

**REPORT SUMMARY**

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

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

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

### **2.0 PROPOSAL**

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

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

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

#### **AMENDED PROPOSAL**

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

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

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

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

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

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

*The site will not be released until:*

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

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

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

#### ***Access***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **5.0 LOCAL REPRESENTATIONS**

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

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

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

## 6.0 CONSULTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance*

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

- 6.08 **UK Power Networks** – raise no objection.
- 6.09 **Kent Police** - recommend condition imposed if planning permission is granted relating to crime prevention.
- 6.10 **Southern Gas Networks** – raise no objection.
- 6.11 **Rural Planning Ltd** – the development of the 6 ha BMV land here would be another cumulative loss of some significance to the area, albeit it may be fair to observe that so long as it were to be managed in its current form as a single field, the choice of cropping types will tend to be restricted to the potential offered by the poorer quality land which occupies the larger proportion of the field as a whole.
- 6.12 **KCC Archaeology** – confirms the development is supported by a Desk-based Archaeological Assessment by CgMs. This DBA provides reasonable baseline information and in general I agree with their approach. The DBA has been passed to the HER for future reference. I recommend that the setting of the historic Gore Court parkland is sympathetically considered and that landscaping proposals enhance the historic character of Gore Court parkland and recommend that provision is made for a full programme of archaeological work and is secured by condition.
- 6.13 **KCC Transportation** - strongly objects to major residential-led development in this location on grounds which can be summarised accordingly:
- The allocation of the site in the emerging Maidstone Borough Local Plan is based on a development strategy that is not justified by proportionate evidence and is not consistent with national planning policy;
  - The residual traffic impact generated by the proposal would have adverse implications on the operation of the A229/A274 and A20 corridors, resulting in an unacceptable worsening of the extensive road congestion that is already prevalent;
  - A holding objection is therefore raised in the absence of any conclusive evidence to demonstrate that the impact of the development can be fully mitigated; and
  - Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh any benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 6.14 **Heritage, Landscape and Design** – confirm the Landscape and Visual Impact Assessment is considered acceptable in principle. They welcome the amendments that secure the three B grade mature trees (protected by TPO) and the avoidance of any loss of an area of ancient woodland.

The Council's Landscape Capacity: Site Assessments 2015 considers the site to have a moderate landscape capacity to accommodate housing and outlines the following characteristics and guidance:

*Landscape Character Sensitivity:*

- *Medium sized, arable field with limited character within itself, but borrowing a sense of place from a wider mosaic of woodland and parkland outside the site boundary*



*Visual Sensitivity:*

- *Woodland belts and parkland trees at Gore Court enclose the site and intercept views*
- *There would be some views from houses on the urban edge*

*Landscape Value:*

- *Ancient woodland belts, to the north, south and east of the site also mostly covered by TPO*
- *Public rights of way along northern and eastern boundaries of the site*
- *Gore Court to the north is a listed building*

*Opportunities and Constraints:*

- *Retain trees and woodland belts and integrate into a wider landscape framework to address cumulative effects*

*Mitigation:*

- *Build upon existing boundary tree planting to screen new development and provide a setting for public rights of way*
- *Consider the wider setting of Gore Court to the north.*

6.15 **KCC PROW & Access** - repairs and improvements to the surface of footpath KM87 could be requested due to its importance to new residents completing non-motorised journeys.

6.16 **Upper Medway IDB** –no comment.

6.17 **Arriva Bus Services** – have commented on the three current applications on the A274 (Bellway Homes, Jones Homes and Countryside Properties site). With regards to this application, Arriva state the development is shown as being accessed only from Gore Court Road and White Horse Lane. Due to its relatively small size it would be unable to support its own bus service therefore it is important good quality direct pedestrian paths are provided to bus stops on the A274 where frequent bus services will, ultimately, be available.

6.18 **NHS S106 Request** - seeks a health care contribution of £244,584.

*In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:*

- *Wallis Avenue Surgery*
- *Mote Medical Practice*
- *Northumberland Court*
- *Downswood Surgery*
- *Grove Park Surgery*

*The above surgeries are within a 1 mile radius of the development at Sutton Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity. NHS Property Services Ltd will continue with NHS West Kent*

*formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.*

*The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.*

*Predicted Occupancy rates*

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

*For this particular application the contribution has been calculated as such:*

<b><i>Predicated Occupancy Rates</i></b>	<b><i>Total Number in Planning Application</i></b>	<b><i>Total Occupancy</i></b>	<b><i>Contribution Sough (occupancy x £360)</i></b>
<i>1.4</i>	<i>6</i>	<i>8.4</i>	<i>£3,024</i>
<i>2</i>	<i>80</i>	<i>160</i>	<i>£57,600</i>
<i>2.8</i>	<i>90</i>	<i>252</i>	<i>£90,720</i>
<i>3.5</i>	<i>74</i>	<i>259</i>	<i>£93,240</i>
			<i>£244,584</i>

NHS Property Services Ltd therefore seeks a healthcare contribution of £244,584, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

