



Maidstone Local Plan Examination

Response to Inspector's Session 14B Questions

Alternative Sites (Bydews Place, Tovil)

Prepared on behalf of the Executors of

the late Miss R D Berridge

**November 2016
DHA/10981**

Contents

1	INTRODUCTION	3
1.1	Overview.....	3
1.2	Scope of Representations.....	3
2	RESPONSE TO THE INSPECTOR'S QUESTIONS.....	4

APPENDICES

- Appendix 1 – Regulation 18 Representations
- Appendix 2 – Regulation 19 Representations

1 Introduction

1.1 Overview

- 1.1.1 This additional evidence is submitted on behalf of the Executors of the late Miss R D Berridge, owners of land at Bydews Place, Tovil, for which representations have previously been made at the Regulation 18 and 19 stages (**Appendices 1 & 2** respectively).
- 1.1.2 These previous representations have provided robust evidence regarding the suitability and deliverability of this omission site and confirm that it should be added as a residential allocation for reasons of soundness.
- 1.1.3 We acknowledge that it is beyond the Inspector's scope to recommend that Maidstone Borough Council add specific development sites into the plan. However, it is within the Inspector's remit to recommend that further housing allocations are required and should be subject to further consultation and sustainability appraisal. We consider there to be significant flaws associated to the housing strategy and insufficient firm allocations to meet the objectively assessed housing need. For this reason, there is a clear need to identify additional sites. That case is presented within the attached Regulation 19 representations and is not repeated here.

1.2 Scope of Representations

- 1.2.1 Maidstone Borough Council (MBC) has submitted its Local Plan and associated documentation for Independent Examination. An Examination Programme has divided the hearings into various sections over six weeklong sessions. The first tranche of hearings were held in October 2016 and addressed issues of national policy consistency, housing land supply and other strategic borough-wide policy issues. The subsequent parts, being heard in November and December 2016 continue to consider site-specific allocations and more generic planning issues.
- 1.2.2 This statement constitutes our clients' formal response to questions raised by the Inspector in regards to land at Bydews Place, Tovil as part of the Matter 14B hearing session.

2 Response to The Inspector's Questions

2.1 Overview of Evidence

2.1.1 The Inspector has raised eleven questions in respect of alternative sites and therefore we take this opportunity to respond to each of these.

2.2 **Qn14.12 Does the site have any relevant planning history? (applications, permissions, appeals, previous allocations)**

2.2.1 There is no planning history considered relevant to consideration of the site as a potential housing allocation.

2.3 **Qn14.13 What is the site's policy status in the submitted Local Plan? (eg whether in defined settlement/countryside/AONB/conservation area/Landscape of Local Value etc)**

2.3.1 The site falls just within the Medway Valley Landscape of Local Value and thereby the restrictions of development in the 'Countryside' imposed by draft policy SP17. However, the site lies contiguous with the urban boundary of Maidstone. Therefore any allocation of the site and subsequent development would classify the site as urban and would not be detrimental to the purpose of SP17. The site is located at the very edge of the large designation, the purpose of which is to maintain the rural character of the countryside. This function would not be materially affected by allocation of the site.

2.4 **Qn14.14 What is the site's policy status in any made or emerging neighbourhood plan?**

2.4.1 There is no emerging or adopted Neighbourhood Plan that applies to this site.

2.5 **Qn14.15 Is the site greenfield or previously developed (brownfield) land according to the definition in the glossary of the National Planning Policy Framework?**

2.5.1 The site is Greenfield.

2.6 **Qn14.16 What previous consideration by the Council has been given to the site's development (eg inclusion in a Strategic Housing and Economic Development Land availability Assessment (SHEDDLAA) and does the Representor have any comments on its conclusions.**

2.6.1 As the site only became available in 2015, it was not actively promoted by the owners until the Regulation 18 stage. The Council have however considered the merits of the site following the Regulation 18 consultation and in the report to the Strategic Planning, Sustainability and Transportation Committee dated 14th December 2015 (**Appendix C**), recommended it for inclusion in the Regulation 19 draft as a housing allocation for 50 dwellings with approximately 0.74ha of open space, including 0.3ha of Parcel 'A'. Appendix C to that report (included here as **Appendix D**)

2.6.2 In considering the site, this report concluded that:

Overall the site is considered to be well-related to the existing urban area and to existing and proposed residential development. Policy criteria are included in the proposed allocation policy to preserve the boundary between the urban area and the countryside beyond the site as well as the setting of both Bydews Wood and the designated heritage assets at and adjacent to Bydews Place. The existing hedgerow and important trees should also be retained and the line of PROW maintained. An area of land to the north east of the site, adjacent to the housing site at Burial Ground Lane, is identified as publicly accessible open space. Keeping this land undeveloped will also help to secure the setting of the listed buildings to the north.

The site is approximately 1km from the nearest primary school, 0.5km from local shops and 700m to a post office. The SA highlights that the site scores more poorly in terms of its distance to services and facilities. In response the proposed allocation policy criteria require the pedestrian and cycle paths to be incorporated into the design of the scheme and that these connect to existing and proposed footways along Dean Street/Farleigh Hill. Access to a GP surgery would substantially improve if such a facility were delivered as part of the proposed development on the site 'Land south of Tovil' (below). The site is on the route of the 23 and 26 bus services with the nearest bus stop some 100m from the site.

- 2.6.3 Despite the positive Officer recommendation, Members resolved not to take the site forward to Regulation 19 as a draft allocation citing concerns over the lack of consultation on it at Regulation 18 stage, sustainability of the site. Landscape impacts and how it may extend the extent of the urban boundary into the open countryside. No objections were raised in respect of highway, heritage or any other impacts.
- 2.6.4 These points have been comprehensively addressed in previous representations but in summary:
- (1) If the Inspector finds that additional sites are required and the Council consider this a suitable proposed allocation, it will be subject to public consultation. The absence of it at Regulation 18 stage arises from the availability of the land at that time and in no way is reflective of its suitability or otherwise for future development.
 - (2) The site is highly sustainable and well related to public transport, the urban area and local services;
 - (3) As the concept plan demonstrates, any future development is capable of incorporating suitable landscape mitigation. Whilst it falls just within an Area of Local Landscape Value, it forms a small part of a wide designation and is seen firmly in the context of the adjacent urban area. Its development would not prejudice the purpose of this designation and the 2016 Sustainability Appraisal reaches the same conclusion;
 - (4) The extension of the urban area at suitable and sustainable locations is a sustainable means of meeting housing need which is consistent with the Plan's spatial strategy, in the event that the Inspector finds there is a need for additional allocations.

2.7 Qn14.17 What is the site area and is has a site plan been submitted which identifies the site?

2.7.1 The site has a total area of approximately 2.7 hectares (Parcel 'A' measuring 0.4 hectares and Parcel 'B' measuring 2.3 hectares).

2.8 Qn14.18 What type, and amount of development could be expected and at what density?

2.8.1 As demonstrated in the illustrative concept plan, approximately 50 dwellings can adequately be accommodated on the site (envisaged on Parcel 'B') at a density of approximately 20 dwellings per hectare. This ensures development makes the most efficient use of this parcel of land, provides sufficient and appropriate landscaping and with a form of development that reflects the density and pattern of development within the immediate area.

2.9 Qn14.19 When could development be delivered and at what rate?

2.9.1 There are not considered to be any impediments to development coming forward on this site within the next 5 years.

2.10 Qn14.20 What evidence is there of the viability of the proposed development?

2.10.1 As the site has not to date benefited from a draft allocation, there has been no active marketing undertaken to potential developers. Informal discussions have however taken place with a developer who is currently active in the Tovil area, who has confirmed their interest in the site and giving the necessary comfort for the owners to proceed with its promotion.

2.10.2 The adjacent site to the east is currently being developed, giving further evidence of demand and deliverability in the immediate area.

2.11 Qn14.21 Has the site been the subject of sustainability appraisal and does the Representor have any comments on its conclusions?

2.11.1 The site has been considered in the AECOM Sustainability Appraisal, July 2016 (Technical Appendix A Addendum) under reference HO3-314.

2.11.2 The site performs favourably with 17 of 31 criteria 'green' and only 5 'red'. A number of the 'amber' scores result from distances only marginally more than the threshold set and it is considered that the results reflect the site's sustainable location.

2.12 Qn14.22 What constraints are there on the site's development and how could any adverse impacts be mitigated?

2.12.1 The site is free from any overriding environmental constraints to development. There are not considered to be any fundamental issues regarding contamination, flood risk, noise, air quality, or ecology. The site does not fall within or adjacent to a Conservation Area.

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- 2.12.2 There are five Listed Buildings associated with Bydews Place north the site; Bydews Place grade II* listed, the cottage north west of Bydews Place grade II, Dovecote in the grounds of Bydews Place grade II, Bydews Farmhouse, and the former granary grade II listed. Accordingly, sensitive low density residential development with associated landscape planting and buffers as necessary is proposed to ensure the settings of these listed buildings are preserved.
- 2.12.3 Potential landscape impact is addressed at 2.3.1 and confirms that the site provides sufficient opportunity for suitable mitigation. This is supported by the conclusions drawn in the 2016 Sustainability Appraisal and previous Officer recommendation.
- 2.12.4 The site benefits from an existing and established access off Farleigh Hill, which is suitable to serve additional development. Allocation of land at Parcel B would additionally introduce potential for a new access into the site via a roundabout as previously approved by the Council to serve the extant scheme to the south. The location of this roundabout coincides with the frontage of Parcel B and therefore it would be possible for a further arm to be created, servicing the site. This potential was recognised by Officers in recommending the site for allocation

3 Conclusions and Suggested Modifications

3.1 Summary

3.1.1 The Council's planning strategy is currently not underpinned by robust evidence and therefore is unsound. Accordingly, it is recommended that main modifications are necessary owing to the housing land supply deficiency and due to the inadequate identification of housing to meet the plan target as a whole. This has been fully set out in the previously submitted Regulation 19 representations.

3.1.2 For this reason, existing firm housing allocations within the draft plan must be maintained and additional sites must be identified. We believe that these should include land at Bydews Place, Tovil as it represents a sustainable extension to the urban area that can deliver enhancements tot his gateway into the town.

3.2 Suggested Modifications

3.2.1 We acknowledge that it is beyond the Inspector's scope to recommend that Maidstone Borough Council add specific development sites into the plan. However, it is within the Inspector's remit to recommend that further housing allocations are required and should be subject to further consultation and sustainability appraisal, and we firmly suggest that such a recommendation should be made in order that the Plan can be found sound.

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APPENDIX

Maidstone Local Plan

2015 Regulation 18 Draft

**Land at Bydews Place,
Farleigh Hill,
Tovil**

October 2015

DHA/MB/10981

Contents

1	INTRODUCTION	3
1.1	Purpose of Statement	3
2	THE SITE	4
2.2	Site constraints	5
2.3	Proposed development.....	5
3	SITE ASSESSMENT	6
3.1	Sustainability.....	6
3.2	Housing supply in the borough.....	6
3.3	Landscape, visual impact and listed buildings.....	7
4	SUMMARY	9

1 Introduction

1.1 Purpose of Statement

- 1.1.1 These representations are made regarding the October 2015 Regulation 18 version of the emerging Maidstone Local Plan to promote land at Bydews Place, Farleigh Hill, Maidstone, on behalf of our client the executor of the late Miss R D Berridge, for inclusion as an allocated site for residential development.
- 1.1.2 The site has not previously been actively promoted or formally considered by the Council as part of the Local Plan or Call for Sites process.

