

Strategic Planning, Sustainability and Transportation Committee

18 August 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Maidstone Borough Local Plan open space allocations

Final Decision-Maker	Strategic Planning, Sustainability and Transport Committee
Lead Director or Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Chris Berry, Consultant Planner and Cheryl Parks, Project Manager
Classification	Non-exempt
Wards affected	All wards

This report makes the following recommendations to the final decision-maker:

1. That new draft policy OS1 in respect of strategic natural and semi-natural open space allocations is approved for inclusion in the draft Maidstone Borough Local Plan for public consultation (Regulation 18¹).
2. That the promotion of potential additional sites for strategic natural and semi-natural open space is sought through the public consultation process as part of the Regulation 18 consultation for draft policy OS1.
3. That further amendments to policy DM11 Publicly Accessible Open Space and Recreation, relating to a sequential approach for open space delivery, are approved for inclusion in the draft Maidstone Borough Local Plan for public consultation (Regulation 18).

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Encouraging good health and wellbeing
- Ensuring there are good leisure and cultural attractions

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transport Committee	18 August 2015

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

Maidstone Borough Local Plan open space allocations

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 On 14 July 2015 the Committee approve revisions to Policy DM11 Publicly Accessible Open Space and Recreation for further public consultation (regulation 18). Policy DM11 sets quantitative, qualitative and accessibility standards for five types of open space provision: amenity green space; provision for children and young people; publicly accessible outdoor sports; allotments and community gardens; and natural/semi-natural areas of open space.
 - 1.2 Due to the extent of land required to deliver natural and semi-natural open space as part of new housing development (6.5ha/1,000 population), it can often be difficult to provide such strategic open space on site, which is the council's preferred approach, without compromising the dwelling yield from development. This report therefore recommends land allocations for strategic natural and semi-natural open space provision, predominantly associated with strategic locations for housing development. Future development will be expected to provide for all types of open space in accordance with draft policy DM11, not just those sites proposed in this report.
 - 1.3 The strategic open space allocations approved by the Committee will subsequently be included in a draft policy in the local plan for public consultation (Regulation 18).
 - 1.4 As a result of the assessment of strategic open space site allocations, further revisions to policy DM11 Publicly Accessible Open Space and Recreation are proposed, to make clear the sequential approach to the delivery of all open space as part of future development.
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2. INTRODUCTION AND BACKGROUND

- 2.1 High quality, publicly accessible open space can bring about opportunities for promoting social interaction and inclusion in communities, and contribute positively to well-being and quality of life. Open space can also have a positive impact on the quality of the built and natural environments, and the National Planning Policy Framework (NPPF) encourages the provision and retention of high quality open space (a stance which the council supports).
- 2.2 On 14 July 2015, this Committee approved for further consultation, revisions to Policy DM11 Publicly Accessible Open Space and Recreation relating to standards of provision for five categories of open space: amenity green space; provision for children and young people; publicly accessible outdoor sports; allotments and community gardens; and natural/semi-natural areas of open

space. The report considered in detail the justification for these standards and noted that new development will be required to provide the range of open space types by quantity and to the desired quality, insofar as the development is of sufficient size to deliver the minimum identified size of facility. All new development will be required to meet the open space standards set out in policy DM11 through on site or off-site provision, or through appropriate contributions towards enhancing or improving capacity of existing provision. The sequential approach towards open space and recreation provision is set out in more detail under section 4 of the report.

- 2.3 In addition to identifying future standards for provision, the Committee has sought assurances that appropriate areas of publicly accessible natural and semi-natural open space can be provided adjacent to areas allocated for future housing in the draft Maidstone Borough Local Plan, including the strategic housing locations to the south-east and north-west of the Maidstone urban area, the rural service centres of Harrietsham, Lenham, Marden, Staplehurst, Headcorn and larger villages of Coxheath, Boughton Monchelsea, Eyhorne Street, Sutton Valence and Yalding.
- 2.4 The extent of land required to deliver natural and semi-natural open space as part of new housing development (6.5ha/1,000 population), can be difficult to provide on-site without compromising the dwelling yield from development. This report therefore focuses on strategic allocations of natural and semi-natural open space. Development that cannot deliver on site natural and semi-natural open space will be required to make off-site provision, or to make contributions towards such provision.
- 2.5 Although the report focuses on natural and semi-natural open space allocations within the strategic development areas of the settlement hierarchy, development sites within the urban area will also be expected to meet open space standards so further provision of strategic open space (or contributions towards such provision) will be sought. A case in point is at Cross Keys, Bearsted where 2.3ha of natural and semi-natural open space is being provided as part of development.
- 2.6 The strategic open space allocations in the report are predominantly associated with future housing development. The exception is Tongs Meadow at Harrietsham where a former draft housing allocation has been deleted because, due to the site's ecological sensitivity, it is highly unlikely that a licence for translocation of wildlife would be granted by Natural England. Tongs Meadow is proposed to be allocated as natural/semi-natural open space.
- 2.7 The habitats and species that will be encouraged as part of the natural and semi-natural open spaces will be determined according to the existing interest of the site and the part it should play in enhancing existing habitat networks/ connectivity.
- 2.8 Where public access to land is not encouraged due to its ecological sensitivity, these areas should be easily distinguished from land made available as accessible public open space.