6.19 The Council's Conservation officer has no objection to the proposals.

**6.20 Design South East**

The Council's design advisors Design South East have considered the proposal on a number of occasions. The scheme was presented to the South East Design Panel at pre-application stage and they commented on the original submitted proposal as follows:

- *links to the adjoining new developments and Sutton Road are important.*
- *A substantial green corridor link on the western edge is important, especially if some minor loss of the ancient wood cannot be avoided. This will help enable a wildlife corridor to link the ancient wood to the wood to the north of the site.*
- *Agree the formal northern entrance, opening up the main entrance with more open space and introducing a more formal avenue as well.*
- *We suggest thinking through dog-walking circuits on the site to help avoid pressure on the ancient woodland.*
- *If a footpath winding beneath them could be designed, can the TPO trees be retained.*

Following revisions, they further considered the scheme on 26<sup>th</sup> May and had the following comments:

*There have been very positive changes in response to the last surgery comments :*

- The main change is to the site red line to include land to enable a road access, which will now not need to take part of the Ancient Woodland or the 4 TPO trees. This is very positive.*
- The site's west boundary now includes a buffer green area, again very positive. In the last surgery session however we suggested a green corridor through the site should connect to the Ancient Woodland on its west boundary. To take it just this one step further to complete the green link would be worthwhile achieving.*
- We also suggested there could be a more formal housing arrangement at the entrance, echoing the formality of the second northern entrance. Could the two aims be combined?*
- SUDS? Is the new soft rectangle next to the LEAP an informal depression open for playing or a more severe sloped SUDS feature likely to be unsympathetically fenced? If so could a better SUDS arrangement be found, such as distributing the water to the lower lying site edge? This space next to the LEAP could then be a very good informal kick about area.*
- Strongly welcome the new footpath link to the adjoining land. However could it link to the end of the nearest access road, so families with children will naturally take it to walk down to the bus stops and schools?*

#### 6.21 **Lead Local Flood Authority**

We note some revised details have been submitted for this development, however no further information regarding the site's drainage proposals has yet been provided, in particular information to demonstrate a suitable outfall for surface water from the site as stated in our previous consultation response dated 10<sup>th</sup> December 2015. If new information has been provided we would appreciate a direct link to the document(s). Based on the information available, KCC therefore are unable to remove our objection until a drainage strategy has been provided demonstrating adequate management of surface water for the proposed development via an outfall fully compliant with our Drainage and Planning Policy Statement.

6.22 **Highways England** have been consulted on the revised proposal. No comments have been received.

6.23 **KCC Education and Community Services** have requested the following contributions:

Primary Education:

- Langley Park Primary School construction: £964,000;
- Langley Park Primary School site acquisition: £651,092;

Secondary Education: £568,711;  
(Towards the Third Phase of the expanding Cornwallis School)

Community learning £7674  
(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);

Youth Services (Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;	£2,121
Library bookstock (Towards additional bookstock required to mitigate the impact of the new borrowers from this development)	£12,003
Social Care (Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);	£13,470
Provision of wheel care homes as part of the affordable housing element; Provision of on-site broadband (as reserved matters condition).	

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

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

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

## 7.0 APPRAISAL

### Local planning policies – weight

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

The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs

in accordance with the site allocations in draft MBLP policies SP3 and H1. Consequently, although saved policy ENV28 continues to be a material planning consideration, as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF.

7.03 Paragraph 216 of the NPPF states that,

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

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

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

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

7.05 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(7) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

7.06 In conclusion and bearing in mind the fact that the Council has agreed to use draft MBLP Local Plan policies for development management purposes, the weight to give that plan and the draft site allocation policy H1(7) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

### **Principle of Development**

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

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

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

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

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

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

- 7.10 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the **adopted** Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case.
- 7.11 Draft MBLP policy SP17, which relates to development in the countryside and, when adopted, will replace saved policy ENV28 is also relevant to the determination of this application. Draft MBLP policy SP3, relating to The Maidstone South East Strategic Development Location is also relevant, together with draft MBLP policy H1(7) which allocates the site for housing of approximately 190 dwellings. As such, whilst the site is located outside of the existing settlement boundary within the countryside, given the site's allocation for housing within an extension of the urban development boundary set out in draft MBLP policies SP3 and H1(7), the proposed development would accord with the policies of the draft MBLP, which should be accorded significant weight in the determination of this application.
- 7.12 It is necessary therefore to consider three main issues in relation to the proposals.
1. Does the application accord with the development plan notwithstanding its lack of compliance with saved policy ENV28;
  2. If it does, are there other material planning considerations that indicate that the planning permission should nevertheless be withheld;
  3. If it does not, do other material planning considerations indicate that planning permission should be granted.

As for Question 1, the non-compliance with saved policy ENV28 must be considered in the context of the site's inclusion within a planned eastern extension to the edge of Maidstone, albeit in a fully contained and screened setting. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the draft MBLP, which will alter the existing development boundary. Those allocations include this site (draft MBLP policy H1(7)). Accordingly, although this application does not comply with ENV28 as it proposes development in the 'countryside', limited weight should be

accorded to that non-compliance, as the site is allocated for development in the draft MBLP. The proposal is considered to accord with the development plan in relation to other policies.