2 The Site

- 2.1.1 The site is comprised of two parcels (A and B) on land at Bydews Place, Farleigh Hill, Maidstone.
- 2.1.2 Parcel A comprises a small field (0.3ha) in pastoral use, with mature hedgerow and mature trees along its boundaries. A small wooded copse forms the site's northern boundary.
- 2.1.3 Parcel B consists of a larger field (2.1ha) with mature hedgerow along its southern and western boundaries. A public footpath crosses the site running north east to south west contiguous with the tree belt bisecting the site.
- 2.1.4 In its wider context the site lies in the Tovil area of Maidstone approximately 1.6km south west of the town centre. To the north lie Bydews Place and associated properties with woodland and the River Medway beyond.
- 2.1.5 To the north east lies a recreation ground with direct access via the onsite footpath and directly to the east the industrial estates of Tovil. West of the site lies further agricultural land. The land immediately south of parcel A (land off Farleigh Hill) already benefits from planning permission for residential development of 27 units (MA/12/0980) and site preparatory works are in progress. The former quarry site to the south of the B2010 is allocated for employment in Maidstone's saved Local Plan policies and also benefits from extant outline planning permission for residential development (MA/10/0256).



Figure 1 – Site Location

2.2 Site constraints

- 2.2.1 The site is free from any overriding environmental constraints to development. There are not considered to be any fundamental issues regarding contamination, flood risk, noise, air quality, or ecology. The site does not fall within or adjacent to a Conservation Area.
- 2.2.2 There are five Listed Buildings associated with Bydews Place north the site; Bydews Place grade II* listed, the cottage north west of Bydews Place grade II, Dovecote in the grounds of Bydews Place grade II, Bydews Farmhouse, and the former granary grade II listed.

2.3 Proposed development

- 2.3.1 The site as illustrated in Figure 1 is proposed for the allocation of low density residential development with associated landscape planting and buffers as necessary.

3 Site assessment

3.1 Sustainability

- 3.1.1 The NPPF places sustainable development at the heart of the planning system. One key aspect of that is seen to be the delivery of a wide choice of high quality homes, with housing applications to be considered in the context of the presumption in favour of sustainable development.
- 3.1.2 The Tovil area of Maidstone, including shops and services, is within easy walking distance whilst the site is within 1.6km of Maidstone town centre. The location is therefore highly sustainable.
- 3.1.3 The site itself provides a logical extension to the Tovil urban area, particularly when considered in context of the existing permissions at land to the north and south of Farleigh Hill.

3.2 Housing supply in the borough

- 3.2.1 As of June 2015, MBC is working to a provisional an objectively assessed need housing target of 18,560 dwellings for the plan period 2011 to 2031 (928 per year). This target has been slightly reduced from 18,600 dwellings following the findings of a Strategic Housing Market Assessment (SHMA) Update report, which was considered and accepted by the Council's Strategic Planning and Transportation Committee (SPTC) on 9th June 2015.
- 3.2.2 Paragraph 4.3 of the 2014 Regulation 18 draft Local Plan refers to an identified supply (including 'broad locations' for new development) of 17,100 dwellings across the plan period. That is less than the objectively assessed need of 18,560 dwellings (as identified in the recent Strategic Housing Market Assessment).
- 3.2.3 The October 2015 Regulation 18 draft Local Plan amendment then proposes the removal of a number of allocated housing sites and the addition of new allocations. Using the previously identified supply as a starting point those changes would appear to still result in a shortfall of approximately 1,000 dwellings below the Objectively Assessed Need for housing.
- 3.2.4 The draft Local Plan (2014 and 2015 drafts taken together) currently provides for 7,992 dwellings with completions from 2011/12 to 2013/14 and permissions on non-allocated sites as at June 2015 accounting for 4,538. Additional to this are units proposed as part of mixed use allocations, identified 'broad locations' and a windfall allowance, totalling a further 4,832 units. This gives a total proposed housing supply of 17,362 units, 1,198 units below the confirmed objectively assessed need.
- 3.2.5 The allocation of the proposed site would therefore make a beneficial contribution to the existing shortfall in a sustainable location and in accordance with the policies of the NPPF. That requires objectively assessed needs to be met in full.

3.3 Landscape, visual impact and listed buildings

- 3.3.1 The October 2015 Regulation 18 consultation draft makes amendment to policy SP5. It is noted that the proposed site falls within the Medway Valley Landscape of Local Value and thereby the restrictions of development in the 'Countryside' imposed by policy SP5.
- 3.3.2 However, the site lies contiguous with the urban boundary of Maidstone. Therefore any allocation of the site and subsequent development would classify the site as urban and would not be detrimental to the purpose of SP5. It is noted that SP5 was devised prior to the promotion of the proposed site for allocation (it has not previously been put forward or assessed under previous Call for Sites) and therefore did not have the benefit of considering the site for suitable residential development.
- 3.3.3 We therefore object to the inclusion of the proposed site as part of the Medway Valley Landscape of Local Value and propose the site as a logical extension to the Tovil urban area.
- 3.3.4 This is not considered to be to the detriment of the purpose of the Medway Valley designation. The site is located at the very edge of the large designation, the purpose of which is to maintain the rural character of the countryside. This function would not be materially affected by allocation of the site.
- 3.3.5 The draft Plan confirms that *"The Medway Valley is characterised by the wide River Medway and steep valley sides where the valley incises the Greensand and is crossed by distinctive ragstone bridges. The area lends itself to much recreational land use including the Medway Valley Walk, although some sections are more wooded and remote in character"* (Paragraph 2.22). The site does not conform with this description and its development would not therefore materially affect the character of the area or the reason for its designation as a landscape of local value.
- 3.3.6 While the site will extend the urban edge of Maidstone, the perception of the urban edge from within the Medway Valley will not be materially affected. Moreover, the inclusion of a roundabout access to the Tovil Quarry site along the B2010, as approved, would extend the urban character of the area beyond its existing limit such that the semi-rural character of the area is eroded further, facilitating the proposed site as a logical infill to the urban area.
- 3.3.7 Additionally, the relatively flat topography of the site lends itself to effective structural planting as screening and the provision of a western landscape buffer will further mitigate any landscape character effects. As with other proposed allocations in the borough, this can be secured as part of the allocation process and subsequently at the detailed design stage.
- 3.3.8 The proposed development would have a slight effect on the setting of the listed buildings associated with Bydews Place, albeit the contribution of the proposed site to the setting of the listed buildings is not significant (the proposed development will not affect the curtilage nor immediate setting). However, it is considered that the impact of any development within the site on the setting of the listed buildings could be minimised through appropriate layout, design and landscaping within any proposed scheme, so that any proposed development is well screened visually from the listed

buildings. Appropriate design would ensure that any development would read as a modern, albeit sympathetic, extension to Tovil and would assist with ensuring that the Listed Buildings could still be read in their original context. This is a consideration which needs to be weighed alongside the need, as set out above, to provide a logical extension to Tovil and meet objectively assessed housing needs.

- 3.3.9 Parcel A is particularly well screened from the wider landscape and the listed buildings at Bydews place and is not considered to have any associated landscape or heritage impact with no discernible intervisibility between the site and the listed buildings. While the impact of parcel B is considered to be slight on both these assets, should the Council be of contrary opinion, and without prejudice to our view that both parcels represent suitable allocations, we encourage the Council to consider the parcels in isolation for the merits of allocation as well as a whole.

3.4 Access

- 3.4.1 The sites benefit from an existing and established access off Farleigh Hill, which could be used to serve additional development. Allocation of land at Parcel B would additionally introduce potential for a new access into the site via a roundabout as previously approved by the Council to serve the extant scheme to the south. The location of this roundabout coincides with the frontage of Parcel B and therefore it would be possible for a further arm to be created, servicing the site.
- 3.4.2 Should the Council consider only Parcel A to be suitable for allocation notwithstanding the above, then the existing access would adequately serve this more modest development.

4 Summary

4.1.1 In summary:

- The allocation of the proposed site for residential development provides a logical and appropriate extension to the Tovil area of Maidstone and therefore a sustainable location for development;
- The identification of the site as a residential allocation would provide a sustainable location and beneficial contribution towards meeting the current housing shortfall, which the NPPF confirms must be met in full;
- The site is absent from any overriding constraint to development and would be capable of accommodating a sensitive, low density development subject to considerations of layout, design and landscaping;
- We object to the inclusion of the site with the Medway Valley Landscape of Local Value as part of emerging policy SP5 on the basis of the proposed suitability of the site for allocation and its peripheral location adjacent to the urban area, in the context of the large area covered by the designation;
- The site is available and deliverable for development within the Plan period;
- Without prejudice to our view that the site as a whole represents a suitable, deliverable and sustainable allocation opportunity, should the Council take a contrary view, we would encourage consideration of a smaller allocation at Parcel A in recognition that this land is most directly related to the adjacent urban area.

4.1.2 In light of the above, it is requested that the Council identify the site as a future housing allocation in accordance with the submitted information.

B

APPENDIX

**MAIDSTONE BOROUGH
COUNCIL**

**LOCAL PLAN
REG. 19 PUBLICATION
CONSULTATION RESPONSE**

*Submitted on behalf of
the Executors of
the late Miss R D Berridge*

March 2016

REF: DHA/10981

Contents

1	INTRODUCTION	3
1.1	Background	3
2	IS THE PLAN POSITIVELY PREPARED?	4
2.2	Policy SS1 – Spatial Strategy	4
2.3	Policy SP3 - Maidstone Urban Area	4
2.4	Modifications Sought	4
2.5	Suitability of Bydews Place.....	4
	Site Constraints& Opportunities.....	6
	Sustainability.....	6
	Landscape, Visual Impact and Listed Buildings.....	6
	Access.....	7
	Deliverability	7
2.6	Summary	8
3	IS THE LOCAL PLAN JUSTIFIED?.....	9
3.2	Delivering sufficient housing to meet the FOAN.....	9
3.3	Concern regarding Broad Locations	9
3.4	Windfall Allowance	11
3.5	Summary	12
3.6	Suggested Modifications	12
4	IS THE PLAN EFFECTIVE?	13
4.2	Objection to Inadequate Housing Land	13
4.3	Proposed Modifications	13
5	IS THE PLAN CONSISTENT WITH NATIONAL POLICY?	14
5.2	The Presumption in Favour of Sustainable Development.....	14
5.3	Delivering a wide choice of high quality homes.....	14
5.4	Summary	15
6	OVERALL CONCLUSIONS	16

1 Introduction

1.1 Background

1.1.1 Maidstone Borough Council has produced a new Local Plan to guide future development within the borough and proposes to submit it to the Secretary of State for Communities and Local Government for independent Examination.

1.1.2 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. To be “sound” it must be:

- *Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*

- *Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*

- *Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*

- *Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

1.1.3 This representation provides the views of the executors of the late Miss R Berridge in respect of land at Bydews Place, Farleigh Hill, Maidstone. We consider this site should be included as an allocated site for residential development for soundness purposes.

2 Is the Plan Positively Prepared?

2.1.1 To be positively prepared the plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

2.2 Policy SS1 – Spatial Strategy

2.2.1 We support the Council's decision to identify and plan for the full objectively assessed housing need (FOAN) of 18,560 new homes, and to acknowledge the associated community and infrastructure benefits that such housing would assist in delivering. This approach accords with the presumption in favour of sustainable development and key aspects of national planning guidance including paragraph 47 of the NPPF that seeks to boost significantly the supply of housing.

