site is suitable for allocation for economic development. An approval would undermine the plan-making process by pre-determining the decision about the scale and location of a major part of our employment land. Therefore, a decision on this application should be a refusal on the grounds of prematurity. This would be in accordance with PPG Para 14. Reference ID: 21b-014-20140306. I appreciate that our plan is yet to be submitted, but we are at Reg19, and only weeks away from submission to the inspector. I request this application is refused on this basis.”*

- 4.06 **Hollingbourne Parish Council:** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Harm to landscape and AONB.
- More suitable sites available.
- Inadequate local infrastructure to cope with traffic.
- Danger from traffic.
- Speculative.
- Congestion and traffic.
- Air pollution.

- 4.07 **Leeds Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Congestion and traffic.
- Harm to landscape and AONB.
- Air pollution.

- Noise.

4.08 **Thurnham Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Congestion and traffic.
- Harm to landscape and AONB.
- Noise and Air pollution.
- Harm to ecology.
- Adverse impact upon cultural heritage.
- Harm to quality of life.

4.09 **Bearsted Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Will compromise ongoing work on Local Plan.
- Harm to landscape and AONB.
- Congestion and traffic.
- Air pollution.

4.10 **Detling Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Harm to environment.
- Congestion and traffic.
- Impact on natural resources.
- Harm to local residents.

4.11 **Joint Parishes Group (15 Member Parishes):** Objects for the following (summarised) reasons:

- Impact upon aquifer.
- Traffic and congestion.
- Harm to landscape and AONB.
- Adverse impact upon cultural heritage.
- Air quality.
- Light pollution.
- Noise.
- Harm to ecology.
- Contrary to KIG decision.

4.12 **The Bearsted & Thurnham Society:** Objects for the following (summarised) reasons:

- Speculative.
- Would open floodgates.
- Car reliant.
- Harm to landscape and AONB.
- Contrary to Local Plan policy.
- More suitable sites available.

4.13 **CPRE Maidstone District & CPRE Kent:** Object most strongly to the application for the following (summarised) reasons:

- This is an entirely speculative proposal.
- All the details submitted are “illustrative” only which renders many of the submitted documentation pointless and redundant.
- Harm to AONB and countryside.
- KIG grounds for refusal are applicable.
- Contrary to Local Plan policy.
- Jobs won't be created.
- Benefits to wildlife are very questionable.
- Employment sites should be met in agreement with Tonbridge & Malling.
- Traffic increases and reliance on private car.
- Would open the way for further development.

4.14 **Kent Downs AONB Unit:** Strongly objects to the application for the following (summarised) reasons:

- Site forms part of setting of AONB.
- CROW Act 2000 is relevant with duty of regard to AONB setting.
- Valued landscape.
- Kent Downs Management Plan is a material consideration.
- Limited visual impact assessment carried out.
- Detrimental impact on views from the AONB.
- Would neither conserve or enhance setting of AONB.
- Incongruous feature in landscape.
- Harm to views towards AONB.
- Cumulative impact with Waterside Park.
- Mitigation and landscaping is not sufficient.
- Weight to draft allocation should be limited.

4.15 **Leeds Castle Foundation:** Raises objections summarised as follows:

- Detrimental impact on the character and appearance of the surrounding countryside;
- The impact that would occur on Leeds Castle and its associated garden as a result of the development; this relates to the physical impact; this being not just the inter-visibility between the sites but the impact change to the rural landscape within the wider setting of the Castle;
- As a major tourist attraction the potential impact on visitor numbers respect of the perception of the heritage asset within rural Maidstone and not in an industrial location;
- The impact of additional traffic on visitor numbers;
- The potential loss of income directly to the Castle and the subsequent impact on surrounding tourism businesses reliant on tourism from the Castle;
- Contrary to Policy DM10 which seeks to ensure that such historic assets do not suffer any adverse impact
- Contrary to the strategic objectives of the Boroughs tourism objectives which seeks to ensure existing tourism opportunities.

4.16 **DHA Planning:** State that the majority of site falls within agricultural land grades 2 and 3a as shown by MBC evidence.

4.17 **Kent Invicta Chamber of Commerce:** Fully supports the principle of economic development around junction 8 for the following (summarised) reasons:

- Little further scope for economic development around motorway junctions in Maidstone.
- Sites south of Maidstone are unsuitable due to road links.
- Lack of brownfield land.
- Will attract new businesses and provide expansion space for existing businesses.
- Will provide employment opportunities and economic benefits.

## 5.0 **CONSULTATIONS**

***(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)***

5.01 **Highways England: No objections.** *“Highways England are content that proposals for the development of land at Woodcut farm, as submitted, do not represent any sever risk to the Strategic Road Network and consequently we have no objection to this planning application.”*

5.02 **Environment Agency: No objections.** *“We have reviewed the information submitted and note that the site is located over a Principal Aquifer and within SPZIII. We have no objection to the proposed development at this location but request conditions.”* (Conditions covering land contamination and to prevent pollution of the underlying aquifer and groundwater).

5.03 **Historic England: No objections.** Conclude that there would be no harm to the significance of Leeds Castle. Do not wish to raise concerns re. Hollingbourne/Eyhorne Street Conservation Area.

5.04 **Natural England: Raises objection** based on a significant impact on the purposes of designation of the Kent Downs AONB and its setting.

Key points in summary:

- Advise that the proposed development after mitigation is likely to have a residual effect of at least Major/Moderate adverse significance on the AONB and its setting.
- Consider that the amended LVIA as submitted still fails to fully address the impacts of the development during operation on the AONB.
- Consider that the photomontages showing impact have been altered using darker colours and this is likely to be misleading, and that the photomontages fail to provide a realistic representation of the likely view of the proposed development in the surrounding landscape.
- Consider that the significance of visual impact on View Point 3 should be upgraded to Major adverse given its very high sensitivity and high magnitude of change, and that View Point 12 should be at least Major/Moderate adverse.

5.05 **KCC Highways (Highway Authority): No objections** subject to conditions securing off-site highway improvements to the A20 including the site access junction, pedestrian refuge, footway/cycleway, bus stops and A20/Willington Street junction improvement;

provision of a site-wide Framework Travel Plan; a Construction Environmental Management Plan; measures to prevent the discharge of surface water onto the highway; wheel washing facilities prior to commencement of work on site; provision and retention of the vehicle parking spaces; provision and permanent retention of the vehicle loading/unloading and turning facilities; provision and permanent retention of the cycle parking facilities; completion and maintenance of the access; and the provision, by way of a Section 106 Agreement, of a financial contribution to upgrade local bus service frequencies.

5.06 **KCC (Local Lead Flood Authority): No objections** subject to a condition requiring the detailed design of sustainable surface water drainage including details of implementation, maintenance and management; and no infiltration subject to agreement.

5.07 **Kent County Council: Raises objection** based on the following (summarised) grounds:

- *The proposal would have a range of adverse landscape and visual impacts including on the setting of the Kent Downs Area of Outstanding Natural Beauty;*
- *There is no overriding economic need for the proposal which outweighs material planning considerations and there are a range of alternative Employment sites within Kent where development of this type and quantum would be more suitably accommodated;*
- *The proposal would cause substantial harm to the setting of the Grade II Listed Building (Woodcut Farmhouse);*
- *The proposal to site major commercial development on an unallocated site in the open countryside is contrary to the adopted and emerging Local Plan for the Maidstone Borough; and*
- *The proposal would severely undermine the primacy of the Local Plan process by pre determining decisions on the allocation of new land for Employment. This would not be in the interests of delivering sustainable development that reflects the vision and aspirations of the local community.*

5.08 **MKIP Environmental Health: No objections** subject to conditions relating to details of air quality emissions reduction; travel plan; contaminated land; plant and ducting details; construction hours of working; noise relating to plant and equipment; extraction details; and code of construction practice.

5.09 **MBC Conservation Officer: Raises objection** based on harm to the setting of Woodcut Farmhouse (Grade II).

5.10 **MBC Landscape Officer:** Considers the key principles of the LVIA are generally acceptable.

5.11 **MBC Spatial Policy Section: Raises no objections** and recommend that the application is supported. They consider the application broadly complies with the draft policy and that the balance weighs in favour of appropriately controlled development on the application site to meet identified needs.

5.12 **MBC Economic Development Section:** Supports the general location of Junction 8 for a new mixed commercial business park as it would be in a highly accessible and attractive location; would meet quantitative and qualitative needs with a 'new' diversified offer; and supports the Council's adopted Economic Development Strategy 2015-2031.

- 5.13 **KCC Archaeology: No objections** subject to condition.
- 5.14 **KCC Ecological Advice Service: No objections** subject to conditions relating to a GCN survey report and mitigation strategy (if required); precautionary bat mitigation measures; precautionary mitigation measures relating to reptiles; and enhancements.
- 5.15 **Southern Water: No objections** subject to conditions relating to foul and surface water drainage. Advise that there is currently inadequate capacity in the local network to provide foul drainage and that, *“Additional off-site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.”*
- 5.16 **Southern Gas Networks:** High pressure pipeline restrictions must be followed.
- 5.17 **Kent Police:** Recommend a condition to ensure crime prevention is addressed appropriately.
- 5.18 **Rural Planning Ltd:** Detailed agricultural land study should be carried out.
- 5.19 **UK Power Networks: No objections.**

## 6.0 **APPRAISAL**

### **Planning Policy**

- 6.01 Relevant to this application, the Development Plan currently comprises the saved policies of the Maidstone Borough-Wide Local Plan 2000.

#### **Maidstone Borough-Wide Local Plan 2000 (saved policies)**

*Relevant Policies: ENV6, ENV21, ENV28, ENV34, ENV49, ED9, T3, T13, T21, T23*

- 6.02 The site is located within the countryside outside of any settlement boundary within the Maidstone Borough-Wide Local Plan 2000 (LP 2000) and as such policy ENV28 is relevant. Policy ENV28 relates to the protection of the countryside and limits the categories of development that can take place outside the defined development boundaries and states as follows:

*“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”*

- 6.03 Policy ENV34 relates to Special Landscape Areas (SLA) and the site falls within the North Downs SLA. The policy states that in this area, *“particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations.”* This designation derives from previous County Structure Plans dating back to pre-2000.
- 6.04 Policy ED9 relates to storage and distribution uses (B8 uses) and directs them to designated sites in the LP 2000 such as Parkwood Industrial Estate.
- 6.05 Policy ENV6 requires landscaping schemes for developments including surfacing and boundary treatments. Policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough. Policy ENV49 relates to external lighting and criteria to minimise the impact upon visual and neighbouring amenities, and highway safety.
- 6.06 Policy T3 requires public transport facilities within major developments. Policy T13 refers to parking standards and states that standards will be adopted generally to ensure minimum provision and development should comply with these standards. Policy T21 refers to new development outside designated or allocated areas and, relevant to business uses, outlines that they will only be permitted where adjacent to railway lines or well related to the primary or secondary road networks and with good access to public transport, has ease of access for cyclists and is well related to existing development which can be reached along safe footpaths that follow pedestrians’ preferred routes. Policy T23 outlines that any necessary highways works will be secured by legal agreement or condition, or by contributions.

*Draft Maidstone Borough Local Plan (2011-2031) – Submission Version*

*Relevant Policies: SS1, SP17, EMP1(5), DM1, DM2, DM3, DM5, DM7, DM24, DM25, DM27, DM34*

- 6.07 Policy SS1 (Spatial Strategy) of the draft Local Plan (DLP) outlines that over the Plan period (2011-2031) provision will be made for 39,830m<sup>2</sup> floorspace for office use; 20,290m<sup>2</sup> floorspace for industrial use; and 49,911m<sup>2</sup> floorspace for warehousing use. It states that, *“a prestigious business park at Junction 8 of the M20 that is well connected to the motorway network will provide for a range of job needs up to 2031, and will help to diversify the range of sites available to new and expanding businesses in the borough to help accommodate future demand.”*
- 6.08 Following on from this, specific policy EMP1(5) allocates the application site for development for up to 49,000m<sup>2</sup> mixed employment floorspace (B1a; B1b; B1c; B2; and B8 uses). It includes criteria relating to design and layout; landscape and ecology; archaeology; access; and highways and transportation. The policy is set out in full below:

***Policy EMP1(5)***  
***Woodcut Farm, Ashford Road, Bearsted***

*Woodcut Farm, as shown on the policies map, is allocated for development for up to 49,000m<sup>2</sup> mixed employment floorspace (B1c; B2; B1a; B8). In the event of a demand arising, an element of hi-tech and/or research and development (B1(b)) would be appropriate as part of the overall*

*mix of B class uses on the site. The employment, landscaping and infrastructure elements will be delivered in an integrated and co-ordinated manner that respect the site's visual and physical relationship with the Kent Downs AONB.*

*Planning permission will be granted if the following criteria are met.*

### **Design & layout**

- 1. The proposals create a spacious parkland setting for development through the addition of substantial internal landscaping which will help to break up the visual appearance of the development in particular in views from the AONB; buildings will cover not more than 40% of the developed site area.*
- 2. The development proposals will respect the topography of the site by minimising the need for site excavation.*
- 3. Landscape buffers of at least 15m in width are established along the site's boundaries to M20 and to Musket Lane which will also to help secure the setting to Woodcut Farmhouse (Grade II listed) and the amenity of residential properties at Chestnuts and White Heath. Development will have a landscaped frontage to A20.*
- 4. An area of 9ha to the north and north west of Woodcut Farm is secured as an undeveloped landscape area in the form of open woodland including the addition of a landscape buffer of at least 30m along the eastern boundary. Future management of this area will be secured by means of legal agreement and maintained in perpetuity.*
- 5. Larger footprint buildings are accommodated in the field to the east of the stream up to a maximum unit size of 10,000sqm with building ridge heights not to exceed 12m. Units should be orientated end-on to predominant views to and from the AONB.*
- 6. Development on the field to the west of the stream comprises smaller units with graded building heights that take account of the site's topography with building ridge heights not to exceed 8m. The siting, scale and detailed design of development must have regard to Woodcut Farmhouse (Grade II) and its setting.*

### **Landscape and ecology**

- 7. The development proposals are designed to take into account the results of a landscape and visual impact assessment (LVIA) undertaken in accordance with the principles of current guidance. The assessment will specifically address the impact of development on views to and from the Kent Downs AONB escarpment. This will include environmental enhancements of the wider landscape beyond the allocation boundaries through financial contributions using the mechanism of a S106 agreement.*
- 8. The development proposals are designed to take account of the results of a phase 1 habitat survey and any species specific surveys that may as a result be necessary, together with any necessary mitigation and significant enhancement measures.*

### **Archaeology**

- 9. The proposals are designed to take account of the archaeological interest on the site as revealed through appropriate survey.*

### **Access**

- 10. Vehicular access to the site will be from A20 Ashford Road.*

### **Highways and transportation**

- 11. Improvements to capacity at the A20/Willington Street junction.*
- 12. Package of measures to provide bus stops, pedestrian refuges and improvements to the footway on the northern side of the A20 Ashford Road.*
- 13. Development will contribute, as proven necessary through a Transport Assessment, to improvements at the following junctions:*

- i. *the M20 Junction 8 (including the west-bound on-slip and merge);*
  - ii. *the A20 Ashford Rd/M20 link road roundabout;*
  - iii. *the A20 Ashford Rd/Penford Hill junction;*
  - iv. *the A20 Ashford Rd/Eyehorne Street/Great Danes Hotel access; and*
  - v. *the Willington Street/A20 Ashford Rd junction.*
14. *Development will deliver a significant package of sustainable transport measures to secure access to the site by a range of sustainable modes, including the provision of a subsidised bus route, and must be supported by the implementation of a Travel Plan.*

- 6.09 Under the DLP, SLAs are not carried forward in their current form and are replaced by Landscapes of Local Value (LLV). The North Downs SLA is not carried forward and so within the DLP the site does not fall within a designated landscape. However, policy SP17 that relates to the countryside recognises the distinctive character of the Kent Downs AONB and its setting outlining that this will be rigorously conserved, maintained and enhanced where appropriate.
- 6.10 Other relevant policies relate to more detailed matters such as design, heritage, air quality, lighting and transport/highway matters.

*National Planning Policy Framework (NPPF)*

- 6.11 The NPPF is a material planning consideration that sets a presumption in favour of sustainable development with three dimensions to sustainable development being economic, social and environmental roles. The NPPF states that the planning system supports this by contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; creating a high quality built environment; and contributing to protecting and enhancing our natural, built and historic environment.
- 6.12 In relation to development that could affect the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission.
- 6.13 Section 85 of the Countryside and Rights of Way Act 2000 requires a relevant authority, when exercising any functions in relation to, or affecting land in, an AONB to have regard to the purpose of conserving or enhancing the natural beauty of the AONB.

**Weight to be attached to Development Plan Policies**

- 6.14 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 6.15 With regard to policy ENV28, in relation to the aim of protecting the countryside, by controlling harmful development within it, the policy is not out of step with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. On this basis, it is considered that as a countryside protection policy, ENV28 carries full weight.
- 6.16 With regard to policy ENV34, paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. So such a policy that designates SLAs is

not out of step with this requirement. On this basis, it is considered that as a landscape protection policy, ENV34 carries full weight.

- 6.17 Policy ED9 relates to storage and distribution uses (B8 uses) and directs them to designated employment sites in the LP 2000. This is based on their lower employment generation and such sites being better connected to the primary road network. The NPPF at paragraph 21 in relation to economic development outlines that, *“policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.”* It is considered that policy ED9 is very much a restrictive policy and not flexible and as such it is considered to attract low weight.
- 6.18 The policy ENV6 requirement for landscaping schemes for developments is considered to be in line with the NPPF in achieving high quality design, and policy ENV21 in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.
- 6.19 Policy ENV49 relates to external lighting and criteria to minimise the impact upon visual and neighbouring amenities, and highway safety. This is considered to be consistent with the NPPF aims of protecting and enhancing the natural and built environment and a good standard of amenity and so would attract full weight.
- 6.20 Policy T3 requires public transport facilities within major developments, which is in accordance with section 4 of the NPPF and so attracts full weight.
- 6.21 Policy T13 refers to parking standards and states that standards will be adopted generally to ensure minimum provision and development should comply with these standards. Parking standards are permissible under the NPPF so this policy attracts full weight.
- 6.22 Policy T21 refers to new development outside designated or allocated areas and, relevant to business uses, outlines that they will only be permitted where adjacent to railway lines or well related to the primary or secondary road networks and with good access to public transport, has ease of access for cyclists, and is well related to existing development which can be reached along safe footpaths that follow pedestrians’ preferred routes. The NPPF at paragraphs 32 and 34 states that decisions relating to developments that generate significant amounts of movement should take account of whether opportunities for sustainable transport modes have been taken up; safe and suitable access can be achieved; and improvements can be undertaken that cost effectively limit the significant impacts of the development. It also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Decisions should also ensure that developments generating significant movement are located where the need to travel will be minimised and sustainable transport can be maximised. It is considered that the NPPF is not as restrictive as policy T21 but nonetheless the policy seeks to achieve the aims of locating development at more sustainable locations and so it attracts significant weight.
- 6.23 Policy T23 outlines that any necessary highways works will be secured by legal agreement or condition, or by contributions, which is considered to be in line with the NPPF paragraph 32 and attract full weight.

**Weight to be attached to Draft Local Plan Site Allocation**

6.24 Paragraph 216 of the NPPF states that,

*“from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

6.25 The DLP was submitted to the Secretary of State for examination on 20<sup>th</sup> May 2016 with examination expected to follow in September, and is the agreed Local Plan the Council considers is appropriate to meet the needs of the Borough. As such the Local Plan is considered to be at an advanced stage but it is acknowledged that it must be examined and could be subject to change. However, it indicates that the Council considers an employment allocation at the site is appropriate subject to safeguards.

6.26 In terms of unresolved objections to the emerging allocation policy for the site (EMP1(5)), statutory consultees under this planning application, Natural England and Kent County Council, have objected to the allocation. In addition, the Kent Downs AONB Unit, ward councillors, the local MP, residents, and parish councils have also objected. No objections have been raised from neighbouring authorities.

6.27 More detailed issues relating to other policies within the NPPF will be discussed below but generally, the proposed allocation is considered to be in accordance with the NPPF aims of building a strong and competitive economy and is based on an up-to-date evidence base for employment needs, as is required. However, inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

*“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”*

6.28 It is considered that the NPPF acknowledges that adverse impacts may occur but every effort should be made to avoid this. The Council has followed this process in its Local Plan preparation and considers allocation of the site is appropriate subject to the criteria outlined within the draft policy to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

6.29 The DLP has been submitted for examination and the emerging allocation policy for the site is considered to be generally consistent with the principles and policies set out in the NPPF when taken as a whole. Whilst there are unresolved objections and two of these are from statutory consultees, it is considered that the emerging Local Plan evidence based and the proposed allocation for the site attracts significant weight and

clearly indicates that the Council considers an employment allocation at the site is appropriate subject to suitable mitigation.

**Need for Employment Floorspace & Evidence Base for Employment Land at Junction 8 & MBC Economic Development Strategy (2015)**

6.30 As stated at paragraph 4.7 of the DLP, *“it is important to achieve a balance of sustainable housing and employment growth throughout the borough whilst protecting the environment, to ensure that there are enough dwellings to accommodate the economically active workforce required to fill new jobs. The scale of sustainable employment growth required will be met through a range of employment sectors. The evidence base includes updated employment land forecasts which examine the local economy to see which sectors will grow or contract (in terms of jobs). The jobs forecast is then converted into a land requirement for those sectors that require new office, industrial or warehousing and distribution space between 2011 and 2031. The assessment has taken account of the new Kent Institute of Medicine and Surgery (KIMS) and an expanded medical campus at junction 7 of the M20 motorway. The creation of 14,394 jobs is forecast across all employment sectors, of which 7,933 will be in the office, industrial and warehousing based sectors and at the Maidstone medical campus (including KIMS). These provisions are set out below (total figures vary due to rounding).”*

<b>2011-2031</b>	<b>Job creation</b>	<b>Floorspace (m<sup>2</sup>)</b>	<b>Land (hectares)</b>
Offices (B1a/b)	3,053	39,830	2.7
Industry (B1c/B2)	226	20,290	5.1
Warehousing (B8)	453	49,911	10.0
Medical (KIMS/MMC)	4,200	98,000	19.0
<b>Total requirement</b>	<b>7,933</b>	<b>208,030</b>	<b>37.0</b>

6.31 Part of the office, industry and warehousing floorspace provision can be met through the occupation of vacant buildings and land, redevelopment and planning permissions granted 2011-14 and the net requirements are shown as follows:

	<b>Offices</b>	<b>Industry</b>	<b>Warehousing</b>
Gross requirement (m <sup>2</sup> )	39,830	20,290	49,911
<b>Net requirement (m<sup>2</sup>)</b>	<b>24,000</b>	<b>-15,600</b>	<b>6,500</b>

6.32 The net requirement in the table above demonstrates that there is a current and future need for office and warehousing floorspace in the Borough. The total quantitative floorspace requirement equates to 30,500m<sup>2</sup> (24,000m<sup>2</sup> office, 6,500m<sup>2</sup> warehousing).

6.33 As outlined in the DLP at paragraphs 15.1 and 15.2, the Strategic Employment Land Availability Assessment (SELAA) assessed the potential of a range of sites to accommodate new office, industrial and warehousing/storage development. Overall, sites have been put forward for allocation in the DLP to deliver approximately 83,800m<sup>2</sup> of employment floorspace to meet employment needs during the plan period as follows:

<b>Policy Ref.</b>	<b>Site address</b>	<b>Approximate amount of employment floorspace (m<sup>2</sup>)</b>
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EMP(1)	Mote Road, Maidstone	Up to 8,000m <sup>2</sup> (B1)
EMP(2)	West of Barradale Farm, Maidstone Road, Headcorn	5,500 m <sup>2</sup> (B1, B2, B8)
EMP(3)	South of Claygate, Pattenden Lane, Marden	6,800 m <sup>2</sup> (B1, B2, B8)
EMP(4)	West of Wheelbarrow Industrial Estate, Pattenden Lane, Marden	14,500 m <sup>2</sup> (B1, B2, B8)
EMP(5)	Woodcut Farm, Bearsted Road, Bearsted	Up to 49,000 m <sup>2</sup> (B1c; B2; B1a; B8)

6.34 In terms of qualitative need, the Council's evidence base (*Qualitative Employment Site Assessment' - GVA September 2014*), concludes:

*"When qualitative factors are taken into account it is clear that the current portfolio is also unlikely to provide the appropriate range and choice of accommodation for the expected nature of future demand. Whilst much of the stock is fit for purpose, when considered in the light of likely sectoral requirements there are a number of factors which suggest the Borough would benefit from new land provision:*

- *Elements of the stock are of poorer quality and unlikely to be reoccupied;*
- *There is a considerable oversupply of office floorspace of a typology that does not meet future needs;*
- *The majority of identified development capacity is poorly located for likely occupier needs;*
- *A number of sites suffer from strategic access constraints;*
- *'extending' or 'redeveloping' sites will limit the ability to deliver new types of offer and will largely support space of a similar character;*
- *Development sites are dispersed across the borough and may not provide the scale or critical mass to accommodate larger occupiers; and*
- *A number of sites are no longer in B class use."*

6.35 In relation to the 'Woodcut Farm' proposed allocation, and as outlined in the Council's 'Employment & Retail Topic Paper' submitted with the DLP in May 2016, it is stated that,

*"To achieve the stated ambition in the Council's Economic Development Strategy (EDS) of enabling 14,400 new jobs depends on four named factors, one of which is 'filling the gap in our portfolio of employment sites to meet modern business needs.' The EDS explicitly links its ambitions for job creation with developing a site at Junction 8 as follows:*

*"The strategic case for a new employment site at Junction 8 has been established and its development is critical to ensuring that the principal aim of the Strategy is achieved i.e. the creation of 14,400 jobs by 2031 in a range of sectors and occupations" (emphasis added)*

*The decision to include Land at Woodcut Farm as an allocation in the Local Plan was taken by the Strategic Planning, Sustainability and Transport Committee on 19<sup>th</sup> August 2015. Prior to this decision, the overall strategic approach to development at Junction 8 of M20 and the merits of making a specific site allocation had been considered by the Council on a number of occasions.*

*The economic justification for a site allocation which is well connected to the strategic road network is provided by the analysis in the Qualitative Assessment. The SHEDLAA demonstrates that the only candidate sites which could realistically address this specific requirement are both at Junction 8 of M20 and both fall within the setting of the Kent Downs AONB. These sites are 'land at Woodcut Farm' (SHEDLAA reference ED-12) and 'Waterside Park' (reference ED-6). For anticipated economic needs to be met, as directed by paragraph 21 of the Framework, an allocation at Junction 8 is required."*

6.36 In their comments on this application the Council's Economic Development Section also state that,

*"The planning application supports the findings of the 'Qualitative Employment Site Assessment' (GVA September 2014), which concluded that there is an identified lack of employment land supply in the locations most likely to be attractive to the type of occupiers economic growth will attract. The key characteristics of these locations include being highly accessible with good support amenities and optimum physical and digital infrastructure. It is recognised that the prime locations for business sectors that need good access to the national road network for transporting goods and services are around the M20 motorway junctions.*

*The existing capacity for industrial and warehousing use is all in the south of the borough where the road links are the weakest and where weight restrictions have been placed on some secondary rural roads making these sites less attractive for some larger scale manufacturing and logistics operations. The Qualitative Employment Site Assessment states "whilst this does not make these sites redundant, it does potentially limit their future attractiveness to businesses and could restrict the role they play in accommodating employment growth.*

*The Qualitative Employment Site Assessment finds that there is both quantitative and qualitative need for additional employment land. New site/s should focus on a 'new', diversified offer in preference to replicating the characteristics of the existing portfolio. This points towards:*

- a. A range of flexible, small scale, good quality office space*
- b. Capacity for 'design and build' bespoke industrial space*
- c. Small-medium warehouse/distribution units*
- d. Location/s with good strategic road access to markets*
- e. Location/s with minimal development constraints*
- f. Location/s with ICT connectivity*
- g. Creation of a distinct new employment location*

*The Assessment concludes that "there is likely to be demand for a new high quality, well serviced mixed use employment development area that accommodates small business orientated space, standalone industrial and manufacturing provision (albeit likely to be a design and build demand) and smaller scale distribution and ancillary workspace and office space."*

*“The Council’s adopted Economic Development Strategy 2015 – 2031 sets out a clear economic vision and strategy for the Borough. The Locations for Growth section reflects the findings of the evidence base supporting the Local Plan, which has incorporated discussions with local businesses and other key stakeholders. The Economic Development Strategy supports the general location of Junction 8 for a new mixed commercial business park.”*

- 6.37 It must also be noted that the allocation at Woodcut Farm will help towards the quantitative demand for office floorspace (24,000m<sup>2</sup>) as the other proposed allocations would not secure the floorspace requirement alone. This being because all but one of them is for a range of B uses as this is more suitable for these sites due to them being expansion of established employment areas and/or in more rural locations, and to provide flexibility.
- 6.38 In conclusion, the Council’s employment land evidence supports the need for employment land and a new high quality, well serviced mixed use employment development at Junction 8 on the basis of there being an identified ‘qualitative gap’ in the future supply of employment land and quantitative shortfall in office floorspace.
- 6.39 The application would potentially provide 24,387m<sup>2</sup> of B8 floorspace, 5,350m<sup>2</sup> of office floorspace, and 18,004m<sup>2</sup> of light industrial floorspace. (These are the maximum floorspace amounts that have been tested under the Transport Assessment). So the maximum amounts tested for this application would go towards meeting the office requirement of 24,000m<sup>2</sup> and both provide for, and exceed the warehouse floorspace requirement of 6,500m<sup>2</sup>. This would be in line with the economic aim of the NPPF of, *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.”*
- 6.40 With regard to the location, there is some conflict with policy ENV28 of the LP as it does not fall within one of the exceptions allowed for in the countryside. However, there is considered to be a justified need for an employment site at this location which is why the site is proposed for allocation in the DLP. As such, the development/allocation boundaries set in the LP 2000 are proposed for change to satisfy the identified need. Whilst the DLP and therefore the proposed allocation needs to be examined by an Inspector, in the Local Planning Authorities view there is an need for employment provision which will require changes to development/allocation boundaries whether deemed appropriate at this site or elsewhere by an Inspector. There would be some conflict with policy ED9 of the LP in terms of locating B8 uses outside of an allocated employment site but as outlined at paragraph 6.17 this policy is considered to attract low weight. I will return to these issues in the balancing exercise at the end of the appraisal.

