

## Planning Committee Report 17 March 2016

### REPORT SUMMARY

<b>REFERENCE NO:</b> - 15/509962/OUT			
<b>APPLICATION PROPOSAL:</b> Outline application for development of up to 225 dwellings (including affordable homes). Provision of public open space (including children's play area and landscaping) associated infrastructure and necessary demolition and earthworks. The formation of new vehicular access from Gatland Lane and secondary pedestrian and cycle access from Gatland Lane to be considered at this stage. All other matters (appearance, landscaping, layout and scale) are reserved for future consideration.			
<b>ADDRESS:</b> Land at Fant Farm, Gatland Lane, Fant, Maidstone, Kent			
<b>RECOMMENDATION:</b> <b>REFUSE OUTLINE PLANNING PERMISSION</b> with powers delegated to the Head of Planning and Development on the basis that no new material planning issues arise from the departure notices that expire on the 18 March 2016.			
<b>SUMMARY OF REASONS FOR REFUSAL:</b>			
<ul style="list-style-type: none"> <li>The proposed development, in this prominent location on the upper slopes of the Medway Valley and in an area recognised as having landscape value, would result in significant and pronounced harm to both local character and the appearance and openness of the wider countryside, failing to respond adequately to the site context and contrary to policies ENV28, ENV35 of the Maidstone Borough Wide Local Plan 2000, the NPPF 2012 and the NPPG 2014.</li> <li>In the absence of an appropriate legal mechanism to secure planning obligations in relation to the site acquisition and construction of a primary education facility, towards additional capacity in secondary education, for community learning, towards youth services, towards library book stock, towards social care, to increase capacity in three local surgery premises and for the mitigation of highways impacts, the development would be detrimental to existing infrastructure and therefore contrary to policy CF1 of the Maidstone Borough Wide Local Plan (2000), and central government planning policy as set out in the National Planning Policy Framework.</li> <li>The applicant has failed to demonstrate through the submission and independent verification of a financial development viability appraisal that the proposal cannot support 40% affordable housing provision in accordance with the adopted Local Plan and the subsequent evidence base supporting the draft Local Plan and in the absence of a legal undertaking securing this provision the development is contrary to the Affordable Housing DPD (2006) and central government planning policy as set out in the National Planning Policy Framework.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE:</b>			
<ul style="list-style-type: none"> <li>The proposal constitutes a departure from the Local Plan (December 2000).</li> <li>Call in from Councillor Stephen Paine on the basis of particular concern about prematurity, visual harm on the landscape of local value and greater pressure on the already stretched local road network.</li> <li>Call in from Councillor Paul Harper to allow review and full debate as the site is not designated for development in the draft local plan, the local concern about highway impact, the impact on the local environment and the Medway Valley and sustainability issues regarding schools, GP surgeries, shops etc.</li> <li>Call in from Councillor Matt Boughton on the basis that the site is not designated in the Local Plan as suitable for development, the visual impact on the Medway Valley, the capacity of local doctors surgeries and schools, the lack of assessment on designing out crime; measures to prevent crime; the capacity of the medieval Farleigh Bridge to take additional traffic and the capacity of the local road network to take the additional traffic.</li> </ul>			
<b>WARD:</b> Fant Ward	<b>PARISH/TOWN COUNCIL:</b> N/A	<b>APPLICANT:</b> Gleeson Developments Ltd <b>AGENT:</b> Barton Willmore	
<b>DECISION DUE DATE:</b> 07/03/16 extended till 18/03/2016	<b>PUBLICITY EXPIRY DATE:</b> 18/03/16	<b>OFFICER SITE VISIT DATE:</b> 16/01/2015	
<b>RELEVANT PLANNING HISTORY:</b>			
<b>App No:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
15/501734/ENVSCR	Screening Opinion on the need for an Environmental Impact Assessment (EIA).	EIA Not Required	27.03.2015

## **SUMMARY OF REASONS FOR RECOMMENDATION**

### **MAIN REPORT**

#### **1.0 DESCRIPTION OF SITE**

- 1.1 The application site covering an area of 14.47 hectares is located on Gatland Lane to the south west of Maidstone Town Centre and on the north side of the Medway Valley. The site is currently arable farmland forming part of Fant Farm and subject to a short-term agricultural tenancy. The site is in open countryside and outside but directly adjacent the boundary of Maidstone urban centre.
- 1.2 The application site is of an irregular shape, with around half the width of the application site provided with a Gatland Lane frontage (220 metres). To the south of the Gatland Lane frontage, the site doubles in width (440 metres) and extends to the rear of nearby two storey residential properties in Gatland Lane. The site also extends to the south of residential properties in Cowdrey Close and up to the western boundaries of properties in Pitt Road. To the south of these residential properties, the remainder of the eastern site boundary is shared with open agricultural land forming part of Fant Farm. The site tapers to a width of 160 metres on the southern boundary.
- 1.3 The northern boundary of the application site is in Gatland Lane. The site frontage extends westwards along Gatland Lane to a point opposite the junction with Terminus Road. After a further 100 metres, Gatland Lane joins Farleigh Lane at a 'T' junction. Tonbridge Road (A26) is the nearest classified road to the application site, with Tonbridge Road located 380 metres to the north of the application site. Access from the application site to Tonbridge Road is provided from Terminus Road (traveling west) or by Farleigh Lane. Gatland Lane has existing traffic calming measures in the form of speed cushions along its length and a road width restriction to the west of the application site close to the junction with Farleigh Lane.
- 1.4 Running east to west the East Farleigh to Maidstone West railway line and the River Medway are located to the south, separated by distances of 260 metres and 290 metres respectively from the southern application site boundary. Maidstone West Railway Station is 1.4 miles and East Farleigh Railway Station 0.4 miles from the application site. There are bus stops immediately adjacent to the site in Gatland Lane providing a limited service. More regular bus services are available on the A26 Tonbridge Road a distance of 650 metres from the centre of the application site
- 1.5 The properties at 39 and 41 Gatland Lane are adjacent to the eastern site boundary. These properties are set back from the main road with access provided by a tarmac track (80 metres long) located to the side of the property fronting the main road at 37 Gatland Lane. The first part of a public footpath (KB17) running from Gatland Lane follows the route of this access track with the footpath then continuing as a grassed path further to the south. Public footpath KB17 is orientated north to south and divides the main part of the application site into two parts. Within the application site, high hedging separates the footpath from the adjacent arable farmland on both sides located within the application site.
- 1.6 Public footpath KB17 continues past the southern extent of the application site providing (via footpath KB12) a link to either Hackney Road to the east, or to Farleigh Lane in the west. Footpath KB12 joins Farleigh Lane just to the north of East Farleigh Railway Station. Public footpath KB13 is located outside the application site but runs along part of the southern boundary, providing a second more northerly link from footpath KB12 to Farleigh Lane. At the eastern end of footpath KB12, Unicomes

Lane provides a link from footpath KB12 to the Medway Valley towpath, with the towpath also accessible from Farleigh Lane in the west. Unicomes Lane although metalled and used by vehicles it is not a public right of way or a highway.

- 1.7 The western boundary of the application site is separated from Farleigh Lane by a linear strip of land of between 70 and 200 metres wide that runs in a north to south direction. This strip of land is predominately wooded but includes buildings associated with a plant nursery called Homeward Orchard Nursery and a residential property also called Homeward. Ribbon residential development extends a short distance along Farleigh Lane to the south of the junction with Glebe Lane.
- 1.8 Gatland Recreation Ground is located opposite the application site on the north side of Gatland Lane. This public open space can be accessed from Woodford Road, Elmstone Road and Gatland Lane. Gatland House which is in use by Jubilee School is to the east of this open space, with residential properties in Terminus Road to the west. There is a fall in ground level from Gatland Recreation Ground towards Gatland Lane with a belt of mature trees separating Gatland Lane from this public open space. Telecommunication equipment is located adjacent to this belt of trees at the back edge of the pavement in Gatland Lane. The fall in ground level from Gatland Recreation Ground to the north continues across the application site towards the River Medway in the south. This fall amounts to a fall in ground level of 25 metres across the application site, with this level change more pronounced across the southern end of the application site.

## **2.0 PROPOSAL**

- 2.1 The current application is for outline planning permission for a development of up to 225 dwellings on land currently forming part of Fant Farm. The applicant has requested that the Council only consider means of 'access' at this stage. This assessment of access includes accessibility for all routes to, and within the site, as well as the way they link up to other roads and pathways outside the site.
- 2.2 The proposed main new vehicular access to the development site is located 78 metres from the south eastern end of the Gatland Lane site frontage and opposite the existing mobile phone telecommunications equipment in Gatland Lane. The access arrangements include a new pedestrian emergency vehicle access located opposite 56 Gatland Lane. A third proposed access point from Gatland Lane is for pedestrians only and located 12 metres from the access to the public right of way that runs adjacent to 37 Gatland Road.
- 2.3 Whilst appearance, landscaping, layout and scale are reserved matters the applicant has submitted indicative summary information on these matters. The applicant has stated that the building heights will not exceed two storeys and the roof ridge height of buildings will not exceed 9.2 metres. The residential density of the proposal will vary across the site to reflect the surrounding area with an average net density of 30 dwellings per hectare. It is proposed that the development will accommodate a mixture of dwelling types and sizes that will respond to design and market considerations at the reserved matters stage. The indicative dwelling mix is 28 one bedroom, 75 two bedroom, 88 three bedroom, and 34 four bedroom houses.

## **3.0 SUMMARY INFORMATION**

- 3.1 The current application is in outline form with the information available summarised in the following table:

**Table 1: Summary development information**

Site area (hectares)	14.47 hectares
Ridge height (metres)	9.2 metres
Depth (metres)	Not known
Width (metres)	Not known
No. of storeys	2 storeys
Net floor area	Not known
Parking spaces	Not known
Total number of residential units	225

#### **4.0 PLANNING CONSTRAINTS**

- 4.1 The application site is not located within a conservation area. The nearest conservation area is East Farleigh Conservation Area which is located 670 metres to the south west.
- 4.2 There are no statutorily or locally listed buildings located on the application site. In the local area the following buildings and wall are on the statutory list of historically important buildings (Grade II): Fant House; the Oasthouse at Fant Farm and the wall to the north east of Fant House. The closest of these structures is the Oasthouse that is located 375 metres to the east of the application site.
- 4.3 A number of Public Rights of Way either cross the application site, or are located on adjacent land. These Public Rights of Way (PROW) include:
- PROW KB13: located adjacent to the southern site boundary, connecting Farleigh Lane from the west to PROW KB12;
  - PROW KB12: located to the south of the site beyond PROW KB13, linking Farleigh Lane with Hackney Road to the east, via the southern curtilage of Fant Farm;
  - PROW KB17: dissects the site from north to south, connecting Gatland Lane to PROW KB12;
  - PROW KB11: forms part of the Medway Valley Walk, located to the south of the site and adjacent to the River Medway, connecting Station Road to the residential areas of Tovil and Upper Fant.
- 4.4 The site is not located within the strategic gap or an area designated for its biodiversity value.
- 4.5 The site is in flood risk zone 1. Flood risk zone 1 has a low probability of flooding with less than 1 in 1,000 year's annual probability of river or sea flooding.
- 4.6 A section of the application site adjacent to the northern site boundary is within an Air Quality Management Area (AQMA).
- 4.7 A number of trees and landscape features are located around the boundary of the application site. These features do not have any statutory protection with no tree preservation orders in place.
- 4.8 The application site is located within the following landscape character areas at a national, county and borough level:
- National Character Area Profile: 120 Wealden Greensand (Natural England 2013).
  - The Landscape Assessment of Kent 2004: Greensand Fruit Belt - Watlingbury county level landscape character area.

- Maidstone Landscape Character Assessment 2012 – amended 2013: Fant Orchards, a detailed landscape character sub-set of the East Barming Orchards: locally known as Medway Valley Orchards) borough wide landscape character area.

4.9 The application site is within an area of local landscape importance as designated by the adopted Local Plan (December 2000). Within the draft Local Plan the application site is designated as a site of Local Landscape Value.

## **5.0 POLICY AND OTHER CONSIDERATIONS**

### **The Development Plan**

5.1 The Development Plan consists of the saved policies of the Maidstone Borough Wide Local Plan (2000). The following Local Plan saved policies are relevant:

- ENV6: Landscaping, surfacing and boundary treatment;
- ENV22: Urban open space;
- ENV28: Development in the countryside;
- ENV35: Areas of local landscape importance;
- ENV49: External lighting;
- CF1: Seeking new community facilities;
- T1: Integrated transport strategy;
- T13: Parking standards;
- T23: Need for highway or public transport Improvements.