2.2.2 The foundations of the plan are therefore positively prepared.

2.3 Policy SP3 - Maidstone Urban Area

2.3.1 According to policy SP3 of the submission plan, the Maidstone Urban Area is the most sustainable location in the settlement hierarchy, where most new development over the plan period will be focused.

2.3.2 We agree that the Maidstone Urban Area is best suited for growth support the inclusion of these policies. Furthermore, the sustainability credentials of our client's site are such that we consider that land should be allocated to ensure the full objectively assessed housing need is met.

2.4 Modifications Sought

2.4.1 Whilst we support the thrust of the strategy, our client remains concerned whether sufficient land has been provided to meet the FOAN for housing (as outlined overleaf) and feel that further land is needed.

2.4.2 In the absence of sufficient sites to comfortably meet need with sufficient flexibility, the plan cannot meet the test of being positively prepared. A suitable remedy would be to include our client's sustainable land alongside other suitable sites to meet the potential deficit identified overleaf.

2.5 Suitability of Bydews Place

2.5.1 Our client's land comprises of two parcels (A and B) on land at Bydews Place, Farleigh Hill, Maidstone.

2.5.2 Parcel A is a small field (0.3ha) in pastoral use, with mature hedgerow and mature trees along its boundaries. A small wooded copse forms the site's northern boundary.

- 2.5.3 Parcel B consists of a larger field (2.1ha) with mature hedgerow along its southern and western boundaries. A public footpath crosses the site running north east to south west contiguous with the tree belt bisecting the site.
- 2.5.4 In its wider context the site lies in the Tovil area of Maidstone approximately 1.6km south west of the town centre. To the north lie Bydews Place and associated properties with woodland and the River Medway beyond.
- 2.5.5 To the north east lies a recreation ground with direct access via the onsite footpath and directly to the east the industrial estates of Tovil. West of the site lies further agricultural land. The land immediately south of parcel A (land off Farleigh Hill) already benefits from planning permission for residential development of 27 units (MA/12/0980) and site preparatory works are in progress. The former quarry site to the south of the B2010 is allocated for employment in Maidstone's saved Local Plan policies and also benefits from extant outline planning permission for residential development (MA/10/0256).



Figure 1 – Site Location

- 2.5.6 The suitability of the site for allocation and residential development of approximately 50 units has been recognised by Officers, who recommended it for allocation following the Regulation 18 public consultation and in assessing representations received as set out in the report to the Strategic Planning, Sustainability and Transportation Committee dated 14th December 2015 . In considering the site, this report concluded that:

Overall the site is considered to be well-related to the existing urban area and to existing and proposed residential development . Policy criteria are included in the proposed allocation policy to preserve the boundary between the urban area and the countryside beyond the site as well as the setting of both Bydews Wood and the designated heritage assets at and adjacent to Bydews Place. The existing hedgerow and important trees should also be retained and the line of PROW maintained. An area

of land to the north east of the site, adjacent to the housing site at Burial Ground Lane, is identified as publically accessible open space. Keeping this land undeveloped will also help to secure the setting of the listed buildings to the north.

The site is approximately 1km from the nearest primary school, 0.5km from local shops and 700m to a post office. The SA highlights that the site scores more poorly in terms of its distance to services and facilities. In response the proposed allocation policy criteria require the pedestrian and cycle paths to be incorporated into the design of the scheme and that these connect to existing and proposed footways along Dean Street/Farleigh Hill. Access to a GP surgery would substantially improve if such a facility were delivered as part of the proposed development on the site 'Land south of Tovil' (below). The site is on the route of the 23 and 26 bus services with the nearest bus stop some 100m from the site.

Site Constraints & Opportunities

- 2.5.7 The site is free from any overriding environmental constraints to development. There are not considered to be any fundamental issues regarding contamination, flood risk, noise, air quality, or ecology. The site does not fall within or adjacent to a Conservation Area.
- 2.5.8 There are five Listed Buildings associated with Bydews Place north the site; Bydews Place grade II* listed, the cottage north west of Bydews Place grade II, Dovecote in the grounds of Bydews Place grade II, Bydews Farmhouse, and the former granary grade II listed. Accordingly, sensitive low density residential development with associated landscape planting and buffers as necessary is proposed to ensure the settings of these listed buildings are preserved.

Sustainability

- 2.5.9 The NPPF places sustainable development at the heart of the planning system. One key aspect of that is seen to be the delivery of a wide choice of high quality homes, with housing applications to be considered in the context of the presumption in favour of sustainable development.
- 2.5.10 The Tovil area of Maidstone, including shops and services, is within easy walking distance whilst the site is within 1.6km of Maidstone town centre. The location is therefore highly sustainable. Furthermore, the site itself provides a logical extension to the Tovil urban area, particularly when considered in context of the existing permissions at land to the north and south of Farleigh Hill.

Landscape, Visual Impact and Listed Buildings

- 2.5.11 The site falls just within the Medway Valley Landscape of Local Value and thereby the restrictions of development in the 'Countryside' imposed by draft policy SP17. However, the site lies contiguous with the urban boundary of Maidstone. Therefore any allocation of the site and subsequent development would classify the site as urban and would not be detrimental to the purpose of SP17. The site is located at the very edge of the large designation, the purpose of which is to maintain the rural character of the countryside. This function would not be materially affected by allocation of the site.

2.5.12 Development of the site could have a slight effect on the setting of the listed buildings associated with Bydews Place, albeit the contribution of the proposed site to the setting of the listed buildings is not significant (the proposed development will not affect the curtilage nor immediate setting). However, it is considered that the impact of any development within the site on the setting of the listed buildings could be minimised and adequately mitigated through appropriate layout, design and landscaping within any proposed scheme, so that any development is well screened visually from the listed buildings. Appropriate design would ensure that any development would read as a modern, albeit sympathetic, extension to Tovil and would assist with ensuring that the Listed Buildings could still be read in their original context. This is a consideration which needs to be weighed alongside the need, as set out above, to meet objectively assessed housing needs.

Access

2.5.13 The site benefits from an existing and established access off Farleigh Hill, which is suitable to serve additional development. Allocation of land at Parcel B would additionally introduce potential for a new access into the site via a roundabout as previously approved by the Council to serve the extant scheme to the south. The location of this roundabout coincides with the frontage of Parcel B and therefore it would be possible for a further arm to be created, servicing the site. This potential was recognised by Officers in recommending the site for allocation (see draft allocation at **Appendix B** as proposed to the Strategic Planning, Sustainability and Transportation Committee on 14th December 2015).

Deliverability

2.5.14 The NPPF states that for sites to be considered deliverable, they need to be available, suitable and achievable.

2.5.15 Availability is essentially about confirming that it is financially viable to develop and viability remains a central consideration throughout plan making and this is set out in the NPPF (Paragraph 159). We can confirm that there are no known unexpected financial restrictions that would impact upon the viability of a housing scheme or that would prohibit development coming through within the early stages of the plan period.

2.5.16 Furthermore, the site is within single ownership and there are no complicated legal agreements or covenants that would prohibit the ability to bring forward the site early in the plan period. Tentative initial discussions with developers have demonstrated that there is market interest in the site.

2.5.17 The indicative plan provided at **Appendix A** illustrates how a scheme of the scale envisaged could be delivered having regard to the opportunities and constraints identified above.

2.5.18 In rejecting Officers' recommendation for allocation and contrary to the conclusions Officers had reached in assessing the site, Members expressed concerns over sustainability and potential landscape impact (addressed above) and the extension of the urban boundary into the countryside, a necessary impact in meeting the identified

housing needs of the borough. Concern was also expressed over inclusion of the site without undergoing further Regulation 18 consultation. This concern does not however form a reasonable planning basis for non-allocation given the level of scrutiny afforded sites at Regulation 19 stage and noting that the site had only recently become available owing to the land passing to executors of the estate.

2.6 Summary

- 2.6.1 In simple terms, further housing land is needed to ensure that the FOAN for housing is met and Bydews Place is a suitable and sustainable location to allocate the further land that is needed.

3 Is the Local Plan justified?

3.1.1 To be justified the plan should be the most appropriate strategy, when considered against the reasonable alternatives and based on proportionate evidence base.

3.1.2 In part the plan is justified insofar as it is seeking to meet the FOAN for housing within the borough. However, our client has strong concerns regarding the actual deliverability of the housing that is needed.

3.2 Delivering sufficient housing to meet the FOAN

3.2.1 As can be seen from the table overleaf, the Council seeks to allocate land to accommodate the FOAN figure of 18,560 new homes between 2011 and 2031. However, having regard to existing completions to date (2011 to 2015), there is a subsequent need to identify sufficient land to provide 16,219 new houses until to 2031. The Council has identified the following sources of supply to meet this remaining target:

- *Extant planning permissions (1,411 units);*
- *Resolutions to Grant Planning Permission (2,469 units);*
- *Policy H1 Housing Sites (8,244 units);*
- *Broad Locations (3,500 units);*
- *Mixed Use Sites (463); and*
- *A windfall allowance (1,026 units between 2022 and 2031).*

3.2.2 In our view these sources of supply are not sufficiently robust to ensure the housing requirement is met. For example, it is naïve of the Council to assume that all sites with planning permission, resolutions to grant or draft allocations will come forward for development. Some of these sites will either be delayed, become unavailable or will be secured in alternative uses.

3.2.3 Likewise, many of the small scale opportunities and sites being promoted are likely to be motivated by landowners' desire to increase the value of land. This does not automatically mean that the permissions will be implemented or that existing uses will be displaced within the plan period and these sites do not provide the certainty of those that have genuine developers in control.

3.2.4 In light of the Government's desire to ensure Local Plans can be flexible and rapidly respond to change, it is essential that a cautious approach is adopted and that an over reliance on the implementation of the planning permissions and proposed allocations does not prejudice other suitable sites from coming forward. Consequently, an industry standard 10% discount should be applied to uncertain elements of the Council's overall supply to ensure flexibility of the plan.

3.3 Concern regarding Broad Locations

3.3.1 In addition to the known 318 unit shortfall, we consider the Council's decision to rely on Broad Locations as a core component of the housing land supply does not represent

positive or justified planning when genuinely sustainable and deliverable sites could be identified as alternatives.

- 3.3.2 Bearing in mind the limited remaining supply of brownfield sites, there is also no genuine evidence available to demonstrate 700 additional Broad Location homes will come forward in Maidstone town centre (as endorsed by policy H2(1)), when those legitimate opportunities have already been identified and allocated within policy H1. Furthermore, to include 700 Broad Location additional units in the town centre AND a windfall allowance of 114 dwellings per annum during the latter stages of the plan period, undoubtedly represents double counting.
- 3.3.3 Specific site proposals also cause concern. For example, there remains a complete lack of certainty regarding the long term future of Invicta Park Barracks and whether the site will become available for development within the plan period. To rely on it delivering 7% of the overall housing provision is therefore completely unreasonable and unsound in planning terms. If the site meets the test of being deliverable it should be allocated in the plan now. However, it cannot meet these tests now so should not be relied at the expense of other genuinely sustainable potential housing sites that could come forward and provide a more certain supply of housing.
- 3.3.4 In summary, if these questionable elements of supply do not come forward as planned, the emerging Local plan will fail to deliver the housing targets it seeks to achieve and will be quickly rendered out of date.
- 3.3.5 Concerns over the reliance placed on the identified allocations and Broad Locations have been raised by the Council following the Regulation 18 consultation and this formed the basis for recommending two additional allocation sites including Bydews Place. The 14th December Report to the Strategic Planning, Sustainability and Transportation Committee stated;

A key role of the Local Plan is to identify in advance where development will take place. This brings important certainty for both local residents and also for developers and any others with a stake in the development process. The inclusion in the Local Plan of a significant supply of confirmed site allocations will help to ensure it complies with two of the tests of soundness, namely that the Plan has been 'positively prepared' and that it is 'effective' i.e. that it is deliverable. Further, the greater the number dwellings identified on specific, deliverable sites, the greater the boost to pipeline supply which potentially would improve the resilience of the Council's 5 year supply position (when achieved).