Questions 2 and 3 of the above test are addressed in the report's conclusions in paragraph 8.05.

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

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

- 7.14 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge & Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the Borough for the 20-year period of the emerging Local Plan (2011-31). The SHMA (January 2014) identifies an objectively assessed need (OAN) for 19,600 additional new homes over this period, which the Council's Cabinet agreed in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined OAN figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date, revised household projection figures have been published by the Government and, as a result, the SHMA has been re-assessed. At the meeting of the Council's Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Members agreed a new OAN figure of 18,560 dwellings.
- 7.15 The draft MBLP allocates housing sites considered to be in the most sustainable locations for the Borough to meet the OAN figure will allows the Council to demonstrate a 5-year supply of deliverable housing sites.
- 7.16 The annual housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The monitoring demonstrates the Council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.
- 7.17 Policy SP3 of the emerging local plan relating to the Maidstone urban area: south east strategic development location, sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(7) of the emerging

plan for development of approximately 190 dwellings and sets out the criteria to be met whereby planning permission would be granted.

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

### **Design Quality and the Quantum of Development**

- 7.20 The illustrative proposal indicates a design providing a generous amount of green space and sensitive boundary treatment that will help to screen the development and set it attractively in the landscape. The proposed access road forms an axis through the scheme, with a clear hierarchy of roads provided from it. Footpaths have been used to maximise permeability to adjoining land while seeking to minimise impact upon wildlife. Overall the design appears high quality and in keeping with its setting.
- 7.21 Officers have been successful in negotiating a range of improvements to the proposal including:
- The introduction of additional landscape buffer on the western boundary of the site;
  - Provision of an addition footpath to the south eastern corner of the site;
  - Retention of 3 trees subject to a TPO and avoidance of loss of any ancient wood land.
- 7.22 The Council's design advisors Design South East have considered the proposal and are very positive about the improvements that have been negotiated.
- 7.23 Draft MBLP Policy H1(7) suggests an allocation of approximately 190 dwellings. The current application is for a minimum of 250 dwellings. The indicative layout taken together with spatial requirements including open space and green buffers show that a greater amount of housing is developable in this location, while adhering to the Policy requirement 27 dwellings per hectare. However, in order to ensure a suitable level of development is not exceeded, a condition is suggested limiting the amount of development of up to 250 units. The proposal's delivery of housing is fully consistent with the policy priority to significantly boost the supply of housing in accordance with Paragraph 47 of the NPPF.

### **Affordable Housing**

- 7.24 The adopted affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision. Draft MBLP policy DM13 sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Draft MBLP policy DM13 is



underpinned by draft MBLP policy SP3 of the emerging Local Plan (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and five other strategic housing sites (as set out in draft MBLP policies H1(5) to H1(10)). As such, as the site is an allocated housing site (draft MBLP policy H1(7)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances, in line with the views of the Council's housing officer.

- 7.25 It is acknowledged that policies contained within the draft MBLP do not carry full weight at this stage, as draft MBLP has been submitted to the Secretary of State, they should be accorded significant weight in the determination of this application. The Council, as local planning authority, has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature.
- 7.26 As such, it is considered appropriate to apply and accord significant weight to relevant draft MBLP policies to this application relating to an allocated housing site which would bring forward the implementation of a strategic housing site and would provide a significant proportion of the Council's strategic five-year housing supply. Whilst the application does not comply with saved policy ENV28, and may be considered a departure from the Development Plan, other material planning considerations must also be taken into account, including the delivery of much-needed affordable housing. A 30% affordable housing provision is acceptable in the circumstances. The housing officer accepts this proportion.

#### **Visual/Landscape Impact**

- 7.27 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 7.28 The immediate surrounding landscape is of a gentle spread of undulating land across a mix of agricultural and wooded landscape, before localised and more extensive hills and dip slopes rise and fall in the terrain of the wider landscape. The topography of the site area reflects the immediate surrounding landscape, and is relatively level with a gentle fall across the site area predominantly from the eastern edge toward the north western corner of the site area.

#### **Landscape Character Impact**

- 7.29 The developers have submitted a Landscape and Visual Impact Assessment as part of their application.
- 7.30 This report concludes that the proposed development would not give rise to any **Major** or **Major-Moderate** adverse landscape or visual effects. The Site benefits from a high level of visual containment and the development layout includes the provision of a minimum 40m width proposed woodland along the eastern boundary and a minimum 15m width landscape buffer adjacent to Bicknor Wood to the south of the Site. In terms of landscape character, there will be a **Minimal** effect to the Gore Court Farm LCA which means that overall, the fundamental qualities and characteristics of the surrounding landscape character and wider setting would prevail. In keeping with general planning policy assumptions, effects on landscape

are presumed to be **Adverse**, although the addition of the proposed woodland belt would be a positive contribution to landscape character.