5.2 The following adopted documents support the Local Plan:

- Affordable housing DPD (December 2006),
- Open space (December 2006);
- SPG 4: Kent vehicle parking standards (July 2006);
- Kent design guide Review: Interim Guidance Note 3 Residential Parking

5.3 Other material considerations relevant to this planning application include:

- National planning policy framework (2012);
- National planning practice guidance (launched 2014);
- National character area profile (landscape)(2014);
- The landscape assessment of Kent: Greensand Fruit Belt (2004);
- Maidstone landscape character assessment (2012, amended 2013);
- Maidstone landscape capacity study: sensitivity assessment (2015);
- Maidstone landscape capacity study: site assessments (2015);
- Agricultural land classification study (2015);
- Local biodiversity action plan (2009);
- Strategic flood risk assessment (2008);
- Strategic housing and economic development land availability assessment (2014 and 2015);
- Strategic housing market assessment (2014) and implications of 2012 based household projections (June 2015).

### **Emerging planning policy**

5.4 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans. The weight to be attached is relative to the following factors:

- 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).
- 5.5 The new 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 new Local Plan is emerging and whilst policies within it are material to the consideration of this application the Local Plan including the allocation of housing sites and the 'landscapes of local value' designation cannot be afforded full weight whilst the Local Plan is progressing towards adoption.
- 5.6 The current public consultation on the Local Plan (Regulation 19) will expire on 18 March 2016. Following the consideration of consultation responses it is anticipated that the plan will be submitted to the Secretary of State in May 2016, with the Examination in Public commencing in September 2016.
- 5.7 The following policies within the draft local plan are considered relevant to the current planning application:
- SP17: The countryside (including landscapes of local value);
  - DM1: Principles of good design;
  - DM2: Sustainable design;
  - DM3: Historic and natural environment;
  - DM5: Air quality;
  - DM7: External lighting;
  - DM11: Housing mix;
  - DM12: Density of housing development;
  - DM13: Affordable housing
  - DM22: Publicly accessible open space and recreation;
  - DM23: Community facilities;
  - DM24: Sustainable transport;
  - DM27: Parking standards;
  - DM34: Design principles in the countryside;
  - ID1: Infrastructure delivery
- Housing land allocation within the draft local plan.
- 5.8 At the meeting of the Planning, Transport and Development Overview and Scrutiny Committee, on the 18 February, 2014 members agreed the recommendation to Cabinet to remove land (46.6 hectares) that included the application site, from the housing allocations that were to be put forward as part of the local plan preparation. This decision was made on the basis that the application site was grade 1 agricultural land. This action was subsequently agreed by Cabinet on the 24 February 2014.
- 5.9 At the meeting of the Planning, Transport and Development Overview and Scrutiny Committee, on the 20 January 2015 proposed amendments were considered to the sites identified for housing (Policy H1) in the Regulation 18 Maidstone Borough Local Plan. These amendments followed the public consultation on the draft Plan that took place between March and May 2014.
- 5.10 These amendments included considering again the inclusion of the application site as part of a housing allocation site. After the land was considered again it was agreed

that the committee recommendation to Cabinet would be to remove the land from the allocated housing sites. At the Cabinet meeting in February 2015 it was agreed that the application site be removed from the allocated sites for housing. The committee recommendation to the Cabinet was made on the following grounds:

- Further housing in this area would have a severe impact on the already congested junctions in the area which cannot be mitigated
- It would erode the unique pattern of development;
- It will have a detrimental impact on the Medway Valley landscape quality, and;
- The land is classed as 'best and most valuable' agricultural land as defined in the National Planning Policy Framework.

Designation as a landscape of local value within the draft local plan

- 5.11 At the meeting on the 18 August 2015 it was agreed by the Strategic Planning, Sustainability and Transportation Committee that the Medway Valley would be put forward as a designated landscape of local value within the draft local plan. The proposed area of landscape of local value designation extends from Gatland Lane southwards and includes the entire current application site.
- 5.12 The draft local plan states that development proposals within areas designated as a landscape of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape.
- 5.13 The recommended designation as an area of local landscape value was on the basis that the land was considered to meet 5 of the 7 relevant criteria as set out in the draft plan. The areas which satisfied at least four of the criteria were regarded as suitable for inclusion in the draft Local Plan as landscapes of local value. The assessment for the Medway Valley is set out in the table below:

**Table 2: Medway Valley - Landscapes of local value assessment criteria.**

<b>Criteria</b>	<b>Met</b>
Part of a contiguous area of high quality landscape.	No
Significant in long distance public views and skylines.	Yes
Locally distinctive in their field patterns, geological and other landscape features.	No
Ecologically diverse and significant	Yes
Preventing the coalescence of settlements which would undermine their character	Yes
Identified through community engagement	Yes
Providing a valued transition from town to countryside	Yes

Current status of the draft Local Plan

- 5.14 The new Local Plan has advanced and is out to Regulation 19 publication, being the plan that the Council considers is ready for examination. The plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September 2016.
- 5.15 Whilst the Local Plan is gathering weight as it moves forward, it is not considered to have sufficient weight to rely solely on to refuse, or to approve a planning application. This situation is considered further at paragraphs 9.20 and 9.21 of this report.
- 5.16 As a result of the current position in plan preparation, the proposed designation as a landscape of local value and the proposed housing allocations on land elsewhere in

the borough can only be given limited weight in the consideration of the current planning application.

## **6.0 LOCAL REPRESENTATIONS**

### **Pre-application public consultation by the applicant**

6.1 Prior to the submission of the current planning application the applicant carried out a public consultation with local stakeholders. This public consultation included the following:

- Distribution of an introductory leaflet (October 2014);
- Kent Messenger press release (October 2014);
- Public Exhibition (31 October – 1 November 2014);
- Leaflet requesting feedback distributed to 2,500 addresses (7 – 21 October 2015).

6.2 The proposal at this time consisted of 270 new homes on an area of 9 hectares in the northern part of the site with the remaining 38 hectares shown as a country park (current application is for 225 dwellings on a total site area of 14.47 hectares).

6.3 The applicant has stated that 62 responses were received back to the consultation in October 2015 and these responses raised the following issues:

- Principle of development;
- Traffic and access;
- Local infrastructure;
- Landscape and visual impact;
- Layout and content;
- Loss of agricultural land;
- Other developments in the area;
- Loss of open space;
- Loss of a greenfield site;
- Loss of graded agricultural land.

6.4 In response to the consultation carried out by the applicant the following changes were made to the proposal:

- Reduced from 270 homes to 225 homes;
- Removal of the proposed country park;
- Revised red line site boundary to reflect the historic field patterns;
- Amendment to the layout to provide for a stronger design in respect of landscape;
- The extension of built development further to the south of the site with housing separated by areas of landscaping.

### **Statutory planning application public consultation**

6.5 The submitted planning application was publicised by means of a site notice, press notices (departure from the development plan and 'major' development) and individual consultation letters sent to 190 neighbouring properties. As a result of this consultation 92 responses and a petition with 1279 signatures (received 15.02.2016) have been received objecting to the proposal on the following grounds:

6.6 Pre-application consultation, timing and need

- There has been insufficient meaningful local consultation by the developers;
- The whole exercise smacks of trying to rush through the application before publication of the Local Plan;



- The Local Plan is close to agreement and it does not include Fant Farm as an area for development;
- The developers are attempting to circumvent democratic agreement but submitting their application before the Local Plan is agreed;
- The developers have chosen the holiday period to submit their plan and people will naturally be distracted from responding to consultations;
- There is no demonstrated need for this land to be used for housing. The draft Local Plan has identified enough areas for housing development;
- There is no demonstrated need for large houses. There is only a demonstrable need for truly affordable homes which need to be close to public transport links and jobs;
- People who already live in an area need other things beside more houses to surround them. They need fresh air and some connection to the land, and something beautiful to contemplate;
- In February 2015 MBC's Cabinet unanimously deleted Fant Farm from the draft local plan following the Planning, Transport and Development Overview and Scrutiny Committee earlier and unanimous recommendation for its removal. The developer, and the landowner, seemingly have no respect for local democracy or the opinions of local residents.

#### 6.7 Land use

- Any such development on Fant Farm would remove valuable agricultural land that is historically renowned for fruit orchards and ideally suited due to the soils structure and southerly sloping aspect;
- Short lease terms currently provided by the current landowner, Richard Watts Charity, mean that tenant farmers cannot invest long term and for example replant the land as orchards;
- There will be an increasing need for farm land in the future and this land must be used to support food production;
- The developer has deliberately downgraded the land by grubbing up the orchards;
- Rather than destroy areas of natural beauty, vacant office buildings in Maidstone town centre should be used for affordable and accessible housing;
- Development should be on brown field sites only;
- A CPRE report in 2014 found 89 hectares of unused brownfield land in the Maidstone area;
- If this development goes ahead it will mean a further loss of natural green space and a loss of habitat for plants and wildlife.
- It is unclear what will happen to the large area to the south of the site which was originally going to be the 'country park';
- Without any protection of adjacent land, this application may well be the "thin end of a wedge" leading to more future harmful impact;
- The development will substantially alter the sustainability or viability of the remaining agricultural land including removal of access for farm vehicles.
- The current application could be seen as a cynical attempt to make the undeveloped area of the farm unprofitable for agriculture in an attempt to develop the entire site for housing;
- Planning permission for housing on several local sites that would have significantly less impact have been allowed to lapse by developers;
- Why doesn't the local landowner wish to farm anymore? Is it purely greed or is there a crisis in farming? We need to grow more food, not to concrete farmland;

- To take land from Homewood Nurseries in Farleigh Lane and uproot beautiful cherry, plum and greengage orchards, replacing these with ornamental trees to preserve the local orchard "character" is utter madness.

#### 6.8 Landscape

- Inclusion of the application site in the Medway LLV (Landscapes of Local Value) seemed to indicate that common sense was to prevail;
- The views and landscape features of the entire area have been classified as having local value and therefore should be protected;
- The Landscape Character Assessment (2012) recognises the application site is important for its views to the south and recommends that the Fant Farm area is restored and improved;
- We must keep one little piece of Kent green. Just so future generations can see what it looks like;
- Nobody in the area wants this currently beautiful landscape scarred by housing.
- The area in question is a landscape asset in a part of town whose semi-rural character is greatly valued by residents;
- The significance of its positive influence on the quality of life of local residents cannot be stressed highly enough;
- The area is loved for its unspoiled beauty and the locality would be indescribably and irrevocably the poorer for its loss;
- William Cobbett admired the beauty of the Medway Valley and we need to protect it, not cram in houses;
- Whilst the proposal involves fewer houses, the development will have a greater visual impact and will obscure views of the Medway Valley;
- East Farleigh is a beautiful village that needs protection;
- The proposal will lead to the destruction of ancient woodland;
- Fant Farm provides local residents with open countryside overlaid with a network of well-used footpaths linking the area to the river path, the railway and walks into Maidstone or to Teston Country Park;
- Fant farm is currently a source of local employment which this development would take away;
- This development will spoil an area of special agricultural significance, which is of significant;
- The area in question is a landscape of local value and is certainly valued by local residents for its "green belt" character. If the proposed development is allowed the whole built-up area of Maidstone will be altered and detrimental. The local footpaths are well used.

#### 6.9 Ecology

- Every square metre of land, every plant, bush or tree that is removed, takes away habitat and feeding grounds for wildlife;
- We must protect wildlife and its natural place in the environment;
- Too much development and hardscaping is destroying the equilibrium of wildlife;
- This is an area of incredible beauty and rare wildlife;
- Slow worms and a diverse range of bird species live on the site;
- It is important that we keep areas like this free to help promote natural diversity;
- The detrimental effect to the flora and fauna will locally devastating;
- More information is required on what trees are to be lost;
- There are a large number of wild animals and insects that currently live on the farm that will be harmed by the development and on which spraying has no impact.

## 6.10

### Urban sprawl

- The development will be highly visible from the valley itself, and will infill the green gap between Barming and East Farleigh with loss of uniqueness and character;
- Gleesons representative at the first consultation meeting said '*it would be criminal to build further down into the valley*' but this is now proposed.
- With Fant already being one of the most densely populated areas in the Borough, I fail to see how we need any more.