### **Impact upon Town Centre**

- 6.41 Paragraphs 24, 26, and 27 and of the NPPF state that,

*“24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible*

*sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.*

*26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:*

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

*27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”*

6.42 The application could potentially provide over 2,500m<sup>2</sup> of office floorspace. Whilst the current Local Plan is not considered to be up to date in respect of the current evidenced need for employment land as outlined above, the DLP has not been adopted and so strictly speaking the proposal is not in accordance with an ‘up-to-date’ Local Plan. In terms of a sequential approach, as outlined above, the evidence base points to a quantitative and qualitative need for additional employment land with good strategic road access to markets, and a new distinct employment location and offer in preference to replicating the characteristics of the existing portfolio. The Local Plan process has explored other locations for such provision and has concluded that Junction 8 is the only feasible option to meet the employment needs. On this basis it is considered that Junction 8 as an out of centre location is acceptable. Indeed national guidance in the NPPG advises that market requirements should inform the application of the sequential test as follows,

*“Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations”.*

6.43 In terms of impact upon the town centre, as advised by the Spatial Policy Section in their comments on this application, *“the economic evidence which has been prepared in support of the Local Plan identifies that there are two distinct markets for office floorspace operating in the borough. Town centre locations are particularly suited to the types of businesses which rely on a degree of passing trade and/or which clients need to visit whereas outside town centre locations may be favoured by back office type functions where wider strategic road links are important. In order to achieve a balance within the employment land supply, the submission Local Plan aims to provide for both these markets. Indeed, the evidence underpinning the Local Plan states that it would be undesirable to direct all future new office development to the town centre as such an approach is unlikely to provide the necessary choice and flexibility to respond to the needs of the market. It can be expected that occupiers favouring an out of centre location would be more likely to consider locations beyond the borough rather than to look towards the town centre as an alternative. In these circumstances, a strictly sequential approach to site identification would fail to adequately address the distinct types of need which have been identified. In terms of impact, the application*

*site could be expected to have a complementary role, rather than a competing one, to that of the town centre. Overall, the application site can make a significant contribution to the need for office based uses as part of an overall mix of uses on the site and as part of the overall portfolio of employment sites provide for by the emerging Local Plan.”* On this basis, it is not considered that the proposed development would have an unacceptable impact upon the town centre. Indeed currently there is an acknowledged over-supply of poorer quality office stock in Maidstone town centre. In the shorter term, the rationalisation of town centre office stock can be expected to continue with offices converted to residential uses through the means of Prior Notifications. Further, the market has not delivered new office floorspace of any scale in the town centre for a number of years; the last significant office development in was County Gate in the early 2000s. Taking all these factors into account , it is not considered that the proposed development would have an unacceptable impact upon the town centre.

### **Prematurity**

6.44 The National Planning Policy Guidance (NPPG) notes that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.

6.45 It advises that, *“such circumstances are likely, but not exclusively, to be limited to situations where both:*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”*

6.46 The site is allocated within the ‘submitted’ Local Plan and so any positive decision is not considered to undermine the plan-making process or warrant an objection to the application on the grounds of prematurity from the Local Authority’s point of view. There are unresolved objections to the allocation of the site, however, it is not considered that this is sufficient to justify a refusal of planning permission on prematurity grounds. It is also noted that the Inspector for the ‘Waterside Park’ Inquiry stated last year that it has, *“taken over 10 years for the Plan to reach the stage it is at present and it is clearly unsatisfactory that there is a vacuum of allocated land for employment uses when local companies are keen to grow and remain in the Borough. I therefore conclude that refusal on the grounds of prematurity in the face of this policy vacuum would not be justified.”*

### **Alternative Locations/Sites**

- 6.47 Representations have been received which assert that there are alternative sites and so development of the site is unnecessary and that there is the potential to use vacant industrial floorspace in adjoining boroughs under 'duty to co-operate' arrangements. This was also highlighted by the Planning Inspector in the 'Waterside Park' dismissed Public Inquiry appeal to the south east of the site. In response, it is important to recognise that the first option should be for the Council to meet its own needs within its own boundaries. Only if there is clear, defensible reasons why this cannot be achieved should provision be sought in adjoining boroughs through duty to co-operate discussions. Importantly, nearby authorities are under no obligation to accommodate Maidstone's needs. Employment land within their boundaries may already be accounted for as part of their own functional supply, contributing to the growth needs of their own population and economy. Further, these councils may also elect to use vacant or underused employment land for alternative uses, including for housing as a way of contributing to their own 'objectively assessed need'.
- 6.48 Detling Aerodrome was also discussed at the Waterside Park Inquiry and has been suggested in representations under this application. This is an existing employment site (13.4 ha) which is actually within the AONB. It is considered that substantial redevelopment would be required and that this would be likely to result in serious visual and landscape harm to the AONB itself. It is therefore not considered to be a realistic alternative to making an allocation at Junction 8 or sufficient grounds to object to this application.

### **Economic Benefits**

- 6.49 In summary, there are considered to be economic benefits arising from the development from the operation of the development (employment), the construction phase, and from business rates, which are outlined below.

#### *Operation (Employment)*

- 6.50 Under section A8.0 of the Environmental Statement (ES), the applicant has undertaken an estimate of the employment that will potentially be supported by the proposed development and the benefits to the economy. The analysis suggests that the total employment effect to the Borough as a result of the proposal is estimated to be between 746 and 1,020 FTE jobs and that only around 10% would be from outside the Borough based on around 91% of job seekers being in occupation categories which would be required within the proposed uses (August 2015 data). The input to the economy associated with employment has been estimated applying an annual GVA of £19,835 per full time employee. In terms of the input to the general economy, this is considered to represent a contribution of between £18.27 million and £24.96 million annually. Within the Borough itself, it is considered that the net GVA will amount to between £14.79 million and £20.23 million each year.

#### *Construction*

- 6.51 The applicant's evidence considers that the construction phase of the proposed development will have a minor impact on employment levels within the Borough, and this will obviously be a temporary impact.

#### *Business Rates*

- 6.52 An estimate of the Business Rates for the development indicates that MBC and KCC will potentially be in receipt of between £0.4 million and £0.8 million annually, depending on the mix of different uses when completed and

occupied. This income (50% of the Business Rates) could be used towards support of existing or new services/facilities within the Borough and Kent.

- 6.53 Overall, it is considered that there would be significant economic benefits associated with the development as outlined above, which would be in line with the NPPF. Indeed, paragraph 19 states that, “...*significant weight should be placed on the need to support economic growth through the planning system.*” It is also noted that for the ‘Waterside Park’ Inquiry the Inspector considered that for a potential 520 jobs, “*the numbers of jobs are clearly of importance in a Borough that is aiming to encourage growth in order to become less reliant on public sector employment and out-commuting. Therefore the proposals would be of considerable economic benefit to the Borough and would be supported by those policies in Chapter 1 of the Framework aimed at building a strong competitive economy.*”

### **Landscape and Visual Impact**

- 6.54 Under the *Maidstone Borough Landscape Character Assessment (2012, amended 2013)*, the site is located within the Leeds Castle Parklands (49) which is further refined into the White Heath Farmlands (49-2), which has its overall guideline to restore and improve the landscape. The key characteristics for the White Heath Farmlands are described as follows:

- *Major infrastructure*
- *Vegetation belts along the head of the Len valley*
- *Urban influences including car dealership*
- *Modern development*

- 6.55 In terms of the condition of the landscape it outlines that this is ‘Poor’ and states that, “*fragmentation is caused by the heavy transport infrastructure. There are habitat opportunities to the south at the head of the Len Valley, although hedgerow boundaries have been removed in part. Although some of the woodland is designated as ancient woodland, there are few other heritage features.*”

- 6.56 In terms of sensitivity of the landscape it outlines that this is ‘Moderate’ and states that, “*this is a sensitive location in that the landscape provides the setting to the Kent Downs AONB to the north. Whilst the transport corridors and service area provide little in the way of local distinctiveness, the dense vegetation belts along the drains which form the head of the Len Valley form localised distinctive features.*”

- 6.57 The following summary of actions is stated in order to restore and improve:

- *Improve the rural setting of the Kent Downs AONB through avoiding further urban edge influences and expansion of motorway services to the north of the M20.*
- *Improve ecological connectivity between existing woodland blocks.*
- *Restore, improve and appropriately manage ancient woodland and dense vegetation belts along drains.*

- 6.58 ‘*The Landscape Capacity Study: Sensitivity Assessment*’ (study into the sensitivity of areas to potential development) specifically assessed the application site and states that key constraints are considered to be:

- *Elevated views from the Downs would be difficult to mitigate*

- *Development would not be in keeping with the existing low density pattern of development in the area*
- *It is a sensitive location close to and forming the setting of the AONB*
- *Remoteness from other large scale developments on the edge of Maidstone*
- *The site is considered generally unsuitable for development.*

6.59 In terms of mitigation it advises:

- *Retain and reinforce streamside vegetation, other tree belts and significant vegetation*
- *Retain the rural landscape character and the distinctive landform which forms an integral part of a wider pattern of undulations along the scarp foot of the Kent Downs*
- *Respect the setting of surrounding heritage assets*
- *Respect views from, and the setting of, Kent Downs AONB*

6.60 The applicant has carried out a Landscape & Visual Impact Assessment (LVIA) within the ES. The Council's Landscape Officer considers that the key principles of the LVIA are acceptable and that sufficient information has been provided to reach a decision. The LVIA includes assessment of the impact of the development from 15 viewpoints in the local area. These viewpoints are considered acceptable by the Council's landscape officer and have included additional viewpoints recommended by Natural England. The conclusions of the LVIA are summarised as follows:

A7.358

*"Magnitude of impact on the immediate area will be high but on the wider areas will be moderate, reflecting that the Proposed Development will have some impact upon the character of adjacent areas where views towards the Application Site are possible. The nature of the effects will be adverse as the Proposed Development will not contribute to local character without mitigation and results in the introduction of new uncharacteristic features."*

A7.362

*"The views from the neighbouring higher ground, particularly those within the Kent Downs AONB, are of higher sensitivity to change but, due to the intervening distance or the intervening landform, the magnitude of impact upon these views tends to be lower. Impacts upon receptors which are closer to the Application Site tend to be of a greater magnitude but these receptors tend to be of lower sensitivity to change. The two key exceptions are the predicted effects upon receptors represented by viewpoints 8 and 9. These viewpoints relate to receptors on the footpath to Woodcut Farm and on those within residential dwellings adjacent to the Application Site. The proximity of the viewpoints to the Application Site means that the proposed buildings associated with the Proposed Development will form notable elements which obstruct longer distance views towards the countryside beyond. The resulting predicted effects on these receptors are major/moderate and major adverse significance."*

A7.374

*"The Proposed Development will have an impact upon the surrounding landscape and on views from the local area, including the Kent Downs AONB. For receptors within dwellings adjacent to the Application Site, these effects are predicted to be 'significant'. The majority of predicted effects are assessed not to be significant, and there is scope to reduce them further during detailed design by careful choice of materials and through comprehensive planting. The example of the nearby motorway services (MSA)*

*demonstrates that large buildings can be entirely screened from view through the use of planting, but those at the Proposed Development are larger than those at the services site, and cover a greater geographical area. Although no significant effects were identified upon Kent Downs AONB or the North Downs SLA (apart from those from the adjacent dwellings), effects of moderate significance were identified on views from the Kent Downs AONB. Although these effects are not assessed as being significant, they will still be accounted for when implementing mitigation measures.*

A7.375

*The proposed planting scheme will, in the long term, improve upon the existing landscape structure, increase the quantum of trees, shrubs and hedgerow on the Application Site, and reduce and visual baseline through the improvement of the existing landscape structure and the reduction in the visual impact of the M20/HS1 corridor, albeit within the context of a developed site. This will be in line with the existing planning policy and published landscape character assessments, but the planting works will not entirely screen the Proposed Development to all views."*

- 6.61 Natural England (NE) has raised an objection to the proposals in terms of the impact upon the AONB and considers that the impact for two viewpoints (3 & 12) is underestimated by the applicants. They consider that,

*"the proposed development during operation is still likely to have a significant impact on the purposes of designation of the Kent Downs AONB and its setting." They go on to state, "we advise the LVIA continues to underestimate the significance of visual impacts on the AONB and its setting. Given the scale of the proposed development, its close proximity to the AONB and that it is out of character with the surrounding landscape, we advise the proposals are likely to have a Major/Moderate adverse significant effect on the AONB and its setting during operation."*

- 6.62 In terms of mitigation, NE state,

*"we still consider it is questionable whether the landscaping and planting scheme would sufficiently screen the proposed development given the amount of time required for the planting to mature and that it would not be fully effective when the leaves are not on the trees. We also note no significant tree planting will be possible between the northern perimeter of the proposed development and the M20 along the high pressure gas pipeline easement."*

- 6.63 Clearly there is a disagreement between the applicant and NE in terms of the impact on the AONB and its setting.
- 6.64 From my assessment, in localised views from the A20, M20, the access to the Woodcut Farm complex, (over which PROW KH641 runs), and Old Mill Lane around 400m to the south the development would inevitably have a significant visual impact. The landscape mitigation would in time soften views of the development and in some places on the A20 where the road is generally level with the site, potentially screen the development in time. However, from higher sections of these vantage points, landscaping could not screen the development. It is acknowledged that in views from the M20 this is a view for a short period of time when passing in a vehicle at speed. Views from the A20 are more expansive across the site, particularly from the fly-over road to the SE of the site. I do however consider that when using the A20 and M20, one's visual experience is not of a high quality undeveloped landscape and as outlined in the Council's Landscape Assessment, the presence of heavy transport infrastructure and some urban influences are noticeable. This infrastructure also serves to have a negative effect on the setting of the AONB hereabouts. Nonetheless there is no major

development of the scale proposed in the vicinity and the development would be prominent, and it is considered would result in relatively significant harm to the landscape from these localised vantage points. It would also significantly interrupt views towards the AONB from the Old Mill Lane and the A20, and therefore have a detrimental impact upon its setting.

- 6.65 In longer range views from the AONB there are few visual detractors as the M20, CTRL and motorway services are largely screened from view, although one can see traffic on the M20 in places and the tower of the 'Great Danes Hotel' to the east of the site is prominent in places. Polytunnels further south on the rising slopes are extremely prominent although they are temporary in nature.
- 6.66 From open viewpoints to the north within the AONB as identified within the LVIA, and mainly on the Pilgrims Way National Trail, the site is largely screened, mainly by 'Snakehurst Wood'. This is a deciduous wood on the north side of the M20 and CTRL and is on a hill, which serves to block views of the site. Views of the development would either be obscured or negligible. The main exceptions to this are from Thurnham Castle (viewpoint 1), Cat's Mount (viewpoint 12), and West of Hollingbourne Hill (viewpoint 3) where the eastern and western parts of the site would be visible. The proposal would introduce major development that could not be entirely screened with landscaping due to the higher views, and where at present there is not any significant development. However, it must be noted that these views are from some 3.1km, 2.3km and 2.5km away at these points respectively, and as such the development would form a small part of one's panoramic view. For these reasons, I would not consider the development to be overly intrusive from here.
- 6.67 In viewpoints from the southeast and south between 1.3km and 3km away, views are generally sporadic of parts of the site and the majority of the site is obscured by intervening landform and vegetation. Viewpoints 6 (Old Mill Lane) and 7 (Forage Lane/Caring Lane) would offer clearer views of the west and east parts of the site. Some views of the Woodcut Farm buildings and the M20 are possible but the proposed development would introduce significantly more development. Some views of the buildings or roofs would be possible but from these distances, it is considered that the development would not be unduly prominent and I agree with the LVIA conclusion that there would be a negligible to moderate impact.
- 6.68 The illustrative plans have been amended since submission to show the larger buildings on the east side of the site which is flatter and orientating them 'end-on' to the AONB to reduce impact, and with the smaller units on the west. In addition building heights have been reduced to no higher than 12m to ridge. The buildings have also been subdivided into more buildings with smaller areas, to be broken up with more planting between the buildings. Whilst layout and scale are not being considered, parameter conditions can be imposed to limit heights, developable areas and to essentially follow the concept of the illustrative plans if deemed appropriate. In addition, the site does not involve extensive land alterations so would not result in obvious engineered land forms that could be significantly out of character with the local landform.
- 6.69 The main mitigation proposed is essentially in the form of landscaping and the indicative landscape proposals for the site show a series of buffers as follows:
- Dense woodland planting along the Ashford Road frontage at the south western edge of the site in excess of 20m width.

- A circa 20m native woodland belt with understorey shrubs and grasses along the western edge of the site to help protect the setting of Woodcut Farm
- Planted landscape buffer zones to the west north and east of Chestnuts and White Heath adjacent to the site to help protect the amenity of these properties.
- To the north west an area of heavily treed native woodland planting is proposed on rising ground to help screen the larger units A1 and A2 from the west and north west and to provide a substantial buffer - this will be conveyed to a Trust to maintain and manage in perpetuity (approximately 2.5ha).
- To the south east the protected trees along Musket Lane will be retained and augmented with hedgerows and additional tree planting.
- Creation of a circa 38m-70m landscape buffer between Unit A2 and the M20 which includes the 18m gas pipe easement. This easement corridor will be managed as long grass with indigenous wild flora.
- A circa 8m wide planting belt of native trees and understorey will be provided between the easement and units B1, B3, B5 and B6.
- A woodland shaw along the northern boundary and the M20, of between 10-24m width, will be enhanced with native species such as oak, hornbeam, birch, small leaf lime, hawthorn, holly, field maple and cherry.
- The access road will have an avenue of tree planting.
- Approximately 6.6ha of land to the northwest of the site being maintained as wooded pasture and not used for any purpose other than agriculture, horticulture or forestry.

6.70 Whilst landscaping is not being considered at this stage, this demonstrates mitigation that could be secured by condition as a parameter of any outline consent and this would serve to provide some mitigation for the development. As outlined above, this would not serve to screen nearby views from higher vantage points or distant views of building roofs from the AONB but it would soften the effect of the development and reduce severity.

6.71 The applicant also considers that careful use of materials could assist in limiting the impact of the development such as non-reflective materials on roofs, colours that match with the tones of the landscape and nearby agricultural buildings such as grey/green/blue/brown. To my mind this would not serve to camouflage the development but a scheme could be designed to limit the impact as far as possible. Smaller office buildings, office pods to warehouses and the main amenity hub building are proposed to incorporate green roofs which would serve to reduce impact.

6.72 In terms of lighting, the development would inevitably bring lighting to fields where none currently exists. However, there is lighting present in the local area both on the A20, M20, at the motorway services and at nearby properties. A lighting strategy has been submitted which shows lighting will be designed to minimise light pollution in the form of spill and glare. Light fittings would be of the directional type that emits all their light downwards. They would be mounted on buildings and standard height lighting columns and would be arranged to maximise the amount of light reaching trafficked hard surfacing while minimising spill light onto adjacent green areas. High mast lighting will not be used and mounting heights will never exceed the eaves height of adjacent buildings. Wherever possible lighting controls will be employed to dim or switch off any lighting that is not needed. The luminaires will be located so that they face away from the AONB where practicable. With this context and mitigation in mind, I do not consider that the impact of light on the local and wider area would be objectionable.

- 6.73 Overall, and having viewed the site from the viewpoints from the AONB, I would agree with the LVIA conclusion that whilst views from the AONB and Pilgrim's Way National Trail are sensitive, due to the intervening distance or the effect of intervening landform and vegetation, I would not consider the development to be overly intrusive from the AONB. In viewpoints from the southeast and south views are generally sporadic of parts of the site and the majority of the site is obscured by intervening landform and vegetation. Some views of the buildings or roofs would be possible but from these distances, it is considered that the development would not be unduly prominent. So in longer distance views, whilst the proposals would cause some harm to the landscape it is considered that the development would not be significantly intrusive or prominent in views from the AONB or from vantage points to the south and southeast. Nonetheless this clearly represents a conflict with policies ENV28 and ENV34 of the Local Plan which seek to protect the character and appearance of the countryside and landscape, and the environmental aims of the NPPF.
- 6.74 In terms of policy ENV34, this protects successive SLA designations from County Structure Plans the last of which was adopted in 2006 and fell away in 2009. Relevant to the application site, policy ENV34 protects the setting of the North Downs AONB rather than the AONB itself. The Council is not proposing to take forward the North Downs SLA designation, and this is a material consideration when considering any conflict with this policy, and in the overall balancing exercise. (The AONB and its setting is afforded statutory protection under Section 85 of the Countryside and Rights of Way Act 2000 as outlined above)
- 6.75 In localised views, the development would inevitably have a significant visual and landscape impact, although the presence of transport infrastructure is experienced from some of these local vantage points. Nonetheless there is no major development of the scale proposed in the vicinity and the development would be prominent and would significantly interrupt views towards the AONB. It would result in relatively significant harm to the landscape and harm the setting of the AONB from these localised vantage. This represents a conflict with policies ENV21, ENV28 and ENV34 of the Local Plan which seek to protect the character and appearance of the countryside and landscape, strategic routes within the Borough, and also with the NPPF, and the aims of Section 85 of the Countryside and Rights of Way Act 2000. I will return to the landscape impacts in the balancing exercise at the end of the appraisal.

### **Design**

- 6.76 The application is in outline form and so the specific layout, scale, and appearance of the development are not being considered. However, the illustrative plans show how the quantum of development could potentially be accommodated over the site.
- 6.77 The layout shows a spacious development covering less than 40% of the site with landscape buffers around the boundaries and feeding into the site to break up development areas, and with new waterbodies which would provide a 'parkland setting'. Landscaping strips with trees are shown breaking up parking areas and a planted bund is shown in the south west corner by the A20 to soften any development here. Landscape mitigation including buffers around the boundaries of the site and newly landscaped areas to be maintained as such in perpetuity are outlined at paragraph 6.69. It is considered that more structural landscaping coming into the development areas than is shown would be appropriate not only to improve the layout but also to further reduce the impact of the development from outside the site. In terms of topography, the indicative proposals indicate that changes to ground levels would be kept to a minimum with a cut and fill exercise seeking to achieve a net balance

between cut and fill. On this basis it is considered that the indicative proposals would minimise the need for site excavation. As outlined above, parameter conditions can be imposed to direct the layout of any development. In terms of the layout, topography and landscaping it is considered that the indicative proposals are in accordance with criterion 1, 2, 3, 4, and 7 of draft policy EMP1(5) 1.

- 6.78 In terms of scale, the largest buildings are shown on the east side of the site, indicated to have a maximum height of 12m, footprint under 10,000m<sup>2</sup>, and orientated end-on to the AONB. This is in accordance with criterion 5 of the draft policy and is appropriate bearing in mind this is the flatter part of the site. Smaller footprint and height buildings are shown on the west side and shown to be separated in places to reduce mass. Heights are indicated as being a maximum of 10m which would be 2m beyond the heights under criterion 6 of the draft policy so would not be in accordance with this criterion. The applicant considers that this height is required to meet modern operator's requirements for industrial buildings. Again, conditions could be used to set parameters on the footprint and height of any buildings.
- 6.79 With regard to appearance, and as the applicant outlines in the Design & Access Statement (DAS), the warehousing and light industrial buildings have a relatively generic specification which reflects general occupier requirements. The main visual characteristics of these buildings are their 'operational' facilities; loading and offices. They would have loading bays which normally occupy one side of the buildings and are high security areas away from public access and view. Office components may be incorporated within the envelope of the building or as an extruded office 'pod' which sits in front of the warehouse building. These areas are bounded by the site car parking and form the visual 'front door' to the buildings and therefore although private premises can form the more attractive and animated frontages of such buildings. The office and research and development buildings are more animated in elevation, with larger areas of glazing and limited servicing requirements.
- 6.80 The DAS outlines that the general roof forms of buildings would be of a curved type to, *"echo the natural contours of the location and appear as a softer form in the landscape"*. Office elements on the warehouse and light industrial buildings would be used as a separate form to the front of the main building. These offices would be predominantly glazed to provide attractive frontages to the buildings. For materials, the DAS outlines that such buildings are generally clad in profiled metal sheets and the majority of buildings would be clad as such. However, office elements will be predominantly glazed and additional materials could be used to create contrast and local identity in specific locations, such as around entrances, offices or vista stops. The external facing wall cladding material will mainly be coloured sheet steel, varied in profile, orientation and colour. The applicant considers a limited palette of colours and profiles is appropriate and restricted to shades of green becoming darker closer to the ground. Illustrative plans have been submitted showing how this might look. I consider the general concepts outlined would be appropriate. I consider it would be important to have 'active' and glazed building frontages with detailing on buildings visible from the A20 but also not to ignore the M20. This would also be the same for building frontages within the site itself. The use of vernacular materials such as ragstone could also provide a quality appearance to elements of buildings, walls etc. Again, conditions could be used to set parameters on the appearance of any buildings.
- 6.81 The DAS outlines that for hard landscape materials, *"heavy vehicular use areas will be predominantly blacktop tarmac with standard concrete kerbs. Contrasting materials and colours will be used to clearly distinguish the pedestrian and cycle routes and will include variations in tarmac surface dressings and colours, permeable block paving and occasional areas of feature paving and bound gravel in high priority pedestrian*

*nodes.*” There would be a strategy for breaking up the hard landscape areas. The DAS states that, *“feature paving, incorporating textured slabs and small sett detailing will provide a feature element at the gateway and to the public realm areas.”* The DAS also outlines that where non-secure fencing is required more sympathetic treatments could be used such as railings and post and rail fencing. Again some use of ragstone walling would be appropriate to incorporate a local material.