In terms of visual impacts, there will be a **Moderate to Slight** effect on the visual receptors immediately adjoining the Site. The effects on views are presumed to be **Neutral**, or on balance, **Adverse**, depending upon the screening effects of the proposed mitigation vegetation. Overall, there would be a Minimal effect on the village of Otham, and there are no views of the proposed development from the Conservation Area which means it would not have an impact on the special qualities and setting of this area. There would be no discernible views of the proposed development from wider areas and there would be no widespread visual effects up receptors beyond the immediate vicinity of the Site. For the vast majority of visual receptors within the study area there will be **Negligible** or no effect.

- 7.31 The proposed development has been designed to comply with the particular requirements set out in this policy, and has also responded sensitively to the surrounding landscape character in order to protect and retain existing characteristic landscape features. A comprehensive landscape and Green Infrastructure strategy is proposed which identifies opportunities and important assets of the Site in order to enhance these key features and introduce new public open space and recreation facilities
- 7.32 The provision of landscape and wildlife buffers, of varying widths, in line with policy H1(7) will help to screen the development from adjoining uses, helping to mitigate its impact. The provision of approximately 5.8 hectares of open space within the site will provide an open outlook and setting to the development and is in line with Submission Draft Local Plan Policy DM22 *Publicly accessible open space and recreation*. Suitable financial mitigation is proposed to cover other elements of open space requirements not provided on site.
- 7.33 The landscape officer has considered the LVIA and concludes that it and the proposal is acceptable in terms of the proposals impact upon landscape character and in terms of the assessment provided in the MBC Landscape Capacity: Site Assessments 2015. Following the submission of amendments, the landscape officer considers the proposal to be acceptable in landscape terms, the proposal's impact on the ancient woodland and TPO trees would be protected by one or more suitably worded planning conditions.
- 7.34 In conclusion while it is considered that the proposal conflicts with ENV28, it is not considered that the development harms the character and appearance of the area and no other considerations outweigh this conclusion.

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

- 7.35 The site consists of 14 ha of agricultural land of which about 6 ha towards the south-eastern corner of the field, is considered to be "*best and most versatile*" land, comprising Grade 3a (good quality) and Grade 2 (very good quality) in roughly equal proportions. The remainder of the site is indicated as poorer quality (Grade 3b). While the development of the 6 ha BMV land here would represent a cumulative loss of some significance to the area, as long as it were to be managed in its current form as a single field, the choice of cropping types will tend to be restricted to the potential offered by the poorer quality land which occupies the larger proportion of the field as a whole. The Agricultural Land Quality Study of Sites in Maidstone Borough has assessed the site in the context of the quality of local agricultural land as a whole. It concludes that "while most of the land on the Malling social association is in the best

and most versatile category, in Otham parish and either side of Sutton Road poorer sub-grade 3b land is dominant, with significant patches of best and most versatile land within it”.

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

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

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

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

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

### **Highways Issues**

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

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

- 7.40 The housing allocation Policy H1(7) of the Submission Version of the Local Plan sets out the following Highways and Transportation criteria required to gain planning permission:

6. *Access will be taken from Gore Court Road connecting to the spine road on site H1(6) North of Sutton Road.*
9. *Pedestrian and cycle links to existing residential areas, White Horse Lane and Gore Court Road and Bicknor Farm (policy H1(9)).*
10. *Widening of Gore Court Road between the new road and White Horse Lane.*

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

All of the above elements are proposed in the scheme current before the Committee, with the following exceptions:

10. *Widening of Gore Court Road between the new road and White Horse Lane.*

It is proposed that a condition is imposed to cover this requirement.

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

These improvements are already fully funded as shown in the Apportionment table in Appendix Two. Not further funding is therefore required by the current proposal in this respect.

- 7.41 The applicant has submitted a Transport Assessment and associated Transport Technical Notes, which consider the traffic and transportation implications and present capacity testing of highway junction models in close vicinity of the site and whether they have sufficient capacity with the additional development traffic flows. Highway mitigation measures are subsequently recommended to address the increase in traffic associated with the application site, committed development sites and surrounding housing sites where planning applications have been submitted to the Council but not as yet determined.

#### Existing Conditions

- 7.42 The A274 Sutton Road forms one of the major routes from areas to the south and east of Maidstone into the town centre. It also provides a route (via the B2163 through the villages of Langley Heath and Leeds) to Junction 8 of the M20. Junction 8 of the M20 is some 6km northeast of the Site. At the point adjacent to the site frontage, Sutton Road is a two-way single lane carriageway with an approximate width of 7.5 metres and is subject to a 40mph speed limit.
- 7.43 Approximately 300m south west of the southwest corner of the site, Sutton Road becomes more urban in nature and this is reflected by the 30mph speed limit, which is introduced at this location together with street lighting.
- 7.44 Approximately 1km south east of the site, Horseshoes Lane forms a simple priority junction with the A274 Sutton Road and forms the signposted route from the northwest to Langley Heath and Leeds villages, which in turn provides onwards travel to Junction 8 of the M20.
- 7.45 Approximately 1.5km to the west of the site, the A274 Sutton Road forms a staggered signal controlled junction with Willington Street and Wallis Avenue. This

includes the provision of a toucan crossing in the centre of the stagger and sign-posted cycle routes to Maidstone Town Centre, with a controlled pedestrian crossing on Willington Street and uncontrolled pedestrian crossing of Wallis Avenue.