## 6.11

### Highways, traffic and car parking

- The pressure on the local road network has been increased by Jubilee School and will be made worse by development in and around Hermitage Lane;
- In the morning or evening peak or at a weekend morning when people are using the park for football training, Gatland Lane is gridlocked lined with parked cars and making it difficult for two cars to pass;
- With an additional 750 daily vehicle movements the development will place additional strain on an already stretched road network including small village roads and the medieval bridge crossing the river at East Farleigh;
- Most of the traffic will use Farleigh Lane and the crossroads here is already very dangerous and very congested during peak times;
- There is extremely poor public transport from Fant Farm to Maidstone (and to other destinations);
- There is no cycle path from Fant Farm;
- Walking to town is possible but takes around 1 hour;
- There are many near fatal crashes at the junction of Gatland lane, Glebe lane and Farleigh Lane, the risk of accidents along Gatland lane with the school children and the elderly crossing the road at different bus stops, and a dangerous bend;
- The submitted traffic assessment does not appear to offer an accurate assessment of the situation once all the proposed developments have been implemented.
- It is foreseeable that someone attending Accident and Emergency at Maidstone Hospital could die as a direct result of traffic density.
- The roads that lead to the main Tonbridge Road A26 are Farleigh Lane, Terminus Road are not suitable at present without the added burden of additional cars and it is well documented that cars parked on pavements currently cause major delays daily;
- There is no transport strategy associated with this plan, all traffic will feed on to Gatland Lane;
- Farleigh Lane is already breaking up as a result of the constant traffic which thunders down the centre of the road, wildly ignoring the 30mph limit, and using the centre of the road due to thoughtless drivers parking partly on the pavement on Farleigh Lane northbound.
- On Monday 4 January 2016 there was an accident in Hermitage Lane which resulted in gridlocked traffic in Hermitage Lane, Fountain Lane, Farleigh Lane, Tonbridge Road and probably other local roads in Fant. Even access to Maidstone Hospital was restricted;
- The current parking for residents has reached its maximum;
- The development does not provide adequate space for cars to park nor any potential visitor's vehicles;
- The parking overspill into Gatland Lane and the local area will cause further issues on the roads;
- In addition to the traffic and pollution problems that the development will cause;

- Expanding the Jubilee Free School further has already been ruled out due to the inadequacy of the local traffic infrastructure;
- The reduction in the number of houses by 45 will not be sufficient to significantly reduce impact especially with regard to traffic problems;
- Although the developer is proposing a secondary access on to Gatland Lane, this would only be for pedestrian and cycle traffic;
- The development would be on the edge of the main built-up area, so not really within easy walking/cycling distance of many facilities;
- It is difficult to see how the second access would ease congestion caused by vehicles being used the majority of the time, all having to enter and exit the site via the one access on to Gatland Lane.

6.12 Impact on amenity

- The noise of additional traffic during the peak hours will cause disturbance;
- Due to the location of the proposed site the pollution would hang over the valley and condense until dispersed by the wind;
- Additional housing on Fant Farm would cause local residents to feel uneasy about using the area for their own leisure and recreational use;
- The next generation will also have to suffer from the pollution and lack of jobs that overpopulation causes;

6.13 Flooding

- With the gradient on the site and the fall in levels to adjoin properties there is doubt that surface water runoff can be adequately dealt with on the site;
- Paving over “new” land will just add to the problems of flooding and exacerbates the impact of intense rain storms;
- Surface water run-off into the River Medway will increase and with it the frequency of flooding in the town centre will increase. This will be exacerbated by wetter winters due to climate change.

6.14 Infrastructure

- The facilities in the area cannot cope with any more housing;
- It is the council’s responsibility to grant permission for housing where it is safe and the access and amenities are of sufficient standard to accept them;
- Increasing the local population where registering with a GP and schools is at best a challenge;
- It would also put additional pressure on the already overstretched Maidstone Hospital nearby, as well as the local schools and dentist/doctors surgeries;
- Our local schools are 'Good' or 'Outstanding', and we would like to keep them that way. Stretching their resources will only damage the education of the next generation;
- There are insufficient local services to sustain this development. There is already insufficient parking for local shops and other business, eg in Hartnup St and Tonbridge Rd.

Consultation on additional information

6.15 Following the submission of additional information by the applicant (see paragraph 8.2) further public consultation was carried out in February 2016. In response to this consultation six further letters have been received repeating points that have already been outlined above.

- This landscape has not changed, since ALLI designation so if it was once worthy of such a designation, I fail to understand why the same does not apply now;
- Although landscape designation is not of national importance like an AONB, as the name suggests it is still important locally;

- It is unclear how an additional 45 second delay in traffic movements can be predicted accurately;
- With levels of current congestion even this seemingly minimal time added to their journeys will have a big impact;
- The air quality assessment indicates that the further impact on air quality in our area would be considered to be negligible;
- Any increase in traffic flow will be adding to the already high level of traffic fumes and will decrease the quality of air in our area further;
- As a resident of the Fant Ward, I respectfully urge the deciding committee to please consider the vast numbers of public objections already raised, as well as the 84 page petition lodged;
- To enable them to come to the right decision which would be to reject this planning application;
- Most households these days have at least 2 cars, so we could be looking at 450 extra cars, meaning 900 extra car movements per day;
- At the bottom of Hermitage Lane the Council have allowed the old Alms Houses to be pulled down and shops and a McDonalds to be built. What is more important houses or McDonalds;
- Greenbelt land is needed to grow food on, as we import too much already;
- You do not have a mandate to destroy more of our precious countryside;
- No amount of fiddling about with white lines or altering traffic light sequences is going to lessen the impact of the huge amounts of traffic;
- Residents have no confidence in KCC highways projections of vehicular movements in this area;
- Fant Farm must not be viewed as a standalone application but be considered with the accumulative effect of over 1300 homes already approved in this area.

#### **Save Fant Farm Community Group**

6.16 There is an objection to the application on the following grounds:

#### Prematurity.

6.17 This site has been found unsuitable for housing development on many occasions during the preparation of the Local Plan to 2035. The site is not required to meet the 5 year housing supply.

#### Highways impact

6.18 The local road network does not have the capacity to accommodate the volumes of traffic that would be generated. This includes the mediaeval bridge over the River Medway that does not have a suitable means to control existing traffic levels. The methods of reducing the traffic impact put forward by the developer in the transport assessment will not work, and this includes s106 obligations as there is insufficient capacity to make the necessary improvements.

#### Loss of agricultural land.

6.19 The application site is grades 2 and 3a and has recently produced a good yield as part of a viable agricultural entity. The use for agriculture is important to the 'future welling being of the nation' and to remove the damaging impact of transporting goods.

#### Visual impact and air pollution

6.20 In August 2014 the whole River Medway Valley was designated by the Council as the "Medway Valley landscape of local value" area. The development is contrary to the NPPF that says that building work must "*enhance the locality for future generations*". Whilst no one is entitled to a view, the development would disrupt air flows, 'remove

an essential lung' and lead to air pollution generated by 'central heating fumes, car fumes and living generally'.

#### Infill development

- 6.21 The applicants have referred to the proposal as 'infill' development. This is contrary to planning case law with inspectors stating that infill can only be a maximum of 2 houses.

#### Sustainability

- 6.22 The development will be unsustainable as none of the essential services, such as schools and doctors in the area, can support the proposed increase in population. Maidstone hospital is running at full stretch now.

#### Consultation response on additional information

- 6.23 In response to further consultation a further letter was received from the 'Save Fant Farm group making the following points:

- 6.24 Reference is made to the recent decision of the Secretary of State in relation to the planning application MA/13/2197.

- 6.25 The proposed development will be contrary to the NPPF and a policy statement from the planning minister reported on the 8 September 2014 that said that "*Councils should be using their powers and the support that is available from the government to prioritise development on brownfield sites, work with the local community and defend our valuable countryside against urban sprawl*".

- 6.26 The development will be contrary to policy ENV32 which serves to protect coalescing within the urban community. (*Officer comment: Policy ENV32 is not relevant to the current application as this policy only relates to areas within the Southern Anti-Coalescence Belt and the current application site is outside this area*).

- 6.27 NPPF 32 recites "where residual cumulative transport impacts are identified as severe, development should be refused". The cumulative impact from local developments will result in severe impact and the application should be refused on this basis.

- 6.28 NPPF 35 urges "a safe and secure development to minimise conflict between traffic and cyclists and pedestrians. Gatland Lane is an improved "LANE" constructed for agricultural use and widened to a carriage width of 6.0 metres. Gatland Lane is also a bus route serving services 8 and 86. Gatland Lane is currently used as a "rat run" to avoid the Fountain cross roads and has been further congested by the planning permission granted to the Jubilee School. In these circumstances, where near misses are now frequent, it is difficult to imagine how NPPF could in any way be considered to be adhered to.

#### Ward Councillor – Cllr. Paul Harper

- 6.29 The application is called in for committee determination to allow review and full debate for the following reasons:

- The site is not designated for development in the draft local plan;
- The extent of local concern about local highway impact;
- The impact on the local environment and Medway Valley; and
- Sustainability issues regarding schools, GP surgeries, shops etc.

**Ward Councillor – Cllr. Stephen Paine**

- 6.30 There is an objection to the planning application for the following reasons:
- 6.31 This application is premature. The draft Local Plan that is at an advanced stage has allocated sufficient sites to accommodate Maidstone's objectively assessed housing need with a sufficient number of positively planned and tested alternatives.
- 6.32 The area has recently been classed as a landscape of local value (LLV). The landscape character assessment identifies views to the south as a key landscape feature of this site - development of the quantum proposed will jeopardise these views and, therefore, the integrity of the LLV. The illustrative plan provided by Gleeson suggests that housing could stretch as far down the valley as Homewood Orchard - meaning the visual harm to the landscape will affect key vantage points from public footpaths on both sides of the valley.
- 6.33 Whilst an outline application the cumulative traffic impact needs to be considered of 270 homes plus the new one-form entry primary school (Jubilee Free School) at Gatland House. Traffic mitigation is proposed at the Fountain Lane crossroads to accommodate the impact of development on Hermitage Lane, but the cumulative impact of development off Gatland Lane will render the improvements redundant.
- 6.34 Unlike Hermitage Lane, development on Fant Farm is likely to cause severe traffic pressure (including junction failure) in some of Fant's Victorian streets - such as Hartnup Street, Hackney Road, Upper Fant Road and Douglas Road. Speedy rat running could get worse on Glebe Lane, and East Farleigh Bridge (already over design capacity) will be placed under even more pressure.

**Ward Councillor – Cllr. Matt Boughton**

- 6.35 The application is called in for committee determination for the following reasons:
- The site is not designated in the emerging Local Plan as suitable for Development.
  - There would be a considerable visual impact on the Medway Valley from all sides of the development, including the south side of the River Medway and local footpaths.
  - I am concerned about the ability of local GP surgeries in the area to cope. I note that NHS England Property Services believe the current proposals will require an extra £132,256.80 in s106 money to make the necessary improvements to their surgeries within a 1 mile radius. Considering the large amount of money which needs to be spent, I would like to see this point scrutinised further.
  - With the Jubilee Free School on Gatland Line only taking 240 pupils, I am unconvinced by the availability of school places in the local vicinity to be able to take the extra pupils from this development. This point applies to Primary School places, Boys Grammar places, Girls Grammar places and Secondary Modern places.
  - I note that Kent Police highlight that there has been no assessment in the development to apply the seven attributes of the CPTED (Crime Prevention Through Environmental Design). Until this is completed, any approval should not be put forward due to the potential for the development to increase crime and anti-social behaviour both there and on existing local roads.
  - Farleigh Bridge is a medieval structure which is already over capacity, which would be increased with this development on its doorstep.
  - The Fountain Crossroad improvements will be redundant due to the combined pressure from developments at Fant Farm and Hermitage Lane.

- With only 1 entrance/exit on to Gatland Lane, many vehicles will follow the bus route along Fant Lane-Hackney Street-Upper Fant Road-Douglas Road-Westree Road. Has an assessment been made on these roads ability to cope with increased traffic congestion, and the availability of car parking in the area with local shops en route? Furthermore, pressure on the junctions of the A26 with Westree Road/ St Michaels Road/ Hartnup Street/ Fant Lane/ Terminus Road/ Farleigh Lane/ Glebe Lane should be made as possible exit routes for vehicles from this development.

**Kent County Council - Cllr Rob Bird - Member for Maidstone Central.**

- 6.36 Objection to this application on the following grounds:
- 6.37 Maidstone Borough Council has recognised the value of this area to the local environment and has agreed to designate part of the Medway Valley area including this site as Land of Local Landscape Importance.
- 6.38 This site is not deemed appropriate for development on the scale proposed and should be maintained as green space.
- 6.39 The applicant's traffic modelling is based on July 2014 survey data. This is already out of date and as July is not a normal month the data is likely to understate existing traffic levels. The traffic modelling fails to recognise that many of the local roads are already close to, or at design capacity.
- 6.40 Significant further development has already been approved for the Hermitage Lane area and limited mitigation measures have been agreed - notably at the Fountain/Spice Fusion junction. However, there is no scope for further increasing the capacity at this junction. I do not accept that an additional 50 vehicle movements per hour at this junction would not have a significant impact; they could easily be the tipping point leading to total gridlock. Furthermore, the additional 45 second delay would be a major impact for all motorists at this junction and would lead to significantly higher levels of air pollution.
- 6.41 The traffic assessment fails to take into account the impact of additional flows on narrow residential streets such as Hackney Road and Hartnup Street which are already frequently clogged through a combination of traffic and parked vehicles. In addition in Spring 2015 c 500 vehicles were recorded passing over Farleigh Bridge in just 1/2 hour during the morning peak, despite the level crossing being closed twice during this period. How is this narrow single file ancient bridge expected to cope with yet more traffic?
- 6.42 Additional traffic will inevitably make junctions such as Gatland Lane/ Glebe Lane/ Farleigh Lane and Hartnup Street/ Tonbridge Road more dangerous but no mitigation measures are proposed. This is not acceptable.
- 6.43 The Air Quality Assessment conclusion is incorrect. There are already hotspots in Fountain Lane and at the bottom of Farleigh Lane. Any additional traffic, especially whilst vehicles are queuing, is likely to push this pollution above acceptable levels. The Addendum to the Air Quality Assessment includes extremely spurious traffic data in table 2.1. It is totally unrealistic to assume that this proposed development will have a zero traffic impact on the A26 (both directions), Hackney Road (East) and Upper Fant Road. I would expect MBC to insist that this work be undertaken again using meaningful traffic data.