- 2.6 Following the approval of a standard for the provision of 6.5 hectares per 1000 population for this category of open space, proposed allocated sites in the draft local plan will generate new population and potential natural and semi-natural open space requirements for each of the strategic housing locations.

Area	Units	Projected Population	Open space (ha) required to meet agreed standard
North west	1157	2777	18.05
South east	2903	6967	45.28
Harrietsham	247	593	3.85
Lenham	1665	3996	25.98
Marden	448	1076	6.99
Staplehurst	710	1704	11.08
Headcorn	378	907	5.90
Coxheath	492	1181	7.67
Yalding	265	636	4.13
Boughton Monchelsea	191	459	2.98
Eyhorne Street	39	94	0.61
Sutton Valence	40	96	0.62

Table 1: Open space requirements by development area

A detailed breakdown of the individual totals for each area is included on a site by site basis in Appendix 1 of this report.

3. AVAILABLE OPTIONS

- 3.1 **A:** Proceed without allocations and rely upon the standards set out in policy DM11 to deliver open space.
- 3.2 **B:** Proactively allocate land for open space provision to meet the needs arising from housing growth.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

Preferred option - Policy OS1 for strategic open space allocations

- 4.1 During the development of the local plan, landowners, developers and other stakeholders have submitted open space proposals to the council as part of wider development schemes. These submissions and development sites more generally have been assessed in terms of their suitability for the delivery of strategic open space allocations. Table 2 identifies the size and location of each proposed open space allocation and demonstrates that significant areas of strategic open space could be provided through the policy.
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Area	Location	Open space
North west	East of Hermitage Lane, Maidstone	10.00 ha
	Oakapple Lane, Barming	1.50 ha
South east	Langley Park, Sutton Road, Boughton Monchelsea	5.00 ha
	Bicknor Farm, Sutton Road, Otham	16.00 ha
	South of Sutton Road, Langley ²	11.00 ha
Harrietsham	South of Ashford Road, Harrietsham	1.37 ha
	Church Road, Harrietsham	1.22 ha
	Tongs Meadow, West Street, Harrietsham	3.30 ha
Marden	The Parsonage, Goudhurst Road, Marden	3.20 ha
Staplehurst	Hen & Duckhurst Farm, Marden Road, Staplehurst	4.66 ha
	Fishers Farm, Fishers Road, Staplehurst	6.24 ha
	North of Henhurst Farm, Staplehurst	5.78 ha
Headcorn	Ulcombe Road and Mill Bank, Headcorn	1.50 ha
	South of Grigg Lane, Headcorn	2.40 ha
Coxheath	North of Heath Road (Older's Field), Coxheath	2.34 ha
Yalding	Former Syngenta Works, Hampstead Lane, Yalding	26.20 ha
Boughton Monchelsea	Boughton Lane, Loose and Boughton Monchelsea	7.10 ha
	Boughton Mount, Boughton Monchelsea	2.80
	Lyewood Farm, Boughton Monchelsea	2.00

Table 2: Proposed strategic open space allocations

- 4.2 Given the strategic nature of open space provision at this scale, it is appropriate to consider the cumulative provision by broad development area. Table 3 below therefore combines the proposed allocation by area, and compares this with the overall requirements identified in Table 1 to identify where there are any residual unmet needs.