For the latter part of the Plan period, 3 broad locations have been identified which will deliver housing in the post 2026 period. To give greater detail to the delivery of development in these locations, early masterplanning is to be undertaken for both the Invicta Barracks and Lenham locations. Detailed site allocations in Lenham and at the Barracks and at The Mall will also be included in the planned review of the Local Plan at 2021. Whilst there is confidence about the future prospects for all these locations, and recognising the proactive steps that will be taken, there are some inherent uncertainties associated with planning for sites to be delivered 10+ years hence. In addition it is possible that yields achieved on allocated sites could vary marginally from

those cited in the Plan for site specific reasons revealed at detailed planning application stage.

With this understanding, a numerical oversupply against the OAN figure helps to mitigate risks of housing not coming forward exactly when and in the form expected, including in the latter part of the Plan period and further increase the certainty of the Objectively Assessed Need for housing being met in full.

3.4 Windfall Allowance

- 3.4.1 We agree that some modest windfall sites will continue to be delivered during the plan period. However, no genuine evidence exists to rely upon them as a key component of the housing supply. Furthermore, they will be a reducing supply as brownfield land and other opportunities are increasingly used up.
- 3.4.2 The NPPF is very clear that Local planning authorities may make an allowance for windfall sites only if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
- 3.4.3 The age of the existing outdated development plan means that any historic delivery of windfall sites cannot be a robust basis to calculate a new allowance. In the absence of such evidence, windfalls should again be treated as a bonus and should not be so heavily relied upon until such time as robust evidence of windfall generation (against the new plan target/allocations) has been established.
- 3.4.4 To ensure there is not an over reliance, windfall rates should be capped to 50 units per year (for the period 2022 – 2031) until adequate new evidence for an increased number can be collated.
- 3.4.5 Based on the areas of doubt identified above the overall housing provision should be discounted as shown below.

	No. Units Relied Upon by MBC	Proposed Discount For Flexibility	DHA Amended Figures
Requirements			
Housing Requirement 2011 -3031	18,560	-	18,560
Annual Requirement	928	-	928
Completions to date 2011 - 2015	2,341	-	2,341
Remaining Target 2015 - 3031	16,219	-	16,219
Source of Supply			
Extant Planning Permissions	1,411	-141	1,270
Resolutions to Grant	2,469	-247	2,222
Identified H1 sites	8,244	-824	7,420

Broad Locations			
Maidstone Town Centre	700	-700	0
Invicta Park Barracks	1,300	-1,300	0
Lenham	1,500	-	1,500
Retail Mixed Use Sites			
Maidstone East/Royal Mail Sorting Office	210	-	210
King Street Car Park	53	-	53
Syngenta Works	200	-	200
Windfall Allowance 2022-2031 (114pa)	1,026	-576	500
TOTAL SUPPLY	17,113		13,375
Surplus/Deficit	894		-2,844

3.5 Summary

- 3.5.1 In the absence of the appropriate application of industry standard discounts to ensure flexibility, the plan over estimates the contribution of planning permissions and identified sites. Furthermore, there remains uncertainty about the Broad Locations and the windfall allowance, which should not be so heavily relied upon within the emerging plan. This uncertainty has been identified by the Council itself and as a result of this Officers have previously advocated the allocation of additional sites, including Bydews Place.
- 3.5.2 To be justified the plan should be the most appropriate strategy, when considered against the reasonable alternatives. On the basis that genuinely sustainable and deliverable sites are available during the plan period, and opportunities to intensify existing allocations exist, the most appropriate strategies would be to allocate more firm forms of housing rather than rely on sites where the future is unclear.
- 3.5.3 The reliance on 1,300 new homes from Invicta Barracks patently fails the tests of being suitable for allocation, and with no other alternative, renders this element of the housing supply completely undeliverable and this is too significant in scale to leave unaddressed.
- 3.5.4 Whilst on the face of it appears the Council has sought to deliver the FOAN for housing, there is a genuine and very significant shortfall of suitable housing land to the region of approximately 2,800 homes, without reasonable contingencies in place. We therefore consider the plan as drafted clearly fails the test of being justified and requires major modifications to make it sound.

3.6 Suggested Modifications

- 3.6.1 For the reasons set out above, identifying a series of other additional sustainable sites, including our client's land, to help provide an additional 2,800 homes will ensure the plan delivers the development needed to meet the FOAN with the flexibility to respond to any unexpected changes in circumstance.

4 Is the Plan Effective?

4.1.1 To be effective the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

4.2 Objection to Inadequate Housing Land

4.2.1 Paragraph 14 of the NPPF requires the Council's Local Plan to be able to flexibly adapt to rapid change, which is of significant importance when preparing a development plan.

4.2.2 The allocations currently proposed will go some way in implementing the housing provision set out in the Local Plan. However, there are not enough deliverable sites and no mechanisms put in place to allow the Council to respond to non-delivery. Likewise, there is too much uncertainty regarding the delivery of the housing components relied upon by the Council.

4.2.3 Furthermore, if Invicta Barracks are not vacated by the Army (there is no commitment to them vacating this long standing site), some existing planning permissions expire (as they inevitably will) and 700 unplanned homes in the town centre do not come forward, there is no flexibility to compensate for these losses that could amount to some 2,800 unit deficit. Officers have previously identified the risks in relying on these sources of supply alone but the plan as currently drafted does not seek to address these risks.

4.2.4 In order to be effective the plan must be modified to ensure that more certain sources of supply are identified to ensure delivery of the number of homes that are needed. For this reason, the questionable elements of the housing supply components should be addressed and replaced with additional sites including our client's deliverable land at Bydews Place.

4.3 Proposed Modifications

4.3.1 Having regard to the above matters, we support the proposed allocations of housing but object to the inadequate number of site allocations and the over reliance on questionable elements of housing supply. The risk of double counting is high, the plan lacks flexibility and certain sources fail the test of being deliverable or developable.

4.3.2 On the basis that there is concern about the overall deliverability of the plan it must be ineffective and unsound. Nonetheless, the allocation of further suitable and deliverable sites could potentially remedy the soundness issue.

5 Is the Plan Consistent with National Policy?

5.1.1 The final test of soundness relates to whether the plan enables the delivery of sustainable development in accordance with the policies in the NPPF.

5.2 The Presumption in Favour of Sustainable Development

5.2.1 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that local planning authorities should positively seek opportunities to meet the development needs of their area and should meet objectively assessed needs (with sufficient flexibility to adapt to rapid change) unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies indicate development should be restricted.

5.2.2 As stated previously, the submission plan fails to adhere to the presumption on the basis that it does not put in place a robust supply of deliverable sites to meet the full objectively assessed need for housing and, more importantly, lacks the flexibility to rapidly respond to change if vital components of the housing land supply were not to come forward.

5.2.3 The plan as drafted therefore fails to comply with paragraph 14 of the NPPF and the sustainable development foundations upon which the Government's planning system is based.

5.3 Delivering a wide choice of high quality homes

5.3.1 Paragraph 47 states that to boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *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;*
- *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15*

5.3.2 Whilst we consider that the Council has sought to identify a deliverable and developable supply of land to meet the FOAN, when the components of the housing land supply are

examined in detail it is clear that parts of the supply are questionable and there is a significant risk that some will not come forward as planned. The result would be a failure to plan for the housing that is needed to 'boost significantly' the supply of housing within the Maidstone area. There must therefore be conflict with paragraph 47 of the NPPF.

5.3.3 Paragraph 52 of the NPPF is clear that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. This being the case there is a clear endorsement from the Government that sustainability is key. Our client controls a highly sustainable site on the edge of the Maidstone Urban Area that can provide a genuine and deliverable contribution to the overall housing supply and be intensified to deliver some of the additional homes that are needed. This approach should be welcomed rather than relying on windfall sites and Broad Locations that are not sufficiently informed by a robust evidence base.

5.3.4 Paragraph 154 states that Local Plans should be aspirational but realistic, whilst paragraph 58 states that local planning authorities should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Unfortunately, aspects of the plan fall foul of these requirements insofar as elements of housing delivery are overly aspirational and not realistic. For example, the double counting and over expectation of unplanned housing to come forward in Maidstone beyond those sites identified. Likewise, there is over reliance on sites becoming available without the evidence to demonstrate that they are deliverable or developable within the plan period.

5.4 Summary

5.4.1 In summary, the plan as drafted conflicts with a number of areas of national planning policy and must therefore be unsound.

5.4.2 In our view the only remedy is to add additional deliverable and developable sites, supported by a robust evidence base, to demonstrate that the full objectively assessed need for housing will be met, along with mechanisms to show that the plan has the ability to flexibly and rapidly respond to change. Allocation of Bydews Place, a site previously identified by Officers as being a sustainable and suitable site for residential development, will contribute positively towards this.

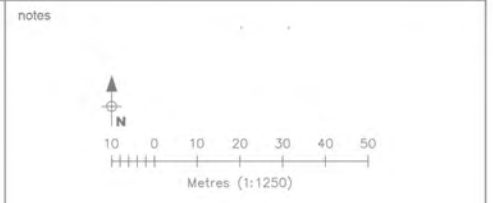
6 Overall Conclusions

- 6.1.1 Taking into account all of the above matters, we do applaud the Council for identifying and recognising the importance of planning for the full objectively assessed housing needs of the area. However, upon detailed scrutiny the plan relies too heavily on speculative sources of housing land that are unlikely to come forward and lack the detailed evidence to make their inclusion justified. This flaw has previously been highlighted by Officers but not remedied.
- 6.1.2 There is a double counting through inclusion of both a windfall allowance and Maidstone Town centre Broad Location, whilst the inclusion of the Invicta Barracks is unjustified at this stage of the plan making process as the site is not deliverable.
- 6.1.3 The over reliance on these and other sites means that there is no contingency in place in the event that one or all of these sites fails to come forward. It is therefore not inconceivable that the emerging plan could quickly be rendered out of date on the basis of a failure to consistently deliver the number of homes that are needed.
- 6.1.4 As a consequence of these significant flaws the plan cannot be considered to be positively prepared, it cannot be justified and it cannot be effective. Furthermore, it falls foul of being consistent with national planning policy.
- 6.1.5 In order to remedy these concerns it is essential that main modifications be proposed and sufficient additional housing sites are identified. Our client's land would provide a genuine contribution towards providing the additional homes that are needed in accordance with the broad spatial strategy proposed that recognises the Maidstone Urban Area's role as the most sustainable location for new development. The suitability of the site as a proposed allocation has previously been recognised and endorsed by Officers with concerns expressed by Members being unfounded or capable of being addressed through the detail of any development.