## **7.0 CONSULTATIONS**

### **East Farleigh Parish Council**

7.1 Objection to the application for the following reasons:

- This development wasn't in Maidstone Borough Council's original call for sites.
- The development would take up useful agricultural land.
- There is no infrastructure to support this number of houses
- Surrounding roads, lanes and East Farleigh Bridge are already at saturation point and cannot absorb potentially 450 more cars (assuming 2 per household).

### **MBC Landscape Consultant**

7.2 In assessing landscape effects the applicant highlights the benefits arising from the implementation of the landscape proposals associated with the application scheme. It is acknowledged that the layout of the application scheme appears to be well considered and appropriate in landscape terms and that the landscape proposals would partly mitigate adverse landscape effects and assist in integrating the development into the local area. It is also acknowledged that the creation of orchards and other planting proposals would complement the wider existing landscape character and comply with some of the aspirations for landscape improvements expressed in the published landscape character studies relevant to the area.

7.3 It is acknowledged that the soft landscape proposals associated with the application scheme would provide some screening and softening of the development and assist in integrating it into the landscape. A rather stylised graphic has however, been used for the proposed tree planting in the photomontage images and their scale appears slightly exaggerated, particularly in terms of spread. In addition the orchards are indicated at 5m height at Year 20. In practice orchards are generally managed at lower heights to facilitate ease of fruit picking. The result is that the screening provided by the proposed trees appears somewhat over emphasised. In addition, while the scale of the built forms in the views is assumed to have been correctly modelled the flat grey tones used for the building finishes are more visually recessive than would actually be the case.

7.4 In reality the different colours of various building finishes, shadow-lines and reflective glazing (particularly that which is south facing) etc. are likely to make the new buildings more conspicuous than those illustrated in the photomontages. This is apparent from the comparative appearance of existing settlement areas in the views. Some of the visual effects appear also to be understated for key visual receptors.

7.5 Despite positive aspects of the landscape proposals however, the application scheme would still fundamentally change the landscape character of the site from open rural countryside to residential development and ultimately result in some adverse landscape effects that would remain in the long term. It would remove rural countryside separating existing development at Cowdrey Close/Gatland Lane and Terminus Road/Farleigh Lane, encroach into a highly visible part of the designated Medway Valley area of local landscape importance and represent the loss of a rural landscape amenity resource currently experienced, albeit it indirectly, by local residents and users of numerous local roads and PRow on both sides of the Medway Valley. In addition the semirural character of Gatland Lane adjacent to the site, with its open rural views looking south, would become urbanised.

7.6 Overall the applicant understates the adverse landscape effects that would result from the application scheme. The low value attributed to the majority of the site, results in its sensitivity being understated. The magnitude of effect at Year 20 is

described as small and the conclusion is that there would be a minor beneficial significance of effect in this timescale. In practice the loss of open rural countryside would result in a large magnitude of effect, even in the long term allowing for the establishment of the landscape proposals, and significant adverse landscape effects would remain at Year 20.

- 7.7 Lighting arising from proposed houses, street lights and vehicles within the application site would also contribute to the adverse landscape effects with the introduction of new light sources into the countryside, albeit it set against a backdrop of some lighting in existing settlement areas.
- 7.8 The applicant's landscape and visual impact assessment (LIVA) states that Gatland Lane to the east of Terminus Road is characterised by a well vegetated structure of mature trees. This may apply to the north side of Gatland Road. The south side of this road is however, only sporadically vegetated and attractive open views across the site to the south side of the Medway Valley are possible from the road. Photographs within the LIVA demonstrate the open nature of the arable fields to the east of the application site and the extensive views of the proposed development that would be available from PRow KB12, KB13 and localised parts of KB17 where adjacent hedgerows are punctuated on both sides of the route by field openings.
- 7.9 While existing residential properties are visible to the north and east, these are relatively unobtrusive and the dominant characteristic of the views is that of pleasant open rural countryside. Site context photographs within the LIVA illustrate clear views towards the site from publically accessible locations on the south side of the Medway Valley. The photomontage images demonstrate that the application scheme would be very visible from key viewpoints on the south side of the Medway Valley and result in visible coalescence between the existing development at Cowdrey Close/Gatland Lane and Terminus Road/Farleigh Lane.
- 7.10 In the submitted Planning Statement the applicant states that the proposed development responds to a number of key landscape and visual sensitivities including *"To retain the character of views from Gatland Lane across to the southern aspect of the valley, open space is located in the central part of the Site"*. The fact is that the character of views from Gatland Lane would be profoundly changed and curtailed by the application scheme with the southern aspect of the valley being largely screened.

#### **MDC Heritage**

- 7.11 No objection to the development on heritage grounds.
- 7.12 The conservation officer is in agreement with the findings of the submitted Heritage Statement that the development (if carried out in line with the illustrative layout submitted with the application) would have no adverse impact on the settings of the heritage assets that have been outlined. The conservation officer is satisfied that there are no other heritage assets likely to be affected which are not identified.

#### **MDC Tree Officer**

- 7.13 No objection subject to planning conditions that identify areas for open space and new planting and require the submission, approval and implementation of a tree protection plan prior to any site preparation works taking place. This root protection plan is to ensure that root and soil damage does not take place within the Root Protection Areas of the retained trees and hedges.

- 7.14 There are no individual trees or groups of trees on the site that are considered of a quality that their long term retention within a development scheme should be a constraint to development. It is noted that the some of the hedges on the site mark lines of historic field boundaries and any detailed proposal should seek to retain these within the scheme.

**MDC Transport Planning**

- 7.15 Whilst there is no objection to the proposal, it is considered that the measures to encourage public transport use should be advanced further.

**MBC Parks and Open Spaces**

- 7.16 No objection to the development subject to a planning obligation requiring a financial contribution of £400 per dwelling to mitigate the increase in usage of facilities at the site known as Gatland Lane recreation ground as well as any others within a one mile radius of the development. The offsite contribution would be used for the improvement, maintenance, refurbishment and replacement of facilities within this area.

**Mid Kent Environmental Health – Air Quality**

- 7.17 No objection to the development subject to a planning condition requesting on site air quality mitigation measures. These measures should be to a level that adequately mitigates the harm that has been identified by the applicants submitted emissions mitigation and damage cost assessment

**Mid Kent Environmental Health - Contaminated land and noise.**

- 7.18 No objection to the development subject to planning conditions relating to contaminated land and an informative highlighting the Mid Kent Environmental Code of Development Practice.

**Natural England**

- 7.19 No objection to the development.

**Kent Wildlife Trust**

- 7.20 No objection subject to planning conditions being attached to any approval seeking a survey of all breeding birds on the site, a mitigation strategy with detailed provision for all birds, the submission and approval of all external lighting and a bat mitigation plan.

**Kent County Council – Highways**

- 7.21 No objection to the proposal subject to a planning obligation and planning conditions to secure off site highway improvements. The planning obligations should seek all of the off-site improvements proposed by the applicant including bus stop improvements either via a Section 278 Agreement or by appropriate financial contributions towards the delivery of highway improvements at the A20/Hermitage Lane junction.
- 7.22 The Transport Assessment Addendum submitted by the applicant has provided additional information that enables KCC Highways to remove the holding objections previously raised in respect of this planning application. The following comments are made on site access, sustainable travel Traffic Impact and Mitigation: A26/Fountain Lane/Farleigh Lane Junction; Traffic Impact and Mitigation: A20 and Hermitage Lane Corridors

#### Site access

- The proposed provision of hard surfacing on the existing Public Right of Way (PRoW) that runs through the site is welcomed as this will afford improved scope for it to be used by pedestrians in all weather conditions.
- The absence of a proposal to provide lighting along the PRoW is understood to be influenced by the desire of the Borough Council to retain its rural character. This may deter some users from using it during hours of darkness.

#### Sustainable travel

- The Addendum has presented further information regarding the proximity and availability of various local facilities.
- This supports the view that there will be scope for some local journeys to be undertaken by walking, cycling and public transport.
- KCC Highways accept that such opportunities will exist, and that the proposed improvements to pedestrian facilities and bus stops will help to encourage journeys of this nature.

#### Traffic impact and mitigation: A26/Fountain Lane/Farleigh Lane junction

- An additional capacity improvement has been proposed by the applicant to address the objection previously raised regarding worsening delays on the Fountain Lane arm of the A26 junction.
- The improvement involves the lengthening of the two lane approach on Fountain Lane to provide additional queuing capacity. This will, to some extent, formalise and extend the side-by-side queuing that already takes place at this location through the alteration and addition of road markings.
- The Addendum includes capacity modelling that demonstrates how this modification, coupled with the other previously proposed improvements to the junction, will mitigate the impact of the additional development traffic on peak period operating conditions.
- When viewed in totality, the improvements to this junction also provide scope for the existing SCOOT (Split Cycle Offset Optimisation Technique) capability to be co-ordinated with the nearby Fountain Lane/Heath Road/Hermitage Lane/St. Andrews Road traffic signals. This would also assist traffic flow conditions and will need to be accounted for in any detailed design.
- The proposed new pedestrian crossing on the A26 will also need to be cabled linked to the junction for co-ordination purposes and, at detailed design stage, will need to be a minimum of 3.2m wide rather than the 2.4m shown in the layout drawing.
- Subject to a Section 278 Agreement to secure the junction improvements, the holding objection raised regarding the worsening of congestion at this location has been satisfactorily resolved.

#### Traffic impact and mitigation: A20 and Hermitage Lane corridors

- Further analysis has been presented in the Addendum to provide a clearer understanding of the impact that the additional development traffic would have on operating conditions on the Hermitage Lane/A20 approach to M20 J5. This seeks to address the objection previously raised regarding the potential worsening of congestion on this part of the network.
- Capacity modelling has been presented for the A20/Hermitage Lane and A20/Coldharbour Lane junctions, taking account of recently collated traffic data and other committed developments in the locality.
- The modelling indicates that the junctions will operate at levels close to or above theoretical capacity. The additional development will result in a marginal worsening of queuing and delays at both junctions.

- The modelling also indicates that improvements to both junctions would be likely to realise sufficient capacity for this impact to be accommodated, although such improvements are not proposed in support of the development proposal.
- Having regard to the modelling findings, KCC Highways has some concerns over the additional local congestion this development would create. The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. That can only be judged on a case by case basis, taking account of all material factors.
- KCC Highways has considered the traffic assessment and the current and likely future conditions on the local highway network. This shows that the situation is likely to be worsened, but KCC Highways are not able to conclude that it will result in conditions that could be described as a severe impact on congestion or safety. However, Members should be made aware that the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion, which the applicant cannot fully mitigate, that may cause a worsening in local air quality.
- Subject to a financial contribution towards the improvement of the A20/Hermitage Lane junction forming part of the identified Maidstone Integrated Transport Package, the holding objection raised regarding the worsening of congestion on this part of the network is removed.

#### **Kent County Council - Public Rights of Way**

- 7.23 No objection following receipt of further information in the Transport Assessment Addendum.
- 7.24 Several Public Rights of Way are found within and bordering the proposed development including Public Right of Way footpath KB17 and KB13. The existence of the right of way is a material consideration.
- 7.25 It is noted that the development mentions upgrading and improving the Public Rights of Way network to encourage new residents to use sustainable transport. The Area Public Rights of Way Officer fully supports any network improvements subject to any changes to the surface, status or public access to the Public Rights of Way being agreed before construction. It should also be noted that any cycle tracks must be constructed and dedicated under the Cycle Track Act to be considered a Cycle Link.
- 7.26 The applicant should be made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

#### **Kent County Council – Biodiversity and Ecology**

- 7.27 No objection subject to the provision of additional information on breeding birds including ground nesting birds and planning conditions requiring the following:
- submission of a detailed reptile mitigation strategy (including updated reptile survey, details of the proposed receptor site, translocation methodology and timings of the proposed works);
  - details of the ecological enhancements,
  - details of the management for the open space areas and
  - measures to ensure that lighting does not impact upon bats.