- 7.46 Pedestrian routes in the vicinity of the site provide connections to existing bus stops, employment sites, surrounding residential areas, schools, health services and local centre shops.
- 7.47 Regular bus services served by 3 routes are currently accessible within short walking distance of the site. Future residents and their visitors will have the opportunity to access the site by a choice of travel modes.
- 7.48 The local and wider highway network in the vicinity of the site is of a good standard and is suitable for providing access to the proposed development. A review of accident records for the most recently available five-year-period shows that there are no particular highway safety concerns relating to the existing operation of local roads.
- 7.49 The proposed road layout includes the closure of Gore Court Road at its junction with Sutton Road, in order to ensure primary vehicular access to the site is provided via the Imperial Park site .
- 7.50 KCC Highways has raised a holding objection to the proposal on the basis that there is no conclusive evidence to demonstrate that the impact of the development can be fully mitigated and would have a severe impact upon traffic conditions on the A274/A229 and A20 and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.51 MBC have commissioned transport consultants Mott MacDonald (MM) to assess the likely impact of the proposal, and other relevant planning applications in the area. MM have reviewed all the information that has been submitted by the applicant’s transport consultant IcenI and have considered KCC’s response in detail. Furthermore, MM have liaised with IcenI to clarify any outstanding matters.
- 7.52 The KCC response is dated 25 January 2016 and raises a holding objection based on the site being remote with limited scope “for local journeys to be undertaken by means other than the private car”, the submitted Transport Assessment not containing appropriate assessments of the junctions affected by development traffic, the lack of mitigation proposed, and the “worsening delays for road users and local residents” resulting “in the increased use of minor roads as alternative routes”.
- 7.53 IcenI’s Transport Note dated 17 May 2016 contains detailed assessments for the key junctions and proposes mitigation where increased delays and queuing was identified. The following junctions were assessed:
- A274 Sutton Road / Imperial Park, mitigation proposed in form of signalisation
  - A274 Sutton Road / Willington Street / Wallis Avenue, mitigation proposed
  - A274 Sutton Road / New Road, junction within capacity with development flows
  - A274 Sutton Road / Horseshoe Lane, additional queuing limited and not considered severe
  - A20 Ashford Road / Willington Street, impact of development flows shown to be minimal, no detailed assessment undertaken

*A274 Sutton Road / Imperial Park*

- 7.54 The modelling included in the Transport Note dated 17 May 2016 is based on the signalisation of this junction.

The results presented in the Transport Note show the practical reserve capacity in 2030 to reduce from 7.7% to 7.1% in the AM peak and -0.5% to -2.7% in the PM when comparing committed development and with development flows both tested with the proposed layout. Whilst the PM peak is marginally over the desirable limit in both scenarios, the difference in queue is small, increasing from 40.1 to 42.9pcu.

*A274 Sutton Road / Willington Street / Wallis Avenue*

- 7.55 The modelling included in the Transport Note dated 17 May 2016 is based on the following mitigation measures:

- The widening of the A274 Sutton Road to provide two carriageway lanes in each direction between its junctions with Wallis Avenue and Willington Street; and
- The provision of two-to-one lane merges on the Sutton Road (north) exit of the A274 / Wallis Avenue junction and Sutton Road (south) exit of the A274 / Willington Street junction;

The results presented in the Transport Note show the practical reserve capacity in 2030 to increase from -38.1% to -19.4% in the AM peak and -39.2% to -20.4% in the PM peak over the whole junction when comparing committed development with committed junction layout and with development flows with the above mitigation.

*A274 Sutton Road / New Road*

- 7.56 The modelling included in the Transport Note dated 17 May 2016 is based on the existing layout of this junction, a priority junction.

The results presented in the Transport Note show the ratio of flow to capacity (RFC) in 2030 to be significantly below the desirable maximum of 0.85, rising from 0.50 to 0.54 in the AM peak and 0.35 to 0.38 in the PM peak when comparing committed development and with development flows both tested with the existing layout.

*A274 Sutton Road / Horseshoes Lane*

- 7.57 The modelling included in the Transport Note dated 17 May 2016 is based on the existing layout of this junction, a priority junction.

The results presented in the Transport Note show the ratio of flow to capacity (RFC) in 2030 to be above the theoretical maximum of 1, rising from 1.14 to 1.25 in the AM peak and 0.60 to 0.68 in the PM peak for the right turn movement out of Horseshoes Lane when comparing committed development and with development flows both tested with the existing layout. The queuing in the AM peak increases from 17 to 23 vehicles.

- 7.58 MM considers that the results demonstrate the proposed junction layouts with development traffic to perform comparatively better than the existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 corridor, although the signalised Imperial Park junction would add some limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by

reduced delays at the improved A274 / Willington Street / Wallis Avenue junction. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.