A

APPENDIX

Land at Bydews Place, Tovil



rev	reason	date
client	FURLEY PAGE LLP	
project	LAND AT BYDEWS PLACE, TOVIL	
title	ILLUSTRATIVE CONCEPT	
drwg	rev	scale
DHA/10981/01		1:1250
		date
		DEC 2015

dha urban design
 & development masterplanning

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B

APPENDIX

AGENDA

STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE MEETING



Date: Monday 14 December 2015

Time: 6.30 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Burton (Chairman), English,
Mrs Gooch, Mrs Grigg, D Mortimer,
Paine, Springett, de Wiggondene and
Mrs Wilson

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Disclosures by Members and Officers

Continued Over/:

Issued on Friday 4 December 2015

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Tessa Ware on 01622 602621**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

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

5. Disclosures of Lobbying
 6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
 7. Minutes of the meeting held on 1 December 2015 1 - 8
 8. Urgent Items
 9. Presentation of Petitions (if any)
 10. Questions and answer session for members of the public
 11. Report of the Head of Planning and Development - Maidstone Borough Local Plan: responses to the Regulation 18 consultation (October 2015) 9 - 267
- Members are requested to bring their copy of the Maidstone Borough Local Plan Regulation 18 Consultation 2015 document, previously distributed, with them to refer to at the meeting.**
12. Report of the Head of Planning and Development - Integrated Transport Strategy 268 - 357

APPENDIX F – Proposed site allocation policies

H03-314 Land at Bydews Place Tovil

Ward: South

Parish: Tovil

Current use: Grazing land and Agriculture

Land at Bydews Place Tovil development criteria

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

Design and Layout

1. Residential development shall only take place on the parcel of land 2.1ha in area as indicated on the proposals map.
2. The parcel of land of 0.3ha as indicated on the proposals map shall be retained as natural/semi-natural open space to provide part of the setting to Bydews Place.
3. Development proposals shall seek to maintain the existing rural nature of the access to Bydews Place and leave appropriate separation from any built development.
4. Development proposals show the retention and reinforcement where necessary of existing boundary hedgerows and tree belts.
5. The character and layout of the development will reflect its role as a transition site on the edge of the urban area.
6. Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials.

Access

7. Primary access for the development shall be taken from the B2010 Dean Street.
8. PROW KB14 shall be retained and incorporated into the scheme
9. Pedestrian/cycle paths shall be provided within the scheme and these shall connect to existing and proposed footways along the B2010 Dean Street/Farleigh Hill north and south of the site.

Heritage Impact

10. The development proposals are designed to take into account the results of detailed Heritage Impact Assessment undertaken in accordance with the principles of current guidance, on the designated heritage assets at Bydews Place and land adjoining.

Landscape and ecology

- 11.The development proposals are designed to take into account the results of a landscape and visual impact assessment undertaken in accordance with the principles of current guidance.
- 12.The development proposals are designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.
- 13.The development proposals are designed to take into account the results of a phase 1 habitat survey and any species specific surveys that may as a result be recommended, together with any necessary mitigation/enhancement measures.

Contamination/Landfill gas

- 14.The submission of an appropriate survey carried out in accordance with current best practice, together with any remediation and mitigation measures that may be identified that assesses whether the site is affected by landfill gas migration for the nearby former land fill site.

Drainage and Flood Risk

- 15.Development will be subject to the results of a detailed flood risk assessment and a sustainable surface water drainage strategy that demonstrates surface water run-off from the site will not lead to an increased risk of flooding off-site nor deterioration in groundwater quality.

Community infrastructure

- 16.Appropriate contributions towards community infrastructure will be provided where proven necessary

Open Space

- 17.The provision within the development of approximately 0.74ha of open space of which an area of natural/natural open space area of 0.3ha shall be provided in the location shown on the proposals map and any contributions proven necessary towards the off-site provision of other types of open space.

Highways

- 18.The development proposals are accompanied by a detailed traffic impact assessment that assesses the implications of the proposed development on the surrounding road network including in particular, the nearby household waste recycling site in Burial Ground Lane and the junctions of

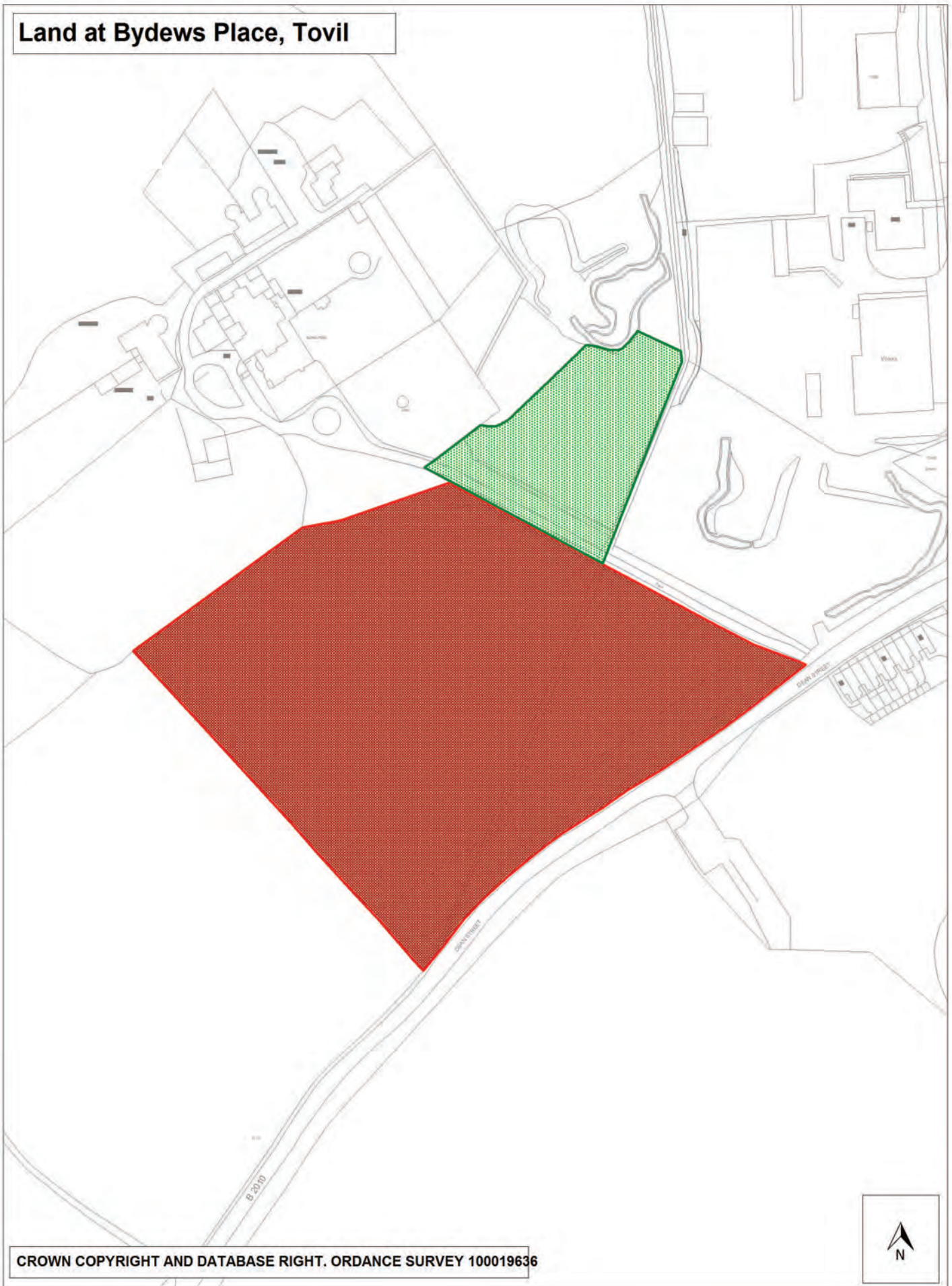
the B2010 with Straw Mill Hill, Church Street and Courtenay Road/Ecclestone Road Tovil and the junction of College Road, King Edward Road and Old Tovil Road with Hayle Road.

19. The implementation of any necessary improvement/mitigation measures as identified through the Traffic Impact Assessment.

Site Area: 2.4ha Net developable area 1.66ha

Approximate yield: 50 Approximate density 30 dwelling/ha

Land at Bydews Place, Tovil



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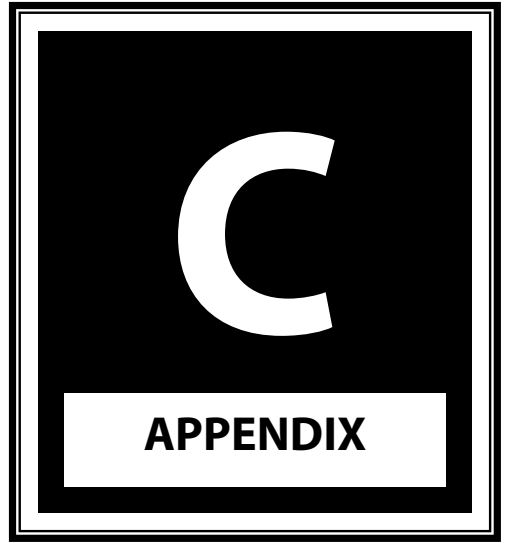
Legend



Residential development



Publicly accessible open space



**STRATEGIC PLANNING
SUSTAINABILITY &
TRANSPORT COMMITTEE**

**14th December
2015**

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

Yes

Maidstone Borough Local Plan: responses to the Regulation 18 consultation (October 2015).

Final Decision-Maker	Strategic Planning, Sustainability & Transport Committee
Lead Head of Service	Rob Jarman, Head of Planning & Development
Lead Officer and Report Author	Sarah Anderton, Principal Planning Officer (Spatial Policy)
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. That the schedule of policies and amendments be in Appendix B be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan.
2. That the site allocation policies for Land at Bydews Place and Land south of Tovil in Appendix F be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan
3. That the officer responses to the representations submitted during the public consultations on the draft Maidstone Borough Local Plan (Regulation 18 consultation) in Appendix A be approved.
4. That the amendment to Policy DM4 – Design Principles set out in paragraph 4.76 be approved for incorporation into the Regulation 19 version of the Maidstone Borough Local Plan

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – the Local Plan aims to plan positively for future growth in a sustainable way and protect the borough’s environmental assets.
- Securing a successful economy for Maidstone Borough – the Local Plan also aims to plan positively for the growth of the borough’s economy whilst also protecting the environmental assets which make the borough such an attractive place to work.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transport Committee	14 th December 2015

Maidstone Borough Local Plan: responses to the Regulation 18 consultation (October 2015).