#### **Kent County Council – Archaeology**

- 7.28 No objection however due to the general potential for prehistoric and Roman remains any approval should be subject to a planning condition seeking further assessment.

The planning condition should secure and implement archaeological field evaluation works in accordance with an approved specification and written timetable. The site lies within the valley of the River Medway to the west of Maidstone built environment. This is an area which would have been favourable for prehistoric and Roman activity and there are Roman villas known in this general area.

**Kent County Council – Infrastructure provision**

- 7.29 No objection subject to securing planning obligations to mitigate the impact of the proposed development on the following local infrastructure: the delivery of local Education and Community Services (including Libraries, Youth, Community Learning and Social Care), the provision of five wheelchair accessible homes as part of the on-site affordable homes delivery, and a planning condition and informative relating to broadband provision.

**Kent County Council - Local Lead Flood Authority**

- 7.30 No objection subject to conditions and an informative. The conditions should require the submission of a detailed sustainable surface water drainage scheme (including implementation, maintenance and management), a restriction on the infiltration of surface water drainage into the ground and an informative urging the developer to contact the Flood Risk Protection Officer prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.

**Upper Medway Internal Drainage Board**

- 7.31 No objection subject to the planning condition requesting details of drainage and requiring runoff to be restricted to that of the greenfield site. Details of the sustainable urban drainage system and its future maintenance should be agreed with KCC's drainage and flood risk team.
- 7.32 Whilst the site of the above proposal is outside of the Upper Medway IDB's district, it does have the potential to affect Internal Drainage Board interests, in particular local flood risk. The comments made by KCC's drainage and flood risk team are supported.

**Southern Water**

- 7.33 No objection subject to conditions in relation to foul and surface water disposal and a sustainable urban drainage system and an informative advising the developer to contact Southern Water.
- 7.34 Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul and surface water system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.
- 7.35 Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned proposal.

**Kent Police - Crime Prevention Design Advisor**

- 7.36 No objection subject to the following informatives attached to any decision:
- The applicant is advised of the Kent Design Initiative (KDI), which seeks to assist developers in relation to Crime Prevention and Community Safety.
  - To ensure that a comprehensive approach is taken to crime prevention, and 'Designing out for Crime and Community Safety' it is recommended that Kent

Police Crime Prevention Design Advisors (CPDAs) are involved in the preparation of the reserved matters submission.

#### **NHS Property Services Ltd**

- 7.37 No objection to the development subject to planning obligations to accommodate the extra pressure on the local primary and community health service that will result from the proposed development. This includes the need to invest in a number of local surgery premises (Blackthorn Medical Centre, College Practice (Barming), and Lockmeadow Clinic).
- 7.38 The NHS West Kent formulae for calculating s106 contributions has been used for some time and are considered as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing. Using the NHS West Kent formulae to calculate the cost per person needed to enhance healthcare needs within the NHS services NHS Property Services Ltd seeks a healthcare contribution of £132,256, plus support for our legal costs in connection with securing this contribution. It is confirmed that there are no more than 5 pooled contributions for the sites listed above; therefore our request meets with CIL regulation.

#### **Scotia Gas Networks**

No objection subject to informatives advising the developer of the following: The developer is advised that Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the developers responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant. Damage to Scotia Gas Networks pipes can be extremely dangerous for the developers employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to the developer.

#### **UK Power Networks**

- 7.39 No objection to the proposed development.

#### **Ambulance Service**

- 7.40 No response.

### **8.0 BACKGROUND PAPERS AND PLANS**

- 8.1 The planning application was originally submitted with the following information:
- Design and Access Statement;
  - Planning Statement (including M12 parameters plan and M13 Illustrative Masterplan ;
  - Ecological Assessment;
  - Landscape and Visual Impact Assessment (including a Landscape and Biodiversity Management Strategy);
  - Flood Risk Assessment;
  - Foul Water Drainage Strategy;
  - Utilities Statement;
  - Heritage Statement;
  - Archaeological Desk Based Assessment;
  - Agricultural Land Classification;
  - Transport Assessment;

- Framework Travel Plan;
- Air Quality Assessment;
- Sustainability Statement;
- Statement of Community Involvement;
- Arboricultural Survey;
- Parameters Plan (Dwg No. M-12 Rev D);
- Proposed Site Access Arrangement and Off Site Highway Works (Dwg No. ITB10344- GA-001 Rev B);
- Illustrative Masterplan (Dwg No. M-13 Rev B)

8.2 Following submission of the application the following further information was received

- Letter from applicant dated 15 December 2015;
- Landscape and Visual Impact Assessment Addendum (received 15.12.2015);
- Agricultural Land Classification report (received 15.12.2015);
- Addendum to the Air Quality Assessment (received 15.12.2015).
- Transport Assessment Addendum received 08.02.2016;
- Letter from applicant dated 26 January responding to Ecology comments;
- Letter from applicant dated 10 February (updates).

## 9.0 **APPRAISAL**

### **Background**

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise.

### **Development Plan**

9.2 In this case the development plan comprises the Maidstone Borough Wide Local Plan 2000. The starting point for consideration of the current proposal are Local Plan policies ENV28 and ENV35. Policy ENV28 relates to development within the open countryside stating:

*“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:*

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

9.3 The current proposal has been assessed against the exceptions listed in policy ENV28 and none were found present. Policy ENV35 states that in areas of local landscape importance particular attention will be given to the maintenance of open space and the character of the landscape and encouragement will be given to improvements in public access.

9.4 The application site is currently in agricultural use with public access restricted to the public rights of way which cross the site (PROW KB17) and run along the southern boundary (PROW KB13). The current proposal will provide various areas of new open space and it appears that there will be public access to this land. Notwithstanding improved access to open space, the development is considered contrary to policy ENV35, due to the quantity of proposed development and the impact that this will have on the character of the existing landscape.



9.5 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it then needs to be considered whether material considerations are present that suggest that such a departure would be justified. The key material planning consideration outside the development plan is national planning policy set out in the National Planning Policy Framework 2012.

#### National Planning Policy Framework

9.6 The National Planning Policy Framework (NPPF) places great weight on the requirement to achieve sustainable development. At paragraph 14 the NPPF states that a “...*presumption is favour of sustainable development...should be seen as a golden thread running through...decision making*”. Paragraph 186 advises local planning authorities to approach decision making in a positive way to foster the delivery of sustainable development.

9.7 The NPPF at paragraphs 7 and 8 states that the three dimensions to sustainable development require the planning system to perform an economic role, a social role and environmental role. The NPPF states that these three roles should not be seen in isolation as they are mutually dependent. These three roles are considered below in relation to the current planning application.

#### ● Economic role

9.8 In support of the application the applicant has highlighted the additional jobs that will be generated within the construction phase and the benefits that will arise from the additional labour force that will occupy the new houses.

9.9 Using published data the applicant estimates that spending by future residents on convenience goods, comparison goods and expenditure on leisure goods and services in the local area will generate £4.6 million per annum. The applicant highlights that the Council will gain income from the New Homes Bonus Scheme and through Council Tax.

9.10 New Homes Bonus payments recognise the efforts made by authorities to bring forward residential development. The New Homes Bonus payments however are a redistributive benefit and not a net benefit and considered to have limited weight in the determination of this application. Whilst the other economic benefits that the applicant has highlighted are also acknowledged, these benefits are considered to have moderate weight in the overall consideration of the planning application.

#### ● Social role

9.11 The NPPF states that the social role involves support for strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

9.12 The current application will help meet this social role by offering new housing and local housing choice. The indicative housing mix provides a mix of one (28), two (75), three (88) and four bedroom (34) dwellings. The provision also includes affordable housing units to assist those not able to compete in the general housing market.

9.13 With the current lack of a five year housing land supply in the borough, the provision of 225 houses that includes affordable housing units needs to be given significant weight in the determination of the current planning application. This is in the context of the limited weight that can be attached to the housing allocations in the Regulation 19 publication as set out the in paragraph 9.21 of this report.

- Environmental role

- 9.14 The proposed development is located on an open field that is outside the defined urban area. The site is in a prominent location and in an area where landscape value has been recognised by both adopted and emerging policy. In this context there is significant weight attached to the environmental impact from the proposed development.
- 9.15 In conclusion the determination of the current planning application requires the relative social and economic benefits that the proposal will bring, in the supply of new housing, additional employment to be assessed against the adverse environmental impacts. In assessing this impact the report includes consideration of housing land supply, the loss of the existing agricultural land, the visual impact on the local area, the impact on ecology and impacts in relation to traffic generation.

### **Housing land supply**

- 9.16 The National Planning Policy Framework (NPPF) at paragraph 47 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to meet the local need for housing over a period of five years. An additional buffer of 5% should be provided to ensure choice and competition in the market for land. This buffer should be increased to 20% where there is a record of persistent under delivery to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 9.17 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford Borough Council and Tonbridge and Malling Borough Council. 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 an objectively assessed need for some 19, 600 additional new homes over this period. This figure was agreed by Cabinet in January 2014.
- 9.18 Following the publication of updated population projections by the Office of National Statistics in May 2014, the Council along with Ashford Borough Council and Tonbridge and Malling Borough Council commissioned an addendum to the Strategic Housing Market Assessment. The outcome of this focused update in August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 9.19 Since Cabinet agreed to the objectively assessed need figure of 18,600 dwellings in September 2014, revised household projection figures have been published by the Government and as a result the Strategic Housing Market Assessment has also been reassessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new objectively assessed need figure of 18,560 dwellings (reduction of 40 dwellings).
- 9.20 The new Local Plan has now advanced and is out to Regulation 19 publication, the Council considers this version of the Plan is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September 2016.
- 9.21 The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the objectively assessed need figure. The plan will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it

moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.

- 9.22 Notwithstanding the progress of the Local Plan, it remains the case that the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the objectively assessed need of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements. The Council's five year supply position will be formally reviewed in April or May 2016 in order to support the submission of the Local Plan to examination in May 2016. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.
- 9.23 In circumstances where a five year supply of deliverable housing sites cannot be demonstrated and in relation to decision making, the NPPF at paragraph 49 states that *"relevant policies for the supply of housing should not be considered up-to-date..."*.
- 9.24 The National Planning Policy Framework (NPPF) states at paragraph 14 that where a development plan is absent, silent, or relevant policies are out of date, planning permission should be granted for development unless the *"...adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.
- 9.25 In accordance with paragraph 14 of the NPPF it needs to be considered whether the benefits arising from the proposed development of land at Fant Farm in terms of housing supply outweigh the adverse impacts. In making this assessment and as set out below, the key issues are considered to be the loss of the existing agricultural land, whether the proposal represents sustainable development, assessing potential impact on the pattern of development, landscape, traffic and transport.

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

- 9.26 The current application site is an arable field covering an area of 14.47 hectares and in public consultation responses it has been highlighted that the land appears to produce a high yield. Within the application site boundary the submitted proposal includes residential development on 7.24 hectares (net) of land with the remaining areas of land on the site providing open space, servicing and access areas.
- 9.27 The National Planning Policy Framework (NPPF) at paragraph 112 states that where it has been demonstrated that the significant development of agricultural land is necessary, *"...local planning authorities 'should seek to use' areas of poorer quality land in preference to that of a higher quality"*.
- 9.28 The Agricultural Land Classification puts land in one of the five grades (grade 1, 2, 3a, 3b or 4). The NPPF defines the best and most versatile agricultural land as land classified in grades 1, 2 and 3a. The framework expresses a preference for development to be directed to land outside of these classification grades (towards grades 3b, 4 and 5).
- 9.29 An Agricultural Land Classification survey of the application site has been conducted on behalf of the applicant. The survey, that included laboratory soil analysis, concluded that 30% of the land within the application site was grade 2 agricultural

land, 58% was grade 3a and 12% was grade 3b. The application site does not include any land within the highest land classification (grade 1) however 78% of the site is in grades 2 and 3a which is considered the best and most versatile agricultural land

- 9.30 The economic and other benefits that come from the best and most versatile agricultural land are acknowledged however in assessing the current proposal the test set out in paragraph 14 of the NPPF needs to be applied. This test is to consider whether the “...adverse impacts...would significantly and demonstrably outweigh the benefits”.
- 9.31 In public consultation responses it has been stated that the potential to use the land for food production should be given greater preference than the need for new housing. It is considered that the social benefits that will arise from the development of 225 new houses in meeting local housing need would in this case outweigh the adverse impact from the loss of this ‘best and most versatile agricultural land’.