6.82 In terms of sustainability credentials, it is outlined that the development would achieve a BREEAM ‘Very Good’ standard and would include the use of photovoltaic cells incorporated into the design of the roofs. Smaller office buildings, office pods to warehouses and the main amenity hub building would also incorporate green roofs. It is acknowledged that that the outline application does not cover the design of individual buildings, but the DAS states that, *“it is the applicants expressed desire to promote buildings of the highest sustainable credentials that:*

- *utilise the most appropriate orientation*
- *are designed to operate as passively as practical*
- *are constructed to utilise energy sources as efficiently as possible*
- *utilise low carbon systems*

*To achieve these aspirations a robust building specification will be provided that can deliver:*

- *highly insulated cladding systems*
- *high degree of air-tightness to building fabric*
- *roof lighting and general good day lighting*
- *solar shading and high performance glazing*
- *energy efficient heating systems*
- *intelligent, daylight-sensing and presence/detecting lighting systems*
- *renewable energy systems”*

6.83 Overall, whilst the detailed design is not being considered at this stage, it is considered that the applicant’s illustrative proposals and DAS demonstrate that a high quality development could be achieved and this could be driven through appropriate parameter conditions on any outline consent. This would be in line with the aims of the NPPF in terms of securing high quality design. There would be a minor conflict with criterion 6 of the draft policy but otherwise the design and layout would meet the requirements of the policy.

### **Heritage**

6.84 In relation to development that could affect the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission.

6.85 There are no saved policies within the LP 2000 that relate to heritage assets and as such the NPPF is the main consideration along with the LBC Act.

6.86 Paragraph 132 of the NPPF states that,

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.*

*The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.....”*

6.87 Historic England considers that there would be no harm to the significance of Leeds Castle and raises no concerns regarding the Hollingbourne/Eythorne Street Conservation Area.

6.88 The Council's Conservation Officer objects to the application on the basis of the harm to the setting of Woodcut Farm (GII Listed) to the west of the site. No objections are raised in respect of any other heritage assets. He states,

*“In my opinion the development would fundamentally alter the outlook from the listed building, adversely affecting its setting and destroying its contextual relationship with the landscape. The proposals would have a similar effect on the setting of Woodcut Farm to those formerly submitted for the KIG scheme. The Inspector and the Secretary of State, in dismissing the appeal into that scheme agreed that those proposals would not preserve the setting of this listed building. Although the submitted plans indicate a buffer planting strip between this building and Woodcut Farmhouse, it is considered that because of the scale of the development and the elevated position of Woodcut Farmhouse this would be ineffective in screening the proposals.*

*The Heritage Statement submitted with the application recognises that the wider landscape which includes the application site is “historic” and that Woodcut Farm sits in relatively open farmland “in something approaching its original landscape context” but that the original setting has been eroded by the M20 and Channel Tunnel Rail Link to the extent that “the significance of the asset has been reduced from high to medium”. I do not agree with this assessment and consider that the impact of these modern infrastructure elements is overplayed. Visually they have only a low impact in the overall scene from the listed building; the main impact is aural from the motorway. The Heritage Statement accepts that the proposed development will impact yet further on the setting by reason of its scale and proximity yet comes to the conclusion that the significance of the listed building will not be noticeably further reduced. I do not agree with this assessment and believe that the proposed development will have a far greater detrimental impact than do the motorway and railway.”*

6.89 The KCC Conservation Architect also considers that the proposal would harm the setting of Woodcut Farm.

6.90 The MBC Conservation Officer has clarified that he considers the level of harm to the listed building to be ‘less than substantial’, in this instance Paragraph 134 of the NPPF states that,

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”.*

6.91 KCC also draws attention to the Mortuary building of the former Hollingbourne Union Workhouse. This is not listed but considered to be a non-designated heritage asset by KCC and is located immediately south of the site in the rear garden area of ‘White Heath’. KCC consider that the proposals do not respect its setting although the latest proposals slightly improve the mitigation to reduce the impact on the setting of this building. The NPPF at paragraph 135 states that,

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

- 6.92 Clearly there is considered to be conflict harm to the setting of the listed Woodcut Farm and to the non-designated heritage asset, the Mortuary building and I will return to the heritage impacts outlined above in the balancing exercise at the end of the appraisal.
- 6.93 Regarding archaeology, the applicant has worked closely with the County Archaeologist carrying out trial trenching on site. The broad results suggest that the potential for highly significant and extensive archaeology which would be a constraint on the proposed development is not high. However, some Bronze Age remains located close to Ashford Road may prove to be significant. It is advised that further archaeological fieldwork and assessment would be appropriate prior to any detailed designs being agreed (reserved matters) but it is considered that sufficient information has been produced at this stage, and that archaeological issues can be addressed through design measures and with conditions. This is in accordance with the NPPF and the draft policy for the site.

#### **Highways & Sustainability of Site**

- 6.94 Highways England have raised no objections to the development in terms of any impact upon the M20 motorway and the local Highways Authority (KCC) have raised no objections in relation to the local road network, subject to securing off-site highway improvements to the A20 including the site access junction, pedestrian refuge, footway/cycleway, bus stops and improvements to the A20/Willington Street junction. For these reasons there are no highways objections in terms of the capacity of the highways network or safety.
- 6.95 The Inspector for the Waterside Park appeal considered its location to be such that traffic generation in respect of private car/motorcycle journeys would be high. This was based on it being considered that there is limited public transport access to the site. To improve this situation the application proposes two new bus stops outside the site, and a financial contribution to increase the bus frequency at peak times to half hourly (10X service). The proposals also include the potential provision of a private staff shuttle bus service to accommodate shift patterns. A comprehensive Travel Plan to reduce car trips to/from the site with a range of initiatives and strategies, including on-going monitoring to ensure that the success can be continually tested and further mitigation measures required if necessary, is also proposed. It is also proposed to enhance the footway on the north side of the A20 to provide an attractive foot/cycle link between the site access and the A20/Roundwell junction, and provide cycle parking and shower/changing facilities to encourage such use.
- 6.96 The above measures would serve to improve the scope for public transport use at the site which would be in accordance with policy T3 of the LP. Parking provision is not set at this stage but it is considered that appropriate parking could be provided in line with policy T13 of the LP and draft policy DM27 under any reserved matters. There would be some conflict with policy T21 in that the site is not adjacent to a railway line but the site is well related to the primary and secondary road network and would have access to public transport. Proposed improvements to the footway would also accord with this policy. The proposed off-site highways works would be in accordance with policy T23

of the LP. The proposals would also comply with the highways and transportation requirements of the draft policy for the site.

- 6.97 The Inspector for the Waterside Park appeal also considered that when Operation Stack was in place, there remains a possibility that developments on the scale proposed could have an adverse impact on congestion levels on the main traffic arteries. Whilst Operation Stack occurred for its longest period last summer with unprecedented disruption to the Kent, the frequency and length of events from my knowledge of using the M20 for the last 12 years is not so high such that this is grounds to refuse permission. Neither Kent Highways nor Highways England has raised an objection on this issue.

### **Ecology**

- 6.98 The site does not have a high ecological value due to it mainly being arable farmland. The KCC Ecological Advice Service have reviewed all the ecological information which has been submitted and confirm the applicant has a good understanding of the ecological impacts relating to this site including:

- Low population of common lizards and slow worms
- Breeding Birds – including skylark and yellowhammer (Priority Species – capable of being a material consideration in the determination of a planning habitat)
- Low- moderate levels of bat foraging/commuting within the site and boundaries.
- Suitable terrestrial GCN habitat within and adjacent to the site.

- 6.99 With the regard to Great Crested Newts (GCN) low numbers of GCN were recorded in 2005 but no GCN were recorded during the 2013 surveys. However, as GCN have previously been present and there is suitable terrestrial habitat for GCN the submitted reports have recommended updating the GCN surveys in 2016. It is advised by KCC that as the most recent survey concluded that GCN are likely absent from the ponds and there has been no significant changes to the habitats present on site since the GCN surveys were carried out they are satisfied with the proposed approach. It is advised that if planning permission is granted a GCN survey report and mitigation strategy (if required) is submitted as a condition of planning permission. No works can commence on site until the GCN survey has been approved by the LPA.

- 6.100 In respect of bats, the ecological scoping survey highlighted that one tree had potential to be used by roosting bats and due to arboricultural works required there was a need for an emergence survey to be carried out. The survey was carried out in July 2015 and no bats were recorded emerging/re-entering the tree during the surveys. However the survey evidence highlighted that it is likely that bats are roosting within adjacent trees as such it is possible that bats may occasionally roost within the tree. Therefore it is advised that precautionary mitigation detailed within the submitted report must be implemented if planning permission is granted (condition).

- 6.101 With regard to breeding birds the proposed development will result in the loss of ground nesting bird habitat and skylark were recorded during all of the surveys. KCC advise that due to the proposal to create a park land it is unlikely that this area will be used by ground nesting birds as such with the current site plan there is no potential within the proposed development site for ground nesting bird habitat to be created. Such habitat could be provided on site and this could be secured by condition, to which the applicant is agreeable.

- 6.102 In respect of reptiles, they have been recorded within the proposed development site. It is proposed that the area where reptiles were recorded will be retained and a parkland area will be created, which will result in an increase in suitable reptile habitat. KCC advise that there is a need to ensure that, if planning permission is granted, the works to create the parkland do not result in the killing and injuring of reptiles. It is therefore recommended that if planning permission is granted a precautionary mitigation approach is produced to ensure the construction works avoid impacting reptiles (condition)
- 6.103 In terms of enhancements, one of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. The application is proposing to create a grazed parkland as part of the development with ponds, semi-improved grassland (just under 9ha) in addition to planting hedgerows and trees throughout the proposed development and KCC advise that, if managed correctly, this will increase the habitat suitable for protected/notable species. They recommend that if planning permission is granted a detailed management plan is submitted as a condition of planning permission, which would also cover any construction period.
- 6.104 Overall, the development would not cause any harm to protected species or ecology subject to mitigation through conditions and based on the majority of the site being arable farmland, the proposals overall, would serve to enhance the ecological value of the site. This is in accordance with the NPPF and the draft policy for the site. The proposals shows tree planting within an area of land outlined in blue immediately west of the site and whilst this does not constitute financial contributions to environmental enhancements as outlined under criterion 7, it does provide some landscape enhancement beyond the draft allocation boundaries.

### **Residential Amenity**

- 6.105 The main impacts would be on nearby dwellings through the introduction of noise and disturbance from a 24 hour site from road traffic, vehicles and HGV's accessing the site, reversing, loading and manoeuvring within loading yard areas. Although it is submitted that HGV movements would be low overnight. It is submitted that the noise environment is dominated by traffic travelling on the M20 motorway and punctuated by the passing of high speed trains using the CTRL that runs parallel to the motorway, and to a lesser extent, there is noise from passing vehicles using the A20 and various farming activities. Noise assessments and modelling has been carried out and this concludes that daytime noise from the development would be within guidelines and not be objectionable but that night time noise would require mitigation.
- 6.106 To mitigate therefore and reduce the significance of effects and avoid the likely possibility of disturbance and/or annoyance to the residents in close proximity to the site, it is proposed to include acoustic mitigation for 'Chestnuts' and 'White Heath', the 'Bearsted Caravan Club', 'Woodcut Cottage', 'Little Woodcut', and 'Woodcut Farm'. This would involve acoustic barriers ranging between 2.4m and 3.5m in height and be positioned to protect these properties.
- 6.107 With the implementation of the mitigation measures the assessment of operational activity determined that there is one moderate-minor adverse effect during the night-time period at 'Little Woodcut' and a minor-adverse effect on 'Woodcut Farm' being 1dB above the recommended guidelines, and a minor-adverse effect on 'White Heath' and 'Chestnuts'.

- 6.108 MBC Environmental Health has been consulted and has raised no objections in terms of noise and disturbance subject to conditions and on this basis I do not consider there are any grounds to object to the proposals in this respect.
- 6.109 In terms of privacy, outlook, and light, it would be possible at the detailed design stage to position and design buildings so that they would not cause any unacceptable impacts in these respects, particularly bearing in mind the distance from these properties. Indeed the indicative plans show this is achievable. Whilst the current outlook over arable fields would be fundamentally changed, the loss or change to a view is not a material planning consideration warranting objection.
- 6.110 For the above reasons, the proposals are considered to be in accordance with the NPPF aim of providing a good standard of amenity for existing residents and draft policy DM1.

### **Flood Risk and Surface Water Drainage**

- 6.111 The site is not within a high risk flood zone and as such the main issue relates to surface water drainage. KCC as Lead Local Flood Authority (LLFA) are the Statutory Consultee in this respect. A Flood Risk Assessment (FRA) has been submitted and states the drainage strategy for the site has been based upon the principle of controlling the post development runoff rate to that of the existing greenfield site. The LLFA approve of this principle but the currently outlined drainage strategy involves the runoff from the newly impermeable areas being held in various attenuation features (ponds) prior to being discharged to the existing watercourse that runs through the site. They advise that although the rate at which this water enters the watercourse will be controlled, the volume of water that ultimately has to be accommodated by the receiving network will be increased. It is advised that this is likely to result in an exacerbated flood risk downstream of the development site.
- 6.112 Therefore, it is advised that some discharge to groundwater is likely to be possible and that this should be explored in the detailed design. They acknowledge that drainage from some areas of the site may be considered to be hazardous to the underlying groundwater, but the disposal of the roof-water and the runoff from other clean areas of the site should be preferentially dealt with via infiltration into the ground, even if only shallow infiltration features prove possible. They also advise the use of swales and rainwater harvesting. I have clarified that this information can be provided by condition with specific details at any reserved matters stage and the LLFA have confirmed that this is acceptable bearing in mind this is an outline application. This is in accordance with the NPPF.

### **Foul Drainage**

- 6.113 Southern Water advises that following initial investigations there is currently inadequate capacity in the local network to provide foul sewage disposal to service the development. They advise that additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development, and that the Water Industry Act provides a legal mechanism through which the appropriate infrastructure can be provided. They recommend a condition requiring foul drainage details are submitted for approval.
- 6.114 The applicant has also provided details of the infrastructure likely to be required through initial investigations in consultation with Southern Water. This would involve the upsizing of a 105m stretch of existing pipes to provide additional storage volume

as recommended by Southern Water. On this basis, sufficient foul drainage can be provided to the development and there are no objections in this respect.

- 6.115 The site is located over a principal aquifer which provides drinking water and within a groundwater source protection zone, and as such the Environment Agency advises conditions to prevent any pollution to the groundwater. This is in accordance with the NPPF.

### **Planning Obligations**

- 6.116 The applicant has submitted draft Heads of Terms to form a Section 106 legal obligation to include the following:

*1) Creation of buffer zone and landscaping, land within the application boundary and land west of the application boundary*

- 6.117 This would involve approximately 2.5ha of land at the west edge of site (within the red outline) being conveyed to either:

- (a) Bearsted Parish Council or Hollingbourne Parish Council or
- (b) An independent Trust or
- (c) Maidstone Borough Council

- 6.118 The land would be maintained in perpetuity as woodland and not for any other purpose and its future maintenance including the provision of a commuted sum would be submitted to the Council for approval and the conveyance of the land would be subject to the approved maintenance details. If none of these bodies took on the land it would be managed by a management company.

- 6.119 Within the land outlined in blue on the site location plan to the northwest of the site (area approximately 6.6ha), a management plan would be submitted to the Council for approval, with the plan to include provision for additional tree planting to create an area of wooded pasture. The management plan would include provisions for the long term management of the land as wooded pasture in perpetuity and would not be used for any purpose other than agriculture, horticulture or forestry.

### *2) Transport*

- 6.120 This would be a financial contribution to 'Stagecoach' who operate the 10X bus service past the site to secure increased frequency of buses in the morning and afternoon peak travel periods. The contribution would be sufficient to provide two additional bus services between the application site and Maidstone East Station, in each direction, and two additional bus services over the same route in the afternoon peak period. It would be provide a sufficient subsidy to secure the viability of the additional bus services for a period of three years.

- 6.121 The applicant has held discussions with Stagecoach and they have advised that the maximum contribution to increase the peak time frequency of the service for three years is £165,000. Stagecoach has advised that they would review such a proposal at the point at which timescales for the development became clearer. They advise that there are a number of possibilities on this corridor that they would look at which could give a potential cost reduction but they could not commit at this stage. As such the figure they have provided is an indicative maximum.

*3) Phasing, Marketing and Implementation*

- 6.122 It is proposed to provide a draft Phasing, Marketing and Implementation Plan, which would demonstrate that marketing of the site shall include the provision of new floor space in each of the five use class categories comprising:
- Use Class B1 (a) offices
  - Use Class B1 (b) research and development
  - Use Class B1 (c) light industrial
  - Use Class B2 general industrial
  - Use Class B8 storage and distribution
- 6.123 The Phasing, Marketing and Implementation plan will include provision for laying out the site in a manner which enables development in each of the use class categories to be commenced without constraint, in response to confirmed occupier interest.
- 6.124 As outlined above, the Transport Assessment also includes the potential provision of a private staff shuttle bus service to accommodate shift patterns. It is considered that this should form part of any Heads of Terms.
- 6.125 It has also been agreed with the applicant that reasonable endeavours are used to employ local contractors and sub-contractors and local people during the construction works, and to procure that occupiers of the development identify employment and training opportunities that can be accessed by local people, and to provide details of employment vacancies to Maidstone Borough Council and its identified partners on a regular basis. This could provide local benefits to the economy.
- 6.126 Any contributions or measures requested under Section 106 obligations need to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. These provide that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

\*And

*A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —*

- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
- (b) five or more separate planning obligations that—*
  - (i) relate to planning permissions granted for development within the area of the charging authority; and*
  - (ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.*

- 6.127 \*This section came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).
- 6.128 The landscape obligations are considered to be necessary in order to provide mitigation for the development and would meet the CIL regulations tests. The transport measures are necessary in order to improve the sustainability of the site and would meet the tests. The phasing, marketing and implementation plan, and local employment/training opportunities are considered necessary in order to promote all uses to come forward to meet the identified employment needs, and to provide local benefits to the economy, and would meet the tests

### **Other Matters**

- 6.129 The development would involve the permanent loss of approximately 15.5ha (development area) of best and most versatile land (Grades 2 and 3a). The NPPF at paragraph 112 states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. Whilst a relatively large area of such land would be lost, it is considered that the significant economic benefits of the proposal would outweigh this loss in this case.
- 6.130 The Environmental Health Section has considered the impact the development would have upon air quality and an air quality assessment has been carried out by the applicant. Whilst Environmental Health query some of the assumptions within the assessment, no objections are raised and conditions are recommended for measures to reduce air pollution including electric car charging points and on-site monitoring, which is considered appropriate. The site could have some contamination from agricultural use and therefore a contaminated land condition is recommended both by Environmental Health in terms of the impact upon future users, and the Environment Agency in terms of protecting groundwater. This would be in accordance with the NPPF and draft policies DM1 and DM5.
- 6.131 Matters not generally considered above and raised in local representations relate to the impact upon tourism including Leeds Castle. There is no specific protection in the NPPF for tourism attractions but ‘support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors’, and clearly such attractions contribute towards the economic aims of the NPPF. Nonetheless, I do not consider that the presence of the development next to the M20 and existing transport infrastructure would significantly deter people from visiting Leeds Castle or other local tourism sites so as to warrant any objection to this application. I also note the Inspector for the ‘Waterside Park’ Inquiry stated, *“I am not persuaded that visitors would avoid the Castle and its grounds, together with the numerous special events that are hosted there, only because they would see an industrial park on their drive to and from the venue.”*

## **7.0 Overall Balancing of Issues and Conclusion**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. As discussed above, the NPPF is a material consideration and the Submission Version of the Local Plan is considered to carry significant weight in terms of the allocation of the site for employment purposes and the evidence base behind this. Clearly there is harm resulting from the development due to its location and size but there are also benefits associated with it.

- 7.2 As outlined above under the 'Landscape and Visual Impact' section, in localised views, the development would be prominent and would significantly interrupt views towards the AONB. It would result in relatively significant harm to the landscape and harm the setting of the AONB. In longer distance views and from the AONB, whilst the proposals would cause some harm to the landscape it is considered that the development would not be significantly intrusive or prominent in views from the AONB or from vantage points to the south and southeast. Overall this represents conflict with policies ENV21, ENV28 and ENV34 of the Local Plan and the environmental aims of the NPPF, and also the aims of Section 85 of the Countryside and Rights of Way Act 2000. Although as outlined at paragraph 6.74, the Council is not proposing to take forward the North Downs SLA designation so I do not consider conflict with ENV34 is an overriding factor.
- 7.3 In terms of the location of the site, there is conflict with policy ENV28 of the Local Plan as it does not fall within one of the exceptions allowed for in the countryside. There is some conflict with part of policy T21 in that the site is not adjacent to a railway line but the site is well related to the primary and secondary road network and would have access to public transport with improvements that can be secured. Proposed improvements to the footway would accord with this policy and can be secured. There is considered to be a justified need for an employment site at this location which is why the site is proposed for allocation in the DLP. As such, the development/allocation boundaries set in the LP 2000 are proposed for change to satisfy the identified need. Whilst the DLP and therefore the proposed allocation needs to be examined by an Inspector, in the Local Planning Authorities view there is a need for employment provision which will require changes to development/allocation boundaries whether deemed appropriate at this site or elsewhere by an Inspector. There would be some conflict with policy ED9 of the LP in terms of locating B8 uses outside of an allocated employment site but as outlined at paragraph 6.17 this policy is considered to attract low weight. These material considerations are judged to weigh against the policies in the overall balance.
- 7.4 Otherwise the proposals would be in accordance with remaining relevant policies ENV6, ENV49, T3, T13, and T23 of the Local Plan.
- 7.5 In terms of heritage impact, there is no relevant saved Local Plan policy. The Council's Conservation Officer considers there to be 'less than substantial harm' to the setting of Woodcut Farm (GII Listed) to the west of the site. I do not disagree with this conclusion and this is a factor against the development. However, the NPPF advises that this harm should be weighed against the public benefits of the proposal.
- 7.6 There would be minor-adverse impacts in terms of noise to some neighbouring properties but no objections have been raised by Environmental Health and this is not considered to be a determining factor in the overall balance.
- 7.7 Otherwise there are no unacceptable impacts in terms of highway safety or congestion, ecology, flood risk or drainage, archaeology, air quality, or residential amenity subject to conditions or planning obligation.
- 7.8 In favour of the application, the Council have accepted the need for employment land at Junction 8 on the basis of there being an identified 'qualitative gap' in the future supply of employment land and quantitative shortfall in office floorspace. There is considered to be a need for employment provision at Junction 8 and this would be in line with the economic aims of the NPPF. Importantly, the Council's submitted Local Plan recognises this and allocates the site for employment purposes subject to criteria.

- 7.9 There are significant economic benefits associated with the proposals and due to their scale these are also considered to represent public benefits to the economy. This would be through the creation of between 700-1000 FTE jobs with it being predicated that a large proportion would be from the Borough. The input to the economy associated with employment has been estimated applying an annual GVA of £19,835 per full time employee. In terms of the input to the general economy, this is considered to represent a contribution of between £18.27 million and £24.96 million annually. Within the Borough itself, it is considered that the net GVA will amount to between £14.79 million and £20.23 million each year. There would also be a receipt of business rates of between £0.4 million and £0.8 million annually, depending on the mix of different uses when completed and occupied. The Council's Economic Development Strategy (2015) explicitly links its ambitions for job creation with developing a site at Junction 8 and so the proposals would significantly contribute towards meeting the aims of the EDS.
- 7.10 The development would contribute towards meeting the social role of the NPPF through the creation of a significant number of jobs that could meet local needs.
- 7.11 The proposals would be in accordance with the draft Local Plan policy for site apart from a minor conflict with the height of buildings on the east part of the site by 2 metres, which has been justified and is not considered objectionable. Otherwise the proposals would accord with all other relevant policies in the draft Local Plan.
- 7.12 In conclusion, the proposals are not in accordance with the Development Plan (Maidstone Borough-Wide Local Plan 2000) as outlined above and there is conflict with the environmental aims of the NPPF. All planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. Material considerations are that the Council has allocated the site for employment development within the submission version of the Local Plan, which is considered to carry significant weight and with which the proposals accord subject to paragraph 7.10 above; saved policy ED9 is considered to attract low weight; saved policy ENV34 is not proposed to be taken forward as a landscape designation in the DLP; the Council have accepted the need for employment land at Junction 8 on the basis of there being an identified 'qualitative gap' in the future supply of employment land and quantitative shortfall in office floorspace; and significant economic benefits would arise from the proposals which would achieve the economic and social aims of the NPPF.
- 7.13 Carefully balancing the conflict with the Development Plan, and all other material considerations, and having fully taken into account all representations received on the application, it is considered that the economic and public benefits associated with the application are sufficient to outweigh the conflict with the Development Plan and harm identified above. As such, the balance falls in favour of recommending approval of the application. The benefits are considered to be sufficient grounds to depart from the Development Plan.
- 7.14 In reaching this conclusion, special regard has been given to the desirability of preserving nearby listed buildings and their settings, or any features of special architectural or historic interest which they possess, as required by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and regard has been given to the purpose of conserving or enhancing the natural beauty of the AONB as required by Section 85 of the Countryside and Rights of Way Act 2000.

- 7.15 The 'Waterside Park' (2015) and 'KIG' (2010) appeal decisions have been taken into account as material considerations and have been fully considered and referenced where considered relevant in the appraisal above.
- 7.16 The KIG appeal related to a vastly different development proposal (Strategic rail/road freight handling interchange) on a significantly larger site (approximately 113 hectares) which extended from the edge of Bearsted to the current application site, and to its south. The considerations and weighing of harm against benefits were therefore different. In the conclusion, the Inspector found harm to the landscape and AONB; harm to footpaths and bridleways; some impact to residential amenity; impact upon the Bearsted settlement; modest harm to the setting of two listed buildings (including Woodcut Farm); and harm to the Bearsted Conservation Area. This is clearly a different scale of harm than is considered to occur for this application. The decision was made in the context of pre-NPPF national policy and the South East Plan, and although it is not argued that this meant significantly different considerations, it was nonetheless under different policies, and the draft Local Plan with its evidence base is considered to attract significant weight and the site is allocated for economic development. For all these reasons, it is considered that, whilst a material consideration, this decision should not lead to a refusal of this application as has been suggested under many representations on this application. The proposals are significantly different and therefore it is reasonable for different conclusions to be reached.
- 7.17 The Waterside Park appeal related to a similar scale of development to the south of the site. The Inspector found harm to the landscape and AONB, however, this site is more prominent in viewpoints from the AONB and the Inspector took issue with the significant earthworks and change to the topography and landform, which would not be the case for the application proposal. The Inspector also considered the development would cause harm to the setting of Leeds Castle, Grade I listed and therefore in the highest category of heritage assets, and it's Park, Grade II\* listed. This is not the case for the application proposal as confirmed by Historic England. Matters relating to traffic congestion and the sustainability of the site have been considered at paragraphs 6.94 to 6.97. The Inspector also found more minor harm relating to ecology and residential amenity. The draft Local Plan has been submitted for examination since that decision and is considered to attract significant weight and the site is allocated for economic development. The proposals are considered to be materially different and for the above reasons it is considered that, whilst a material consideration, the appeal decision should not lead to a refusal of this application as has been suggested under many representations on this application. It is reasonable for a different balancing of matters and conclusions to be reached in this case.
- 7.18 For the above reasons, it is recommended that planning permission be approved subject to a legal agreement to secure the matters listed below and subject to the conditions listed below. Delegated powers are sought from Members in order to finalise the legal agreement with the Head of Legal Services.
- 7.19 If approved by Members, the resolution to approve will need to be reported to the Secretary of State before issuing planning permission as it involves office uses that potentially total over 5,000m<sup>2</sup> (5,360m<sup>2</sup>), which are outside of the existing urban area, and the decision is not in accordance with the Development Plan. This is required under the Town and Country Planning (Consultation) (England) Direction 2009 and gives the Secretary of State an opportunity to consider using the power to call in the application.