- 7.59 The applicant proposes a footpath via the south eastern corner of the site providing a direct link to A274 Sutton Road and the facilities located at Langley Park, a footpath along Gore Court Road, as well as funding towards public transport improvements.
- 7.60 Overall MM concludes that with the appropriate mitigation measures, the impact of the proposed development is mitigated and therefore cannot be considered severe. As a consequence, it is considered that the proposal does not contravene NPPF Paragraph 32.
- 7.61 KCC Highways has raised a objection to the proposal on the basis that there is no conclusive evidence to demonstrate that the impact of the development can be fully mitigated and would have a severe impact upon traffic conditions on the A274/A229 and A20 and would conflict with Paragraph 32 of the NPPF: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 7.62 As part of a combined package of A274 highways improvements provided in Appendix B, this proposal provides the following mitigation:
- Signalisation of A274 Sutton Road/Imperial Park;
  - £736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements
  - £337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.

Please note these contributions are proposed to date and subject to further negotiations and resolution.

- 7.63 The above contributions equate to £2,938 per dwelling for Willington Street junctions improvements and £1,350 per dwelling for Bus Prioritisation along A274. Total £4,288 per dwelling Total £1,072,000
- 7.64 MM considers that the results demonstrate the proposed junction layouts with development traffic to perform comparatively better than the existing layouts without development traffic. The proposed measures are therefore considered effective in mitigating the developments impacts. The results also demonstrate that the development flows, subject to implementation of the proposed mitigation, would not lead to a worsening of congestion along the A274 corridor, although the signalised Imperial Park junction would add some limited delays to vehicles passing through this corridor. The additional delays at this new junction are however outweighed by reduced delays at the improved A274 / Willington Street / Wallis Avenue junction. It can therefore be concluded that due to reduced queues and delays resulting from the mitigation, the addition of the development flows would not lead to any effects on existing road users and local residents, nor would it result in any increased use of minor roads.
- 7.65 The applicant proposes a footpath via the south eastern corner of the site providing a direct link to A274 Sutton Road and the facilities located at Langley Park, a footpath along Gore Court Road, as well as funding towards public transport improvements.

7.66 As such the approach is considered to be consistent with the need for a balanced approach to transportation, including the provision of attractive alternatives to the private car which was a significant factor in the consideration of the Adopted Maidstone Borough-Wide Local Plan, Policies T2 and T3 .

The states: "Policy T1 of the local plan is concerned with a gradual, rather than abrupt, change from wider to more restricted access by private cars. This shift is evidenced by policy restrictions on long-term (eg all-day) parking provision and a progressive introduction of bus priority lanes on the major radial routes. The combination of Policies T2 and T3 on the one hand and Policies T13 and T14 on the other will have the effect of influencing modal choice in favour of public transport and the more economical use of road space" (the Maidstone Borough-Wide Local Plan Inspector's Report November 1999, Paragraph 6.2, Page 463).

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

7.68 Additional highways objection:

- Additional traffic and congestion on Sutton Road, Church Road, White Horse Lane, Honey Lane, Otham Street and Gore Court Lane.
- Difficulty of Gore Court Road and Sutton Road Junction may encourage people to join A274 via Imperial Park.
- Additional traffic will result in danger for pedestrians/ cyclists.
- Danger with no pavements present on Gore Court Road.
- Poor visibility on emerging from private driveways and access roads near Otham

7.69 Response to the above objections:

With regards to the additional traffic movements, the majority of these will be along the main thoroughfares of Sutton Road, Willington Street and Wallis Avenue, via the new access created through Imperial Park. Whilst a number of objections have been received concerning potential rat running through the lanes and narrow tracks surrounding the site as a direct result, the proposed highway mitigation initiatives set out above would alleviate any potential increase in traffic which may result, thereby negating any need to use surrounding roads. In any event, there is no evidence to show that using surrounding roads would provide a quicker, shorter, indirect route than the main thoroughfares.

7.70 The impact of additional traffic has been addressed in previous section of this report and is considered acceptable taking into account the mitigation measures proposed, including the signalisation of the Imperial Park, Sutton Road junction which will form the primary access to the site. No road safety issues have been identified by the highways authority.

7.71 The proposal provides additional footways and footpaths between the site and the A274 as well as providing a 5.5m wide road access including pedestrian pavements and considerably than the existing access via the southern end of Gore Court Road. The western section of White Horse Lane to the north of the site is proposed to be closed to vehicular traffic and would become a pedestrian and cycle route only. It is considered that the proposal would provide a safer environment for pedestrians and cyclists, with more direct and attractive routes to A274 to the South.



### **Drainage & Flood Risk**

- 7.72 The site is within Zone 1 (Low Probability) - land assessed as having a less than 0.1% (1 in 1000) annual probability of river or sea flooding. The Environment Agency were consulted in August 2015, prior to the application being submitted and indicated that this site has a low probability of flooding, however there may be surface water drainage issues at this site. The EA also noted that they are no longer the statutory consultee for surface water drainage, a role which fell to KCC as Lead Local Flood Authority (LLFA). KCC Drainage consider that there is insufficient information to demonstrate that surface water is adequately managed. Information that is specifically required includes a drainage schematic which shows where the proposed attenuation basin is to be located, the assumed discharge point from the site and how the entirety of the developed area is to be managed not just the impermeable surfaces. While the lack of resolution of this issue is unfortunate, considering the outline nature of the application I propose that this matter is addressed through a reserved matter condition.