### **Visual impact**

- 9.32 Paragraph 17 of the NPPF sets out core planning principles, these include the need to: ‘take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it contribute to conserving and enhancing the natural environment.’ 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.
- 9.33 The NPPF at paragraph 113 makes a distinction between the hierarchy of international, national and locally designated sites stating that protection should be commensurate with their status. The NPPF permits the protection of locally valued landscapes through the application of criteria and the local analysis of landscape character and sensitivities.
- 9.34 The application site is not located in an area with nationally designated landscape protection (SSSI, AONB, National Park etc.). The site is however recognised as having local landscape value designated as an area of local landscape importance in the adopted local plan and as a landscape of local value in the draft local plan.
- 9.35 As set out earlier in this report (paragraph 4.8) the application site is located within landscape character areas at a national, county and borough level. The borough level assessment is provided within the Maidstone Landscape Character Assessment 2012 (amended 2013). The landscape character assessments highlight the rural nature of the area with mixed agriculture including, fruit growing and orchards. The assessment refers to the valley topography, with views and the influence of the adjacent urban areas. The actions recommended by the assessment are to improve the landscape such as reinstating hedgerows, maintaining well managed field boundaries and reintroducing orchards.
- 9.36 In January 2015 the Maidstone Landscape Capacity Study: Site Assessments report was published. The assessment and report was commissioned by the Council to help provide a “robust evidence base to the Local Plan and will be used to inform the Sustainability Appraisal of any land allocation proposals”. The assessment considered the capacity of the landscape to accommodate either housing, mixed use, employment or economic development on a number of sites throughout Maidstone Borough.

- 9.37 The sites assessed as part of the Landscape Capacity Study are those that were provided in the draft local plan, together with those highlighted as part of the 2014 'call for sites' exercise. The land included as part of the current application site straddles two of these land plots. Site HO-95 (Farleigh Lane and Gatland Lane) is the northern part of the application site on the highest ground and to the west of existing built development in Cowdrey Close and Pitt Road. The overall landscape sensitivity of this land was found to be moderate with a moderate capacity to accommodate new housing.
- 9.38 The second part of the application site located to the south of existing built development in Cowdrey Close and Pitt Road is assessed as site HO-74 (Fant Farm). The overall landscape sensitivity of this second area of land was found to be high with a low capacity to accommodate housing. The assessment highlighted the sloping valley side "*that promotes extensive views to and from the landscape on the opposite valley side, including from East Farleigh Conservation Area*". The assessment concluded that there was "*very limited scope for mitigating potential visual impacts*" due to the prominence of the site and the "*high number of visual receptors*".
- 9.39 With the sensitive position of the site on the upper slopes of the Medway Valley and the local landscape designation, the applicant has submitted a full Landscape and Visual Impact Assessment (LVIA) in support of this outline planning application. The LVIA states that the indicative design and layout of the proposed development has been landscape led.
- 9.40 The Council's Design Surgery recently considered the submitted proposal. The surgery welcomed the analysis of the wider area that had been included as part of the application. The terracing strategy "*a sandwich approach of landscape and housing*" was also considered a good approach the site if it is to be an allocated housing site. It was considered that there were failings within the Landscape and Visual Impact Assessment lets them down including in relation to the extent that trees would provide screening in the in early years. It was considered by the surgery that the view across the valley is very sensitive and that the development would cause harm. The surgery considered that it would be hard to argue the harm is insignificant stating that going from a field to houses cannot be disguised with a hedge.
- 9.41 The surgery considered that there was a good opportunity to provide adequate links to the station and the details to make it safe and secure will be important. The surgery considered that the masterplan uses the topography well, picks up significant links and has the potential to achieve a soft edge. It was considered that there was a rational edge to the existing town. If a wider perspective is taken which logically follows topography, this suggests the housing on the lower slopes ought to be omitted.
- 9.42 In terms of the pattern of local development, the application site and adjoining land provide a break in the existing built development to the south of Gatland Lane and an open aspect providing views across the Medway Valley. This open area along Gatland Lane extends from the property at 39 Gatland Lane in the east to Farleigh Lane in the west. The open land along Gatland Lane together with land stretching to the southern side of the Medway Valley is designated within the Local Plan as having local landscape importance.
- 9.43 The application site and adjoining open piece of land are bordered to the east by residential development in a number of minor roads (including Cowdrey Close, Pitt

Road, Burns Road and Shelly Road). The layout of development on plan in these minor roads, and development further to the east of Hackney Road, form a defined, but staggered boundary edge between built development, and the open countryside. This staggered edge of the urban area steps northwards towards Gatland Lane providing a transition from the urban nature of Maidstone Town Centre located to the north east making reference to the route of the railway line and the River Medway located further to the south.

- 9.44 The open land along Gatland Lane extends to the west ending with ribbon residential development on the west side of Farleigh Lane. This ribbon residential development extends from Glebe Lane southwards, into the area designated as having local landscape importance.
- 9.45 The proposed built development will extend from Gatland Lane down the northern slope of the Medway Valley, to a point level with the Homeward Orchard plant nursery in Farleigh Lane. The applicant has stated that this layout will reflect the '*topographic position*' of the existing settlement pattern in Cowdrey Close and Pitt Road. The applicant sets out that the alignment of the built form reflects the linear and stepped edge of the existing settlement pattern adjacent to the site.
- 9.46 Whilst the defined stepped layout of neighbouring development is acknowledged, the current layout steps northwards allowing the open space to widen as you get further away from the dense urban character of the town centre. The proposed development will extend significantly further southwards into the open space of the Medway Valley past existing built development including houses in Cowdrey Close. It is considered that this layout and the extent of development will result in harm to the character of this northern edge of this area of local landscape importance and the character of the area generally.
- 9.47 Whilst the existing ribbon housing along Farleigh Lane is acknowledged, the area to the south of this housing has an open character with only sporadic existing development. In this area there is currently an agricultural building, a single residential property called Homewood and buildings associated with Homeward Orchard plant nursery.
- 9.48 The position of Homeward Orchard plant nursery and natural ground levels are used by the applicant as justification for the proposed extent of built development down the northern side of the Medway Valley into this area with an existing open character. It is considered that this justification for the extent of built development is arbitrary and that the proposed development will harm the character and appearance of this area. It is considered that development of this nature will consolidate the existing ribbon development located in Farleigh Lane and unnecessarily encroach into this area with landscape value and designated as having local landscape importance.
- 9.49 The views to the south from Gatland Lane are considered to be a key landscape feature of this area, and this is recognised in the published landscape character assessment. It is considered that due to the level of proposed development this landscape feature will be significantly damaged.
- 9.50 The applicant has stated that the layout of the development is based upon a framework of open spaces and tiered structural planting. It is acknowledged that this proposed layout with open space between areas of housing with tiered planting would provide a level of mitigation with screening of short term views. The benefit of this layout would however be insignificant when compared to the visual harm that would result from the development as a whole. It is considered that the provision of

orchards and other landscaping would also complement the existing landscape character; but again this benefit would not outweigh the negative overall impact on landscape character.

- 9.51 In conclusion it is considered that the proposed development will significantly change the character and cause visual harm to the appearance of this local area with the introduction of new housing in this visually prominent location in open countryside and on the side of the Medway Valley. It is therefore considered that the development is contrary to policies ENV28 and ENV35 of the Local Plan (2000).

**Heritage and archaeology**

- 9.52 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.
- 9.53 The National Planning Policy Framework (NPPF) advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. At paragraph 134 the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.54 The application site is not located within a conservation area. East Farleigh Conservation Area is the closest to the application site located 670 metres to the south west. There are no statutorily or locally listed buildings located on the application site. Outside the application site boundary are Fant House; the Oasthouse at Fant Farm and the wall to the north east of Fant House which are all on the statutory list of historically important buildings (Grade II). The closest of these structures is the Oasthouse that is located 375 metres to the east of the application site.
- 9.55 It is considered that the beneficial impact of the proposed landscape screening has been exaggerated as part of the applicant's submission and as a result the potential impact on the setting of nearby heritage assets not fully considered. This reduced level of screening has been considered by the Council's Conservation Officer and he is satisfied that the proposed development will not harm the setting of any local heritage assets. It is considered that this assessment is correct and no harm will arise to the setting of these heritage assets.
- 9.56 The NPPF at paragraph 128 states that "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 9.57 In support of the planning application the applicant has submitted an archaeological desk based assessment. This assessment reports that the application site is likely to have been utilised for orchards or arable cultivation from the mediaeval period and ploughing and tree planting is likely to have had a widespread negative impact on any archaeology remains present. The assessment concludes that the site can be

considered to have a low to moderate potential for below ground archaeological deposits associated with the Prehistoric and Roman periods. For all other periods the assessment concludes that there is a low potential for below ground archaeological deposits.

- 9.58 The submitted assessment has been considered by Kent County Council Archaeology. It is advised that this is an area which would have been favourable for prehistoric and Roman activity and there are Roman villas known in this general area. There is no objection to the development subject to a planning condition requiring further assessment of the potential for prehistoric and Roman remains. The planning condition should secure and implement archaeological field evaluation works in accordance with an approved specification and written timetable.

### **Ecology**

- 9.59 Under the Natural Environment and Rural Communities Act (2006), *'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'*. In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 9.60 The National Planning Policy Framework at paragraph 109 states that *'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.'*
- 9.61 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."*
- 9.62 The application site consists of an arable field with hedgerows, scattered deciduous trees, tall ruderal vegetation, rough semi-improved grassland and some areas of scrub with hedgerows, grassland and scrub. The site has no statutory ecology designation and is not recognised for being of any notable importance in relation to ecology.
- 9.63 Whilst the application site is not covered by a statutory ecology designation there are several statutory designated sites within 10 kilometres of the site. These sites include areas of ancient woodland and two sites designated as a Special Area of Conservation (Peters Pit and North Downs Woodlands). The submitted ecological report concludes that the proposed development is not likely to result in significant impact on these areas.
- 9.64 Whilst the habitats provided on the site are common and widespread throughout the UK, the land does have the potential to support reptiles and breeding birds. As a result and in support of the current application the applicant has submitted the conclusions of an extended phase 1 habitat survey; a walk over survey, badger survey, bat activity surveys and a reptile survey.

### **Reptiles**

- 9.65 A reptile survey of the site found the only species present were slow worms. With the majority of the site arable land, the reptile population is restricted to the areas of hedgerow/rough grassland around the field boundaries.



- 9.66 The submitted report states that the proposed Sustainable Urban Drainage area is likely to provide the reptile receptor site. As part of this outline submission KCC Ecology have confirmed that this location is likely to be acceptable however it would need to be demonstrated at the detailed design stage through a planning condition that the area has sufficient carrying capacity.
- 9.67 KCC Ecology have confirmed that the submitted survey provides sufficient information to determine the application and if planning permission is approved a planning condition would be necessary to ensure that adequate mitigation is provided.

#### Breeding Birds

- 9.68 The information submitted as part of the planning application has demonstrated that the application site has suitable habitat for breeding birds, including ground nesting birds.
- 9.69 The information provided by the applicant advises that the ecologists monitored for breeding birds during the bat, reptile and phase 1 surveys. KCC Ecology have advised that the survey method for breeding birds is inadequate due to the different timing of breeding bird surveys, the size of the site and the loss of the habitat.
- 9.70 In response, to the concerns of KCC Ecology the applicant has instructed that a specific breeding bird survey be conducted. It has been advised that the results of this survey will not be available prior to the determination of the current planning application. In the event that planning permission is approved it is recommended that the decision is not issued until the results of this survey have been received and evaluated.

#### Bats

- 9.71 The bat activity surveys conducted by the applicant recorded low numbers of common and soprano pipistrelles foraging within the application site. Whilst this survey work would ideally have covered the whole of the application site, the survey information is considered sufficient by KCC Ecology to determine the planning application. This conclusion is based on the habitats that are present and due to the low numbers of bats that were recorded during the survey work.
- 9.72 With the adverse impact from external lighting on foraging or roosting bats, the design of lighting should be in accordance with the Bat Conservation Trust's Bats and Lighting in the UK guidance. In the event that planning permission is approved a planning condition is recommended seeking details of external lighting.

#### Badgers, Newts, Dormice and Invertebrates.

- 9.73 The survey work did not find any evidence of badgers, newts, dormice on the application site and the applicant considers that the site is likely to support "a low biomass of invertebrates".

#### Biodiversity enhancements

- 9.74 As part of the environmental role to achieving sustainable development the National Planning Policy Framework (NPPF) at paragraph 7 states that the planning system needs to contribute to protecting and enhancing the natural environment and to help improve biodiversity. At paragraph 118 the NPPF states that, local planning authorities should aim to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.

- 9.75 Policy ENV6 of the Local Plan states that the council will require a landscape scheme to be carried out as part of development proposals. This landscape scheme should include the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area. The landscape scheme should provide a scheme of new planting of trees, hedgerows or shrubs, using native or near native tree species, and wherever possible native or near native shrub species.
- 9.76 The applicant has recommended biodiversity enhancements in the form of a 3 metre wildlife buffer to the existing boundary hedges and the creation of specific new habitats within the open areas of the development. The current application is in outline form and is considering access arrangements with all other matters reserved for future consideration. In the event that planning permission is approved a planning condition should seek the submission of biodiversity enhancements including new habitats for breeding birds for approval and implementation prior to first occupation of the proposed houses.
- 9.77 It is considered that the subject to the implementation of acceptable mitigation measures, and planning conditions relating to control of external lighting, the management of open areas and ecological enhancement the proposed development would be acceptable in terms of the ecological impact.

