

**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

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	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

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- 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.

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- 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

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- 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.

## Planning Committee Report

- 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.