## **Conditions**

- 7.20 Along with the standard time limit, conditions are considered necessary to cover the following key matters and are detailed in full below:
- 7.21 Parameters relating to landscaping, building areas, building footprints, building heights, building frontages, building and hard surfacing materials (including use of ragstone, green walls and roofs); and boundary treatments; Lighting; Landscaping (Details, Implementation & Management); Tree Protection; BREEAM Level; Ecology (Mitigation, Management & Enhancement); Off-site Highways Improvements (access, pedestrian refuge, footway/cycleway, bus stops and A20/Willington Street junction improvement); Other Highways (Site-wide Framework Travel Plan, Construction Environmental Management Plan, Wheel washing facilities prior to commencement of work on site; Completion and maintenance of the access); Foul and Surface Water Drainage; Contaminated Land; Pollution Groundwater Control; Air Quality; Plant & Ducting Details; Noise; Extraction Details; Archaeology; Crime Prevention; No Open Storage; Removal of PD Rights for Extensions;
- 7.22 It is also considered necessary to secure the maximum amount of floorspace for office/research (uses B1(a) and B1(b)) assessed under the Transport Assessment at this stage, this being a significant benefit arising from the development in meeting the evidenced need for office space, and a significant factor in allocating the site in the draft Local Plan. A condition can be used to require a minimum of 5,360m<sup>2</sup> of B1(a) or B1(b), which could be increased under any reserved matters application subject to further assessment being carried out and evidence being submitted by the applicant to support any increase.

## **8.0 RECOMMENDATION**

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

1. The creation of buffer zone and landscaping using land within the application boundary and land west of the application boundary:
  - a) Approximately 2.5ha of land at the west edge of site (within the red outline on the site location plan) being conveyed to a Parish Council, Trust, Maidstone Borough Council or Management Company to be maintained in perpetuity as woodland. Future maintenance including the provision of a commuted sum will be submitted to the Council for approval and conveyance of the land subject to the approved maintenance details.
  - b) Approximately 6.6ha of land (within the land outlined in blue on the site location plan) to the northwest of the site not to be used for any purpose other than agriculture, horticulture or forestry in perpetuity including submission of a management plan to the Council for approval, with the plan to include provision for additional tree planting to create an area of wooded pasture and long term management of the land as wooded pasture.
2. Financial contribution (amount to be finalised by officers) to provide two additional bus services between the application site and Maidstone East Station in each direction (10X Service) in the morning and afternoon peak periods for a period of three years.

3. Provision of a shuttle bus service for staff to and from the site to public transport links.
4. Provision of a Phasing, Marketing and Implementation Plan.
5. Require the developer to use its reasonable endeavours to employ local contractors and sub-contractors and local people during the construction works;
6. Require the developer to use its reasonable endeavours to procure that occupiers of the development identify employment and training opportunities that can be accessed by local people, and to provide details of employment vacancies to Maidstone Borough Council and its identified partners on a regular basis.

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

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
  - a. Layout
  - b. Scale
  - c. Appearance
  - d. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. The details of layout submitted pursuant to condition 1 shall show no more than 40% of the site being covered by buildings and shall follow the principles of the 'Development Plots Parameter Plan' (PL002 Rev A) dated 18.12.15. There shall be no buildings with a footprint of over 10,000m<sup>2</sup> and any buildings on the eastern part of the site (east of the existing stream) shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

3. The details of scale submitted pursuant to condition 1 shall show no buildings over a height of 52.6m AOD on the western part of the site (west of the existing stream) and no buildings over a height of 56.2m AOD on the eastern part of the site (east of the existing stream) and shall follow the principles of the 'Building Heights Parameter Plan' (PL007 Rev A) dated 18.12.15.

Reason: To ensure a satisfactory appearance to the development.

4. The details of appearance submitted pursuant to condition 1 shall follow the principles of the Design & Access Statement and include:
  - Curved roof forms.
  - Glazed building frontages to buildings and active frontages addressing both the A20 and M20.

- The use of vernacular materials including ragstone on buildings and in boundary treatments.
- High quality surfacing materials.

Reason: To ensure a satisfactory appearance to the development.

5. The details submitted pursuant to condition 1 shall provide for vehicle and cycle parking spaces in line with the Council's adopted standards.

Reason: In the interests of highway safety and to promote sustainability.

6. The details of landscaping submitted pursuant to condition 1 shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The programme of implementation shall include boundary planting being established under the first phase of any development. The landscape scheme shall follow closely the principles of the illustrative landscape proposals plan (Drawing no. 2080 DR 003 Rev G) and Design & Access Statement and specifically address the need to provide:

- Dense woodland planting along the Ashford Road frontage at the south western edge of the site in excess of 20m width including a planted bund.
- A 20m native woodland belt with understorey shrubs and grasses along the western edge of the site to help protect the setting of Woodcut Farm.
- Planted landscape buffer zones to the west north and east of Chestnuts and White Heath adjacent to the site to help protect the amenity of these properties.
- An area of heavily treed native woodland planting in the north west corner of the site of approximately 2.5ha.
- Retention of the protected trees along Musket Lane and augmented with hedgerows and additional tree planting to the south east corner of the site.
- Creation of a circa 38m-70m landscape buffer between any development and the M20 which includes the gas pipe easement.
- A woodland shaw along the northern boundary and the M20 of at least between 10-24m width.
- A circa 8m wide planting belt of native trees and understorey between the gas pipe easement and any development.
- The gas pipe easement corridor managed as long grass with indigenous wild flora.
- An avenue of tree planting along the access road.
- An area of wooded pasture of approximately 6.6ha within the land outlined in blue to the northwest of the application site.
- An area of tree planting within the land outlined in blue to the west of the application site.
- Swales and balancing ponds including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes.
- Planted 'green' roofs to buildings.
- Planted 'green' walling to buildings.
- Areas of structural landscaping extending into the development areas.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

7. The details submitted pursuant to condition 1 shall include at least 5,360m<sup>2</sup> of B1(a) or B1(b) floorspace.

Reason: The provision of this type of floorspace is a material ground for allowing the development.

8. The details submitted pursuant to condition 1 shall incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

Reason: In the interest of security, crime prevention and community safety.

9. No development shall take place until a phasing plan for the whole site has been submitted to the Local Planning Authority and agreed in writing. The approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

10. No phase of the development shall take place until details of the proposed slab levels of the buildings and the existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

11. No phase of the development above damp proof course level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The materials shall follow the principles of the Design & Access Statement.

Reason: To ensure a satisfactory appearance to the development.

12. No phase of the development above damp proof course level shall take place until details of all fencing, walling and other boundary treatments relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. The boundary treatments shall follow the principles within the Design & Access Statement and include the use of ragstone walling.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing occupiers.

13. No phase of the development above damp proof course level shall take place until details of any lighting for the site relating to that phase has been submitted to and approved in writing by the local planning authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to

prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be maintained thereafter.

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity.

14. No phase of the development shall take place until an Arboricultural Impact Assessment (AIA) in accordance with the current edition of BS 5837 relating to that phase has been submitted to and approved in writing by the local planning authority. It shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme and include a plan showing protection of trees and ground designated for new structural planting.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

15. No development shall take place until the specific details of the off-site highway improvements to the A20 including the site access junction, pedestrian refuges, footway/cycleway enhancements, bus stops, and the A20/Willington Street junction improvement have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The subsequently approved details shall be carried out in full prior to the occupation of any of the development.

Reason: In the interests of highway safety and to promote sustainability.

16. No development shall take place until a Construction Management Plan and Code of Construction Practice, including the provision of wheel washing facilities, has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway

- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In the interests of highway safety and local amenity.

17. No development shall take place (including any demolition, ground works, site clearance) until an updated Great Crested Newt survey report and mitigation strategy (if required) has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation shall be carried out in full and thereafter maintained.

Reason: In the interests of biodiversity.

18. No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Map clearly showing the area to be managed and where all the features will be located.
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) If the management actions will be phased over a number of years – a map must be supplied clearly showing how the work will be phased.
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- i) Details of the body or organization responsible for implementation of the plan.
- j) Ongoing monitoring and 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. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

19. No development shall take place until an ecological design strategy (EDS) addressing ecological enhancements for the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;

- c) Detailed design(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with any proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long term maintenance;
- i) Details for monitoring and remedial measures.
- j) Provision of ground nesting bird habitat.
- k) Follow the principles of the biodiversity enhancement plan as outlined under the 'Lloydbore Ecology Report Revision E'

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

Reason: To protect and enhance biodiversity.

20. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a precautionary reptile mitigation strategy has been submitted to and agreed in writing by the Local Planning Authority. The precautionary mitigation strategy must include the following:

- Map showing the areas of suitable reptile habitat (both retained and lost by the development)
- Methodology to clear the reptile habitat
- Time of year the works will be carried out
- Confirmation that an experienced reptile worker will carry out the works

- Details of how the retained habitat will be protected during construction works.

The approved strategy shall be adhered to unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity.

22. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site, with the rate of runoff not exceeding 87l/s for any rainfall event (up to and including the climate change adjusted 100yr critical storm).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

23. No development shall take place until it has been appropriately demonstrated that the existing on-site surface water flow-routes and accumulation points will not be altered in such a way that the development places adjacent properties at risk of flooding during any rainfall event, up to and including the climate change adjusted critical 100yr storm.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

24. No development shall take place until details of foul water drainage for the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved prior to occupation.

Reason: To ensure protection of controlled waters including groundwater.

25. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities

and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

26. No development above damp proof course level shall take place a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport and building related air pollutant emissions of the development during construction and when in occupation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. 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: In the interests of pollution reduction and local amenity.

27. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

28. The use or occupation of each phase of the development shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed relating to that phase. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

29. Any existing trees or hedges approved to be retained on site which, within a period of ten years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February),

with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

Reason: To safeguard existing landscaping and to ensure a satisfactory setting and external appearance to the development.

30. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

31. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of the building.

Reason: To ensure a sustainable and energy efficient form of development.

32. The approved details of the access to the site as shown on drawing no. PL 102 dated 18.12.15 shall be completed prior to the occupation of the site and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

33. There shall be no occupation of the development hereby permitted until a site-wide Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be thereafter be implemented.

Reason: To minimise traffic generated by the development in the interests of sustainability.

34. The precautionary bat mitigation as detailed within the 'Lloydboore Bat Report Revision A' shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of biodiversity.

35. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and

- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 36. Details of facilities for the charging of electric vehicles in this development shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The approved facilities shall be provided before the first use of the building(s) or land and should conform to the latest standards and conform to best practice. The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 or latest equivalent.

Reason: In the interests of sustainable transport use, pollution reduction and local amenity.

- 37. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

- 38. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

- 39. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

- 40. Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the

Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity.

41. The rating level of noise emitted from any proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 23:00 – 07:00 hours as covering the night time period

Reason: In the interests of residential amenity.

42. The rating level of noise emitted from any proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 07:00- 23:00 hours as covering the night time period

Reason: In the interests of residential amenity.

43. Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity.

44. No open storage of plant, materials, products, good for sale or hire or waste shall take place on the site.

Reason: To safeguard the character and appearance of the surrounding area.

45. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to any buildings shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

46. In respect of the access only, the development hereby permitted shall be carried out in accordance with the drawing no. PL102 dated 18.12.15.

Reason: For the purposes of clarity.

**INFORMATIVES:**

1. No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.)
3. Advice re. Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers  
Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.
- 

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal

halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided. If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

#### Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

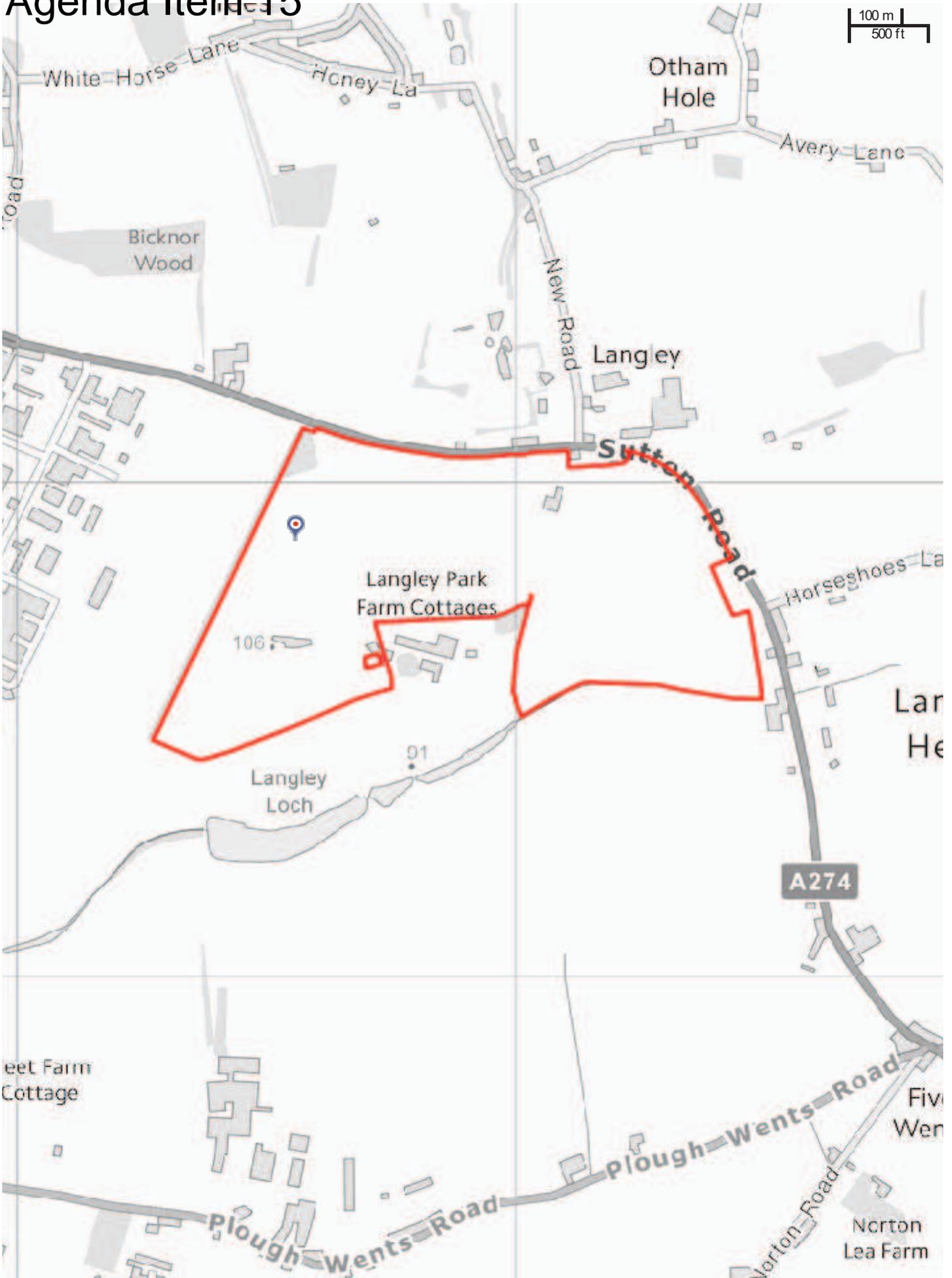
- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
  - Lamps of greater than 2000 lumens (150 W) must not be used;
  - Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
  - Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
  - Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
  - Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
  - Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.
4. There is a high pressure gas pipeline in the vicinity of the proposed development which has a Building Proximity Distance (BPD). The building proximity distance (zone 1) is 9 metres either side of the pipeline. This should not however be confused with the HSE consultation zones 2 & 3 which will be considerably greater. Zone 1 is a safety factor with reference to habitable buildings as recommended by IGE/TD/1. It is calculated from the diameter, material, wall thickness and pressure of the particular pipeline. Under Pipeline Safety Regulations 1996 this distance is declared to the HSE. Any intrusion within this safety zone should not be taken lightly and any intention to proceed should be accompanied by a risk assessment or provision of other supporting evidence especially in the event of any legal proceedings at a later date. I have attached a copy of our plans showing the pipeline in relation to this site. Pipelines laid in private land are protected by a Deed of grant, which prohibits certain activities within the easement strip like no addition to or removal of surface levels, no structures over or within the specified distance of the pipeline. Further details are available if you require them. A request to us for any copies could incur a small fee, payable in advance. Any vehicle crossings over the pipeline will require: calculations to prove that no additional stresses will be incurred; a design showing the roadway in relation to the pipeline; and method statements to be agreed with SGN before it goes ahead. Road crossings need to be kept to a minimum. This pipeline is of prime importance to the gas supplies of this area. Should any work be contemplated it is essential that you comply with the restrictions detailed below and in the document SGN/SP/SSW22 in order to protect our plant and equipment and for the safety of your own operatives.
- 1) No mechanical excavation is allowed within 3 metres either side of pipeline.
  - 2) No plant or storage of equipment shall be made within any easement strip.
  - 3) If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.

- 4) All precautions stated in publication SGN/SP/SSW22 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SSW22 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
- 5) No thrust boring shall take place within three metres of the pipeline.
- 6) All planting within the easement strip should comply with "Notes for Guidance on Tree Proximity".
- 7) Before commencing work on site you must contact our Pipeline Maintenance Section on 0141 4184093 at least three days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high-pressure gas pipelines can then be discussed.
- 8) Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.
- 9) This pipeline is cathodically protected and as such has test cables located in surface boxes, were these to be lost through this work we would look to you for remedial action at no cost to SGN.
- 10) Intrusive construction methods will require an agreed method statement prior to work starting.

Case Officer: Richard Timms

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

# Agenda Item 15



15/509015 - Land South of Sutton Road  
Scale: 1:10000  
Printed on: 21/6/2016 at 15:40 PM

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**REPORT SUMMARY**

<b>REFERENCE NO:</b> 15/509015/OUT			
<p><b>APPLICATION PROPOSAL:</b> Outline planning application for a 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) (crèche/day centre/ day nursery, or B1 (office), up to 0.4ha of land reserved for C2 (residential care), the reservation of 2.1ha 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.</p> <p>Please note that while the number of units has not been specified in the description of development, the <b>indicative figure is 800.</b></p>			
<b>ADDRESS:</b> Land to the South of Sutton Road, Maidstone, Kent			
<p><b>RECOMMENDATION:</b> Delegated powers be given to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions.</p> <p>(see section 9 of report for full recommendation)</p>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<p>The development is at a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given these issues and the fact the site is allocated for housing within the submitted draft of the Local Plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>• Departure from the Development Plan</li> <li>• Objection from Parish Council</li> </ul>			
<b>WARD</b> Sutton Vallance and Langely; Parkwood	<b>PARISH/TOWN COUNCIL</b> Langley	<b>APPLICANT:</b> Countryside Properties (Ltd) <b>AGENT:</b> DHA Planning	
<b>DECISION DUE DATE:</b> 30/6/16	<b>PUBLICITY EXPIRY DATE</b> 13/6/16	<b>OFFICER SITE VISIT DATE</b> 23 <sup>rd</sup> November 2015	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b> 14/503710/PA MEET	<b>Proposal</b> EIA Scoping Opinion - Development of Approximately 950 dwellings and a two form entry primary school	<b>Decision</b> Environmental Statement required	<b>Date</b> 17-7-15
90/2009	Langley Park Driving Range Sutton Road  Change of use to 9-hole 3-par golf course. .	Refused	26.04.1996
94/0010	Langley Park Driving Range	Permitted	14.02.1994

	<b>Sutton Road Variation of condition 03 of MA/89/0919 to allow retention of works/improvements to access.</b>		
<b>92/0591</b>	<b>Langley Park Driving Range Sutton Road</b>  <b>Variation of conditions (ix) and (xi) of MA/89/0919E and variation of condition (ii) of MA/90/1551E to allow the golf driving range and associated floodlighting to be used by the public to 10pm. on any day. .</b>	<b>Permitted</b>	<b>16.07.1992</b>
<b>89/0919</b>	<b>'Langley Park Farm' Sutton Road</b>  <b>Change of use to golf driving range and erection of covered area shop and clubroom.</b>	<b>Permitted</b>	<b>16-11/1989</b>

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is approximately 47.1 hectares, with a net developable area of 26.6 hectares. The site is situated to the south of A274 Sutton Road, to the east of Parkwood Industrial Estate, located within the Parish of Langley, on the south eastern edge of Maidstone. The application site is a draft allocation within the Submission Version of the draft Maidstone Borough Local Plan (2016) ("draft MBLP") which has recently been submitted to the Secretary of State for review. Full details of the requirements of this draft policy are set out later within this report.
- 1.02 The application site can be segregated into four distinct parts - the north western area of the site currently contains the golf driving range with an agricultural field forming the south west part of the site. The land within the central part of the site is utilised by Rumwood Nurseries with trees and shrubs currently being grown within the site. The southern area of the site bounds a small cluster of houses, including a Grade II listed building, and an oast house. The eastern parcel of land is more open and is currently used for agricultural purposes.
- 1.03 In terms of topography the land is relatively flat along the eastern portion (although the land falls away to the south) however, as one moves eastwards, the land falls as it heads towards Langley. This area of the site is the most exposed visually, and contains important long distance views across to the church which lies to the south east of the application site. This church, a Grade II\* listed structure is considered to be of significant importance within the locality.
- 1.04 Much of the site is extensively farmed at present as part of a nursery, and as such there are a number of relatively mature trees for sale within the site which would be removed prior to any development taking place. Within the grounds of the nursery is a large utilitarian structure which is used as part of the business premises.
- 1.05 An existing barn within the south-eastern parcel of the site is to be retained as part of this proposal, as it is currently in use.

- 1.06 The golf driving range contains a single storey structure which effectively runs as a small clubhouse, as well as a structure that is used by those practising. Beyond this, the land is manicured as one would expect, and is surrounded by dense vegetation. The driving range is lit at night when required.
- 1.07 The site is located to the south of the A274 which is a well trafficked route into the centre of Maidstone, and serves the outlying villages of Headcorn and Sutton Valance, as well as larger towns such as Tenterden further afield.
- 1.08 To the north of the site are a number of terraced properties that front onto the northern side of the A274 Sutton Road. Immediately to the west of the site is the Langley Park residential development – which has planning permission (ref: MA/13/1149) for a mixed use residential development – of up to 600 dwellings, with associated local centre comprising a convenience store, retail/commercial units and public house; a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conservation area; and landscaping. The first phase of development to the north adjacent to Sutton Road is under construction, and phase two has recently been permitted.
- 1.09 To the south of the site is a small cluster of housing that contains a listed dwelling (Grade II) as well as a number of properties that whilst not listed, are of some merit. These properties are set out within a fairly linear manner along a private road. Access to these properties is provided via an access road that also serves the golf driving range. Beyond these properties the land falls away to Langley Loch.
- 1.10 To the east of the site lies agricultural fields, together with a small cluster of houses that sit upon the A274. The listed Grade II\* Langley Church takes a prominent position on the southern side of the A274, and is nestled within the valley.

## **2.0 PROPOSAL**

- 2.01 This is an outline planning application with all matters reserved aside from access at this point in time. The application is accompanied by an Environmental Statement and has been advertised accordingly as EIA development.
- 2.02 The proposed development is for a primarily residential scheme, with the provision of a new 1FE primary school (with flexibility to upgrade to a 2FE should this prove necessary), village centre and open space provision. Illustrative masterplans, and parameter plans have been submitted with the application which align with the Environmental Statement. 30% on-site affordable housing is proposed.
- 2.03 The original proposal included the following elements:
- a) An eastern all-vehicle access, via a new roundabout, onto the A274;
  - b) A hamlet of housing adjoining this eastern access;
  - c) The location of a 1FE primary school adjoining this eastern access.
- 2.04 Following consultation responses, most notably from Historic England and MBC's Conservation Officer as well as Highways England, amendments to the above elements were sought and the following changes were made:
- a) Replacement of eastern all-vehicle access with a bus-only single track road;
  - b) Replacement of proposed eastern roundabout with a simple 'T' junction access to the A274;

- c) Removal of eastern hamlet and 1FE primary school adjoining the eastern access;
- d) The provision of the 1FE primary school within the centre of the proposal, to the north of the Langley Park House hamlet;
- e) The expansion of proposed housing east of PROW KH364.
- f) Proposed signalisation of Junction 7 of the M20.

The amended Heads of Terms covering Section 106 contributions are listed in Appendix One.

- 2.05 The proposal includes the provision of a roundabout access onto the A274 along the northern edge of the application site. This roundabout would be the sole means of vehicular access, although it is also proposed that a bus link be provided to the east of the site,. Pedestrian links are also proposed to the west, and the south east of the site, linking in with the existing public footpaths. The existing houses forming a small hamlet including Langley Park Farm would continue to be accessed via a private road running north west to join Sutton Road.
- 2.06 The indicative masterplan submitted shows the consolidation of the majority of the housing within the two western most parcels of land, although there remains a small element of housing protruding into the eastern field – which policy OS1 of the draft local plan seeks to retain as open space. These houses are shown as low density, and to be of no more than two and a half storeys in height.
- 2.07 Internally the plans show (indicatively) a variety of densities and building heights, with the most dense elements being located centrally, feathering out to the edge. These densities range from 40dph to 25dph depending upon the location.
- 2.08 It is proposed that a ‘village centre’ be provided within the development. The application seeks flexibility in terms of uses, to allow for retail, health, pub/restaurants, community uses within the centre. Illustratively, this has been shown as an area within the centre of the site, located upon the main access into it. Following revisions, the primary school is proposed to adjoin the village centre.
- 2.09 The application is accompanied by a Transport Assessment which highlights a number of junction improvements that would be necessary should this application be approved. It is proposed that these enhancements be funded in part by this development – together with others within the locality.
- 2.10 The proposal suggests that there would be a significant area set aside for open space within the eastern parcel of the site with much of this proposed as wetlands, which forms part of the overarching drainage strategy for the site (being the lowest part). The proposal also shows a significant set back from the A274 (approximately 30metres) which would be set aside for soft landscaping provision.
- 2.11 Draft Heads of Terms have also been submitted which address the potential financial contributions that may be required.

### **3.0 PLANNING HISTORY/BACKGROUND INFORMATION**

- 3.01 There is no relevant planning application history to this particular proposal.
- 3.02 The Council have, however, proposed this site for housing allocation and it has been included within the draft MBLP. The allocation has been subject to consultation and

significant debate through the Local Plan process and its inclusion was ratified by Full Council earlier this year. The relevant Submission draft Local Plan policy is listed below:

**Policy H1 (10)**

**South of Sutton Road, Langley**

*South of Sutton Road, as shown on the policies map, is allocated for development of approximately 800 dwellings at an average density of 24 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.*

**Design and layout**

1. *The majority of the natural/semi-natural open space required by criterion 1 above shall be provided on that part of the site lying to the east of PROW KH364. This area shall also incorporate SuDS surface water drainage mitigation.*
2. *The development proposals are designed to take into account the results of a landscape and visual impact assessment undertaken in accordance with the principles of current guidance, with particular emphasis on the Loose Stream/Langley Loch and Langley Church and other heritage assets adjacent to the site.*
3. *The proposals will be designed and laid-out to provide an appropriate and strong visual relationship between the new development and the hamlet of Langley Park, whilst preserving the setting of the existing listed buildings and protecting the amenity and privacy of existing residential properties.*
4. *Development should be sited in order to preserve or enhance the setting of the listed buildings surrounding the site.*
5. *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.*
6. *Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials.*

**Access**

7. *Primary access will be taken from the A274 Sutton Road.*
8. *Secondary access will be taken through site H1(5) Langley Park subject to agreement with the Highways Authority and Borough Council.*
9. *A separate cycle and pedestrian access will be provided to site H1(5) Langley Park subject to agreement with the Highways Authority and Borough Council.*

**Noise**

10. *Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the A274 Sutton Road.*

**Air quality**

11. *Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.*

**Drainage**

12. *Development proposals will demonstrate that any necessary new or improved foul and surface water including SuDS drainage infrastructure required to serve the development to ensure no increased risk of flooding off-site, will be delivered in parallel with the development, in consultation with Southern Water and the Environment Agency.*

13. *The provision of appropriate contributions as proven necessary will be sought for the improvement of flood mitigation impacting this site.*

#### **Open space**

14. *Provision of 14ha of natural/semi-natural open space in accordance with policy OS1(3) together with any additional on-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM22.*
15. *The development will provide for a primary school within the developable area of the site, the details of which shall be agreed with the local education authority.*

#### **Highways and transportation**

16. *Provision of a new footway on the northern side of Sutton Road.*
17. *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.*

#### **Strategic highways and transportation**

18. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
19. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
20. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
21. *Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.*
22. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.*

## **4.0 POLICY AND OTHER CONSIDERATIONS**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan 2000: policies ENV6, ENV21, ENV28, ENV32, T2, T3, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Submission Draft Maidstone Borough Local Plan 2016: policies SS1, SP3, SP5, SP17, H1(9), H1 (7), H2, DM1, DM2, DM3, DM11, DM12, DM13, DM14, DM23, DM24, ID1

## **5.0 LOCAL REPRESENTATIONS**

- 5.01 Approximately 180 representations have been received raising the following main (summarised) points:

- The proposal would erode the open countryside;
- The proposal would result in unacceptable congestion;
- Loss of prime agricultural land;
- The site is remote from any railway station;
- There are insufficient doctors surgeries within the locality;

- Increased flood risk;
- It is contrary to the 2005 Langley Parish Plan;
- There is already an oversupply of housing within the locality;
- The proposal would come forward before any necessary infrastructure would be provided;
- The impact upon the sewerage system.