**Access and highway safety**

- 9.78 Paragraph 32 of the NPPF states that decisions taken on planning applications should take account of whether all people have safe and suitable access to the site. Policy T1 of the Local Plan states that all new development will require to be safely and securely related either to existing or to improved movement networks.
- 9.79 The current application has been submitted in outline form with access arrangements to be considered at this stage with all other matters reserved for future consideration.
- 9.80 The application site is currently undeveloped and there is no existing direct vehicle access to the public highway. At the eastern end of the Gatland Lane frontage (adjacent to 37 Gatland Lane) there is an existing vehicular access road to the properties at 39 and 41 Gatland Lane. The first part of a public footpath (KB17) running from Gatland Lane follows the route of this access track with the footpath then continuing as a grassed path further to the south. Public footpath KB17 is orientated north to south and divides the main part of the application site into two parts.
- 9.81 Public footpath KB17 continues past the southern extent of the application site. The footpath provides (via footpath KB12) a link to either Hackney Road to the east or to the west joining Farleigh Lane just to the north of East Farleigh Railway Station. Public footpath KB13 is located outside the application site but runs along part of the southern boundary providing a second more northerly link from footpath KB13 to Farleigh Lane.
- 9.82 The proposed main new vehicular access to the development site in the form of a 'T' junction which is located 78 metres from the south eastern end of the Gatland Lane site frontage and opposite the existing telecommunications equipment in Gatland Lane. The main vehicle access will join a 5.5 metre wide access road that goes through the site with 2 metre wide footways on each side.
- 9.83 The access that will require the relocation of an existing lighting column includes sightlines in both directions of 2.4 metres by 59 metres. These sightlines are

considered appropriate for this location and the speed of vehicles travelling past the application site. As part of the application swept path analysis has been submitted and it is considered that this adequately illustrates that the new junction can accommodate the turning manoeuvres associated with large vehicles including refuse vehicles.

- 9.84 The access arrangements include a new pedestrian emergency vehicle access located opposite 56 Gatland Lane. A third and final proposed access point from Gatland Lane is for pedestrians only and located 12 metres from the access to the public right of way that runs adjacent to 37 Gatland Road.
- 9.85 A Stage 1 Road Safety Audit of the proposed access has concluded that there are no fundamental safety hazards associated with the junction layout design and pedestrian facilities. The audit recommended that dropped kerbs and tactile paving should be provided on either side of the site access and this has been addressed within the submitted proposals. The results of the capacity modelling undertaken on the new site access with Gatland Lane demonstrate that this access would operate satisfactorily.
- 9.86 An analysis of five year road crash incidents has not identified any prevalent trends although isolated incidents involving turning vehicles and vulnerable road users have been recorded.

#### **Trip generation and traffic impact**

- 9.87 At paragraph 32, the NPPF states that development should only be prevented, or refused on transport grounds where the residual cumulative impacts of development are 'severe'.
- 9.88 In support of the submitted application the applicant has submitted a Transport Assessment. The trip generation forecasts for the proposed development show that the development will generate 111 vehicle trips in the AM peak hour and 130 vehicle trips in the PM peak hour. The forecasts have been derived through reference to comparable completed developments that are provided within the industry standard Trip Rate Information Computer System (TRICS) database.
- 9.89 The assessment of traffic impact has been based on surveys in July 2014 of the Farleigh Lane, Gatland Lane, Glebe Lane staggered crossroads and the traffic signalled Tonbridge Road, Farleigh Lane, Fountain Lane crossroads. A survey of the junction 5 of the M20 undertaken in September 2014 has also been used. These surveys have provided recent data on each of the main junctions that are considered relevant to the current proposal.

#### **Farleigh Lane, Gatland Lane, Glebe Lane staggered crossroads**

- 9.90 KCC highways have confirmed that the results of the capacity modelling undertaken on the staggered priority crossroads demonstrate that all parts of this junction would operate satisfactorily following completion of the proposed development.

#### **Tonbridge Road (A26), Farleigh Lane, Fountain Lane crossroads**

- 9.91 Following concerns expressed by the highways officer, the applicant has submitted details of additional capacity improvements to this junction. These measures seek to address the potential for worsening delays on the Fountain Lane section of the junction with Tonbridge Road.
- 9.92 The improvement involves the lengthening of the two lane approach on Fountain Lane which will provide additional queuing capacity through the alteration and

addition of road markings. Other mitigation includes modifications to the eastbound Tonbridge Road junction section, including an adjustment to the stop line and the extension of the right turn lane.

- 9.93 It is considered that the proposed works to this junction will mitigate the impact of the additional traffic generated by the development during peak periods. The KCC Highways have confirmed that there is no objection to the proposal subject to the applicant entering into a Section 278 Agreement to secure the junction improvements put forward by the applicant including those set out above. In the event that planning permission is approved this would be secured through a planning condition.

#### A20 and Hermitage Lane corridors

- 9.94 After initial concerns were expressed to the applicant about traffic impact, further analysis has been submitted relating to the potential impact of the development on the Hermitage Lane, A20 approach to junction 5 of the M20. The information that has been received includes capacity modelling for the A20, Hermitage Lane and A20, Coldharbour Lane junctions.
- 9.95 This modelling has considered recently collated traffic data and other committed developments in the locality. The modelling indicates that the junctions will operate at levels close to, or above capacity. The proposed additional development will result in a marginal worsening of queuing and delays at both junctions.
- 9.96 KCC Highways has considered the traffic assessment and the current and likely future conditions on the local highway network. This shows that whilst the current development is likely to make the existing congestion worse, KCC highways have confirmed that it is not possible to conclude that the potential impact on the highway network could be described as a 'severe' in relation to congestion or safety.
- 9.97 The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. Whether the impact is severe can only be judged on a case by case basis, taking account of all material factors.
- 9.98 It is considered that the improvement of the A20, Hermitage Lane junction (forming part of the identified Maidstone Integrated Transport Package) secured through a financial contribution as part of a planning obligation would reduce the highways impact from the development to a more acceptable level. Whilst it is acknowledged that there will be greater congestion on this part of the network. KCC highways have confirmed that subject to the completion of these highways works no objection can be made to the proposal.

#### Sustainable travel

- 9.99 Paragraph 29 of the NPPF states that: *'Transport policies have an important role to play in facilitating sustainable development.....The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.....opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'*
- 9.100 Policy T21 of the Local Plan states that in order to ensure that new development proposed outside the appropriate designated or allocated areas, as defined on the proposals map, is well related to the existing transport network and has opportunities to afford transport choices. Development especially those which are likely to generate a high level of visitors should have good access to existing public transport access points, make provision for ease of access by cyclists and should be well

related to existing development which can be reached along safe footpaths that follow pedestrians' preferred routes.

- 9.101 One of the core planning principles set out at paragraph 17 of the NPPF that should underpin decision making is that planning should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are, or can be made sustainable*”. At paragraph 32 the NPPF states that 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.
- 9.102 New access arrangements from Gatland Lane include a new pedestrian emergency vehicle access located opposite 56 Gatland Lane and a proposed access point from Gatland Lane. This second access is for pedestrians only and located 12 metres from the access to the public right of way that runs adjacent to 37 Gatland Road.
- 9.103 The applicant has put forward measures that seek to provide sustainable travel options for future residents in relation to walking and cycling. These measures include off site improvements in the form of tactile paving and dropped kerbs at side road junctions. The applicant also proposes to convert the pedestrian refuge that is positioned outside 539 Tonbridge Road (to the east of the Terminus Road junction) to a controlled puffin crossing.
- 9.104 It is proposed to retain the section of existing footway that runs along the northern site boundary on Gatland Lane and to widen this path to achieve a continuous width of 2 metres. The existing footpath (PROW KB17) that crosses the application site will be retained as part of the proposal and it will not be diverted or closed. Improvements to the existing Public Right of Way in terms of hard surfacing and access from within the site are proposed to facilitate the use of this footpath. The improvements to the footpath are welcome for internal circulation; however these measures will have limited benefit on sustainable travel outside the site.
- 9.105 As part of the submitted Transport Assessment the applicant has carried out an investigation of the availability and ease of public transport, cycling and walking access in the area surrounding the application site.
- 9.106 East Farleigh railway station is recognised as being within reasonable walking distance to the south of the application site. Whilst East Farleigh railway station offers the simplest and quickest route to access the rail network, there is no scope to improve the existing public footpaths to the south of the site as these are across private land.
- 9.107 There are bus stops immediately adjacent to the site in Gatland Lane. These bus stops provide an hourly Monday to Saturday daytime service to Downswood (no 8.) and Senacre Wood (no.86) both via Maidstone Town Centre. In the opposite direction these services go to Maidstone Hospital via either Beverley Road shops (no.8) or via Fountain Lane (no.86). More regular bus services are available 650 metres from the centre of the application site on the A26 Tonbridge Road.
- 9.108 The submitted Transport Assessment submitted indicates that bus stop improvements are proposed by the applicant. As a minimum, these improvements would need to include the provision of a bus shelter, timetable information and raised kerbing at the bus stops within reasonable walking distance.

- 9.109 A draft travel plan has been submitted in support of the planning application. The travel plan seeks to provide an ongoing basis for encouraging sustainable travel patterns and reducing vehicle trips over time.
- 9.110 The travel plan includes measures, initiatives and targets that are associated with achieving a 10% reduction in single occupancy car journeys over a five year period. In the event that planning permission is approved a planning condition would be necessary to secure the provision and implementation of an agreed travel plan and planning condition or planning obligation towards the off site bus improvement works

#### **Car parking**

- 9.111 The Councils off street car parking standards are set out in the Kent Design Guide Review: Guidance Note 3 (November 2008) on residential parking. The current site is considered to fall in the 'suburban edge, village, rural' category within these parking standards. In 'suburban edge, village, rural' areas one and two bedroom houses require 1.5 spaces per unit, three and four bedroom houses require 2 spaces per unit and 0.2 % is required for on street visitors parking.
- 9.112 The current proposal is in outline form considering access only and as a result it is not possible to confirm the number and size of dwellings at this time. As part of the submission from the applicant, indicative information shows provision of 28 one bedroom units, 75 two bedroom units, 88 three bedroom units and 34 four bedroom units.
- 9.113 The applicant intends to provide off street car parking and on street visitor parking in dedicated lay-bys. It is considered that there is sufficient space on the site for the provision of adequate on-site parking that will reduce the potential for any overspill parking on existing adjacent roads. The applicant has stated that it is intended that the detailed design will fully comply with adopted parking standards and there is nothing currently available that would suggest that this could not be achieved.
- 9.114 In conclusion the access arrangements that have been outlined as part of the application demonstrate that the proposed access to the application site can be achieved in a satisfactory manner with no adverse impact on highway safety. In relation to trip generation and traffic impact it is concluded that the Farleigh Lane, Gatland Lane, Glebe Lane staggered crossroads will operate satisfactorily following completion of the proposed development.
- 9.115 The traffic impact on the Tonbridge Road A26, Fountain Lane, Farleigh Lane junction can be satisfactory mitigated by junction improvements secured through a section 278 agreement and a planning condition. The mitigation achieved through highway improvements that can be secured as part of a planning obligation will reduce the impact to an acceptable level on the A20 and Hermitage Lane Corridors. It is considered whilst the proposals do not maximise the opportunities available to encourage sustainable travel choices, in the event that planning permission is approved this can be resolved through a planning obligation or planning condition.

#### **Air quality**

- 9.116 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

- 9.117 The application site is located next to an Air Quality Management Area which follows the Maidstone urban area boundary. In support of the application the applicant has submitted the conclusions of an air quality assessment.
- 9.118 The assessment found that the air quality at the application site is generally better than other parts of Maidstone that have higher traffic levels. Whilst it is acknowledged that the proposed development will change vehicle movements on local roads, it was found that this would not ‘...*significantly affect sensitive receptors located close to these roads*’. It was also found that air quality for future residents would be acceptable. The assessment concluded that the proposed development was acceptable in terms of its impact on, and sensitivity to, local air quality.
- 9.119 The potential impact of the development on local air quality has also been assessed by the environmental health officer with reference to the submitted air quality assessment. After assessing this impact the environmental health officer concluded that there were no grounds to object to the development subject to a planning condition requiring on site air quality mitigation measures.
- 9.120 The Department of the Environment Food and Rural Affairs (DEFRA) have developed a formula to calculate the monetary harm from air pollution called the emissions mitigation and damage cost assessment. In the event that planning permission is approved it is recommend that a planning condition be used to secure on site air pollution mitigation measures to reflect the result from the DEFRA cost assessment.