Area	Open space (ha) required to meet agreed standard	Open space provided through allocations (ha)	Residual need (ha)
North west	18.05	11.50	6.55
South east	45.28	32.00	13.28 ³
Harrietsham	3.85	5.89 ⁴	0.00
Lenham	25.98	0.00	25.98 ⁵
Marden	7.00	3.20	3.80
Staplehurst	11.08	16.68	0.00
Headcorn	5.90	3.90	2.00
Coxheath	7.67	2.34	5.33

² Subject to site being agreed for inclusion in the local plan for consultation (Regulation 18)

³ Will depend on which option is agreed by Committee in respect of H1(10) South of Sutton Road

⁴ Includes 3.3 ha at Tongs Meadow in addition to the total in Appendix 2

⁵ To be identified through future master plan for the wider Lenham broad location

Yalding	4.13	26.20	0.00
Boughton Monchelsea	2.98	11.90	0.00
Eythorne Street	0.61	0.00	0.61 ⁶
Sutton Valence	0.62	0.00	0.62 ⁷

Table 3: Open space allocations and residual need by area

- 4.3 Table 3 therefore demonstrates that the proposed allocations for strategic open space provision at Harrietsham, Staplehurst, Yalding and Boughton Monchelsea would meet, and in fact could exceed, the identified requirements.
- 4.4 For areas where there is a residual need after the allocations are deducted, including those where the requirements are below the threshold for a strategic allocation, the application of the open space standards agreed for Policy DM11 can be expected to meet some or all of any shortfall through provision either on or off site. For instance, sites H1 (7) and (8) would together generate a requirement for some 9.8ha of natural and semi-natural open space, and this would reduce the residual need for south east Maidstone from 13.28ha to 3.48ha. Elsewhere, site H1 (61) has delivered some 2.3ha of open space, following negotiations with the developer.
- 4.5 In addition to open space provided through the application of the standards in the development management process, it is likely that some of the borough's Neighbourhood Plans will look to identify areas of open space which can make effective contributions in the local area. As part of the call for open space process to take place alongside consultation on this policy, Parish Councils and other stakeholders will be invited to submit any potential sites for consideration.
- 4.6 Local conditions and circumstances can affect how open space may be provided, and more detailed analysis at the planning application stage will indicate specific constraints and opportunities for each location. In cases where suitable open space provision cannot be secured, financial contributions would be sought in accordance with Policy DM11 to ensure the quality of existing facilities can be appropriately enhanced.
- 4.7 To ensure the council adopts a positive approach to meeting open space requirements, it is proposed to seek the promotion of potential additional sites for open space through the public consultation process, and to review any submissions along with other consultation responses prior to the completion of the next iteration of the local plan. The Committee is recommended to agree this approach for the seeking out of additional potential open space sites for inclusion through the Regulation 18 public consultation.
- 4.8 For the reasons set out in this report the Committee is recommended to approve the following draft policy and supporting text for inclusion in the draft

⁶ Shortfall below threshold for a strategic allocation

⁷ Shortfall below threshold for a strategic allocation

Maidstone Borough Local Plan in respect of open space provision, to be the subject of public consultation under Regulation 18.

Policy OS1 - Strategic open space allocations

4.9 To support the appropriate delivery of the key strategic locations identified for growth in the local plan, the council has identified suitable sites to secure the provision of strategic natural and semi-natural open space to meet and/or contribute towards the open space standards set out in Policy DM11.

Policy OS1		
Strategic open space allocations		
The following sites, as shown on the policies map, are identified for provision of strategic natural and/or semi-natural open space to complement the growth identified in the key settlements.		
Policy reference	Site name, address	Approx. ha of strategic open space
(1)	East of Hermitage Lane, Maidstone	10.00
(2)	Oakapple Lane, Barming	1.50
(3)	Langley Park, Sutton Road, Boughton Monchelsea	5.00
(4)	Bicknor Farm, Sutton Road, Otham	16.00
(5)	South of Sutton Road, Langley	11.00
(6)	South of Ashford Road, Harrietsham	1.37
(7)	Church Road, Harrietsham	1.22
(8)	Tongs Meadow, West Street, Harrietsham	3.30
(9)	The Parsonage, Goudhurst Road, Marden	3.20
(10)	Hen & Duckhurst Farm, Marden Road, Staplehurst	4.66
(11)	Fishers Farm, Fishers Road, Staplehurst	6.24
(12)	North of Henhurst Farm, Staplehurst	5.78
(13)	Ulcombe Road and Mill Bank, Headcorn	1.50
(14)	South of Grigg Lane, Headcorn	2.40
(15)	North of Heath Road (Older's Field), Coxheath	2.34
(16)	Former Syngenta Works, Hampstead Lane, Yalding	26.20
(17)	Boughton Lane, Loose and Boughton Monchelsea	7.10
(18)	Boughton Mount, Boughton Monchelsea	2.80
(19)	Lyewood Farm, Boughton Monchelsea	2.00

Resultant amendments to policy DM11 for open space and recreation

4.12 All site allocations will be expected to deliver open space in accordance with draft policy DM11 that sets the standards for provision. Following the assessment of strategic natural and semi-natural open space requirements generated by the identified housing growth, it is clear that some housing site allocations can deliver such large areas of open space without compromising the yield, but others will find it difficult. There is a clear need to introduce a sequential approach towards securing the various typologies of open space. Consequently, the following amendments are recommended to draft policy DM11, which was approved by the Committee on 14 July 2015 for further Regulation 18 consultation. Further additions are in **bold text** and deletions in ~~strike through text~~.