5.02 **(Neighbouring) Boughton Monchelsea Parish Council:** 'The Parish Council would like to comment on the additional / amended information relating to the above planning application, as follows: Whilst the new information addresses some of our minor concerns with the application, such as protecting building in the valley area and the Langley Church environs, it fails to respond to the major issues cited in our original request for the application to be refused. We wish to reiterate our original concerns with regard to anti-coalescence, sustainability and the huge impact the developments would have on the existing inadequate road network and infrastructure in the south east of Maidstone. In addition, our concerns regarding flooding downstream of the development have not been addressed.

In summary, the revised information that has been submitted by the applicant is merely 'tinkering at the edges' and has not addressed our major issues of concern at all. As advised previously, the Parish Council wish to see the application refused and I have attached a copy of our original detailed response, for your information.'

Previously, the Parish Council had recommended that the application be refused on the following grounds:

- The impact upon the highway network and local infrastructure;
- The potential impact upon flood risk;
- The impact upon sewerage and surface water run off;
- Insufficient time to consider this proposal;
- Developments in the south east of Maidstone coming together in a piecemeal fashion;
- The proposal would have an impact with regards to coalescence;
- There should be better liaison between Maidstone Borough Council and other local authorities to provide a more comprehensive housing strategy;
- The impact of the proposal upon the nearby heritage assets;
- There was insufficient public consultation.

5.03 **(Neighbouring) Chart Sutton Parish Council:** Wish to see the application refused on the basis that there is insufficient infrastructure within the locality.

5.04 **(Borough) Cllr Stockell:** Raised concerns that the application was submitted in outline form.

## 6.0 CONSULTATIONS

6.01 **Langley Parish Council:** Wish to see the application REFUSED on the following (summarised) grounds and reported to planning committee. These matters have been raised under a series of detailed letters and submissions:

- The proposal would have a detrimental impact upon the highway network. The Parish Council refer to the recent appeal decision within Boughton Lane which identified the impact upon the highway network as severe.

- The proposal is contrary to Policy ENV32 of the Local Plan. Again, reference is made to the recent appeal decision at Boughton Lane.
- The Parish Council do not believe that there is a requirement for a new primary school within the area.
- Housing is still proposed to encroach into an area identified as being suitable for open space.
- The proposal would detrimentally impact the setting of St Marys Church.
- The proposal would result in a coalescence of Maidstone and Langley.
- The proposal would harm the rural character of the area.
- The Parish Council are concerned that the proposal would be of a higher density than suggested.
- It is requested that the application specify the maximum number of dwellings proposed.
- The proposal is contrary to the Council's strategy of dispersed development.
- The site is unsustainable.

6.02 **MBC Housing Officer:** No objections. 30% affordable housing is acceptable.

6.03 **MKIP Environmental Health Officer:** No objections subject to the imposition of conditions relating to noise and air quality.

6.04 **MBC Parks & Leisure:** Suggested in-lieu payments towards off-site open space.

6.05 **MBC Landscape Officer:**

*Having reviewed section 11 of the Environmental Statement Addendum, March 2016, received on 21/03/16, concerning landscape and visual effects I would add the following comments:*

- *Paragraph 11.4.2 refers to part of the Maidstone Landscape Capacity Study in the context of the relevant site specific assessment but does not refer to the sensitivity assessment for the landscape character area. It should be noted that the site specific assessment relates to the capacity of the site to accommodate solely housing development.*
- *Paragraph 11.4.84 assumes that the existing landscape character and visual amenity will decline in the future due to the absence of regular management. There is no justification for this view given that any landowner has a duty of care to maintain their trees in a safe condition. All trees that haven't reached maturity will continue to grow but this certainly doesn't predicate instability.*
- *Paragraph 11.5.2 indicates the number of trees that are likely to be removed but clearly this will be subject to the detailed layout. I would add though that, of the U category trees on site, only a small proportion are proposed to be removed. BS5837: 2012 considers these trees as being in such a condition that they cannot be realistically retained as living trees with decline/early loss expected and a life span of no longer than 10 years. It would therefore be preferable for the detailed scheme to consider the removal of most of these trees, either on a phased basis as part of a long term management plan or as part of the initial vegetation clearance phase with sufficient replanting in the overall scheme to mitigate their loss. In any case, a long term landscape management plan will be required which addresses the need for succession planting.*

- *Despite my comments, the landscape and visual effects statement broadly follows the principles of current guidelines for landscape and visual impact assessment, GLVIA 3, and I therefore raise no objection on that basis.*

6.06 **MBC Conservation Officer (22 January 2016):** Initial comments raised an objection to the proposal on the following grounds:

*'I object to this application on heritage grounds in respect of the setting of St. Mary's Church for reasons as detailed above based on the illustrative layout provided.'*

6.07 Subsequent to this response, amended plans were submitted and the Conservation officer has withdrawn his objection, on the basis that he considered there is now less than significant harm.

6.08 **MBC Spatial Policy Officer (22 January 2016):** *'It is considered that the contribution that development of the site would make to housing land supply and in terms of the economic and social roles of the planning balance would be significant. This does need however to be set against the need to consider the environmental impact of the development. It is considered that given the comments of Historic England and the Council's Landscape Officer and also the requirements of MBWLP 2000 policy ENV32, the elements of built development including the design and alignment of the proposed site access road east of PROW KH364 need to be carefully considered and changes to the layout potentially considered. Subject to the above being considered and addressed no policy objections are raised to the proposals.'*

6.09 **KCC Development Contributions:** Object to the provision of a new school within the location shown. KCC state:

*'Within the design of any new primary school, including one which is being provided to serve a new development such as this, provision for parking and drop off is required. Para 4.1.5 (page 15) of the Addendum to Planning Statement states:*

*"We are mindful that there is a likelihood that some car parking would be required, and the layout that has been designed would allow for such a provision if necessary, but in a sympathetic manner."*

*Although the detailed configuration of any school would be a matter for later consideration, it is necessary now to ensure that no impediments are imposed which would prevent the proper detailed design of the school. The County Council therefore confirms that parking and drop off provision will be required for the new primary school. This should be provided within the site area of the school and appropriate highways access should be provided by the applicant. As well as a relocation of the school site within the proposed development, the amended plan (RD155\_PP\_100 dated 3/3/16) now shows the land allocated for a school broken up into three parcels. A central rectangular parcel is proposed for a 1FE school, with an irregular shaped parcel of land situated immediately to the east and west labelled as 'Residential or potential area of 0.85ha for increasing primary school site to 2FE'. The overall configuration would create 'dead' spaces which would decrease the developable area of the school, creating cost and layout problems. An expansion of an established 1FE school site with land on both the eastern and western boundaries as is proposed, would severely limit the design of the school building and add significant cost to the process when compared to a site expansion on just one boundary.*

*The County Council has made clear in its responses to both this application and the site's proposed allocation in the emerging Maidstone Borough Local Plan, that*

*regardless of whether the proposed development generates one or two forms of pupil entry, a site of 2.05 ha is required. This request is made of every development site providing school land in Kent and is no different to other sites within the Maidstone Borough such as Langley Park or East of Hermitage Lane.*

*The request is in line with the County Council's statutory role as Local Education Authority to secure sufficient provision for an area. Whilst the second FE is not currently forecast to be required in the next five years (subject to a final mix from the applicant), over the longer term there are a number of factors which could trigger the requirement for additional pupil places. As stressed through the Local Plan process, the support of the Borough Council to ensure the provision of necessary strategic infrastructure provision alongside development is essential.*

*Notwithstanding the above, in recognition that the land beyond that required for a 1FE school may be in addition to that directly required by the development, the s106 could allow for the existing agricultural use value of the additional land to be paid to the landowner on transfer.*

*The County Council considers the amended application now presents a significantly less sustainable proposal with regards to education provision. The basis for relocation of the school site is generally understood, however there is no robust justification for the decrease in its size and detrimental reconfiguration. Therefore the proposal is not consistent with national policy. Paragraph 72 of the Framework states:*

*"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. **Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:***

- **give great weight to the need to create, expand or alter schools;** and*
- **work with schools promoters to identify and resolve key planning issues before applications are submitted"***

*[My **emphasis added**]*

*It is acknowledged by the County Council – as Local Education Authority – that whilst the applicant has confirmed in broad terms the intent to fund a required primary school and provide land for its construction, the alterations proposed in the additional information and amended plans mean that **an objection is now raised.**'*

*Should the development be assessed to produce 210 or fewer pupils then KCC would require a sum of £4.5 million towards the construction of a 1FE school and should the development be assessed to produce more than could be accommodated within a 1FE school then the cost of constructing a 2FE school at £6 million is requested. In both cases 2.05ha of land is required to be transferred at nil consideration." The Draft Heads of Terms March 2016 submitted by the applicant indicates a financial contribution of £5,625 per dwelling towards the required primary school. I reiterate that this assumes the proposed development will generate a 1FE requirement and should it generate a 2FE requirement this figure will be increased.*

6.10 In addition to these comments, the County Council have also requested that the following contributions be made

- Library Bookstock £48.02 per household, equating to £38,416
- Community Learning £30.70 per household, equating to £24,560 dwelling
- Youth Service £8.49 per dwelling equating to £6,792
- Social Care £53.88 per household equating to 43,104
- Delivery of 16 Wheelchair Accessible Homes (as part of the affordable housing element on this site), with nomination rights given in consultation with KCC Social Care.
- Towards secondary education: £11,799 per pupil generated by this proposal, which would equate to £1,887,840.

6.11 **KCC Highways:** Object to the proposal on the severe impact that the development would have upon congestion. The comments below represent the County Council's summary of the highway objection.

*'The amendments to the planning application have resulted in a reduced residential component and a modified access strategy. The submitted Transport Assessment Addendum April 2016 has presented the recalculated trip generation forecasts and updated capacity modelling analysis, alongside further elaboration on the applied methodology and mitigation of impact proposals.*

*The findings are consistent with the original Transport Assessment<sup>3</sup> in how they demonstrate the severe extent of congestion prevalent on the network, with extensive queuing and delays on the A229 and A274. KCC Highways does not regard any worsening of the extensive queuing and delays to be acceptable in the absence of effective measures that are supported by categorical evidence to demonstrate how the full impact of the additional development traffic will be mitigated. This accounts for the potential consequential effects of congestion on road users and local residents.*

*The residual traffic impact generated by the proposed development would result in an unacceptable worsening of conditions for road users and local residents which is likely to result in the increased use of minor roads as alternative routes, for which no mitigation is proposed.*

***The objection to the planning application must therefore be maintained due to the resulting severe worsening of congestion and associated consequential effects along the A229 and A274 corridors, and in the absence of any conclusive evidence to demonstrate that the impact of the development can be fully mitigated.***

*In the event that Maidstone Borough Council is minded to grant planning approval against the advice from the Local Highway Authority, and in the absence of an agreed strategic transport strategy, KCC Highways would seek agreement with the Borough Council on the use of monies equivalent to the value of the proposed highway works.'*

6.12 **KCC Growth, Environment and Transport:** The planning system is plan-led. This is the first core planning principle in the Framework (paragraph 17). The position of the County Council - as Local Highway Authority - on further development (planned or speculative) at the south eastern periphery of the Maidstone built up area has been well established in the representations made by the Authority on the emerging Local Plan.

Therefore the County Council considers that the proposed scheme seeks to pre determine critical decisions on the future spatial distribution of growth in the Maidstone Borough, wholly undermining a plan led approach to meeting the long term development and infrastructure needs. This exacerbates the implications of the current piecemeal approach to development in this part of the Maidstone Borough and the associated detrimental impact this has on the sustainable provision of necessary strategic infrastructure.

Overall, following the careful consideration of the additional information and amended plans submitted, it remains the position of the County Council that the adverse impacts of granting planning permission would continue to significantly and demonstrably outweigh any benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

Planning permission **should not be granted** by the Borough Council.

- 6.13 **Highways England:** *'We agree that the proposed development alone and in combination does not have a severe impact on M20 J7 provided that the mitigation (signalisation scheme) associated with the Kent Medical Campus is fully implemented. However, the evidence provided highlights that without mitigation the junction would operate over capacity in a 2029 scenario.'*

*We do not agree with the analysis within section 1.17.10, as the ARCADY modelling results show the proposed development would increase the queue on the M20 Westbound off slip which is already predicted to extend onto the Lane 1 (as detailed in 1.7.7). Any extension of a queue onto the carriageway would result in a severe impact in terms of highway safety.'*

*In the absence of any timescales for the development of the Medical Campus M20 Junction 7 mitigation scheme or indeed certainty around its delivery it would be necessary to ensure the required mitigation is delivered by other means. Therefore we look forward to hearing your suggestions as to how this may be ensured; for example via a suitable Grampian condition to ensure development does not come forward without the appropriate mitigation in place'*

- 6.14 **KCC Ecology:** Some concern about reptile and bat surveys but assuming those are clarified the identification of ecological impacts in the ES seems adequate. Approaches to mitigating the identified impacts are outlined and these seem broadly appropriate, such that, assuming the above points are adequately addressed, we would be able to recommend that the detailed mitigation strategy could be secured by condition, if planning permission is granted. No objections subject to conditions requiring mitigation in relation to GCN, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, lighting design strategy, construction environmental management plan, and enhancements.
- 6.15 **KCC Flood Team (Lead Local Flood Authority):** Originally objected to lack of levels and embankment information for the large attenuation /wetland in the eastern area of the site, but this has now been resolved following the submission of additional material. Suggest a condition regarding provision of further details of an overall site-wide drainage strategy
- 6.16 **KCC Heritage:** Raise no objections and make the following comments:

*'On the basis of present information I consider the archaeological assessment for this outline application has been reasonable although the fieldwork has been targeted and minimal. There would be a need to undertake more robust and widespread archaeological evaluation of the site prior to any detailed design scheme being agreed. On the basis of the heritage assessment so far, there are no indications of widespread, significant archaeology on the site and as such archaeology can be addressed through condition.'*

6.16 **KCC Archaeology** had the following comment on the original proposal.

- There is a need for more detailed and robust assessment of the historic buildings forming the Langley Park Farmhouse complex;
- Mitigation for Langley Park Farmhouse needs to be improved

On the basis of present information I consider the archaeological assessment for this outline application has been reasonable although the fieldwork has been targeted and minimal. There would be a need to undertake more robust and widespread archaeological evaluation of the site prior to any detailed design scheme being agreed. On the basis of the heritage assessment so far, there are no indications of widespread, significant archaeology on the site and as such archaeology can be addressed through condition

6.17 **Natural England:** No objections. 'Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.'

6.18 **UK Power Networks:** No objections.

6.19 **NHS:** Awaiting comments on the current application. On previous EIA scoping assessment, £800,000 towards local health care was requested.

6.20 **Environment Agency:** No objections subject to the imposition of suitable conditions which address the remediation strategy/contamination.

6.21 **Historic England:** *'We are grateful to the applicant for giving such careful consideration to heritage matters in this case and welcome the revisions to the scheme that have addressed each of the issues raised by my previous letter of 17 December 2015. Most notable of these changes shown on the illustrative masterplan is development now confined to the western half of the site. The omission of housing and the school from along the eastern boundary of the site avoids the harm to the significance of the grade II' listed church of St Mary described in my previous letter. We hope that the potential this amendment provides for reinforcing the characteristic long, uninterrupted views of the spire from the north can also now be exploited when it comes to applications for reserved matters.'*

*My previous concern about the erosion of the rural character in the church's setting can now be avoided, and in fact the indicative masterplan suggests enhancements to the existing landscape that have the potential to improve the setting of the church, providing that this issue continues to be given proper consideration and the applicant employs the same calibre of heritage and landscaping expertise at the reserved matters stage. The treatment of the proposed busway will be crucial to avoiding this erosion of character, and the objective should be for this to look as much as possible like a rural lane cut into the landscape, and thus largely hidden from distance. The indicative sketches of the busway give us confidence that this can be achieved, but you should give particular attention to ensuring that this concept does not become*

*diluted through the application of standard highway design. We are delighted that the previously proposed roundabout on the eastern stretch of Sutton Road has now been omitted. We are no longer concerned either about impacts on the setting of Langley Park Farm.*

*On the basis of a package of positive amendments made to the scheme Historic England is now content for planning permission to be granted.'*

- 6.22 **Southern Water:** Raise no objections to this proposal and request that should this application received planning approval, the following conditions should be imposed:

*'Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.'*

- 6.23 **Southern Gas Networks:** No objections.

- 6.24 **Kent Police:** Recommend condition regarding crime prevention.

- 6.25 **Kent Wildlife Trust:** Object to the application on the basis of insufficient information being provided, and the loss of high quality agricultural land.

- 6.26 **Sport England:** Object on a non-statutory basis to the application on the basis of insufficient sports provision being made and loss of existing golf driving range.

- 6.27 **Arriva** (local bus company): support the proposal in the following respects:  
a) provision of bus-only route from the east;  
b) provision of five-year subsidy from the development for improvements to existing buses (the 82);

Arriva suggests that provision of a bus route from the site into the Langley Park housing scheme to the west would be beneficial. In addition, turning facilities are requested at the Eastern end of the bus-only road, and a time limited free bus pass for new residents is suggested to encourage habit forming public transport use.

*"There is an opportunity to positively influence people's modal choice by making bus services as attractive as possible to new developments thus reducing the impact of extra vehicular traffic generated by the developments.*

*The changes we have suggested are an attempt to achieve that without adversely affecting other modes.*

*Notwithstanding any mitigation measures, the opportunity to upgrade the A274 for bus services must not be lost and we are pleased to know that Maidstone Borough Council are, in principle, supportive of maximising the benefit that good quality bus services can bring to the transport mix in this often congested area.*

*Fortunately, the A274 towards Maidstone between Wallis Avenue and the Wheatsheaf has some generous borders which give the opportunity to create some infrastructure improvements by reducing the variability of bus journey times and making the bus stop waiting environment more pleasant."*

- 6.28 The Council's design advisors, **Design South East** have considered the proposal on a number of occasions and had the following comments when they last considered the proposal on 31<sup>st</sup> March.

- The site analysis is considered and clear.

- The strong connections to the existing landscape are to be commended.
- The increased buffer on listed buildings that has been proposed in the amended scheme should be commended.
- The placing of the primary school at the centre of the scheme is commended. Is there potential for the school playing field to be used by the community in the summer? Could there be a connection between the village green and school playing field?
- The scheme would be improved by an additional connection to Langley Park.
- The village green is small but is balanced by the uplift in space created by the common/heath.
- The central access to the development does not seem a significant enough piece of infrastructure for a proposal of this size.
- Greater clarity is needed on the access arrangements of the existing private road.

6.29 The Council's Park's Department commented as follows:

The proposal provides in excess of the minimum requirement of onsite open space as a whole. It proposes a LEAP in a central location on the site. There are however shortfalls in various categories, including allotments, sports pitches or recreations areas for different ages.

In order to cover the shortfall in terms of outdoor sports facilities and other open space, in line with MDLP Policy DM22 I would suggest that a financial contribution is sought towards existing off-site facilities, namely at Senacre Recreation ground.

6.30 The Department for Communities and Local Government (DCLG) were consulted on the application on the basis of the Environmental Statement and made no comment.

## 7.0 APPRAISAL

### Local planning policies – weight

- 7.01 Paragraph 215 of the NPPF states that, *"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*
- 7.02 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031 (which will be discussed in detail below), which the draft MBLP addresses, in part, by way of site allocations for housing outside sites outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings are expected to take place in September 2016. The draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed over the plan period. Saved policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough and in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.

7.03 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies SP3 and H1. Consequently, although saved policy ENV28 continues to be a material planning consideration, as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF.

7.04 Paragraph 216 of the NPPF states that,

*"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

7.05 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

*"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."*

7.06 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(10) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

7.06 In conclusion and bearing in mind the fact that the Council has agreed to use draft MBLP Local Plan policies for development management purposes, the weight to give that plan and the draft site allocation policy H1(10) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

#### **Principle of Development**

7.08 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

7.09 The application site is to the east of the defined settlement boundary of Maidstone. It is therefore upon land defined in the adopted Local Plan as countryside.

- 7.10 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:

*“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”*

- 7.11 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the adopted Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case. ENV32 anti-coalescence policy seeks to restrict development in South East Maidstone

- 7.12 Draft MBLP policy SP17, which relates to development in the countryside and, when adopted, will replace saved policy ENV28 is also relevant to the determination of this application. Draft MBLP policy SP3, relating to The Maidstone South East Strategic Development Location is also relevant, together with draft MBLP policy H1(10) which allocates the site for housing of approximately 800 dwellings. As such, whilst the site is located outside of the existing settlement boundary within the countryside, given the site's allocation for housing within an extension of the urban development boundary set out in draft MBLP policies SP3 and H1(7), the proposed development would accord with the policies of the draft MBLP, which should be accorded significant weight in the determination of this application.

- 7.13 It is necessary therefore to consider three main issues in relation to the proposals.
1. Does the application accord with the development plan notwithstanding its lack of compliance with saved policies ENV28 and ENV32;
  2. If it does, are there other material planning considerations that indicate that the planning permission should nevertheless be withheld;
  3. If it does not, do other material planning considerations indicate that planning permission should be granted.

As for Question 1, the non-compliance with saved policy ENV28 and ENV32 must be considered in the context of the site's inclusion within a planned eastern extension to the edge of Maidstone, albeit in a fully contained and screened setting. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the draft MBLP, which will alter the existing development

boundary. Those allocations include this site (draft MBLP policy H1(10)). Accordingly, for the purposes of these applications only and in this specific respect, the application's non-compliance with saved policy ENV28 should be accorded limited weight in the determination of the application.

Questions 2 and 3 of the above test are addressed in the report's conclusions in paragraph 9.05.

- 7.14 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

*"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"*

- 7.15 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the Borough for the 20-year period of the emerging Local Plan (2011-31). The SHMA (January 2014) identifies an objectively assessed need (OAN) for 19,600 additional new homes over this period, which the Council's Cabinet agreed in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined OAN figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date, revised household projection figures have been published by the Government and, as a result, the SHMA has been re-assessed. At the meeting of the Council's Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Members agreed a new OAN figure of 18,560 dwellings.
- 7.16 The draft MBLP allocates housing sites considered to be in the most sustainable locations for the Borough to meet the OAN figure will allows the Council to demonstrate a 5-year supply of deliverable housing sites.
- 7.17 The annual housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the Council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 7.18 Policy SP3 of the emerging local plan relating to the Maidstone urban area: south east strategic development location, sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(10) of the emerging plan for development

of approximately 800 dwellings and sets out the criteria to be met whereby planning permission would be granted.

- 7.19 The site is located close to public transport routes and in close proximity to the Langley Park development opposite which would enhance the sustainability of the site through the provision of new retail, school and commercial development and the provision of other local services and facilities. This also represents a strong material consideration in favour of the development.
- 7.20 For these reasons, it is considered that the principle of the development is acceptable in principle, having regard to relevant national and local planning policy in the NPPF the draft MBLP, respectively. Accordingly, applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, planning permission should be granted unless the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits having regard to the policies of the NPPF considered as a whole. Accordingly, in the following paragraphs of this appraisal, detailed consideration is given to the impact of the proposed development.

### **Environmental Statement**

- 7.21 Under EIA Regulations an Environmental Statement was submitted as part of the application material. Under Regulation 22 this was revised as part of the amendments to the proposals, namely:
- On-site revision listed in section 2.03;
  - Off-site provision off mitigation to Junction 7 of the M20.

I have been provided with all the additional information I require in line with the regulations and I consider it to be adequate.

### **Design Quality**

- 7.22 The proposal, as far as definable given its outline status, is considered to be of high quality with an attractive indicative masterplan layout. The developer's acceptance of the reduction in the number of units (from 800 to 750) stems from a desire to maintain a spacious and generous environment while accommodating the requirement for a reduction in the developed area adjoining St Mary's Church, for conservation and landscape impact reasons. The layout consists of a clear permeable street hierarchy centred on a mixed use hub including a primary school, community and commercial uses with direct and attractive public transport access. It includes a variety of green and public spaces, including orchards, a village green, heavily wooded areas, play areas and more informal open spaces, as well as the natural and semi natural open space forming the eastern third of the site, and providing sufficient buffers to elements requiring protection, such as the Langley Park Farm hamlet at the south of the site.
- 7.23 Officers have been successful in negotiating a range of improvements to the proposal including:
- Removal of the proposed eastern hamlet and primary school adjoining Langley;
  - Integration of the Primary school into the heart of the development;
  - Provision of landscape buffers to Langley Park Farm.
- 7.24 Design quality would be ensured through the use of a planning condition to define design parameters prior to the acceptance of more detailed reserved matter applications.

### **Provision of educational facilities**

- 7.25 The proposal provides a 1FE primary school plus an additional area for expansion should a 2FE school be required in the future. KCC's objection appears to be largely that the implementation of the additional form of entry, potentially expanding both east and west of the original 1FE school would be a more costly process than restricting expansion to one side of the 1FE school. I consider that safeguarding of land for future school expansion can be appropriately using S106 agreement to ensure a defined piece of land is retained.

### **Affordable Housing**

- 7.26 The adopted affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision. Policy DM13 of the emerging Regulation 19 stage Local Plan sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Policy DM13 is underpinned by Policy SP3 of the emerging Local Plan (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and 5 other strategic housing sites set out in Policies H1(5) to H1(10). As such, as the site is an allocated housing site (Policy H1(10)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances, in line with the views of the Council's housing officer.
- 7.27 It is acknowledged that policies contained within the Submission Version of the Local Plan do not carry full weight at this stage but carry significant weight in the determination of this application. The Local Planning Authority has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature.
- 7.28 As such, it is considered appropriate timing wise to apply the emerging plan policies to this allocated housing site which would bring forward earlier than anticipated, the implementation of a strategic housing site which would provide a significant proportion of the Council's strategic 5 year housing supply. Whilst a departure from the Development Plan, I am of the view that in this instance there are material considerations that indicate that a 30% affordable housing provision is acceptable in the circumstances.

### **Visual /Landscape Impact**

- 7.29 The indicative masterplan approach is set out as part of the application material. This lays out a scheme which is designed sensitively to accord with the existing landscape and context. The site lies on a south facing slope of the Loose valley which is contained by topography and vegetation immediately on its north and west boundaries. Greensand ridges contain the valley to the east and south with Abbey Wood forming the horizon to the east at around 1km and the greensand ridge at Chart Sutton some 1.2km to the south forming the southern horizon.
- 7.30 **Visibility** varies across the site due to local vegetation and topography :
- the northwestern and northern parts of the site are not exposed to any sensitive viewpoints;

- the southwestern part of the site is partially screened from views from the south, by an incomplete shelterbelt along the southern boundary. The southwestern edge is visible from a limited stretch of the public footpath along the Loose valley and from farmland immediately to the south;
- The most visible part of the site is to the east of Langley Park Farm which can be seen from parts of Sutton Road, from the public footpath along the valley and from the public footpath that crosses the farmland to the south as far as Plough Wents Road. The eastern slopes however lie below the skyline formed by the ridge and shelterbelts that lie immediately to the north of the site.