#### **Residential amenity and standard of new accommodation**

- 9.121 Paragraph 17 of the NPPF sets out the 12 core principles of planning, and in terms of design these include: ‘always seeking to secure high quality design and a good standard of amenity for all existing and all future occupants of land and buildings.’
- 9.122 The current application seeks outline planning permission with only access arrangements considered at this time. In these circumstances the current submission does not include full details of the scale, design and internal layouts of the proposed development. The submission does provide an illustrative site layout which seeks to demonstrate that the site could adequately accommodate the housing numbers proposed and show that they will be of an acceptable standard.
- 9.123 Existing residential properties in Gatland Lane, Cowdrey Close and Pitt Road adjoin the application site to the north east, with further residential properties on the opposite side of Gatland Lane looking towards the western part of the site frontage. The illustrative site layout shows that the number of dwellings proposed can be accommodated on the application site whilst maintaining the amenities of existing adjacent residents. This assessment has been made in relation to privacy, daylight, sunlight and outlook.
- 9.124 The illustrative site layout demonstrates that the site can accommodate the number of dwellings proposed and provide these to a suitable standard including in terms of outdoor space and privacy. The development also provides a quantity of open space covering over 6 hectares which is significantly above the Council’s minimum requirement of 2.91 hectares.

#### **Open space**

- 9.125 Policy OS1 of the Council’s Open Space Development Plan Document outlines the requirement for on site open space provision within new development. Planning Guidance from the Fields in Trust recommend that for a development of the size

proposed there should be a local area for play (LAP), a local equipped area for play (LEAP); a multi-use games area (MUGA) and financial contribution towards a neighbourhood area equipped for play (NEAP).

- 9.126 Whilst it is acknowledged that the area of open space shown on the indicative layout is above the Council's normal standards, it is unclear what type of open space is proposed. The submitted Design and Access Statement refers to areas of pocket play which suggests that the space will provide LAPs. After assessment of the submitted proposal by the Parks and Recreation section it is considered that the development should be served by the provision of one or two LEAP's complemented by an additional one or two LAP's. This would offer a broader range of activities for children covering a wider age range.
- 9.127 It is considered that the development will also lead to increased pressure on other local areas of open space. It is considered that there would be an increase in usage of facilities at the site known as Gatland Lane recreation ground as well as any others within a one mile radius of the development. In order to mitigate this impact and in the event that planning permission is approved a planning obligation is recommended seeking an additional off-site financial contribution for surrounding open space in particular in terms of equipped play areas for the teenage demographic and outdoor sports facilities. The financial contribution would be towards the improvement, maintenance, refurbishment and replacement of facilities within these areas. Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities and installation of a MUGA.

#### **Flooding and drainage**

- 9.128 The application site falls within flood zone 1 and therefore is considered to be at low risk of flooding from all sources. In the event that planning permission is approved planning conditions would be recommended to seek further details of a sustainable urban drainage system and its future management.
- 9.129 The Environment Agency, Southern Water, Upper Medway Internal Drainage Board and the Local Lead Flood Authority (KCC) have all been consulted on the current outline planning application. All of these consultees have confirmed that they have no objection to the development subject to conditions attached to any approval of permission. It is considered subject to the use of necessary conditions that the proposed development is acceptable in relation to flooding and drainage issues.

#### **Environmental Impact Assessment**

- 9.130 With the proposed development including more than 150 houses and the overall area of the development exceeding 5 hectares, the proposed development falls within the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 as an urban development project.
- 9.131 In this context and as set out in the planning history section of this report a screening opinion was issued on the 27 March 2015 (MBC ref: 15/501734/ENVSCR) that concluded that an Environmental Impact Assessment was not required as part of the proposed development.

#### **Planning obligations**

- 9.132 Under the terms of section 122 of the CIL Regulations all planning obligations sought must be necessary to make the application acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.



- 9.133 Since 6th April 2015, section 123 of the CIL Regulations additionally requires that all contributions being sought by way of s106 agreements should relate to the funding or provision of an infrastructure project or type of infrastructure, and that seeks to limit the number of separate planning obligations (calculated back to April 2010) that can contribute towards the funding or provision of a project or type of infrastructure (“the pooling restriction”). As such, the scope of contributions that can be sought in respect of new development is restricted. Affordable housing is excluded from this restriction.
- 9.134 Policy CF1 of the Local Plan states: *‘Residential development which would generate a need for new community facilities or for which spare capacity in such facilities does not exist, will not be permitted unless the provision of new, extended or improved facilities (or a contribution towards such provision) is secured by planning conditions or by planning obligations.*

#### Affordable housing and wheelchair accessible homes

- 9.135 Kent County Council have identified a need for five wheelchair accessible homes as part of the proposed on site affordable homes provision.
- 9.136 In support of an offer of 30% affordable housing provision, the applicant’s planning statement highlights emerging policy CS10 and other recently approved strategic housing schemes such as the site known as Land East of Hermitage Lane. Draft policy CS10 was included in the version of the draft Local Plan published in March 2013.
- 9.137 The Council’s Affordable Housing DPD was adopted in December 2006 and seeks 40% affordable housing provision on sites across the borough. Following research as part of evidence base for the draft Local Plan (Viability Evidence Base (CIL Viability Study July 2015; and Viability Addendum Report 07 August 2015) draft policy DM13 seeks 30% affordable housing provision within the Maidstone urban area and 40% in the countryside, rural service centres and larger villages. The site known as land East of Hermitage Lane is located within the urban area and the current application site located outside this area in the countryside.
- 9.138 In accordance with 173 of the NPPF it is acknowledged that a local planning authority has to consider financial viability as part of the decision making process, however it is considered that the evidence submitted with the planning application is insufficient to justify a reduction to 30% affordable housing provision.
- 9.139 In order to consider this reduction in provision a financial viability appraisal would be required and for this appraisal to be independently verified at the applicant’s expense. In the absence of this it is recommended that planning permission is refused on the basis that the applicant has failed to demonstrate that the development cannot support 40% affordable housing provision.

#### Education

- 9.140 Kent County Council has identified an additional need for primary school and secondary school capacity and community learning that will be generated from the proposed development. It is considered that this need can be met through financial contributions and the following planning obligations are recommended:
- Primary education: contribution of £4,000 per house (and if proposed £1,000 per flat) towards Hermitage Lane Primary School Phase 2 construction
  - Primary education: contribution of £374.25 per house (and if proposed £93.56 per flat) towards Hermitage Lane Primary School site acquisition

- Secondary education: contribution of £2359.80 per house (and if proposed £589.95 per flat) towards the second phase of expanding Maplesden Noakes School (secondary education);
- Community Learning: contribution of £30.70 per dwelling towards Portable equipment purchase namely: mobile projector, projector screen, laptops and Licences to enable additional flexible course delivery across multiple sites in Maidstone to provide additional capacity for the attendees from this development.

#### Youth services

9.141 Kent County Council has identified additional demands on the youth service that will be generated from the proposed development. It is considered that this need can be met through a financial contribution and the following planning obligation is recommended:

- Youth Service: contribution of £8.49 per dwelling towards additional equipment required to support the additional attendees supplied to the Maidstone Youth Service.

#### Library service

9.142 Kent County Council has identified an additional demand on the library service that will be generated from the proposed development. It is considered that this need can be met through a financial contribution and the following planning obligation is recommended:

- Library service: book stock contribution of £48.02 towards additional book stock required to mitigate the impact of the new borrowers from this development.

#### Social care

9.143 Kent County Council has identified an additional demand on social care services that will be generated from the proposed development. It is considered that this need can be met through a financial contribution and the following planning obligation is recommended:

- Social Care: contribution of £53.88 towards accessibility improvements to community buildings where social care services are delivered by KCC or a third party

#### Healthcare

9.144 NHS Property Services Ltd has identified additional pressures on the local primary and community health service that will result from the proposed development. It is considered that these pressures can be mitigated through a financial contribution and the following planning obligation is recommended:

- Healthcare: total contribution of £132,256 towards improvements within primary care in order to provide the required capacity by way of extension, refurbishment and/or upgrade to the following local surgery premises:
  - Blackthorn Medical Centre, St Andrews Road, ME16 9AN
  - College Practice (Barming), Marigold Way, ME16 0ZJ
  - Lockmeadow Clinic, 54-56 Tonbridge Road, ME16 8SE

#### Open space

9.145 As a result of the development, surrounding open space is likely to see an increase in usage and in particular in terms of equipped play areas for the teenage demographic and outdoor sports facilities. In order to mitigate this impact the Councils Parks and Recreation department seek an off-site financial contribution as a planning obligation. The contribution would be for the improvement, maintenance, refurbishment and replacement of facilities within these areas.

- 9.146 Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities and the consideration of a MUGA with Gatland Recreation Ground the likely location. This contribution would £400 per proposed dwelling.

#### Highway impact mitigation

- 9.147 In order to mitigate the impact of the development on the local highway network a planning obligation is considered necessary to request a financial contribution towards highway improvements. These improvements will reduce the impact to an acceptable level on the A20 and Hermitage Lane corridors. Based on the traffic increase of up to 4.3% that is identified in the applicant's Transport Assessment Addendum a financial contribution of £24,950 is requested.

#### CIL Regulations compliance

- 9.148 The planning obligations that have been set out above have been considered against the restrictions set out the CIL regulations and they were found to be compliant.

### **10.0 CONCLUSION**

- 10.1 The National Planning Policy Framework at paragraph 14 states that a *"...presumption is favour of sustainable development...should be seen as a golden thread running through...decision making"*. The NPPF at paragraphs 7 and 8 lists the three dimensions to sustainable development that require the planning system to perform an economic role, a social role and environmental role.
- 10.2 The economic benefits that the submitted proposal would bring are acknowledged, however for reasons that have been set out in this report these benefits are considered to have moderate weight in the overall consideration of the current development. The proposed development will help meet the social role set out in the NPPF by offering new housing, local housing choice and affordable housing. With the current lack of a five year housing land supply in the borough, the provision of 225 houses needs to be given significant weight in the determination of the current planning application.
- 10.3 In relation to the environmental role the site is in a prominent location in an area where landscape value has been recognised by both adopted and emerging policy. It is considered that the submitted proposal will result in substantial change to the character of this area.
- 10.4 In accordance with paragraph 14 of the NPPF the assessment of this proposal needs to consider whether the *"...adverse impacts" of granting planning permission "...would significantly and demonstrably outweigh the benefits.*
- 10.5 The application site is in a prominent location on the upper slopes of the Medway Valley and just outside the Maidstone urban area. The area is recognised in both adopted and emerging policy as having local landscape value. Whilst the layout and landscaping scheme will provide a degree of mitigation, even in the long term the proposal will have a significant adverse impact upon the character and appearance of the local area with the change from open rural countryside to residential built development.
- 10.6 The application site is significant in long distance public views including those from across and along the Medway Valley; the site provides a valuable transition from Maidstone urban area and the countryside and prevents coalescence of the urban

area with nearby settlements. In this context significant weight should be attached to the environmental impact from the proposed development. For the reasons set out in this report including the adverse environmental impact on the character and appearance of the local area are considered to significantly and demonstrably outweigh the benefits of supplying new housing. It is recommended that planning permission is refused for the reasons set out below:

**11.0 RECOMMENDATION – REFUSE OUTLINE PLANNING PERMISSION for the following reasons with powers delegated to the Head of Planning and Development on the basis that no new material planning issues arise from the departure notices that expire on the 18 March 2016:**

- 1) The proposed development in this prominent location on the upper slopes of the Medway Valley and in an area recognised as having landscape value would result in significant and pronounced harm to both local character and the appearance and openness of the wider countryside, failing to respond adequately to the site context and contrary to policies ENV28, ENV35 of the Maidstone Borough Wide Local Plan 2000, the NPPF 2012 and the NPPG 2014.
- 2) In the absence of an appropriate legal mechanism to secure planning obligations in relation to the site acquisition and construction of a primary education facility, towards additional capacity in secondary education, for community learning, towards youth services, towards library book stock, towards social care, to increase capacity in three local surgery premises and for the mitigation of highways impacts, the development would be detrimental to existing infrastructure and therefore contrary to policy CF1 of the Maidstone Borough Wide Local Plan (2000), and central government planning policy as set out in the National Planning Policy Framework.
- 3) The applicant has failed to demonstrate through the submission and independent verification of a financial development viability appraisal that the proposal cannot support 40% affordable housing provision in accordance with the adopted Local Plan and the subsequent evidence base supporting the draft Local Plan and in the absence of a legal undertaking securing this provision the development is contrary to the Affordable Housing DPD (2006) and central government planning policy as set out in the National Planning Policy Framework.

Case Officer: Tony Ryan

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