Policy DM11 – Open space and recreation

4.13 High quality, publicly accessible open space can bring about opportunities for promoting social interaction and inclusion in communities. Sports and recreation areas and facilities can contribute positively to the wellbeing and quality of those communities. Open space can also have a positive impact upon the quality of the built environment and can be of ecological value. The National Planning Policy Framework encourages the provision and retention of high quality open spaces, a stance that the council supports.

4.14 The council will seek to secure publicly accessible open space provision for new housing and mixed use development sites, in accordance with standards [to be defined] in the green and blue infrastructure supplementary planning document quantity, quality and accessibility standards set out in Policy DM11.

4.15 **The preference is for** new major developments ~~will be required~~ to meet their ~~obligations for~~ open space **requirements** on site or on adjacent sites that have been allocated in association with the housing development. This recognises the demand for additional sports and recreation facilities to meet the needs of a growing population. **Alternatively** off-site provision in an accessible location will be acceptable if provision on-site is demonstrated to be **inappropriate undeliverable** for reasons of site constraints, **housing delivery expectations on allocated sites** or location.

~~4.16 If a development is too small to deliver new open space provision on site, then an alternative contribution will be sought in lieu of new provision to improve existing sites and enhance the capacity of existing provision. Priorities for improvement will be set out in the Action Plan to the Green and Blue Infrastructure Strategy.~~

4.17 A financial contribution towards open space provision will be sought in lieu of new provision to improve existing sites and enhance the capacity of existing provision if:

a) Suitable opportunities for new open space cannot be identified within the specified accessibility standards, or

b) A development is demonstrated to the satisfaction of the council to be too small to deliver new open space provision on site.

In such cases the council will seek to secure high quality, significant structural landscaping to compensate for the non-provision of open space and ensure a high quality environment is secured for future residents. Priorities for the improvement to existing spaces will be set out in the Action Plan to the Green and Blue Infrastructure Strategy.

- 4.18 The council will produce an Open Space Supplementary Planning Document to provide further detail to support the policy, including qualitative open space standards.
- 4.19 It is important to ensure that any new publicly accessible open space and sports provision preserves the quality of life for existing residents, as well as the visual amenity of the locality. Intense sports uses, such as multi use games areas, can generate significant amounts of noise; while sports and other recreation uses may include lighting, such as floodlighting. This can be harmful to the living environment of nearby occupiers and to the visual amenity of the countryside where levels of artificial lighting are generally very limited. The council will seek to ensure that new publicly accessible open space and recreation areas are appropriate to their setting in these regards.
- 4.20 Provision of open space should be an integral part of design and layout of development, and should be sited to make a contribution to biodiversity networks. The Green and Blue Infrastructure Strategy will set out the aims and objectives for the provision and enhancement of green space in the Borough over the period of the plan.
- 4.21 The council will expect future management and maintenance of new open spaces to be **appropriately secured to the satisfaction of the council.** ~~delivered by means of a private limited management company or trust. However, where appropriate, the Council will seek to enter into an agreement with the developer for the future management and maintenance of the open space provision.~~
- 4.22 The loss of existing open space, sport and recreation facilities will be resisted, unless there is a proven overriding need for the development and there would be no resulting deficiency, or net loss, of such space/facilities in the locality. In considering the impact of the loss of open space, the council will have regard to the visual amenity and biodiversity value of the land in question.
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Policy DM11

Publicly accessible open space and recreation

1. For new housing or mixed use development sites, the council will seek to deliver the following categories of publicly accessible open space provision in accordance with the specified standards

(i) Quantity standards

Open Space Type	Draft Standard (ha/1000 population)	Minimum Size of Facility (hectares)
Amenity Green Space	0.7	0.1
Provision for children and young people	0.25	0.25 excluding a buffer zone*
Publicly accessible outdoor sports	1.6	To meet the technical standards produced by Sport England or the relevant Governing Bodies of Sport
Allotments and community gardens	0.2	0.66
Natural/semi-natural areas of open space	6.5	0.2

* but in cases where accessibility to children's and young people's provision is poor, for example outside a reasonable walking distance or where the crossing of major roads is necessary, smaller areas of open space may be justified on-site.