**7.31 Landscaping principles include:**

- retain landscape features characteristic of the fruitbelt such as shelterbelts, hedges and parkland trees
- remove uncharacteristic detractors such as tall conifer hedges
- enhance connections to Loose stream and Langley Loch wetland and stream valley green/blue infrastructure
- reflect transition from urban to rural landscape in character of proposed settlement (from north and west to east and south) – to be reflected in densities, scale, form and character of development
- provide appropriate open space character and planting along Sutton Road frontage to reflect character transition from urban to rural

**7.32 visual context – principles**

- retain western shelterbelt between site and Taylor Wimpey development to west for separation and backdrop
- ensure south western parcels are broken up with planting and open space, and building profiles are fragmented along the southern edge to retain rural character of Loose valley and reduce visual prominence
- retain and enhance vegetation against north edge of Langley Park Farm to provide separation and respect setting
- provide screening and open space buffer along Sutton Road to enhance setting for development and reinforce visual backdrop along ridge
- retain view cones to St Mary's church spire from eastern parts of site especially the higher parts of the ridge
- fragment development within substantial tracts of open space within eastern parts of site to reflect urban/rural transition and character of adjacent land and to reduce visual prominence
- retain and enhance Loose valley wetland character and setting for St Mary's church
- enhance blue/green infrastructure links to Loose valley
- the new single track bus way is integrated into the open space to minimise its landscape impact.

7.33 The eastern third, proposed to be public open space, with wetlands to the south, is the most open to external views. The setting and outlook of the listed building on site are not adversely affected.

- 7.34 While the proposal will change the character of the site from urban fringe including rural and agricultural to one that is more residential and suburban, its visual impact on the wider area will be limited.
- 7.35 In proposing an element of housing, estimated at 43 units, east of the PROW KH364, the proposal contravenes the H1(10) allocation, which suggested all of the site east of that point should be open space. The housing at this point is proposed to be at a lower density (25-30 dph) than the rest of the scheme, and at up to 2.5 storeys/11 metres, lower in height than the rest of the proposed housing. Such an element is designed to form a 'feathered edge' to the rural eastern section of the site, allowing the introduction of 'green fingers' between the built elements to soften and contain the development at its eastern edge. This is considered preferable to a 'hard' edge to west of the PROW where development is proposed to be up to 3 storeys and metres high, and more in keeping with the suburban/rural edge predominating in equivalent situations in Maidstone.
- 7.36 The impacts are considered to be as follows:
- The North West area of the site is well enclosed with a substantial green buffer to proposed to the North. The main access route will provide visibility into the site, from Sutton Road. The impact on visual impact is considered moderate.
  - The south-west field is exposed to views from the south, mainly along the western part of the lip of the valley slope. The eastern part of this area is screened from the south by an existing mature tree belt. This area is considered to have a minor to moderate visual impact.
  - The nursery area to the north of Langley Park Farm is well enclosed and contained with very few views into the site being possible. A minor impact is considered here.
  - The eastern parts of the site are relatively open on the south-east facing slopes. The spire of St Mary's Church is prominent in views and there are also views from the west along the Loose valley including a view from the lip of the south-west parcel. The majority of this area is proposed to be natural and semi-natural open space and small amount of housing proposed for this area is proposed to be at a lower density than the rest of the site

In paragraph 6.05 the Landscape Officer has considered the material submitted in respect of visual impact and does not object to the proposal in respect of its visual impact. I consider that the proposal accords with clause 2 of the H1 (10) draft allocation and is acceptable in terms of visual impact.

#### **Loss of agricultural land**

- 7.37 The eastern third of the site includes approximately 18 hectares of grade 2 and grade 3a agricultural land which would be lost to agriculture should the current proposal be approved, roughly 9 hectares each. This is a material planning issue and arguably contrary to Paragraph 112 of the NPPF which seeks to focus development on poorer quality agricultural land. This should be weighed against the fact that MBC has allocated the land for residential development and natural and semi-natural open space in its draft local plan. Secondly the Local Plan policy protecting Best and Most Versatile Agricultural Land (ENV29) is not a 'saved' policy and thus no longer applies. Thirdly the benefits to wildlife and recreation of the creation of a publicly accessible natural and semi-natural open space are considered significant. Consequently, the loss of agricultural land should not be seen as a determining factor when balanced with the benefits of the proposal, particularly in the creation of a large amount of publically accessible open space. The Agricultural Land Quality Study of Sites in Maidstone Borough has assessed the site in the context of the quality of local agricultural land as

a whole. It concludes that “while most of the land on the Malling social association is in the best and most versatile category, in Otham parish and either side of Sutton Road poorer sub-grade 3b land is dominant, with significant patches of best and most versatile land within it”.

- 7.38 The loss of this agricultural land is a material planning consideration that engages paragraph 112 of the NPPF which states:

*“112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

- 7.39 The Sustainability Appraisal (SA) for the Submitted Draft Local Plan (February 2016) identifies the site as being grade 2 agricultural land. Within the Summary, the SA identifies the significant loss of agricultural land in all considered alternatives (relevant are paras 3.4.33 and 3.3.12, which states *“There are negative effects on land use across all of the alternatives; with a significant loss in greenfield and agricultural land.”*

- 7.40 Secondly, the adopted Local Plan policy protecting Best and Most Versatile Agricultural Land (ENV29) is not a ‘saved’ policy and thus no longer applies.

- 7.41 Taking account of all these considerations, the proposed loss of agricultural land accords with the Development Plan, there being no saved policy addressing the issue. The harm caused by the loss of agricultural land is considered to be moderate and, in acceptable in policy terms, taking proper account of paragraph 112 of the NPPG and draft MBLP policy H1(7), which allocates the site for residential development and natural and semi-natural open space.

#### **Open Space provision and the Impact on and provision of sports and recreation facilities**

- 7.42 The proposal puts forward 19.77 ha of publically accessible open space in total of which 17.85 ha would be natural green space. The site area in total is 47.31 ha and therefore public open space would make up 42% and the natural green space 38% of the overall site area. This exceeds the requirement of Policy H1(10) which requires 14 ha of natural/semi natural open space.

- 7.43 The proposal involves the loss of an existing golf driving range, to which Sport England has objected as well as a perceived lack of sporting facilities to meet the need of the proposed population. The outline planning application allows for the provision of children’s play areas, a village green, primary school playing pitches as well as extensive informal parkland and wetland environment. No publically accessible sports pitches are proposed although the out-of-hours use of the primary school pitches could be considered and a suitable condition is suggested. In this case the provision of natural and semi-natural open space has been considered to be the priority given the importance of maintaining and enhancing the rural setting to the east of the site in the context of the South Eastern Coalescence policy ENV32, the setting of St. Mary’s Church and the importance of providing suitable natural habitat for ecological purposes. It is proposed that the provision of suitable play facilities is the subject of a planning condition.

- 7.44 The objection from Sport England and the request for in-lieu payments made by the parks department are considered to be addressed as follows:

The on-site provision of public open space, including play areas and a village square, is significantly in excess of the H1(10) requirement and while the vast majority is proposed to be natural and semi-natural open space, it could be used for other recreational purposes, in line with the quantum required by Submitted Draft Local Plan Policy DN22. A condition regarding the provision of open space is suggested. As a consequence, the provision of off-site in-lieu payment is considered excessive.

### **Historic Environment**

- 7.45 As mentioned by Historic England and MBC's Conservation Officer, the amended scheme addresses concerns regarding the impact on the grade II\* listed St Mary's Church, and the outlook upon it is considered much improved. No adverse impact is caused to the listed building Langley Park Farm, to the South of the site, which is proposed to be protected by a landscape buffer to its north, as well as by the playground for the proposed primary school. This is considered to provide an appropriate relationship. A condition is suggested to secure that buffer. As a consequence, the proposal is considered to involve less than substantial harm to a designated heritage asset and therefore will not conflict with Paragraph 134 of the NPPF. I will apply the public benefit test in my conclusion.

The concerns of KCC Archaeology in respect of the need for more detailed and robust assessment of the historic buildings forming the Langley Park Farmhouse complex is not considered to be necessary at this stage given the outline nature of the application and Historic Englands' positive comments. It is therefore proposed to be covered this assessment through a reserved matter condition.

### **Highways Issues**

- 7.46 The applicant proposes the following in relation to the relevant H1(10) Submission draft Local Plan Policy requirements:

#### ***16. Provision of a new footway on the northern side of Sutton Road***

- 7.47 There is an existing, continuous footway on the northern side of Sutton Road which is provided to a reasonable standard. Furthermore, a high quality shared use route will be created across the site, set back from Sutton Road and taking advantage of the proposed area of parkland and common bisecting the site from north to south. This will have a beneficial effect on pedestrians and cyclists travelling from west to east in terms of minimising any severance effects resulting from the proposed development and enhancing amenity by enabling residents of the site, as well as the adjacent residential developments, to access the proposed primary school and village centre, Langley village and the surrounding Public Rights of Way network within a semi-rural setting away from the A274.

#### ***17. 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.***

#### ***21. Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.***

- 7.48 Pedestrian access to the site will be achieved via footway provision at the vehicular site accesses and enhancements to crossing facilities to the surrounding Public Rights of Way network. The crossing of Public Footpath KH369 from north to south across Sutton Road will be enhanced through the proposed reduction of the speed limit from 40mph to 30mph, as well as the installation of dropped kerbs and tactile paving.

Similar improvements are proposed on Sutton Road to the south of the site, where Public Footpath KH365 crosses the A274. This latter enhancement will facilitate pedestrian trips between Langley village and the on-site services and facilities. The western site access roundabout will incorporate pedestrian crossing facilities within the splitter island on the A274 (west) arm. This will enable pedestrians and cyclists travelling to/from Maidstone to link in to the shared use route that is proposed to run along the frontage of Site H1(9) – Bicknor Farm – which will in itself connect to the pedestrian and cycle infrastructure being provided in relation to the consented development of Sites H1(6) – North of Sutton Road – and H1(7) – North of Bicknor Wood – and onwards towards Maidstone Town Centre.

- 7.49 The masterplan allows for a cycle connection to Langley Park and onwards towards Park Wood.

**18. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.***

- 7.50 The proposal offers proportionate financial support to the enhancement of the Route 82 service, operated by Arriva which would provide reliable and high-quality bus services between the site and Maidstone Town Centre. Maidstone Borough Council has already secured substantial contributions towards bus prioritisation measures on the A274 Sutton Road and as such, the off-site highway and transportation mitigation strategy in respect to Land South of Sutton Road has focussed on junction capacity improvements (which will also benefit bus service reliability) and the aforementioned bus service enhancements.

**19. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.***

**20. *Improvements to capacity at the A229/A274 Wheatsheaf junction.***

- 7.51 The Transport Assessment accompanying the planning application in respect to Land South of Sutton Road has assessed the potential impact and detrimental effects that could result from the vehicle trip generation of the proposed development, with consideration given to the other committed and proposed developments in the local area. Assessment of local junctions using industry-standard traffic capacity models has concluded that the proposed development would have a limited impact on their operational capacity in most cases. It is acknowledged, however, that mitigation would be required at the following key junctions on the local network:-

- A229 Loose Road / Armstrong Road / Park Way;
- A229 Loose Road / A274 Sutton Road / Cranborne Avenue;
- A274 Sutton Road / St Saviours Road;
- A274 Sutton Road / Wallis Avenue;
- A274 Sutton Road / Willington Street;
- A20 Ashford Road / Willington Street; and
- M20 Junction 7.

- 7.52 Upon modelling the capacity of these junctions with the proposed improvement schemes in place, it has been concluded that they would operate in a fashion that would successfully mitigate the increase in traffic from the proposed development and those other developments off Sutton Road considered in the Transport Assessment, for which Section 106 contributions for multi-modal capacity enhancements to the Sutton Road corridor have recently been secured by Maidstone Borough Council.

Moreover, in most cases, a degree of planning gain would be provided by these mitigation schemes, which are considered to accord fully with the objectives of the Maidstone Integrated Transport Strategy and to which proportionate financial contributions can be made by the proposed residential developments in South East Maidstone.

7.53 It is proposed that the application provides the following mitigation in respect of the above:

- £1.46m for the signalisation of Junction 7 of the M20;
- £1.08m Bus Prioritisation on A274
- £1.435m for bus subsidy on A274.
- Equivalent to £169,136 Improvement of the junction of Armstrong Road/Park Way;
- Equivalent to £128,320 Improvement of the junction of A20 Ashford Road/Willington Street;
- Equivalent to £371,068 A274 Sutton Road/St. Saviours Road (suggested to be dealt with by Grampian condition).

Please note that the above contributions are subject to further negotiation and may alter.

## **22. Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.**

7.54 As noted above, the applicants have discussed the potential for bus service enhancements with Arriva – the commercial operator of the high-frequency Route 82 service between Maidstone Town Centre and Park Wood Parade. The company has confirmed that it is willing in principle to extend the service to Land South of Sutton Road at a 15-20-minute daytime frequency. Arriva is also willing to investigate the upgrading of Route 82 to its high specification “Sapphire” brand, which is operated by buses equipped with free Wi-Fi, power sockets, high quality seating and audio-visual announcements. It is anticipated that the service would route direct to Maidstone Town Centre via Sutton Road, thereby offering residents of the proposed and adjacent developments with a viable and attractive alternative to car travel for journeys to and from town centre destinations.

### **Highways and transport mitigation - additional considerations**

7.55 The applicant also proposes improvements to public footways, a high quality internal shared use route, an extension to the 30mph speed limit on A274, public transport improvements as well as substantial contributions to improve M20 Junction 7.

### **Highways and Transport mitigation conclusion**

7.56 The approach is considered to be consistent with the need for a balanced approach to transportation, including the provision of attractive alternatives to the private car which was a significant factor in the consideration of the Adopted Maidstone Borough-Wide Local Plan, Policies T2 and T3, which states: *“Policy T1 of the local plan is concerned with a gradual, rather than abrupt, change from wider to more restricted access by private cars. This shift is evidenced by policy restrictions on long-term (e.g. all-day) parking provision and a progressive introduction of bus priority lanes on the major radial routes. The combination of Policies T2 and T3 on the one hand and Policies T13 and T14 on the other will have the effect of influencing modal choice in favour of public transport and the more economical use of road space”* (the Maidstone

Borough-Wide Local Plan Inspector's Report November 1999, Paragraph 6.2, Page 463).

- 7.57 KCC Highways have strongly objected to the proposal on the basis that the development would have severe impact upon traffic congestion and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.58 MBC have commissioned transport consultants Mott MacDonald (MM) to assess the likely impact of the proposal, and other relevant planning applications in the area. MM have reviewed all information that has been submitted by the applicant's transport consultant DHA Transport and have considered KCC's response in detail. Furthermore, MM have liaised with DHA Transport to clarify any outstanding matters.
- 7.59 As set out in section 6.10 of this report, the KCC response bases its objection on the “worsening of congestion and associated consequential effects along the A229 and A274 corridors”, “the absence of effective measures that are supported by categorical evidence to demonstrate how the full impact of the additional development traffic will be mitigated” and the “consequential effects of congestion on road users and local residents”.
- 7.60 The original Transport Assessment dated October 2015, subsequent Technical Notes and the Transport Assessment Addendum dated April 2016 contain detailed assessments of all the key junctions in the vicinity of the proposed site as well as towards the centre of Maidstone. Where increased delays and queuing was identified, the applicant proposes mitigation. This is the case for the following junctions:
- A229 Loose Road / Park Way / Armstrong Road
  - A229 Loose Road / A274 Sutton Road / Cranborne Avenue (Wheatsheaf Junction)
  - A274 Sutton Road / St Saviours Road
  - A274 Sutton Road / Willington Street and A274 Sutton Road / Wallis Avenue
  - A274 Sutton Road / Horseshoes Lane
  - A20 Ashford Road / Willington Street

A229 Loose Road / Park Way / Armstrong Road

- 7.61 The modelling included in the Transport Assessment dated October 2015 is based on the following mitigation measures:
- Relocation of the controlled pedestrian crossing from the A229 Loose Road north to the south arm of the junction;
  - Provision of a new controlled pedestrian crossing to the north of the junction, approximately at the existing pedestrian bridge, which would operate independently;
  - Installation of ‘Puffin’ technology on the relocated pedestrian crossing; and
  - Provision of separate ‘left’ and ‘ahead’ lanes on the Park way arm of the junction.
- 7.62 The results presented in the TA show the practical reserve capacity in 2029 to increase from -41.2% to -30.1% in the AM peak and -24.8% to -9.1% in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.

A229 Loose Road / A274 Sutton Road / Cranborne Avenue (Wheatsheaf Junction)

- 7.63 The modelling included in the Transport Assessment dated October 2015 is based on the following mitigation measures:
- Installation of 'Puffin' technology on all controlled pedestrian crossings; and
  - Cranborne Avenue arm one-way only, no entry into the junction.
- 7.64 The results presented in the TA show the practical reserve capacity in 2029 to increase from -31.8% to -16.3% in the AM peak and -40.1% to -19.8% in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.

Please note that this junction is already fully funded, as shown in the apportionment table and therefore it is not proposed that the application contributes to it.

A274 Sutton Road / St Saviours Road

- 7.65 The modelling included in the Transport Assessment dated October 2015 is based on the following mitigation measures:
- Remarking of the northbound A274 nearside flare to allow left and ahead traffic use;
  - Creation of a two-to-one merge lane on the northbound A274 exit; and
  - Modifications to the A274 right turn in to St Saviour's Road.
- 7.66 The results presented in the TA show the practical reserve capacity in 2029 to reduce from -15.3% to -18.6% in the AM peak and to remain unchanged (-31.9% to -31.7%) in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.

A274 Sutton Road / Willington Street / Wallis Avenue

- 7.67 The modelling included in the Transport Assessment Addendum dated April 2016 is based on the following mitigation measures:
- The widening of the A274 Sutton Road to provide two carriageway lanes in each direction between its junctions with Wallis Avenue and Willington Street;
  - The provision of two-to-one lane merges on the Sutton Road (north) exit of the A274 / Wallis Avenue junction and Sutton Road (south) exit of the A274 / Willington Street junction;
  - The extension of the right-turn lane on the Willington Street arm of the A274 / Willington Street junction; and
  - The provision of a controlled pedestrian crossing on the Sutton Road (north) arm of the A274 / Wallis Avenue junction.
- 7.68 The results presented in the TA Addendum show the practical reserve capacity in 2029 to increase from -38.2% to -10.1% in the AM peak and -46.4% to -19.9% in the PM peak on Wallis Avenue and from -43.7% to -23.4% in the AM peak and -45.9% to -30.6% in the PM peak on Willington Street when comparing committed development with existing junction layout and with development flows with the above mitigation.

A274 Sutton Road / Horseshoes Lane

- 7.69 The modelling included in the Transport Assessment Addendum dated April 2016 is based on localised widening of the Horseshoes Lane arm.

- 7.70 The results presented in the TA Addendum show the RFC on Horseshoes Lane in 2029 to improve from 0.973 to 0.872 in the AM peak and from 1.104 to 0.685 in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.

A20 Ashford Road / Willington Street

- 7.71 The modelling included in the Transport Assessment dated October 2015 is based on the provision of a left turn flare on the A20 (east) approach to the junction.
- 7.72 The results presented in the TA show the practical reserve capacity in 2029 to increase from 35.2% to 33.1% in the AM peak and from 51.8% to 39.2% in the PM peak when comparing committed development with existing junction layout and with development flows with the above mitigation.
- 7.73 MM considers that except for A274 Sutton Road / St Saviours Road where the mitigation proposed does not entirely mitigate the impact of the development traffic, the results demonstrate that with the proposed junction layouts and development traffic, all junctions perform comparatively better than with existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 and A229 corridors, although the new access junction would add some very limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by reduced delays at existing improved junctions. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.
- 7.74 The applicant also proposes improvements to public footways, a high quality internal shared use route, an extension to the 30mph speed limit on A274, public transport improvements as well as substantial contributions to improve M20 Junction 7.
- 7.75 Overall MM concludes that with the appropriate mitigation measures, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32. I concur with the advice of MM and consider that the highways impact is not severe.
- 7.76 Adopted Borough Plan T2 seeks to promote bus preference measures on A274. Policy T3 seeks to ensure this by suggesting development which does not provide adequate public transport measures should be refused. Maidstone commissioned Mott MacDonald to produce the A274 Corridor Study to illustrate the potential for bus priority measures in the area of the site and concludes as follows:

**7.1 A274 Corridor Study Summary and Conclusions.**

*7.1.1 Buses already experience considerable delay due to traffic congestion along this corridor. A number of large residential-led developments have been consented or proposed in line with housing allocations set out in MBC's Draft Local Plan. The developments, together with background growth in traffic that is anticipated, will increase congestion and delays.*

*7.1.2 Analysis presented in the transport assessment supporting the planning application for Langley Park (Site F in Figure 3.1) concludes*

*that, even with some limited junction improvements, the corridor will have reached its vehicle capacity before that development was fully occupied. Consequently the transport assessment assumed that a proportion of trips would be diverted to buses.*

*7.1.3 In the light of these forecasts, a good level of priority for buses is necessary in order to make travelling by bus a realistic option along the study corridor. This report sets out the principles behind the design of bus priority measures, and then demonstrates how they have been applied to the study corridor resulting in proposals for schemes along the length of the corridor within the urban area.*

7.77 The proposal provides £1.08m towards bus prioritisation and is considered to accord with T2 and T3.

7.78 Overall MM concludes that with the appropriate mitigation measures, listed above, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32. I have reviewed the proposed mitigation and concur with MM's analysis.

#### **Drainage & Flood Risk**

7.79 The proposed drainage strategy used the wetlands at the south east corner for attenuation purposes. Levels and embankment information of attenuation ponds has now been provided to KCC drainage and the previous objection is withdrawn. The requirement of an overall site-wide drainage strategy at detailed design stage would be covered by condition.

#### **Ecology**

7.80 The provision of over 19.77 hectares of natural and semi-natural open space in the form of parkland, common or heath land, orchards and wetland represents a welcome increase in wildlife habitat. Public access to wildlife would also be increased. Kent Wildlife Trust have suggested further details of mitigation in relation to Great Crested Newts, reptiles, and bats, and provision of a biodiversity method statement, ecological design strategy, landscape and ecological enhancement plan, lighting design strategy, construction environmental management plan, and enhancements. It is suggested that these matters are covered by condition.

#### **Other Matters**

##### **Noise and Air quality**

7.81 The illustrative masterplan proposes a substantial buffer of approximately 30 metres proposed between the proposed development and the A274. Environmental Health do not object with the proposal providing suitable conditions regarding noise and air quality are included, which are proposed.

##### **Residential amenity**

7.82 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

- 7.83 Saved policy ENV28 states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 7.84 The application is in outline so the vast majority of details, apart from access, are to be resolved at a future point. Given the proposed design and density in line with the Submission Draft Local Plan policy H1 (10), I consider that suitable internal layout can be achieved. The inclusion of extensive green buffers proposed and existing retained vegetation as well as extensive open space and tree belts will provide substantial screening for existing residential uses.
- 7.85 Whilst a number of objections have been received with regards to the impact upon residential properties, it is considered that there would be no significant harm caused by this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.
- 7.86 With regards to the additional traffic movements, the majority of these will be along the main thoroughfares of Sutton Road, Willington Street and Wallis Avenue, via the new access created to the North of the site. Whilst a number of objections have been received concerning potential rat running through the lanes and narrow tracks surrounding the site as a direct result, the proposed highway mitigation initiatives set out above would alleviate any potential increase in traffic which may result, thereby negating any need to use surrounding roads.
- 7.87 Following the adoption of the recommended mitigation measures, the development is not considered to be contrary to any of the national, regional or local planning policies.
- 7.88 With regards the noise impact, the proposed development is not expected to have an 'adverse impact' on health or quality of life.
- 7.89 Environmental Protection have been consulted and raise no objection to the conclusions of the assessments. As such, subject to the relevant conditions, it is considered that the proposed development is not likely to result in an unacceptable impact existing or future residents in respect of additional noise, or air quality.

## **8.0 COMMUNITY INFRASTRUCTURE**

- 8.01 Any request for contributions needs to be scrutinised in accordance with Regulation 122 of Community Infrastructure Levy Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements: -
- It is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 8.02 Regulation 123 states that there are not more than four obligations existing for each of the proposed measures.

- 8.03 The following contributions are proposed and considered to be compliant with Regulations 122 and 123.

**Affordable Housing**

- 8.04 The adopted affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision. Draft MBLP policy DM13 sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Policy DM13 is underpinned by draft MBLP policy SP3 (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and 5 other strategic housing sites set out in Policies H1(5) to H1(10). As such, as the site is an allocated housing site (Policy H1(9)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances, in line with the views of the Council's housing officer.
- 8.05 The proposal includes the provision of a wide variety of community infrastructure listed below:

**Social Infrastructure including:**

- The provision of on-site health facilities or an appropriate contribution of £800,000 towards the Orchard Langley Surgery and/or Wallis Avenue Surgery.
- The provision of a site and construction of a primary school on the site, allowing potential for future expansion (size of school to be determined).
- Provision of £600,000 towards on-site community facilities.
- Provision of 30% affordable housing including 16 Wheelchair Accessible Homes
- Provision of 19.77 hectares of public open space;
- Provision of a Landscape ecological management plan
- Secondary education: £1,887,840. towards the expansion of the Cornwallis School
- Community learning £24,560  
(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);
- Youth Services £6,792  
(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;
- Library bookstock £38,416  
(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)
- Social Care £43,104  
(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);

- Suitable financial mitigation is proposed to compensate for elements of open space requirements should they not be provided onsite.

### Highways

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

### **Significant highways and transport improvements, namely:**

- 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.
- 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.
- Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus
- infrastructure improvements.
- Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.
- Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.
- Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.

The above to be addressed as follows:

- £1.46m for the signalisation of Junction 7 of the M20;
- £1.08m Bus Prioritisation on A274
- £1.435m for bus subsidy on A274.
- Equivalent to £169,136 Improvement of the junction of Armstrong Road/Park Way;
- Equivalent to £128,320 Improvement of the junction of A20 Ashford Road/Willington Street;
- Equivalent to £371,068 A274 Sutton Road/St. Saviours Road (suggested to be dealt with by Grampian condition).
- Improvements to public footpath KH365 to a cycle track, Surface of KH369, surface of KH365 and dedication as cycle link.

8.06 The proposed contributions, as listed above and elsewhere in this report are considered to be necessary to make the proposed development acceptable.

## **9.0 CONCLUSION**

9.01 The proposed development is contrary to saved policy ENV28 in that it represents housing development outside a settlement boundary in the adopted Local Plan and saved policy ENV32 in that it represents development in the countryside within the Southern Anti-Coalescence Belt constituting moderate harm. However, the proposal

delivers the allocation of the site for housing and open space within the submitted draft MBLP, which should be accorded significant weight. Draft MBLP policy SP3, which identifies south east Maidstone as the most sustainable location for housing growth with supporting infrastructure, is also relevant. The proposal will deliver housing growth in accordance with the national planning policy priority to boost significantly the supply of housing in paragraph 47 of the NPPF. Accordingly, for the purposes of these applications only and in this specific respect, the applications' non-compliance with saved policies ENV28 and ENV32 should be accorded limited weight in the determination of the application. I do not consider that the proposal conflicts with saved policy ENV21.