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to consider the issues raised during the Local Plan Regulation 18 consultation held in October 2015 and the suggested changes to the Local Plan recommended in response.
 - 1.2 For completeness and convenience, the report also considers the issues raised on Policy SP5 – Countryside during the earlier Regulation 18 consultation on the ‘full’ draft Local Plan held in March-May 2014.
 - 1.3 As a further matter, the report addresses the reference from Planning Committee (first discussed at this Committee on 10th November) requesting that the Local Plan provide criteria for ‘active frontages’ as it would apply to residential development in more rural environments.
 - 1.4 Committee members are requested to bring their copies of the Maidstone Borough Local Plan Regulation 18 Consultation (October 2015) to the meeting.**
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The public consultation on the Maidstone Borough Local Plan Regulation 18 (October 2015) was held from Friday 2nd to Friday 30th October. The consultation related to a select suite of matters as follows;
 - a. Policy SP5 – Countryside, including proposed Landscapes of Local Value
 - b. Proposed new, amended and deleted housing allocations
 - c. Proposed additional employment land allocation at Woodcut Farm (M20 J8)
 - d. Proposed additional Gypsy & Traveller allocations
 - e. Proposed open space allocations and open space development management policy
 - f. Policy for nursing and care homes
 - g. Proposed deletion of two Park & Ride allocations in Policy PKR1 and consequent changes to Policy DM15 – Park & Ride
- 2.2 Some 935 representations were received to the consultation document from some 426 different respondents. These figures include approximately 11 late representations which were received within 4 days of the consultation closing. The purpose of this report is to consider the issues raised during this latest consultation and the recommended changes which should be made to the Local Plan in advance of the Committee’s consideration of the next full draft of the Plan (Regulation 19 version) at its meeting in January.

- 2.3 According to the timetable in the Local Development Scheme agreed by the Committee on 10th November the Regulation 19 consultation will take place in February/March 2016 with submission of the Plan following in May 2016 provided no substantive issues of soundness are raised.
- 2.4 A general matter raised during the latest public consultation by KALC, parish councils and private individuals was the 4-week duration of the consultation period which they considered to be too short to be meaningful and contrary to the Town and Country Planning (Local Planning) (England) Regulations and the Parish Charter.
- 2.5 In response, the Regulations do not specify a minimum consultation during preparation of the Local Plan at Regulation 18 stage. The breadth and length of the consultation should be proportionate to the size and complexity of the document. The 4 week timeframe was agreed as part of the wider programme for the delivery of the Local Plan by this Committee on 9th June 2015 given it was a partial update to the comprehensive consultation at Regulation 18 undertaken in the spring of 2014 on the whole plan. The proportionately shorter timescale ensured expediency in progressing the plan to the next stage.
- 2.6 All planning related consultation must be undertaken with regard to and in compliance with the Council's adopted Statement of Community Involvement, a legal requirement, which this Regulation 18 consultation was.
- 2.7 Finally in regard to the Parish Charter, this is clear that planning consultations are exempted from the six-week requirement, and that parishes should 'respond to all consultations in relation to the Local Plan within the Borough Council's deadlines in accordance with the adopted Statement of Community Involvement and Constitution.' This understood, comments received after the consultation close owing to the timing of parish council meetings have been considered with those received on time.
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3. AVAILABLE OPTIONS

- 3.1 The schedule in Appendix A sets out the issues raised in the consultation for each of the policy aspects included in the consultation document. Those respondents who were objecting to the content of the document were putting forward, in effect, alternative options to those included in the original consultation document. Officers have put forward a preferred approach in response in each case. The main issues are drawn out in the next section of the report.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The schedule in Appendix B includes the recommended changes to the Local Plan arising from the consultation.

Policy SP5 – Countryside

- 4.2 There was a significant volume of representations to Policy SP5 - Countryside (90 comments). Officers have additionally taken the opportunity to consider and respond to the issues raised in connection with this policy at the earlier Regulation 18 consultation held in 2014. Respondents raised a number of objections to the proposed Landscapes of Local Value (LLV) designations. A large portion of the comments regarding the LLVs were seeking further areas to be designated as LLVs, or to extend the proposed LLV boundaries. Councillors will recall that a number of these 'omitted' areas and/or landscape character areas were also raised during the 2014 Regulation 18 consultation, for which the responses were approved by this Committee in July 2015. The reasons not to include these areas are still regarded as valid. The inclusion of an LLV for the setting of the Kent Downs AONB was proposed by a small number of respondents. There were previous discussions regarding this issue, and the Committee concluded that the AONB settings should not be designated as LLVs due to the high degree of protection already afforded to these areas through national policy.
- 4.3 Some respondents were concerned about the perceived lack of evidence base supporting the designation of LLVs, with particular reference made to the Low Weald both in relation to its boundary based on the former SLA, and the designation of the area in general. The merits of including the Low Weald as a LLV was discussed at great length by both this Committee and the Policy & Resources Committee in July-September. The resolved position of the council is that inclusion of the Low Weald is justified and it is not recommended that the approach now be changed in the Regulation 19 version of the Local Plan.
- 4.4 The 2014 consultation has highlighted that greater clarity is needed about the Plan's approach to the development of brownfield sites in the countryside, in particular for housing. Such sites are frequently in unsustainable locations for conventional housing. As a result an amendment is proposed to Policy DM1 – Development on brownfield land to set out the very limited circumstances when the residential redevelopment of a brownfield sites in the countryside would be appropriate. The amendment requires such sites to be in close proximity to one the settlements in the Plan's settlement hierarchy, to be accessible by sustainable modes and for the redevelopment to secure a significant environmental improvement.
- 4.5 A number of respondents for both the 2014 and 2015 Regulation 18 consultations were concerned that the policy appears too much in favour of development in the countryside, and should be more prescriptive akin to the adopted policy ENV28. The Local Plan is to be read as a whole and sets out where significant development is acceptable (and conversely where it is not) with consideration given to conserving and enhancing the natural, historic, and local landscapes. The policy wording in Policy SP5 – Countryside is stated in the positive in line with the NPPF's presumption in favour of sustainable development and, whilst not precluding development in the countryside, it greatly restricts the type and scale that would be permitted. In addition heritage, landscape and ecology considerations are given

specific policy expression in Policy DM10 – Historic and natural environment.

- 4.6 Comments made during both the Regulation 18 consultations from the Kent Downs AONB Unit suggested specific wording amendments to the policy and supporting text in order to ensure alignment with national policy and legislation (the NPPF and the CROW Act 2000) and the Kent Downs Management Plan which have been included in the schedule of proposed changes (Appendix B).

Housing site allocations (Policies H1(51) – H1(77))

- 4.7 The consultation proposed the allocation of 20 additional housing sites. Having reviewed the consultation responses, specific detailed amendments to individual site allocation policies are set out in the schedule in Appendix B. Overall it is considered that all these sites continue to be suitable for the residential development and that they should be incorporated, as amended, in the Regulation 19 version of the Local Plan.
- 4.8 There was a significant volume of representations to the housing allocation at Land to the South of Sutton Road allocated in Policy H1(10). Respondents raised particular concerns about the transport impacts of the proposed development, stating that the existing highway infrastructure is insufficient and the proposed highway improvement measures, including public transport improvements, are inappropriate or inadequate. Highway safety was also cited as a concern. KCC, the highway authority, object to the proposal on the grounds of the cumulative impacts on the southern highway approaches to Maidstone and the severe impact on the highway network. No detailed evidence has been put forward and this issue was considered previously.
- 4.9 The Integrated Transport Strategy, which is considered elsewhere on this agenda, will set out the overall framework for transport planning in the borough. It will provide a programme of specific schemes to support the growth proposed in the Local Plan. The aim is to deliver a package of highway improvements throughout the Borough which support the housing allocations by adding capacity at key junctions to the benefit of both public transport and car users. Specific improvements are planned for the A274/A229 corridor and significant financial contributions have already been secured through legal agreements associated with planning consents at Langley Park, north of Sutton Road, and the sites at the Police HQ and the Police Training Centre. It is not considered that the highway authority has provided sufficient, transparent information to evidence its position that the residual, cumulative transport impacts of the development of this site would be 'severe'¹.
- 4.10 An amendment is proposed to the Policy to detail the alignment of the proposed cycle path across the site which will link Sutton Road to Brishing Road via the Langley Park development immediately to the west of Site H1(10). This is independent of any existing public right of way.

¹ NPPF paragraph 32

- 4.11 The Environment Agency raised concerns over the specific inclusion in Criterion 15 of the requirement to seek appropriate contributions for the improvement of the Brishing Lane Reservoir due to the inability for this structure to function as a flood defence. Whilst accepting that the Council wish to ensure some safeguard for flood mitigation, the landowner objected to this criterion as they are of the opinion that this can best be addressed through SUD measures. An amendment is proposed to Criterion 15 to allow a more flexible approach to contributions for flood mitigation impacting the site in discussion with the Environment Agency.
- 4.12 Respondents were also concerned about the implications of this site's development for local social infrastructure and facilities such as school places, GP surgery places and hospital capacity. In response, key infrastructure providers including the NHS and KCC Education have been consulted as part of the evolution of the Infrastructure Delivery Plan which will be published as a supporting document to the Local Plan. NHS Property has not identified health services as a constraint to the development of this site in the on-going dialogue that has informed the emerging content of the Infrastructure Delivery Plan. In its representation on the Local Plan KCC Education observes that there is limited surplus capacity in Maidstone to accommodate pupils from potential further development, especially at Langley Park where pressure from development has been high. The implication is that additional primary school capacity would be required in association with this development. Pending any more detailed response from KCC Education through the on-going consultation on the Infrastructure Delivery Plan, an additional requirement should be added to the allocation policy to require the provision of a primary school within the developable area of the site.
- 4.13 Concerns are raised about the landscape and character impacts of development on this site. Respondents are worried about the impact on the wider rural and historic character of the area and ecology, particularly the cumulative impact of development on this site in conjunction with that of the other sites planned in the south east of the town. In response, this site, along with all other candidate sites, has been subject to comprehensive assessment for its suitability through the Strategic Housing Land Availability Assessment (SHLAA). The evidence in the council's Landscape Sensitivity Assessment (2015) identifies this site as having a high capacity to accommodate new residential development. Further, proposed Policy H1(10) includes specific policy criteria to ensure development is designed to take account of the results of a both a detailed Landscape and Visual Impact Assessment and an ecology survey and for the design and siting of development to take account of the identified heritage assets adjacent to the site.
- 4.14 Langley Parish Council is seeking that the public open space provided with this development to the east of the public right of way should be transferred to a dedicated Langley Amenity Trust. Whilst the parish council has stated that this trust is in the process of being set up, formal documentation to confirm this is not yet in place. At this point therefore reference in the policy to the specific body is not justified.

4.15 The deletion of four housing allocations was proposed in the consultation document namely Land at Tongs Meadow, Harrietsham; Haynes, Ashford Road, Maidstone; Ham Lane, Harrietsham and Heath Road, Boughton Monchelsea. There was particularly strong support from local residents to the deletion of the Tongs Meadow site. Whilst KCC's submission additionally seeks the identification of some of this land adjacent to Harrietsham primary school for a potential future extension to the school, the land is not demonstrably available for this use and therefore not 'deliverable'. Such development could nonetheless come forward through a planning application (which would be a county council matter to determine) in the event the landowner and education authority reach an agreement about the transfer of the land.

4.16 Based on the assessment of the representations received (Appendix A), it is proposed that the deletion of the four site be carried forward into the Regulation 19 version of the Local Plan.

Proposed additional housing site allocations

4.17 The 20 year housing land supply position has been updated to take account of the permissions granted and those subject to a s106 agreement at the 31st October 2015.