### **Ecology**

- 7.73 The site is bounded by Bicknor Wood to the south, and is in close proximity to East Wood to the north, both of which have been identified as ancient woodland. Safeguarding measures, including an appropriate buffer zone and compensation in the form of native planting, are set out to mitigate and compensate for any potential negative effects resulting from the proposals. No statutory or non-statutory designations are present within or adjacent to the site, whilst ecological designations in the wider area are considered sufficiently removed from the site such that no adverse effects to them are anticipated
- 7.74 **Habitats** - The site is dominated by a single, large arable field bordered by woodland, a line of trees and hedgerows. Part of the field was uncultivated at the time of survey and supported semi-improved grassland and ruderal species, which are also present at marginal areas of the arable field. Bramble thicket is also present along the southern site boundary. Sections of adjacent roads also fall within the site boundary.
- 7.75 **Fauna** - None of the trees present within the main site were considered to offer bat roosting potential. Hedgerows, the line of trees and adjacent off-site woodland forming the southern site boundary offer commuting and foraging opportunities for bats within the locality. During the bat activity surveys undertaken at the site a limited number of species and low levels of activity were recorded using the site. A site visit in August 2015 recorded a number of Badger latrines to be present, all located within the north-west corner of the site. As such, it is considered that the site is occasionally used by foraging Badger; however, no setts were recorded to be present. Hedgerows provide some limited potential for other mammals such as Hedgehog. Suitable habitat in the form of hedgerows and trees is present for nesting birds whilst no reptiles were recorded during the surveys undertaken.
- 7.76 **Enhancements.** The proposals offer opportunities for considerable biodiversity enhancements through the planting of a 40 metres minimum wide band of native trees and shrubs along the eastern site margin, the creation of an green buffers along the southern site margin, western and northern site boundaries, planting of new hedgerows comprising native species, provision of integrated bat and bird boxes, cut-throughs in garden fences for small mammals such as Hedgehog, and

establishment of ecological management. It is considered that the proposals would deliver a substantial ecological benefit compared to the baseline situation.

7.77 The proposals represent an opportunity to provide increased connectivity between areas of woodland and ecological enhancements for a range of wildlife within the site and the local area. The proposed green buffers, to Bicknor Wood to the South and West and East are compliant with Natural England's standing advice and will help to minimise any adverse impact on its ecology, extending potential foraging areas and movement corridors. This would be reinforced by conditions restricting external lighting.

7.78 Evidence has been provided that appears to show the presence of skylarks on the site. KCC Ecology has commented on the material as follows:

*"Information has been submitted by residents detailing that skylarks are present within the site. The applicants ecologists has reviewed the additional information and have assessed that due to the size of the site there is only likely to be two skylark territories present within the site.*

*We advise that if planning permission is granted the proposed development will result in the loss of potential skylark nesting habitat as the suitable nesting habitat cannot be recreated elsewhere within the proposed development site.*

*The proposed development will result in the creation of a vegetated buffer between the woodland and the development area. While this will not be used by nesting skylark (or other farmland birds) it may increase opportunities for foraging skylarks in adjacent habitats.*

*Due to the habitat requirements of ground nesting birds it is very difficult to mitigate for the loss of habitat within development proposals. We advise that MBC should be considering a strategic approach to addressing the loss of suitable ground nesting bird habitat as a result of housing developments across the whole district."*

7.79 The proposed development will result in the loss of potential skylark nesting habitat as the suitable nesting habitat cannot be recreated elsewhere within the proposed development site. The information submitted by the applicant's ecologist has detailed that due to the size of the development it will result in the loss of low numbers of potential skylark territories and KCC Ecology agree that due to the large area of suitable habitat within the surrounding area the loss of this site is unlikely to have a significant impact on the local skylark population.

7.80 The applicant would breach wildlife legislation if they killed/injured skylark or destroyed a nest during the construction period. The applicant has outlined within their ecology survey measures which if implemented would avoid killing/injuring breeding birds. Through the proposed condition for the precautionary mitigation MBC will be able to demonstrate measures which will avoid the killing/injury of skylark and / or destruction of skylark nests during the construction. That legislation provides protection and the applicants has satisfied me that appropriate avoidance/mitigation measures are acceptable in planning terms. In these circumstances it is not considered that the loss of habitat is sufficient to refuse planning permission.

### **Residential amenity**

7.81 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

7.82 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

- 7.83 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 7.84 The application is in outline so the vast majority of details, apart from access, are to be resolved at a future point. Given the proposed design and density in line with the Submission draft Local Plan policy H1 (7) of 27 DPH, I consider that suitable internal layout can be achieved. The inclusion of extensive green buffers proposed and existing retained vegetation at the edges of the proposal will provide substantial screening for existing residential uses.
- 7.85 Whilst a number of objections have been received with regards to the impact upon residential properties within Otham and Langley, due to the distance between this site and the village, it is considered that there would be no significant harm caused by this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.