(ii) Quality Standards

All new open spaces must take account of design and accessibility and other quality requirements specific to each open space type set out in the Open Space SPD. An Open Space Layout and Design statement, to incorporate ecological management measures, should be submitted for approval by the council.

(iii) Accessibility Standards

If open space cannot be provided in full on development sites, due to site constraints, housing delivery expectations on allocated sites, or location, then provision should be provided off-site where it is within the distance from the development site identified in the accessibility standard.

Open Space Type	Draft Accessibility Standard (radius from open space)
Amenity Green Space	400m
Provision for children and young	600m

people provision	
Publicly accessible outdoor sports	1000m
Allotments and community gardens	1000m
Natural/semi-natural areas of open space	300m (2 Ha site) 2km (20 Ha site) 5km (100 Ha site) 10km (500 Ha site)

2. A financial contribution in lieu of open space provision will be acceptable, provided:
 - (i) The proposed development site would be of insufficient size in itself to make the appropriate new provision; **or**
 - (ii) The open space cannot be accommodated on site due to site constraints, **housing delivery expectations on allocated sites or location**, and alternative appropriate off-site provision cannot be identified.
3. **Where it can be demonstrated that existing open space provision can either wholly or partially mitigate the impacts of development in accordance with the above standards, the Council may seek a reduced contribution.**
4. Proposals for, and including, new publicly accessible open space and recreation will, where feasible, seek to reinforce existing landscape character, as defined in the Maidstone Landscape Character Assessment.
5. Proposals for, and including, new publicly accessible open space and recreation provision shall respect the amenities of neighbouring occupiers, by ensuring that development does not result in excessive levels of noise or light pollution. New lighting relating to such development will also preserve the character and visual amenity of the countryside.
6. Proposals for new development which would result in the net loss of open space or sport and recreation facilities will not be permitted unless there is a proven overriding need for the development. In addition, the development will only be permitted if:
 - (i) There is no resulting deficiency in open space or recreation facilities in the locality; **or**
 - (ii) An alternative provision, determined to be of an equivalent community benefit by officers of the council and community representatives can be provided to replace the loss.

7. In dealing with applications to develop existing open areas within the urban area, rural service centres, larger villages and other locations, the Borough Council will have regard to the impact of the loss of the contribution that the existing site makes to the character, amenity and biodiversity of the area.

The Open Space supplementary planning document will contain further detail on how the policy will be implemented.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 A number of the sites identified for the provision of open space and listed in the draft policy OS1 above have been the subject of public consultation for the associated delivery of housing. There has not yet been any consultation on the formal identification of open space as shown on the site plans at Appendix 3.
- 5.2 All of the identified allocations in the draft policy will be subject to a public consultation under Regulation 18, during which time the council will invite submissions for potential additional land for allocation through consultation responses.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The approved policy and allocations will be included in the next public consultation under Regulation 18 planned for September and October 2015.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Once adopted the local plan will assist in the identified priorities Keeping Maidstone borough an attractive place for all, and securing a successful economy for Maidstone borough, and will support all of the action areas that support the priorities and mission of the council	Head of Planning and Development
Risk Management	There are small risks associated with taking the plan forward with an unmet need for open space, but this is not expected to result in the plan being found unsound.	Head of Planning and Development
Financial	There are no direct financial implications arising from this report. The local plan work is fully funded with regular budget	Section 151 Officer &

	reviews. Indirectly there may be future cost implications regarding the on-going revenue costs of maintaining any public open space if this is subsequently taken on by the council as opposed a trust or community organisation. Initial costs may be secured through developer contributions, although this will be a matter for negotiation and will be a finite sum.	Finance Team
Staffing	None	Head of Planning and Development
Legal	Any representations made as a result of the proposed consultation on the report contents will need to be considered as required by the Town & Country Planning (Local Planning) (England) Regulations 2012.	Kate Jardine, Mid Kent Legal Services, Team Leader (Planning)
Equality Impact Needs Assessment	N/A	Policy & Information Manager
Environmental/Sustainable Development	Delivering significant allocations of natural and semi-natural open space assist in mitigating the impacts of development on the environment.	Head of Planning and Development
Community Safety	N/A	Head of Planning and Development
Human Rights Act	N/A	Head of Planning and Development
Procurement	N/A	Head of Planning and Development and Section 151 Officer
Asset Management	N/A	Head of Planning and Development

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Detailed breakdown by proposed site of open space requirements derived by application of agreed open space standards.
- Appendix 2: Detailed breakdown of open space delivered by housing site allocations.

- Appendix 3: Proposed open Space Allocations - site plans
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9. BACKGROUND PAPERS

There are none.