20-year Housing Land Supply as at 31 October 2015 (All elements of supply are net of dwelling losses)	Dwellings – supply sub totals	Dwellings – supply totals	Totals - no. of dwellings
Objectively Assessed Need 2011 to 2031			18,560
Total number of dwellings built			
Dwellings built 01.04.11 to 31.03.15	2,341		
Total number of dwellings built		2,341	
Permitted dwellings/S106 not built At 31.10.15 (adjusted for double counting)			
- On allocated sites	2,465		
- On non-allocated sites	2,434		
Permitted subject to S106			
- On allocated sites	1,320		
- On non-allocated sites	314		
Permitted dwellings not yet built		6,533	
LP Allocations pending application			
Approved allocations pending application (Includes yield from further allocations agreed)	4,922		
Broad Locations (MBLP 2014 – Reg 18)	3,500		

LP Allocations pending application		8,422	
Windfall contribution			
9 years at 114 dwellings p.a.	1,026		
Windfall contribution		1,026	
TOTAL HOUSING LAND SUPPLY			(18,322)
Unmet housing need (net)			238

4.18 This shows that there is shortfall in planned provision of 238 dwellings compared with the objectively assessed need figure of 18,560 dwellings (2011-31)

4.19 During the latest Regulation 18 consultation 11 new sites were put forward for inclusion on the Plan. These are sites which have not previously been assessed through the SHLAA process.

Site ref	Location
HO3-301	Land at Kilnwood , East of Old Ham Lane Lenham
HO3-312	Land adj. Old Goods Yard Lenham
HO3-313	Land adj. Detling Aerodrome Industrial Estate
HO3-314	Land at Bydews Place Tovil
HO3-315	Land at Downsoak Stud West Street Harrietsham
HO3-316	Land at Ledian Farm Upper Street Leeds
HO3-317	Land West of Ledian Farm Upper Street Leeds
HO3-318	Land North East of Forge Lane Bredhurst
HO3-319	Land South of Tovil (East of B2010 Dean Street)
HO3-320	Land South of Warmlake Road Chart Sutton
HO3-321	'Nutbrow' Land off Boyton Court Road Sutton Valence

4.20 Officers have assessed these sites using the same site assessment proforma used for all other sites. The sites have also been subject to Sustainability Assessment (SA) on the same, consistent basis to further inform the site assessment and selection process. The SA sites summary matrix is included in Appendix E. The outcomes of the overall assessment for each site are summarised in the table in Appendix C. In addition a further 25 previously considered sites were re-submitted during the consultation period on the Local Plan. Any new or additional information on these sites has been reviewed. The outcome of this further review of these sites is set out in the table in Appendix D.

4.21 As a result of this assessment/reassessment exercise, two sites are considered suitable for allocation in the forthcoming Regulation 19 version of the Local Plan.

Policy ref	Housing Site	No. dwellings
H1(x)	Land at Bydews Place Tovil	50

RMX1(x)	Land South of Tovil (East of B2010 Dean Street)	452
		502

- 4.22 Land at Bydews Place: The proposed site (2.1ha) is an area of greenfield land situated off the B2010 Farleigh Hill/Dean Street Tovil to the south west of the access to Bydews Place. This area is crossed in its south east corner by PROW KB14. To the north west is a development site with an extant planning permission for 27 units (12/0980) on which works have recently commenced. This will be served by a new access directly off the B2010. Opposite the site on the south east side of the B2010 is a former municipal land-fill site which is encompassed in the proposed allocation for Land South of Tovil below. To the north west is the group of buildings (mostly listed in their own right) and which are associated with the Grade II* listed Bydews Place.
- 4.23 Overall the site is considered to be well-related to the existing urban area and to existing and proposed residential development . Policy criteria are included in the proposed allocation policy to preserve the boundary between the urban area and the countryside beyond the site as well as the setting of both Bydews Wood and the designated heritage assets at and adjacent to Bydews Place. The existing hedgerow and important trees should also be retained and the line of PROW maintained. An area of land to the north east of the site, adjacent to the housing site at Burial Ground Lane, is identified as publically accessible open space. Keeping this land undeveloped will also help to secure the setting of the listed buildings to the north.
- 4.24 The site is approximately 1km from the nearest primary school, 0.5km from local shops and 700m to a post office. The SA highlights that the site scores more poorly in terms of its distance to services and facilities. In response the proposed allocation policy criteria require the pedestrian and cycle paths to be incorporated into the design of the scheme and that these connect to existing and proposed footways along Dean Street/Farleigh Hill. Access to a GP surgery would substantially improve if such a facility were delivered as part of the proposed development on the site 'Land south of Tovil' (below). The site is on the route of the 23 and 26 bus services with the nearest bus stop some 100m from the site.
- 4.25 Land south of Tovil: The site is located on the east side of the B2010 immediately to the south of the existing urban area
- 4.26 The land closest to the road is a former municipal waste/landfill site that is now pasture land having been capped and a gas monitoring system installed. The eastern part of the area is farmland. North of the site is a further former landfill site (the P J Burke's site) that has permission for residential development. East of Stockett Lane, which forms the eastern boundary of the site, lies the Loose Valley Conservation Area. Adjacent to the SE corner of the site lies Abbey Gate Place which is a Grade II* listed building with a Grade II water tower in its grounds.

- 4.27 The site is well-related to the existing urban area and to existing/allocated residential development. The nearest shops are approximately 600m to the north of the site, the nearest primary school some 1.3km. The 23 and 26 bus services operate along Dean Street/Farleigh Hill; the nearest bus stops are located on Burial Ground Lane and outside Tesco on Farleigh Hill.
- 4.28 The proposed allocation is for a mixed use development to incorporate residential development (452 dwellings) on the eastern part of the site and outdoor sports facilities (9.25ha) on the former waste/landfill site which would contribute to a borough requirement for formal outdoor sports provision. This approach helps to maintain the openness of the site to the east. The development must secure against the migration of landfill gas and the continuing functioning of the landfill gas control system. The policy also provides for landscaped buffer areas, especially along Stockett Lane with improved upgrading and additional provision of PROW's linking up with the site. This site also scores more poorly in the SA in terms of distance to facilities and in response the proposed allocation criteria include requirements for specific improved pedestrian and cycle connections.
- 4.29 These two sites would deliver some 502 additional dwellings. Inclusion of these sites in the Local Plan would result in a modest numerical oversupply of some 264 dwellings over the 20 year plan period which is 1.4% of the total requirement.
- 4.30 A key role of the Local Plan is to identify in advance where development will take place. This brings important certainty for both local residents and also for developers and any others with a stake in the development process. The inclusion in the Local Plan of a significant supply of confirmed site allocations will help to ensure it complies with two of the tests of soundness, namely that the Plan has been 'positively prepared' and that it is 'effective' i.e. that it is deliverable. Further, the greater the number dwellings identified on specific, deliverable sites, the greater the boost to pipeline supply which potentially would improve the resilience of the Council's 5 year supply position (when achieved).
- 4.31 For the latter part of the Plan period, 3 broad locations have been identified which will deliver housing in the post 2026 period. To give greater detail to the delivery of development in these locations, early masterplanning is to be undertaken for both the Invicta Barracks and Lenham locations. Detailed site allocations in Lenham and at the Barracks and at The Mall will also be included in the planned review of the Local Plan at 2021. Whilst there is confidence about the future prospects for all these locations, and recognising the proactive steps that will be taken, there are some inherent uncertainties associated with planning for sites to be delivered 10+ years hence. In addition it is possible that yields achieved on allocated sites could vary marginally from those cited in the Plan for site specific reasons revealed at detailed planning application stage.
- 4.32 With this understanding, a numerical oversupply against the OAN figure helps to mitigate risks of housing not coming forward exactly when and in the form expected, including in the latter part of the Plan period and further

increase the certainty of the Objectively Assessed Need for housing being met in full².

- 4.33 Proposed site allocation policies and site plans for the two sites are included in Appendix F. The committee's agreement to the inclusion of these policies in the Regulation 19 version of the Local Plan is sought.

Employment land allocation – Woodcut Farm (Policy EMP1(5))

- 4.34 There were objections to this proposed employment land allocation from KCC, Natural England, the AONB Unit in addition to parish councils and residents. There was also support for the allocation from a more limited number of respondents. Reasons for objection included landscape impacts on the setting of the AONB and adverse impacts on the attractive rural character of the wider countryside. Respondents highlighted that the Waterside Park appeal Inspector weighed environmental harm above economic benefits of that specific proposal.
- 4.35 In response, it is considered that the economic case for continuing to include the allocation in the Local Plan continues to be strong based on the Council's own evidence and supported by its approved Economic Development Strategy. This justification has not altered since this Committee took the decision to include the allocation in the Regulation 18 Local Plan in August. Whilst development of this site will have an adverse impact on the setting of the AONB, on the wider landscape and on the rural character of the area, this site gives the best opportunity at Junction 8 for mitigation measures to help ameliorate these adverse impacts of development. Policy EMP1(5) is considered to provide appropriate safeguards through its detailed criteria for landscaping, building coverage, building heights and building orientation to help mitigate the adverse environmental impacts of development.
- 4.36 A further issue raised was the lack of sustainable transport options serving the site; there would be a high probability of employees travelling to and from the site by car. Policy EMP1(5) addresses this point by specifically requiring a significant package of transport measures to improve sustainable access to the site.
- 4.37 Respondents considered that there are alternative sites within and outside the borough where this type of development could be more appropriately accommodated. In response the National Planning Policy Framework states that local planning authorities should aim to meet the needs of the economy in their Local Plans (paragraph 21) and that they should plan positively for the development required in the area (paragraph 157). The clear expectation is that authorities should aim to meet needs within their own area first. It is considered that Policy EMP1(5) provides the appropriate criteria to deliver an acceptable form of development in this sensitive location and thereby help ensure that the forecast economic growth can be delivered in the borough.

² NPPF paragraph 47

- 4.38 Detling Aerodrome is a site which was cited by respondents as an alternative to the Woodcut Farm site. The site's owner has also promoted the site and adjacent greenfield land for mixed use development to include employment land (24ha) and housing (1,200 dwellings) as well as a country park and a Park & Ride facility. Previous assessment of this site has concluded that it is unsuitable for development in this manner; development and the associated highways infrastructure would have an unacceptable impact on the Kent Downs AONB and the latest reconsideration of the site has reached the same conclusion (Appendix D). The site is in an unsustainable location where there would be a high reliance on the private car.
- 4.39 There was some support from respondents for allocating the Waterside Park site south of the M20 J8 in addition to Woodcut Farm. There is challenge to the assumptions underpinning the Council's quantitative assessment of employment land requirements whilst some respondents highlight that the unit size criteria included Policy EMP1(5) would exclude local firms such as ADL and Scarab who have had explicit interest in relocating to a site at Junction 8.
- 4.40 Development of Waterside Park, even at a reduced scale, would necessitate significant alteration to the landform, and the introduction of features such as bunding and retaining walls which the appeal Inspector considered to be alien features. The Woodcut Farm site is considered to provide better opportunities for mitigation and that it provides for the quantitative and qualitative gaps in the borough's portfolio of employment sites identified in the council's employment land evidence³.
- 4.41 Having considered the issues raised in the representations received on this matter it is considered that overall balance of considerations continue to weigh in favour of retaining the allocation in the Local Plan. Specific amendments to Policy EMP1(5) (Appendix B) are proposed to clarify that hi-tec and research & development would also be acceptable uses for the site, that off-site environmental improvements will be secured by means of financial contributions and to clarify that the north western field should be planned and managed as open woodland.