- 9.02 The site is in a sustainable location adjoining the settlement boundary of Maidstone in the Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant intrusion into open countryside beyond existing developed areas. Appropriate community infrastructure is proposed to be provided to meet the needs created by the proposal as well as a substantial amount of affordable housing. Drainage issues are mitigated. There are no objections from the Environment Agency in terms of flooding. There are no significant ecology objections or any other matters that result in a sustained objection to the development.
- 9.03 In accordance with policy guidance in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). I consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment. I have considered the likely impact on the historic environment and consider that the public benefits outweigh the less than substantial harm to listed buildings. As such, I consider the development would perform well in terms of economic, social and environmental roles required under the NPPF and would constitute sustainable development.
- 9.04 The development would be acceptable in terms of its impact on the landscape, drainage, biodiversity, neighbours' living conditions and highways subject to appropriate planning conditions and obligations. In relation to biodiversity, taking into account mitigation and conditions measures, it is likely there would be an improvement and enhancement of the ecological value of the site, bearing in mind the previous mainly agricultural use of the site.
- 9.05 I have considered the proposal in relation to Section 38(6) of the 2004 Act and paragraph 14 of the NPPF. It is considered that any adverse impacts would be limited and would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF and other material considerations listed above are sufficient grounds to depart from saved policies ENV28 and ENV32. I do not consider that there are other planning considerations that indicate planning permission should be withheld.
- 9.06 The proposal represents a high quality scheme in line with draft MBLP policy H1(10) and is considerably improved as a consequence of negotiations and amendments.

Overall the proposal is considered acceptable in planning terms subject to conditions and a legal agreement.

- 9.07 For all of these reasons, I consider that planning considerations indicate that planning permission should be granted.

## **10.0 RECOMMENDATION**

Delegated powers be given to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions.

**Condition will be provided in a published urgent update prior to Committee.**

### **10.1 Conditions**

TO BE ADDED

## Section 106 Heads of terms

- The provision of on-site health facilities or an appropriate contribution of £800,000 towards the Orchard Langley Surgery and/or Wallis Avenue Surgery.
- The provision of a site and construction of a primary school on the site, allowing potential for future expansion (size of school to be determined).
- Provision of £600,000 towards on-site community facilities.
- Provision of 30% affordable housing including 16 Wheelchair Accessible Homes
- Provision of 19.77 hectares of public open space;
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### Highways

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

### **Significant highways and transport improvements, namely:**

**(please note these elements are subject to further negotiations)**

- £1.46m for the signalisation of Junction 7 of the M20;
- £1.08m Bus Prioritisation on A274
- £1.435m for bus subsidy on A274.
- Equivalent to £169,136 Improvement of the junction of Armstrong Road/Park Way;

- Equivalent to £128,320 Improvement of the junction of A20 Ashford Road/Willington Street;
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- 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.
- 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.

## **APPENDIX A**

**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

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**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.



15/509251 - Land North of Bicknor Wood  
Scale: 1:5000  
Printed on: 21/6/2016 at 15:57 PM

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## REPORT SUMMARY

<b>REFERENCE NO:</b> 15/509251/OUT		
<b>APPLICATION PROPOSAL:</b> Outline application for up to 250 residential dwellings 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).		
<b>ADDRESS:</b> Land North of Bicknor Wood, Sutton Road, Maidstone, Kent		
<b>RECOMMENDATION:</b> Delegated powers be granted to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions.  (see Section 9 of report for full recommendation)		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  The development is proposed in a sustainable location, which immediately adjoins an existing settlement and is not considered to result in significant planning harm. Given these issues and the fact the site is allocated for housing within the submitted version of the draft Local Plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> <ul style="list-style-type: none"> <li>• Departure from the Development Plan</li> <li>• Objection from Statutory Consultee</li> <li>• Referral from two Parish Councils.</li> </ul>		
<b>WARD:</b> Downswood & Otham	<b>PARISH/TOWN COUNCIL:</b> Otham	<b>APPLICANT:</b> Bellway Homes <b>AGENT:</b> DHA Planning
<b>DECISION DUE DATE:</b> 17/06/2016	<b>PUBLICITY EXPIRY DATE:</b> 10/06/2016	<b>OFFICER SITE VISIT DATE:</b> various site visits
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  15/507187/ENVSCR - Environmental Screening Opinion - Development of up to 300 dwellings and associated infrastructure – EIA not required.  15/506840/FULL - Temporary change of use of land for the storage of topsoil prior to distribution (Retrospective) – Approved.  13/0951/FULL - Full application on land to north of Sutton Road (Bellway Imperial Park site to the south of the application site) for residential development of 186 dwellings comprising a mixture of 2, 3 ,4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works – Approved.  14/506264/FULL – Full application on land at Bicknor Farm, Sutton Road (Jones Homes site to the southeast of the application) – for residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure.		

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is a parcel of agricultural (arable) land, of approximately 14 hectares in area, situated to the north of A274 Sutton Road, to the south of White Horse Lane and to the east of Gore Court Road, located on the south-eastern edge of Maidstone.
- 1.02 To the north the site is bound by White Horse Lane, surrounded by residential development along Gore Court Road and Church Road to the northeast and residential development along White Horse Lane to the northwest.
- 1.03 The eastern boundary of the site is defined by a mature tree lined hedgerow, surrounded by agricultural land with residential development along Honey Lane beyond.
- 1.04 There are no existing landscape features within the Site itself and well-established hedgerows along Gore Court Road and White Horse Lane provide a degree of visual enclosure. Bicknor Wood screens views from Imperial Park to the south, and along the eastern boundary an avenue of lime trees filters views from the east.
- 1.04 To the south of the application site is 'Bicknor Wood' – an area of woodland classified as Ancient Woodland. Immediately to the south of Bicknor Wood is the Imperial Park housing development of 186 houses (13/0951/FULL). This land is promoted by Bellway Homes and is currently under construction.
- 1.05 To the southeast is Bicknor Farm; this land is being promoted by Jones Homes and currently has a full planning application pending (14/506264/FUL) for the provision of 271 dwellings.
- 1.06 To the west the site is bounded by Gore Court Road, surrounded by residential development situated on the south-eastern edge of Maidstone. To the south west of the site is an open playing field associated with a community centre at the southern end of Titchfield Road.
- 1.07 The topography of the site is relatively flat, with a slight slope from the lowest point in the northwest corner to the highest point in the southeast corner.
- 1.08 The site adjoins the settlement boundary of Maidstone, located outside settlement confines, within the countryside. Within the Emerging Local Plan, the site has a residential allocation in draft MBLP policy H1(7).

### **2.0 PROPOSAL**

- 2.01 This is an outline application for a up to of 250 houses together with areas of open space, landscaping, and access. Access is to be considered in detail at this stage with all other matters reserved for future consideration. The gross site area within the site boundary is 14.04 hectares which results in an overall density for the 250 units of 17.8 dwellings per hectare.
- 2.02 The indicative plans submitted with the application seek to demonstrate that the site can accommodate this level of residential development, show a potential layout with

the main access road to the west off Gore Court Road, entering the site via a tree lined avenue, looping around the site with a number of shared surface lanes running off with green lanes and private drives around the perimeter of the site. Landscape buffers are shown along the western, southern, eastern and northern boundaries, with an area of open space running through the centre of the site.

- 2.03 Vehicular access to the application site will be provided from Gore Court Road via Sutton Road and the Imperial Park development. The existing junction connecting Gore Court Road to Sutton Road will be closed off and the new Imperial Park junction will take cars off Sutton Road, through Imperial Park and onto Gore Court Road. A new priority junction is proposed to the southwest of the application site off Gore Court Road. This will allow vehicles to access Church Road via Gore Court Road and White Horse Lane via the proposed new route running through the application site.
- 2.04 As the proposed new route through the application site provides direct access to White Horse Lane and given the poor visibility at the existing White Horse Lane / Gore Court Road junction – the proposed development seeks to downgrade the western end of White Horse Lane; limiting this part of White Horse Lane to pedestrian and cyclists only.
- 2.05 Several landscape features comprising parts of the Site's physical fabric, would be modified or removed, as follows:
- Small areas of hedgerow will be removed to accommodate vehicular access to the Site from Gore Court Road and White Horse Lane. The majority of the perimeter hedgerow will be retained and reinforced.
  - A few small gaps would be made in the hedgerow along the northern and western
  - Boundaries of the Site to allow for pedestrian and cycle access.
  - The replacement of an arable field with residential land, public open space and a new woodland belt.
  - The existing junction between Gore Court Road and White Horse Lane will be altered with an approximate 100m section of White Horse Lane becoming closed to traffic and being used for cycle/pedestrian access only.
  - At its south western boundary, the original proposal involved the removal of a minor element of ancient woodland (Bicknor Wood) and 3 TPO trees in order to accommodate the widening of Gore Court Road and introduction of a footpath along this edge of the road

#### **AMENDED PROPOSAL**

- 2.06 As a consequence of consultation responses, particularly in regard to the outlook of local residents to the west of the site and the impact upon the ancient wood land, the proposal was amended in the following respects:
- Provision of a green buffer on the western boundary of the site, on Gore Court Road;
  - Provision of a footpath via the south eastern corner of the site, providing a more direct access south towards Sutton Road and access to public transport;
  - A realignment of the proposed access road to the south west into the open space associated with the community building at the south of Titchfield Road;
  - As a consequence of the proposed road realignment, the 3 TPO trees originally proposed for removal are retained and there is no loss of ancient woodland.

### **3.0 PLANNING HISTORY/BACKGROUND INFORMATION**

- 3.01 The site was initially promoted through the call for sites submission undertaken by Maidstone Borough Council in 2013, supported within the Regulation 18 Local Plan Consultation undertaken in 2014 and subsequently included within the draft Maidstone Draft Local, which has been submitted to the Secretary of State for Independent Examination. Draft MBLP Policy H1(7) allocates Land North of the Bicknor Wood for the provision of approximately 190 dwellings at an average density of 27 dwellings per hectare.

#### ***Policy H1 (7)***

##### ***North of Bicknor Wood, Gore Court Road, Otham***

*North of Bicknor Wood, as shown on the policies map, is allocated for development of approximately 190 dwellings at an average density of 27 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.*

*The site will not be released until:*

- 1. Access from Sutton Road to Gore Court Road is completed in association with site H1(6) North of Sutton Road; and*
- 2. A woodland belt ranging from a minimum of 40 metres to 80 metres in width linking the eastern section of Bicknor Wood to East Wood is planted.*

#### ***Design and layout***

- 3. An undeveloped section of land will be retained on the eastern part of the site.*
- 4. Provision of a 15 metre wide landscape buffer along the site's boundary with Bicknor Wood incorporating a pedestrian route and cycle way, which will be constructed and planted before the occupation of the first dwelling.*
- 5. Provision of a woodland belt ranging from a minimum of 40 metres to 80 metres in width to link the eastern section of Bicknor Wood to East Wood.*

#### ***Access***

- 6. Access will be taken from Gore Court Road connecting to the spine road on site H1(6) North of Sutton Road.*

#### ***Air quality***

- 7. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.*

#### ***Open space***

- 8. Provision of approximately 3.99ha of open space within the site together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM22.*

#### ***Highways and transportation***

- 9. Pedestrian and cycle links to existing residential areas, White Horse Lane and Gore Court Road and Bicknor Farm (policy H1(9)).*
- 10. Widening of Gore Court Road between the new road and White Horse Lane.*

#### ***Strategic highways and transportation***

- 11. Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*

12. *Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.*
13. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
14. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
15. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor."*

3.02 An Environmental Screening Opinion for development of up to 300 dwellings and associated infrastructure (15/507187/ENVSCR) was submitted in September 2015 and confirmed an Environmental Impact Assessment is not required.

3.03 Two pre-application advice meetings were held with the Council in August and September 2015, which involved the input of Design South East as the Council's design advisors.

#### **4.0 POLICY AND OTHER CONSIDERATIONS**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan (2000) Saved Policies SSC2, ENV6, ENV21, ENV26, ENV28, ENV32 and ENV35; T2, T3, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015) and Landscapes of Local Value (2015)
- Maidstone Integrated Transport Strategy 2012-2026
- Submission version of the draft Maidstone Borough Local Plan (2016) SS1, SP3, SP5, SP17, H1(9), H1 (7), H2, DM1, DM2, DM3, DM11, DM12, DM13, DM14, DM23, DM24, ID1
- Agricultural land classification survey of m potential development sites in Maidstone Borough, Report 1030/1 21<sup>st</sup> November 2014.
- MBC Landscape Capacity: Site Assessments 2015

#### **5.0 LOCAL REPRESENTATIONS**

5.01 Approximately 70 representations have been received raising the following main (summarised) points:

- Development in the countryside.
- Additional traffic and congestion on Sutton Road, Church Road, White Horse Lane, Honey Lane, Otham Street and Gore Court Lane.
- Accumulated ancient woodland pressure.
- Difficulty of Gore Court Road and Sutton Road Junction may encourage people to join A274 via Imperial Park.
- Overdevelopment and amount of development.
- Additional traffic will result in danger for pedestrians/ cyclists.
- Danger with no pavements present on Gore Court Road.
- Impact on the surrounding rural area.

- Loss of views.
- Loss of trees.
- Water and other infrastructure to support the living and lifestyle of these new homes.
- Increase in noise, light pollution and emissions.
- Flooding potential of site, Gore Court Road and White Horse Lane.
- Lack of capacity in local schools and doctor surgeries.
- Loss of agricultural land.
- Poor visibility on emerging from private driveways and access roads near Otham.
- Concerns about possible impact on ground nesting birds, most notably skylarks.

## 6.0 CONSULTATIONS

6.01 **Otham Parish Council** - Wish to see the application refused on the following (summarised) grounds and wish for the application to be reported to planning committee.

- The impact that the allocations will have on Otham.
- There is a need to preserve an area of green space on this side of Maidstone.
- Amount of development inappropriate.
- Capacity of surrounding roads.
- Impact on listed buildings.
- Increase risk of flooding.
- Inadequate protection for the ancient woodland.
- Shortage of surgeries, hospitals, schools and shops in the area.
- Previously refused application.

6.02 **Downswood Parish Council** - Wish to see the application refused on the following (summarised) grounds and wish for the application to be reported to planning committee.

- Impact on character of area.
- Impact on listed buildings.
- Sewage capacity.
- Traffic concerns.
- Rural activities will suffer as a result of development.
- Impact on ecology.
- The churchyard at St Nicholas is nearly full and therefore additional burial ground land will soon be required.
- Shortage of surgeries, hospitals, schools and shops in the area.
- Previously refused application.

6.03 **KCC Biodiversity** - have reviewed the information which has been submitted with the planning application and make the following comments:

MBC must be satisfied that the benefits of the proposed development clearly outweigh any potential deterioration of the ancient woodland within the site boundary. KCC Biodiversity have reviewed the mitigation and advise that the mitigation proposed is likely to reduce impacts from the proposed development on the area of ancient woodland and recommend that the production and implementation of a management and monitoring plan is approved as a condition of planning permission.

No breeding bird survey was carried out as part of the planning application and as the development (if granted) will result in a loss of an arable field we had concerns that it might be used by ground nesting birds. However the information provided by the applicant has satisfied us that there was no requirement for a breeding bird survey to be carried out.

KCC Biodiversity recommend that a detailed management plan and detailed lighting plan to be submitted with the reserved matters application and would expect the site layout for a reserve matters scheme (if granted) to demonstrate that the ecological enhancements will be incorporated in to the site.

- 6.04 **Natural England** – Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Spot Lane Quarry SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

- 6.05 **Environmental Health** – raise no objection subject to conditions and informatives attached if permission is granted.

- 6.06 **Kent Wildlife Trust** – raise no objection subject to the following recommendations:

- There is a site management plan submitted at reserved matters stage, supported by condition here at outline. This would clearly address any mitigation issues relating to habitats and species.
- A lighting strategy is conditioned in order to avoid any negative impact upon Bicknor Wood.

- 6.07 **Southern Water** - *Following initial investigations, Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned proposal.*

*Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance*

*with the approved scheme and timetable." And "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."*

- 6.08 **UK Power Networks** – raise no objection.
- 6.09 **Kent Police** - recommend condition imposed if planning permission is granted relating to crime prevention.
- 6.10 **Southern Gas Networks** – raise no objection.
- 6.11 **Rural Planning Ltd** – the development of the 6 ha BMV land here would be another cumulative loss of some significance to the area, albeit it may be fair to observe that so long as it were to be managed in its current form as a single field, the choice of cropping types will tend to be restricted to the potential offered by the poorer quality land which occupies the larger proportion of the field as a whole.
- 6.12 **KCC Archaeology** – confirms the development is supported by a Desk-based Archaeological Assessment by CgMs. This DBA provides reasonable baseline information and in general I agree with their approach. The DBA has been passed to the HER for future reference. I recommend that the setting of the historic Gore Court parkland is sympathetically considered and that landscaping proposals enhance the historic character of Gore Court parkland and recommend that provision is made for a full programme of archaeological work and is secured by condition.
- 6.13 **KCC Transportation** - strongly objects to major residential-led development in this location on grounds which can be summarised accordingly:
- The allocation of the site in the emerging Maidstone Borough Local Plan is based on a development strategy that is not justified by proportionate evidence and is not consistent with national planning policy;
  - The residual traffic impact generated by the proposal would have adverse implications on the operation of the A229/A274 and A20 corridors, resulting in an unacceptable worsening of the extensive road congestion that is already prevalent;
  - A holding objection is therefore raised in the absence of any conclusive evidence to demonstrate that the impact of the development can be fully mitigated; and
  - Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh any benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 6.14 **Heritage, Landscape and Design** – confirm the Landscape and Visual Impact Assessment is considered acceptable in principle. They welcome the amendments that secure the three B grade mature trees (protected by TPO) and the avoidance of any loss of an area of ancient woodland.

The Council's Landscape Capacity: Site Assessments 2015 considers the site to have a moderate landscape capacity to accommodate housing and outlines the following characteristics and guidance:

*Landscape Character Sensitivity:*

- *Medium sized, arable field with limited character within itself, but borrowing a sense of place from a wider mosaic of woodland and parkland outside the site boundary*

*Visual Sensitivity:*

- *Woodland belts and parkland trees at Gore Court enclose the site and intercept views*
- *There would be some views from houses on the urban edge*

*Landscape Value:*

- *Ancient woodland belts, to the north, south and east of the site also mostly covered by TPO*
- *Public rights of way along northern and eastern boundaries of the site*
- *Gore Court to the north is a listed building*

*Opportunities and Constraints:*

- *Retain trees and woodland belts and integrate into a wider landscape framework to address cumulative effects*

*Mitigation:*

- *Build upon existing boundary tree planting to screen new development and provide a setting for public rights of way*
- *Consider the wider setting of Gore Court to the north.*

6.15 **KCC PROW & Access** - repairs and improvements to the surface of footpath KM87 could be requested due to its importance to new residents completing non-motorised journeys.

6.16 **Upper Medway IDB** –no comment.

6.17 **Arriva Bus Services** – have commented on the three current applications on the A274 (Bellway Homes, Jones Homes and Countryside Properties site). With regards to this application, Arriva state the development is shown as being accessed only from Gore Court Road and White Horse Lane. Due to its relatively small size it would be unable to support its own bus service therefore it is important good quality direct pedestrian paths are provided to bus stops on the A274 where frequent bus services will, ultimately, be available.

6.18 **NHS S106 Request** - seeks a health care contribution of £244,584.

*In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:*

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

*The above surgeries are within a 1 mile radius of the development at Sutton Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity. NHS Property Services Ltd will continue with NHS West Kent*

*formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.*

*The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.*

*Predicted Occupancy rates*

- 1 bed unit @ 1.4 persons*
- 2 bed unit @ 2 persons*
- 3 bed unit @ 2.8 persons*
- 4 bed unit @ 3.5 persons*
- 5 bed unit @ 4.8 persons*

*For this particular application the contribution has been calculated as such:*

<b><i>Predicated Occupancy Rates</i></b>	<b><i>Total Number in Planning Application</i></b>	<b><i>Total Occupancy</i></b>	<b><i>Contribution Sough (occupancy x £360)</i></b>
<i>1.4</i>	<i>6</i>	<i>8.4</i>	<i>£3,024</i>
<i>2</i>	<i>80</i>	<i>160</i>	<i>£57,600</i>
<i>2.8</i>	<i>90</i>	<i>252</i>	<i>£90,720</i>
<i>3.5</i>	<i>74</i>	<i>259</i>	<i>£93,240</i>
			<i>£244,584</i>

NHS Property Services Ltd therefore seeks a healthcare contribution of £244,584, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

6.19 The Council's Conservation officer has no objection to the proposals.

**6.20 Design South East**

The Council's design advisors Design South East have considered the proposal on a number of occasions. The scheme was presented to the South East Design Panel at pre-application stage and they commented on the original submitted proposal as follows:

- *links to the adjoining new developments and Sutton Road are important.*
- *A substantial green corridor link on the western edge is important, especially if some minor loss of the ancient wood cannot be avoided. This will help enable a wildlife corridor to link the ancient wood to the wood to the north of the site.*
- *Agree the formal northern entrance, opening up the main entrance with more open space and introducing a more formal avenue as well.*
- *We suggest thinking through dog-walking circuits on the site to help avoid pressure on the ancient woodland.*
- *If a footpath winding beneath them could be designed, can the TPO trees be retained.*

Following revisions, they further considered the scheme on 26<sup>th</sup> May and had the following comments:

*There have been very positive changes in response to the last surgery comments :*

- *The main change is to the site red line to include land to enable a road access, which will now not need to take part of the Ancient Woodland or the 4 TPO trees. This is very positive.*
- *The site's west boundary now includes a buffer green area, again very positive. In the last surgery session however we suggested a green corridor through the site should connect to the Ancient Woodland on its west boundary. To take it just this one step further to complete the green link would be worthwhile achieving.*
- *We also suggested there could be a more formal housing arrangement at the entrance, echoing the formality of the second northern entrance. Could the two aims be combined?*
- *SUDS? Is the new soft rectangle next to the LEAP an informal depression open for playing or a more severe sloped SUDS feature likely to be unsympathetically fenced? If so could a better SUDS arrangement be found, such as distributing the water to the lower lying site edge? This space next to the LEAP could then be a very good informal kick about area.*
- *Strongly welcome the new footpath link to the adjoining land. However could it link to the end of the nearest access road, so families with children will naturally take it to walk down to the bus stops and schools?*

#### 6.21 **Lead Local Flood Authority**

We note some revised details have been submitted for this development, however no further information regarding the site's drainage proposals has yet been provided, in particular information to demonstrate a suitable outfall for surface water from the site as stated in our previous consultation response dated 10<sup>th</sup> December 2015. If new information has been provided we would appreciate a direct link to the document(s). Based on the information available, KCC therefore are unable to remove our objection until a drainage strategy has been provided demonstrating adequate management of surface water for the proposed development via an outfall fully compliant with our Drainage and Planning Policy Statement.

6.22 **Highways England** have been consulted on the revised proposal. No comments have been received.

6.23 **KCC Education and Community Services** have requested the following contributions:

Primary Education:

- Langley Park Primary School construction: £964,000;
- Langley Park Primary School site acquisition: £651,092;

Secondary Education: £568,711;  
(Towards the Third Phase of the expanding Cornwallis School)

Community learning £7674  
(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);

Youth Services (Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;	£2,121
Library bookstock (Towards additional bookstock required to mitigate the impact of the new borrowers from this development)	£12,003
Social Care (Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);	£13,470
Provision of wheel care homes as part of the affordable housing element; Provision of on-site broadband (as reserved matters condition).	

6.24 The Council's Park's Department commented as follows:

The proposal provides in excess of the minimum requirement of onsite open space as a whole. It proposes a LEAP in a central location on the site. There are however shortfalls in various categories, including allotments, sports pitches or recreations areas for different ages.

In order to cover the shortfall in terms of outdoor sports facilities and other open space, in line with MDLP Policy DM22 I would suggest that a financial contribution is sought towards existing offsite facilities, namely at Senacre Recreation ground.

## 7.0 APPRAISAL

### Local planning policies – weight

- 7.01 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 7.02 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031 (which will be discussed in detail below), which the draft MBLP addresses, in part, by way of site allocations for housing outside sites outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings are expected to take place in September 2016. The draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed over the plan period. Saved policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough and in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.

The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs

in accordance with the site allocations in draft MBLP policies SP3 and H1. Consequently, although saved policy ENV28 continues to be a material planning consideration, as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF.

7.03 Paragraph 216 of the NPPF states that,

*"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

7.04 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

*"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."*

7.05 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(7) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

7.06 In conclusion and bearing in mind the fact that the Council has agreed to use draft MBLP Local Plan policies for development management purposes, the weight to give that plan and the draft site allocation policy H1(7) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

#### **Principle of Development**

7.07 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

7.08 The application site is to the east of the defined settlement boundary of Maidstone. It is therefore upon land defined in the adopted Local Plan as countryside.

7.09 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:

*“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

*Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”*

- 7.10 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the **adopted** Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case.
- 7.11 Draft MBLP policy SP17, which relates to development in the countryside and, when adopted, will replace saved policy ENV28 is also relevant to the determination of this application. Draft MBLP policy SP3, relating to The Maidstone South East Strategic Development Location is also relevant, together with draft MBLP policy H1(7) which allocates the site for housing of approximately 190 dwellings. As such, whilst the site is located outside of the existing settlement boundary within the countryside, given the site's allocation for housing within an extension of the urban development boundary set out in draft MBLP policies SP3 and H1(7), the proposed development would accord with the policies of the draft MBLP, which should be accorded significant weight in the determination of this application.
- 7.12 It is necessary therefore to consider three main issues in relation to the proposals.
1. Does the application accord with the development plan notwithstanding its lack of compliance with saved policy ENV28;
  2. If it does, are there other material planning considerations that indicate that the planning permission should nevertheless be withheld;
  3. If it does not, do other material planning considerations indicate that planning permission should be granted.

As for Question 1, the non-compliance with saved policy ENV28 must be considered in the context of the site's inclusion within a planned eastern extension to the edge of Maidstone, albeit in a fully contained and screened setting. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the draft MBLP, which will alter the existing development boundary. Those allocations include this site (draft MBLP policy H1(7)). Accordingly, although this application does not comply with ENV28 as it proposes development in the 'countryside', limited weight should be

accorded to that non-compliance, as the site is allocated for development in the draft MBLP. The proposal is considered to accord with the development plan in relation to other policies.

Questions 2 and 3 of the above test are addressed in the report's conclusions in paragraph 8.05.

- 7.13 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that local planning authorities should;

*"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"*

- 7.14 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the Borough for the 20-year period of the emerging Local Plan (2011-31). The SHMA (January 2014) identifies an objectively assessed need (OAN) for 19,600 additional new homes over this period, which the Council's Cabinet agreed in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined OAN figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date, revised household projection figures have been published by the Government and, as a result, the SHMA has been re-assessed. At the meeting of the Council's Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Members agreed a new OAN figure of 18,560 dwellings.
- 7.15 The draft MBLP allocates housing sites considered to be in the most sustainable locations for the Borough to meet the OAN figure will allows the Council to demonstrate a 5-year supply of deliverable housing sites.
- 7.16 The annual housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the Council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 7.17 Policy SP3 of the emerging local plan relating to the Maidstone urban area: south east strategic development location, sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(7) of the emerging

plan for development of approximately 190 dwellings and sets out the criteria to be met whereby planning permission would be granted.

- 7.18 The site is located close to public transport routes and in close proximity to the Langley Park development opposite which would enhance the sustainability of the site through the provision of new retail, school and commercial development and the provision of other local services and facilities. This also represents a strong material consideration in favour of the development.
- 7.19 For these reasons, it is considered that the principle of the development is acceptable in principle, having regard to relevant national and local planning policy in the NPPF the draft MBLP, respectively. Accordingly, applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, planning permission should be granted unless the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits having regard to the policies of the NPPF considered as a whole. Accordingly, in the following paragraphs of this appraisal, detailed consideration is given to the impact of the proposed development.