#### **Community Infrastructure**

- 7.86 Any request for contributions needs to be scrutinised in accordance with Regulation 122 of Community Infrastructure Levy Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements: -

It is:

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

Regulation 123 states that there are not more than four obligations existing for each of the proposed measures.

The following contributions are proposed and considered to be compliant with Regulations 122 and 123:

#### Affordable housing

- 30% affordable housing provision including suitable wheelchair accessible provision.
- Provision of a minimum of 5.8 hectares of open space and management plan

#### Highways

Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a

dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

As currently drafted the Apportionment table suggests the following highway contributions;

- £736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements
- £337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.

Heath care contribution of £244,584.

Primary Education:

- Langley Park Primary School construction: £964,000
- Langley Park Primary School site acquisition: £651,092

Secondary Education: £568,711  
(Towards the Third Phase of the expanding Cornwallis School)

Community learning £7,674  
(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);

Youth Services £2,121  
(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;

Library bookstock £12,003  
(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)

Social Care £13,470  
(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);

Suitable financial mitigation is proposed to provide elements of open space requirements not provided onsite.

Improvements to PROW KM87 and off-site PROWs where identified.

## 8. CONCLUSION

- 8.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the adopted Local Plan. However, the proposal delivers the allocation of the site for housing and open space within the submitted draft MBLP, which should be accorded significant weight. Draft MBLP policy SP3, which identifies south east Maidstone as the most sustainable location for housing growth with supporting infrastructure, is also relevant. The proposal will deliver housing growth in accordance with the national planning policy priority to boost significantly the supply of housing in paragraph 47 of the NPPF. I consider that these considerations should outweigh the application's conflict with saved policy ENV28 and I do not consider that the proposal conflicts with saved policy ENV21.

- 8.2 The site is in a sustainable location adjoining the settlement boundary of Maidstone in the adopted Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant intrusion into open countryside beyond existing developed areas. Appropriate community infrastructure is proposed to be provided to meet the needs created by the proposal as well as a substantial amount of affordable housing. Drainage issues are yet to be fully considered but suitable mitigation for the development would need to be achieved if the proposal was to be implemented. There are no objections from the Environment Agency on the grounds of flood risk. There are no ecology objections or any other matters that result in an objection to the development.
- 8.3 In accordance with policy guidance in the NPPF, there are three dimensions to sustainable development giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). I consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment. As such, I consider the development would perform well in terms of economic, social and environmental roles required under the NPPF and would constitute sustainable development.
- 8.4 The development would be acceptable in terms of its impact on the landscape, biodiversity, the ancient woodland, on neighbours' living conditions and highways subject to appropriate planning conditions and obligations. In relation to biodiversity, taking into account mitigation and conditions measures, it is likely there would be an improvement and enhancement of the ecological value of the site, bearing in mind the previous agricultural and monocultural use of the site.
- 8.5 I have considered the proposal in relation to Section 38(6) of the 2004 Act and paragraph 14 of the NPPF. It is considered that any adverse impacts would be limited and would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF and other material considerations listed above are sufficient grounds to depart from the saved policy ENV27. I do not consider that there are other planning considerations that indicate planning permission should be withheld.
- 8.6 The proposal represents a high quality scheme in line with draft MBLP policy H1(7) and is considerably improved as a consequence of negotiations and amendments. Overall the proposal is considered acceptable in planning terms subject to conditions and a legal agreement.
- 8.7 For all of these reasons, I consider that planning considerations indicate that planning permission should be granted.

## **9. RECOMMENDATION**

- 9.1 Delegated powers be granted to the Head of Planning to grant planning permission subject to the receipt of a suitable legal agreement that ensures

the delivery of the necessary highway improvements, together with all other heads of terms, and the imposition of the conditions as outlined below:

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

## 9.2 Conditions

### TO BE ADDED

## 9.3 Section 106 Heads Of Terms

### Affordable Housing

30% affordable housing provision including suitable provision of wheel chair accessible units.

### Public Open Space

Provision of a minimum of 5.8 hectares of public open space and management plan

### Highway contributions

- £736,250 as a part contribution towards A274 Sutton Road / Willington Street / Wallis Avenue junction improvements
- £337,500 towards bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction.

(please note that these elements are subject to possible change)

Heath care contribution of £244,584.

### Primary Education:

- Langley Park Primary School construction: £964,000;
- Langley Park Primary School site acquisition: £651,092;

Secondary Education: £568,711;  
(Towards the Third Phase of the expanding Cornwallis School)

### Community learning

£7,674

(Toward the refurbishment required at St Faiths Adult Education Centre in Maidstone to provide additional capacity to meet the needs of the additional attendees);

### Youth Services

£2,121

(Towards additional equipment required to support the additional attendees at the Fusion café Youth project nearby;

### Library bookstock

£12,003

(Towards additional bookstock required to mitigate the impact of the new borrowers from this development)

### Social Care

£13,470

(Towards accessibility improvements to Community Building where social care services are delivered by KCC or a third party);

### Open Space Mitigation

Suitable financial mitigation is proposed to cover other elements of open space requirements not provided on site.

## Planning Committee Report

### Improvements to Public Rights of Way

Improvements to PROW KM87 and off-site PROWs