### **Design Quality and the Quantum of Development**

- 7.20 The illustrative proposal indicates a design providing a generous amount of green space and sensitive boundary treatment that will help to screen the development and set it attractively in the landscape. The proposed access road forms an axis through the scheme, with a clear hierarchy of roads provided from it. Footpaths have been used to maximise permeability to adjoining land while seeking to minimise impact upon wildlife. Overall the design appears high quality and in keeping with its setting.
- 7.21 Officers have been successful in negotiating a range of improvements to the proposal including:
- The introduction of additional landscape buffer on the western boundary of the site;
  - Provision of an addition footpath to the south eastern corner of the site;
  - Retention of 3 trees subject to a TPO and avoidance of loss of any ancient wood land.
- 7.22 The Council's design advisors Design South East have considered the proposal and are very positive about the improvements that have been negotiated.
- 7.23 Draft MBLP Policy H1(7) suggests an allocation of approximately 190 dwellings. The current application is for a minimum of 250 dwellings. The indicative layout taken together with spatial requirements including open space and green buffers show that a greater amount of housing is developable in this location, while adhering to the Policy requirement 27 dwellings per hectare. However, in order to ensure a suitable level of development is not exceeded, a condition is suggested limiting the amount of development of up to 250 units. The proposal's delivery of housing is fully consistent with the policy priority to significantly boost the supply of housing in accordance with Paragraph 47 of the NPPF.

### **Affordable Housing**

- 7.24 The adopted affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision. Draft MBLP policy DM13 sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Draft MBLP policy DM13 is

underpinned by draft MBLP policy SP3 of the emerging Local Plan (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and five other strategic housing sites (as set out in draft MBLP policies H1(5) to H1(10)). As such, as the site is an allocated housing site (draft MBLP policy H1(7)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances, in line with the views of the Council's housing officer.

- 7.25 It is acknowledged that policies contained within the draft MBLP do not carry full weight at this stage, as draft MBLP has been submitted to the Secretary of State, they should be accorded significant weight in the determination of this application. The Council, as local planning authority, has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature.
- 7.26 As such, it is considered appropriate to apply and accord significant weight to relevant draft MBLP policies to this application relating to an allocated housing site which would bring forward the implementation of a strategic housing site and would provide a significant proportion of the Council's strategic five-year housing supply. Whilst the application does not comply with saved policy ENV28, and may be considered a departure from the Development Plan, other material planning considerations must also be taken into account, including the delivery of much-needed affordable housing. A 30% affordable housing provision is acceptable in the circumstances. The housing officer accepts this proportion.

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

- 7.27 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 7.28 The immediate surrounding landscape is of a gentle spread of undulating land across a mix of agricultural and wooded landscape, before localised and more extensive hills and dip slopes rise and fall in the terrain of the wider landscape. The topography of the site area reflects the immediate surrounding landscape, and is relatively level with a gentle fall across the site area predominantly from the eastern edge toward the north western corner of the site area.

#### **Landscape Character Impact**

- 7.29 The developers have submitted a Landscape and Visual Impact Assessment as part of their application.
- 7.30 This report concludes that the proposed development would not give rise to any **Major** or **Major-Moderate** adverse landscape or visual effects. The Site benefits from a high level of visual containment and the development layout includes the provision of a minimum 40m width proposed woodland along the eastern boundary and a minimum 15m width landscape buffer adjacent to Bicknor Wood to the south of the Site. In terms of landscape character, there will be a **Minimal** effect to the Gore Court Farm LCA which means that overall, the fundamental qualities and characteristics of the surrounding landscape character and wider setting would prevail. In keeping with general planning policy assumptions, effects on landscape

are presumed to be **Adverse**, although the addition of the proposed woodland belt would be a positive contribution to landscape character.

In terms of visual impacts, there will be a **Moderate to Slight** effect on the visual receptors immediately adjoining the Site. The effects on views are presumed to be **Neutral**, or on balance, **Adverse**, depending upon the screening effects of the proposed mitigation vegetation. Overall, there would be a Minimal effect on the village of Otham, and there are no views of the proposed development from the Conservation Area which means it would not have an impact on the special qualities and setting of this area. There would be no discernible views of the proposed development from wider areas and there would be no widespread visual effects up receptors beyond the immediate vicinity of the Site. For the vast majority of visual receptors within the study area there will be **Negligible** or no effect.

- 7.31 The proposed development has been designed to comply with the particular requirements set out in this policy, and has also responded sensitively to the surrounding landscape character in order to protect and retain existing characteristic landscape features. A comprehensive landscape and Green Infrastructure strategy is proposed which identifies opportunities and important assets of the Site in order to enhance these key features and introduce new public open space and recreation facilities
- 7.32 The provision of landscape and wildlife buffers, of varying widths, in line with policy H1(7) will help to screen the development from adjoining uses, helping to mitigate its impact. The provision of approximately 5.8 hectares of open space within the site will provide an open outlook and setting to the development and is line with Submission Draft Local Plan Policy DM22 *Publicly accessible open space and recreation*. Suitable financial mitigation is proposed to cover other elements of open space requirements not provided on site.
- 7.33 The landscape officer has considered the LVIA and concludes that it and the proposal is acceptable in terms of the proposals impact upon landscape character and in terms of the assessment provided in the MBC Landscape Capacity: Site Assessments 2015. Following the submission of amendments, the landscape officer considers the proposal to be acceptable in landscape terms, the proposal's impact on the ancient woodland and TPO trees would be protected by one or more suitably worded planning conditions.
- 7.34 In conclusion while it is considered that the proposal conflicts with ENV28, it is not considered that the development harms the character and appearance of the area and no other considerations outweigh this conclusion.

#### **Loss of agricultural land**

- 7.35 The site consists of 14 ha of agricultural land of which about 6 ha towards the south-eastern corner of the field, is considered to be "*best and most versatile*" land, comprising Grade 3a (good quality) and Grade 2 (very good quality) in roughly equal proportions. The remainder of the site is indicated as poorer quality (Grade 3b). While the development of the 6 ha BMV land here would represent a cumulative loss of some significance to the area, as long as it were to be managed in its current form as a single field, the choice of cropping types will tend to be restricted to the potential offered by the poorer quality land which occupies the larger proportion of the field as a whole. The Agricultural Land Quality Study of Sites in Maidstone Borough has assessed the site in the context of the quality of local agricultural land as a whole. It concludes that "while most of the land on the Malling social association is in the best

and most versatile category, in Otham parish and either side of Sutton Road poorer sub-grade 3b land is dominant, with significant patches of best and most versatile land within it”.

- 7.36 The loss of this agricultural land is a material planning consideration that engages paragraph 112 of the NPPF which states:

*“112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

- 7.37 The Sustainability Appraisal (SA) for the Submitted Draft Local Plan (February 2016) identifies the site as being grade 2 agricultural land. Within the Summary, the SA identifies the significant loss of agricultural land in all considered alternatives (relevant are paras 3.4.33 and 3.3.12, which states *“There are negative effects on land use across all of the alternatives; with a significant loss in greenfield and agricultural land.”*

- 7.37 Secondly the adopted Local Plan policy protecting Best and Most Versatile Agricultural Land (ENV29) is not a ‘saved’ policy and thus no longer applies.

- 7.38 Taking account of all these considerations, the proposed loss of agricultural land accords with the Development Plan, there being no saved policy addressing the issue. The harm caused by the loss of agricultural land is considered to be moderate and, in acceptable in policy terms, taking proper account of paragraph 112 of the NPPG and draft MBLP policy H1(7), which allocates the site for residential development and natural and semi-natural open space.

### **Highways Issues**

- 7.39 Paragraph 32 of the NPPF states that all development which generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 7.40 The housing allocation Policy H1(7) of the Submission Version of the Local Plan sets out the following Highways and Transportation criteria required to gain planning permission:

6. *Access will be taken from Gore Court Road connecting to the spine road on site H1(6) North of Sutton Road.*
9. *Pedestrian and cycle links to existing residential areas, White Horse Lane and Gore Court Road and Bicknor Farm (policy H1(9)).*
10. *Widening of Gore Court Road between the new road and White Horse Lane.*

11. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
12. *Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.*
13. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
14. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
15. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor."*

All of the above elements are proposed in the scheme current before the Committee, with the following exceptions:

10. *Widening of Gore Court Road between the new road and White Horse Lane.*

It is proposed that a condition is imposed to cover this requirement.

14. *Improvements to capacity at the A229/A274 Wheatsheaf junction*

These improvements are already fully funded as shown in the Apportionment table in Appendix Two. Not further funding is therefore required by the current proposal in this respect.

- 7.41 The applicant has submitted a Transport Assessment and associated Transport Technical Notes, which consider the traffic and transportation implications and present capacity testing of highway junction models in close vicinity of the site and whether they have sufficient capacity with the additional development traffic flows. Highway mitigation measures are subsequently recommended to address the increase in traffic associated with the application site, committed development sites and surrounding housing sites where planning applications have been submitted to the Council but not as yet determined.

#### Existing Conditions

- 7.42 The A274 Sutton Road forms one of the major routes from areas to the south and east of Maidstone into the town centre. It also provides a route (via the B2163 through the villages of Langley Heath and Leeds) to Junction 8 of the M20. Junction 8 of the M20 is some 6km northeast of the Site. At the point adjacent to the site frontage, Sutton Road is a two-way single lane carriageway with an approximate width of 7.5 metres and is subject to a 40mph speed limit.
- 7.43 Approximately 300m south west of the southwest corner of the site, Sutton Road becomes more urban in nature and this is reflected by the 30mph speed limit, which is introduced at this location together with street lighting.
- 7.44 Approximately 1km south east of the site, Horseshoes Lane forms a simple priority junction with the A274 Sutton Road and forms the signposted route from the northwest to Langley Heath and Leeds villages, which in turn provides onwards travel to Junction 8 of the M20.
- 7.45 Approximately 1.5km to the west of the site, the A274 Sutton Road forms a staggered signal controlled junction with Willington Street and Wallis Avenue. This

includes the provision of a toucan crossing in the centre of the stagger and sign-posted cycle routes to Maidstone Town Centre, with a controlled pedestrian crossing on Willington Street and uncontrolled pedestrian crossing of Wallis Avenue.

- 7.46 Pedestrian routes in the vicinity of the site provide connections to existing bus stops, employment sites, surrounding residential areas, schools, health services and local centre shops.
- 7.47 Regular bus services served by 3 routes are currently accessible within short walking distance of the site. Future residents and their visitors will have the opportunity to access the site by a choice of travel modes.
- 7.48 The local and wider highway network in the vicinity of the site is of a good standard and is suitable for providing access to the proposed development. A review of accident records for the most recently available five-year-period shows that there are no particular highway safety concerns relating to the existing operation of local roads.
- 7.49 The proposed road layout includes the closure of Gore Court Road at its junction with Sutton Road, in order to ensure primary vehicular access to the site is provided via the Imperial Park site .
- 7.50 KCC Highways has raised a holding objection to the proposal on the basis that there is no conclusive evidence to demonstrate that the impact of the development can be fully mitigated and would have a severe impact upon traffic conditions on the A274/A229 and A20 and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.51 MBC have commissioned transport consultants Mott MacDonald (MM) to assess the likely impact of the proposal, and other relevant planning applications in the area. MM have reviewed all the information that has been submitted by the applicant’s transport consultant IcenI and have considered KCC’s response in detail. Furthermore, MM have liaised with IcenI to clarify any outstanding matters.
- 7.52 The KCC response is dated 25 January 2016 and raises a holding objection based on the site being remote with limited scope “for local journeys to be undertaken by means other than the private car”, the submitted Transport Assessment not containing appropriate assessments of the junctions affected by development traffic, the lack of mitigation proposed, and the “worsening delays for road users and local residents” resulting “in the increased use of minor roads as alternative routes”.
- 7.53 IcenI’s Transport Note dated 17 May 2016 contains detailed assessments for the key junctions and proposes mitigation where increased delays and queuing was identified. The following junctions were assessed:
- A274 Sutton Road / Imperial Park, mitigation proposed in form of signalisation
  - A274 Sutton Road / Willington Street / Wallis Avenue, mitigation proposed
  - A274 Sutton Road / New Road, junction within capacity with development flows
  - A274 Sutton Road / Horseshoe Lane, additional queuing limited and not considered severe
  - A20 Ashford Road / Willington Street, impact of development flows shown to be minimal, no detailed assessment undertaken

*A274 Sutton Road / Imperial Park*

- 7.54 The modelling included in the Transport Note dated 17 May 2016 is based on the signalisation of this junction.

The results presented in the Transport Note show the practical reserve capacity in 2030 to reduce from 7.7% to 7.1% in the AM peak and -0.5% to -2.7% in the PM when comparing committed development and with development flows both tested with the proposed layout. Whilst the PM peak is marginally over the desirable limit in both scenarios, the difference in queue is small, increasing from 40.1 to 42.9pcu.

*A274 Sutton Road / Willington Street / Wallis Avenue*

- 7.55 The modelling included in the Transport Note dated 17 May 2016 is based on the following mitigation measures:

- The widening of the A274 Sutton Road to provide two carriageway lanes in each direction between its junctions with Wallis Avenue and Willington Street; and
- The provision of two-to-one lane merges on the Sutton Road (north) exit of the A274 / Wallis Avenue junction and Sutton Road (south) exit of the A274 / Willington Street junction;

The results presented in the Transport Note show the practical reserve capacity in 2030 to increase from -38.1% to -19.4% in the AM peak and -39.2% to -20.4% in the PM peak over the whole junction when comparing committed development with committed junction layout and with development flows with the above mitigation.

*A274 Sutton Road / New Road*

- 7.56 The modelling included in the Transport Note dated 17 May 2016 is based on the existing layout of this junction, a priority junction.

The results presented in the Transport Note show the ratio of flow to capacity (RFC) in 2030 to be significantly below the desirable maximum of 0.85, rising from 0.50 to 0.54 in the AM peak and 0.35 to 0.38 in the PM peak when comparing committed development and with development flows both tested with the existing layout.

*A274 Sutton Road / Horseshoes Lane*

- 7.57 The modelling included in the Transport Note dated 17 May 2016 is based on the existing layout of this junction, a priority junction.

The results presented in the Transport Note show the ratio of flow to capacity (RFC) in 2030 to be above the theoretical maximum of 1, rising from 1.14 to 1.25 in the AM peak and 0.60 to 0.68 in the PM peak for the right turn movement out of Horseshoes Lane when comparing committed development and with development flows both tested with the existing layout. The queuing in the AM peak increases from 17 to 23 vehicles.

- 7.58 MM considers that the results demonstrate the proposed junction layouts with development traffic to perform comparatively better than the existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 corridor, although the signalised Imperial Park junction would add some limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by

reduced delays at the improved A274 / Willington Street / Wallis Avenue junction. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.

- 7.59 The applicant proposes a footpath via the south eastern corner of the site providing a direct link to A274 Sutton Road and the facilities located at Langley Park, a footpath along Gore Court Road, as well as funding towards public transport improvements.
- 7.60 Overall MM concludes that with the appropriate mitigation measures, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32.
- 7.61 KCC Highways has raised a objection to the proposal on the basis that there is no conclusive evidence to demonstrate that the impact of the development can be fully mitigated and would have a severe impact upon traffic conditions on the A274/A229 and A20 and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.62 As part of a combined package of A274 highways improvements provided in Appendix B, this proposal provides the following mitigation:
- Signalisation of A274 Sutton Road/Imperial Park;
  - £736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements
  - £337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.

Please note these contributions are proposed to date and subject to further negotiations and resolution.

- 7.63 The above contributions equate to £2,938 per dwelling for Willington Street junctions improvements and £1,350 per dwelling for Bus Prioritisation along A274. Total £4,288 per dwelling Total £1,072,000
- 7.64 MM considers that the results demonstrate the proposed junction layouts with development traffic to perform comparatively better than the existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 corridor, although the signalised Imperial Park junction would add some limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by reduced delays at the improved A274 / Willington Street / Wallis Avenue junction. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.
- 7.65 The applicant proposes a footpath via the south eastern corner of the site providing a direct link to A274 Sutton Road and the facilities located at Langley Park, a footpath along Gore Court Road, as well as funding towards public transport improvements.

7.66 As such the approach is considered to be consistent with the need for a balanced approach to transportation, including the provision of attractive alternatives to the private car which was a significant factor in the consideration of the Adopted Maidstone Borough-Wide Local Plan, Policies T2 and T3 .

The states: "Policy T1 of the local plan is concerned with a gradual, rather than abrupt, change from wider to more restricted access by private cars. This shift is evidenced by policy restrictions on long-term (eg all-day) parking provision and a progressive introduction of bus priority lanes on the major radial routes. The combination of Policies T2 and T3 on the one hand and Policies T13 and T14 on the other will have the effect of influencing modal choice in favour of public transport and the more economical use of road space" (the Maidstone Borough-Wide Local Plan Inspector's Report November 1999, Paragraph 6.2, Page 463).

7.67 Overall MM concludes that with the appropriate mitigation measures, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32. I have reviewed the proposed mitigation and concur with MM's analysis.

7.68 Additional highways objection:

- Additional traffic and congestion on Sutton Road, Church Road, White Horse Lane, Honey Lane, Otham Street and Gore Court Lane.
- Difficulty of Gore Court Road and Sutton Road Junction may encourage people to join A274 via Imperial Park.
- Additional traffic will result in danger for pedestrians/ cyclists.
- Danger with no pavements present on Gore Court Road.
- Poor visibility on emerging from private driveways and access roads near Otham

7.69 Response to the above objections:

With regards to the additional traffic movements, the majority of these will be along the main thoroughfares of Sutton Road, Willington Street and Wallis Avenue, via the new access created through Imperial Park. Whilst a number of objections have been received concerning potential rat running through the lanes and narrow tracks surrounding the site as a direct result, the proposed highway mitigation initiatives set out above would alleviate any potential increase in traffic which may result, thereby negating any need to use surrounding roads. In any event, there is no evidence to show that using surrounding roads would provide a quicker, shorter, indirect route than the main thoroughfares.

7.70 The impact of additional traffic has been addressed in previous section of this report and is considered acceptable taking into account the mitigation measures proposed, including the signalisation of the Imperial Park, Sutton Road junction which will form the primary access to the site. No road safety issues have been identified by the highways authority.

7.71 The proposal provides additional footways and footpaths between the site and the A274 as well as providing a 5.5m wide road access including pedestrian pavements and considerably than the existing access via the southern end of Gore Court Road. The western section of White Horse Lane to the north of the site is proposed to be closed to vehicular traffic and would become a pedestrian and cycle route only. It is considered that the proposal would provide a safer environment for pedestrians and cyclists, with more direct and attractive routes to A274 to the South.

### **Drainage & Flood Risk**

- 7.72 The site is within Zone 1 (Low Probability) - land assessed as having a less than 0.1% (1 in 1000) annual probability of river or sea flooding. The Environment Agency were consulted in August 2015, prior to the application being submitted and indicated that this site has a low probability of flooding, however there may be surface water drainage issues at this site. The EA also noted that they are no longer the statutory consultee for surface water drainage, a role which fell to KCC as Lead Local Flood Authority (LLFA). KCC Drainage consider that there is insufficient information to demonstrate that surface water is adequately managed. Information that is specifically required includes a drainage schematic which shows where the proposed attenuation basin is to be located, the assumed discharge point from the site and how the entirety of the developed area is to be managed not just the impermeable surfaces. While the lack of resolution of this issue is unfortunate, considering the outline nature of the application I propose that this matter is addressed through a reserved matter condition.

### **Ecology**

- 7.73 The site is bounded by Bicknor Wood to the south, and is in close proximity to East Wood to the north, both of which have been identified as ancient woodland. Safeguarding measures, including an appropriate buffer zone and compensation in the form of native planting, are set out to mitigate and compensate for any potential negative effects resulting from the proposals. No statutory or non-statutory designations are present within or adjacent to the site, whilst ecological designations in the wider area are considered sufficiently removed from the site such that no adverse effects to them are anticipated
- 7.74 **Habitats** - The site is dominated by a single, large arable field bordered by woodland, a line of trees and hedgerows. Part of the field was uncultivated at the time of survey and supported semi-improved grassland and ruderal species, which are also present at marginal areas of the arable field. Bramble thicket is also present along the southern site boundary. Sections of adjacent roads also fall within the site boundary.
- 7.75 **Fauna** - None of the trees present within the main site were considered to offer bat roosting potential. Hedgerows, the line of trees and adjacent off-site woodland forming the southern site boundary offer commuting and foraging opportunities for bats within the locality. During the bat activity surveys undertaken at the site a limited number of species and low levels of activity were recorded using the site. A site visit in August 2015 recorded a number of Badger latrines to be present, all located within the north-west corner of the site. As such, it is considered that the site is occasionally used by foraging Badger; however, no setts were recorded to be present. Hedgerows provide some limited potential for other mammals such as Hedgehog. Suitable habitat in the form of hedgerows and trees is present for nesting birds whilst no reptiles were recorded during the surveys undertaken.
- 7.76 **Enhancements.** The proposals offer opportunities for considerable biodiversity enhancements through the planting of a 40 metres minimum wide band of native trees and shrubs along the eastern site margin, the creation of an green buffers along the southern site margin, western and northern site boundaries, planting of new hedgerows comprising native species, provision of integrated bat and bird boxes, cut-throughs in garden fences for small mammals such as Hedgehog, and

establishment of ecological management. It is considered that the proposals would deliver a substantial ecological benefit compared to the baseline situation.

7.77 The proposals represent an opportunity to provide increased connectivity between areas of woodland and ecological enhancements for a range of wildlife within the site and the local area. The proposed green buffers, to Bicknor Wood to the South and West and East are compliant with Natural England's standing advice and will help to minimise any adverse impact on its ecology, extending potential foraging areas and movement corridors. This would be reinforced by conditions restricting external lighting.

7.78 Evidence has been provided that appears to show the presence of skylarks on the site. KCC Ecology has commented on the material as follows:

*"Information has been submitted by residents detailing that skylarks are present within the site. The applicants ecologists has reviewed the additional information and have assessed that due to the size of the site there is only likely to be two skylark territories present within the site.*

*We advise that if planning permission is granted the proposed development will result in the loss of potential skylark nesting habitat as the suitable nesting habitat cannot be recreated elsewhere within the proposed development site.*

*The proposed development will result in the creation of a vegetated buffer between the woodland and the development area. While this will not be used by nesting skylark (or other farmland birds) it may increase opportunities for foraging skylarks in adjacent habitats.*

*Due to the habitat requirements of ground nesting birds it is very difficult to mitigate for the loss of habitat within development proposals. We advise that MBC should be considering a strategic approach to addressing the loss of suitable ground nesting bird habitat as a result of housing developments across the whole district."*

7.79 The proposed development will result in the loss of potential skylark nesting habitat as the suitable nesting habitat cannot be recreated elsewhere within the proposed development site. The information submitted by the applicant's ecologist has detailed that due to the size of the development it will result in the loss of low numbers of potential skylark territories and KCC Ecology agree that due to the large area of suitable habitat within the surrounding area the loss of this site is unlikely to have a significant impact on the local skylark population.

7.80 The applicant would breach wildlife legislation if they killed/injured skylark or destroyed a nest during the construction period. The applicant has outlined within their ecology survey measures which if implemented would avoid killing/injuring breeding birds. Through the proposed condition for the precautionary mitigation MBC will be able to demonstrate measures which will avoid the killing/injury of skylark and / or destruction of skylark nests during the construction. That legislation provides protection and the applicants has satisfied me that appropriate avoidance/mitigation measures are acceptable in planning terms. In these circumstances it is not considered that the loss of habitat is sufficient to refuse planning permission.

### **Residential amenity**

7.81 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

7.82 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

- 7.83 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 7.84 The application is in outline so the vast majority of details, apart from access, are to be resolved at a future point. Given the proposed design and density in line with the Submission draft Local Plan policy H1 (7) of 27 DPH, I consider that suitable internal layout can be achieved. The inclusion of extensive green buffers proposed and existing retained vegetation at the edges of the proposal will provide substantial screening for existing residential uses.
- 7.85 Whilst a number of objections have been received with regards to the impact upon residential properties within Otham and Langley, due to the distance between this site and the village, it is considered that there would be no significant harm caused by this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.

#### **Community Infrastructure**

- 7.86 Any request for contributions needs to be scrutinised in accordance with Regulation 122 of Community Infrastructure Levy Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Regulation 123 states that there are not more than four obligations existing for each of the proposed measures.

The following contributions are proposed and considered to be compliant with Regulations 122 and 123:

#### Affordable housing

- 30% affordable housing provision including suitable wheelchair accessible provision.
- Provision of a minimum of 5.8 hectares of open space and management plan

#### Highways

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a

dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

As currently drafted the Apportionment table suggests the following highway contributions;

- £736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements
- £337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.

Heath care contribution of £244,584.

Primary Education:

- Langley Park Primary School construction: £964,000
- Langley Park Primary School site acquisition: £651,092

Secondary Education: £568,711  
(Towards the Third Phase of the expanding Cornwallis School)

Community learning £7,674  
(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);

Youth Services £2,121  
(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;

Library bookstock £12,003  
(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)

Social Care £13,470  
(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);

Suitable financial mitigation is proposed to provide elements of open space requirements not provided onsite.

Improvements to PROW KM87 and off-site PROWs where identified.

## 8. CONCLUSION

- 8.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the adopted Local Plan. However, the proposal delivers the allocation of the site for housing and open space within the submitted draft MBLP, which should be accorded significant weight. Draft MBLP policy SP3, which identifies south east Maidstone as the most sustainable location for housing growth with supporting infrastructure, is also relevant. The proposal will deliver housing growth in accordance with the national planning policy priority to boost significantly the supply of housing in paragraph 47 of the NPPF. I consider that these considerations should outweigh the application's conflict with saved policy ENV28 and I do not consider that the proposal conflicts with saved policy ENV21.

- 8.2 The site is in a sustainable location adjoining the settlement boundary of Maidstone in the adopted Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant intrusion into open countryside beyond existing developed areas. Appropriate community infrastructure is proposed to be provided to meet the needs created by the proposal as well as a substantial amount of affordable housing. Drainage issues are yet to be fully considered but suitable mitigation for the development would need to be achieved if the proposal was to be implemented. There are no objections from the Environment Agency on the grounds of flood risk. There are no ecology objections or any other matters that result in an objection to the development.
- 8.3 In accordance with policy guidance in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). I consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment. As such, I consider the development would perform well in terms of economic, social and environmental roles required under the NPPF and would constitute sustainable development.
- 8.4 The development would be acceptable in terms of its impact on the landscape, biodiversity, the ancient woodland, on neighbours' living conditions and highways subject to appropriate planning conditions and obligations. In relation to biodiversity, taking into account mitigation and conditions measures, it is likely there would be an improvement and enhancement of the ecological value of the site, bearing in mind the previous agricultural and monocultural use of the site.
- 8.5 I have considered the proposal in relation to Section 38(6) of the 2004 Act and paragraph 14 of the NPPF. It is considered that any adverse impacts would be limited and would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF and other material considerations listed above are sufficient grounds to depart from the saved policy ENV27. I do not consider that there are other planning considerations that indicate planning permission should be withheld.
- 8.6 The proposal represents a high quality scheme in line with draft MBLP policy H1(7) and is considerably improved as a consequence of negotiations and amendments. Overall the proposal is considered acceptable in planning terms subject to conditions and a legal agreement.
- 8.7 For all of these reasons, I consider that planning considerations indicate that planning permission should be granted.

## **9. RECOMMENDATION**

- 9.1 Delegated powers be granted to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures

the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions as outlined below:

**Condition will be provided in a published urgent update report prior to Committee.**

## 9.2 Conditions

### TO BE ADDED

## 9.3 Section 106 Heads Of Terms

### Affordable Housing

30% affordable housing provision including suitable provision of wheel chair accessible units.

### Public Open Space

Provision of a minimum of 5.8 hectares of public open space and management plan

### Highway contributions

- £736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements
- £337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.

(please note that these elements are subject to possible change)

Heath care contribution of £244,584.

### Primary Education:

- Langley Park Primary School construction: £964,000;
- Langley Park Primary School site acquisition: £651,092;

Secondary Education: £568,711;  
(Towards the Third Phase of the expanding Cornwallis School)

Community learning £7,674

(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);

Youth Services £2,121

(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;

Library bookstock £12,003

(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)

Social Care £13,470

(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);

### Open Space Mitigation

Suitable financial mitigation is proposed to cover other elements of open space requirements not provided on site.

Improvements to Public Rights of Way

Improvements to PROW KM87 and off-site PROWs

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.