Gypsy & Traveller site allocations (Policy GT1)

- 4.42 The Regulation 18 consultation document proposed the allocation of 8 Gypsy and Traveller sites which collectively could provide some 18 additional pitches.
- 4.43 On 31st August 2015 the Government published changes to 'Planning for Traveller Sites' (PTS), the national planning guidance governing Gypsy and Traveller development. These changes included a revision to the definition of Gypsy and Travellers for the purposes of planning to exclude those who have ceased to travel permanently. The revised definition is as follows;

³ Economic Sensitivity Testing and Employment Land Forecast (2014) and Qualitative Employment Site Assessment (2014), both by GVA.

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

- 4.44 To determine whether an applicant falls within the definition, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 4.45 Respondents to the Regulation 18 consultation stated that allocations should not be made until the implications of the revised definition are known.
- 4.46 The change brings some uncertainty about how the need for Gypsy and Traveller pitches can be assessed in the context of the revised definition. The Council’s Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (2012) (‘the Assessment’) was prepared under the terms of the previous definition. Significantly, however, it **did take account of the extent of households’ travelling in reaching its findings**. The identified need for 187 pitches (2011-31) includes a deduction (amounting to some 14%) for those not travelling⁴ .
- 4.47 The questionnaire used in the original Assessment did not ask questions about households’ future travelling plans and specifically of any intentions to restart travelling after a settled period. Without this information, it is not possible with complete robustness to retrospectively apply the new definition to the survey responses collected for the 2012 Assessment. What can be deduced is that the revised definition is likely to have the effect of reducing the overall number of households that are ‘gypsies and travellers’ for the purposes of planning but, as the original Assessment did account for travelling habits, the reduction is likely to be relatively modest.
- 4.48 Officers do not recommend that a complete new Assessment is commissioned at this point. This is for the following reasons:
- The Government has not published the promised revised guidance on how assessments should be undertaken nor has it provided a timescale for publication. There is a high risk that an Assessment commissioned now would not comply with the guidance once it is published.
 - Undertaking a new assessment risks delay to the Local Plan timetable. To illustrate, the current Assessment took 6 months to complete.
 - There is a significant prospect of legal challenge to the revised definition under the terms of the Equalities Act and/or Human Rights legislation. There is some risk that a new assessment will become quickly outdated.

⁴ See Table 10.1 in the Assessment

- A new Assessment would have a revised base date of 2016. This would, in effect, 'wipe the slate clean' and the significant number of permanent pitches granted since October 2011 (79) would not contribute towards any revised needs figure.

4.49 The 2012 Assessment identified a need for 187 pitches (2011-31). This provides the best evidence of needs available at this point in time and it is recommended that this form the basis for planning future pitch provision in the Local Plan, recognising that actual needs may be a degree lower. Any individual applicant's compliance with the definition will be tested at planning application stage.

4.50 The site specific issues raised in the consultation for the nine proposed Gypsy allocations are set out and responded to in Appendix A. The outcome of this assessment is that Policies GT1(8) to GT1(16) inclusive, as amended, should be included in the Regulation 19 version of the Local Plan.

4.51 The table below sets out the supply position relative to needs with the inclusion of the proposed nine additional sites.

1	Pitch Requirement (2011-31) ⁵		187
2	Permanent consents granted 1/10/11 to 18/9/15	79	
3	Sites GT1(1)-(7) (Reg 18 Local Plan)	23	
4	Proposed additional sites GT1(8)-(16)	18 ⁶	
5	Public pitch turnover (1.4pa for 16 years) ⁷	22	
6	Shortfall		45

4.52 If an allowance is made and fully justified for some pitches coming forward on unidentified sites, it is anticipated that this identified shortfall can be addressed.

Open space allocations (Policy OS1) and Open space and recreation policy (Policy DM11)

4.53 **Policy DM11:** There is general support for the inclusion of quantitative open space standards as set out in proposed Policy DM11, however some respondents have criticised the policy as being unjustified and not based upon robust evidence. Whilst this is not accepted, it is acknowledged that the evidence base which justifies the approach was not made available alongside the Regulation 18 consultation document and this will be rectified for publication of the Regulation 19 Local Plan. A parish council has commented that the broad typologies of open space should be

⁵ 1st October 2011-31st March 2031

⁶ Of which 2 pitches are subject to a current application

⁷ based on the last 5 years' data

supplemented by the identification of relevant features or types of provision. This amendment would be a helpful addition to the policy and the text has been revised to reflect this.

- 4.54 There is also concern that the policy lacks detail in respect of how it will be applied to individual developments and, in particular, how the policy will be interpreted in the context of existing local provision. Given that open space provision will generally be secured through Section 106 Legal Agreements (s106) associated with new housing developments, it is critical that the application of the standards results in a requirement which is necessary to make development acceptable in planning terms, and which is proportionate to the level of need generated by the development⁸. However, the draft policy already establishes at criterion (3) of Policy DM11 that the council will take account of existing provision in accordance with the quantitative and accessibility standards and, where this may wholly or partially mitigate the impacts of development, may seek a reduced contribution. Technical details on exactly how the standards will be applied will be most appropriately set out within the Open Space Supplementary Planning Document (SPD) however a minor amendment is suggested to more clearly show that this measure relates to provision as well as contributions.
- 4.55 To supplement this, a further amendment is recommended at criterion (3) to require developers to take full account of open space requirements at an early stage of the development management process, and to encourage early engagement with the Parks and Open Space team, to determine the most appropriate type, quantum and location of open space provision. Additionally, the introduction of a new criterion (4) establishes that the council will operate the policy flexibly to secure the provision of the typologies of open space which are most needed in any given area.
- 4.56 Sport England has commented that there is insufficient evidence to justify the outdoor sports standards, and that there is no evidence base for indoor sports. This is acknowledged and a study will be commissioned to address this gap in the evidence base by the time the Local Plan is submitted to the Planning Inspectorate.
- 4.57 **Policy OS1:** A variety of concerns have been raised in respect of this policy; some of which are very site specific but many respondents raise significant concerns regarding the overall approach adopted in the policy's formulation. Many of the developers affected by the OS1 allocations, and also the Home Builders Federation, have commented that the policy is unjustified as there is no clear rationale for the levels of open space sought through each allocation. One respondent points out that the allocations range from 14% of the overall development site to as high as 50%, whilst others state that the allocations depart from the level of provision already approved through the development management process.
- 4.58 In addition, many of the developers affected by draft Policy OS1 have commented that the identification of specific areas of open space, as shown on the draft policies maps, will prejudice the proper delivery of their sites before they have been subject to detailed appraisal and master planning

⁸ NPPF paragraph 204

work. Again, some respondents commented that the extent or location of the sites identified in OS1 actually conflicts with approved planning permissions. A number of respondents are therefore seeking a more flexible approach to the accommodation of on-site open space.

- 4.59 Given the strength of the objections it has been necessary to undertake a full review of the policy and supporting evidence in order to establish (a) a more accurate picture of open space provision approved through existing planning consents and (b) justifiable levels and, where possible, locations of open space provision for each development site in accordance with DM11 and the s106 tests⁹. The review goes beyond those sites identified in OS1 and has examined the potential of each development site to accommodate open space provision, and has considered the full range of typologies. The results of the review in terms of the changes recommended are included in Appendix B.
- 4.60 Where there is an identified need for open space, sufficient capacity within the site to accommodate new provision, and adequate justification for the identification of specific areas of the site to be designated for the provision of open space, sites are allocated for open space provision through OS1 policies. This approach is also adopted where specific locations have been identified for the provision of open space through planning permissions, or where there is a resolution to grant consent subject to completion of a S106 planning obligation.
- 4.61 For many of the development sites there is an identified need for open space and capacity to accommodate some or all of the need within the site, but no clear justification for the identification of specific areas of the site to be allocated for open space provision. This is also the case for a number of outline planning permissions or sites with a resolution to grant consent subject to completion of a S106 planning obligation. In these cases it is recommended that relevant policies in H1 are amended to stipulate a minimum or approximate quantitative requirement for on-site provision, with any residual provision being secured in accordance with DM11. This is a positive and plan-led approach to the delivery of open space and seeks to ensure that land capable of delivering new open space is not lost to additional or lower density housing.
- 4.62 Finally, there are a number of sites where there is some uncertainty regarding whether or not they will be capable of delivering new open space on site; for instance due to constraints or the existing balance of yield and density. In these cases it is recommended that the existing wording for H1 "open space" policies is amended to reflect more directly the requirements of Policy DM11.
- 4.63 Turning to more site specific issues, landowners/developers for two of the draft OS1 allocations - Bicknor Farm (OS4) and Tongs Meadow (OS8) - have made representations to state that the land proposed for allocation as open space will not be made available for publically accessible open space unless an element of housing is incorporated within the allocation. This is regrettable in both instances, but particularly for Tongs Meadow where the

⁹ NPPF paragraph 204

allocation received significant support from local residents. There are however existing public footpaths which cross the site and therefore public access will be maintained without any allocation in the Local Plan.

- 4.64 In the case of Bicknor Farm, the area of the original SHLAA submission identified in the Local Plan as suitable for housing is now subject to an application for full planning permission as a self-contained site, incorporating its own open space provision without encroaching into the surrounding land. Nevertheless, much of the surrounding woodland is protected by virtue of the policy criteria in Policy H1 (9) Bicknor Farm and the area identified in OS4 is likely to continue to provide landscape and ecological benefits without the open space allocation. There is a need to demonstrate that any allocations in the Local Plan are deliverable and therefore, as these sites are not considered suitable for housing development, it is recommended that they are deleted from Policy OS1.
- 4.65 Another of the draft allocations, East of Hermitage Lane (OS1), has been granted outline consent on appeal subsequent to the publication of the Regulation 18 consultation document. The view taken by the inspector, which has been affirmed by the Secretary of State, is that the principle of some residential development within the area of land identified in OS1 is acceptable, and the inspector concluded that there are acceptable approaches to achieving an access through the ancient woodland or secondary woodland to an area of residential development situated within this part of the site.
- 4.66 Allocating the southern part of the development site, as shown in draft Policy OS1, would therefore conflict with the approved planning permission and requires amendment. The appeal decision does however fix the overall quantum and type of open space to be provided within the site to 12.95ha, and it is therefore recommended that the open space requirements for East of Hermitage Lane are deleted from OS1 and accommodated within Policy H1 (2) to reflect the quantum and typologies of open space approved through the planning consent. Given the ecological and archaeological sensitivities of the area shown in draft Policy OS1, recommended modifications to H1 (2) will also require development to maximise the use of the southern part of the site ("bluebell wood" and the "hospital field") for the delivery of open space. Similar modifications are recommended in respect of the community infrastructure element of the allocation, where details of its specific location are not approved through the planning consent. There is broad agreement however that the approved community infrastructure should be sited within the general location identified in draft Policy OS1, and consequently modifications to H1 (2) to strongly encourage the siting of community infrastructure in this area are appropriate.
- 4.67 The review has identified that a number of the draft OS1 allocations would deliver levels of open space provision significantly in excess of the needs for open space generated by the associated developments. In order to comply with the s106 tests (CIL Regulation 122)¹⁰, policies which establish the requirements for open space must seek provision only the level that is necessary to make development acceptable in planning terms, that is

¹⁰ Also NPPF paragraph 204

directly related to the development and that is reasonable in scale and kind to the development. In these instances it is necessary to align the policy requirements with the identified needs however this does not preclude landowners and developers from making additional land available for open space provision. The key for some OS1 allocations has therefore been amended to identify, where appropriate, that the land shall be provided as either open space/undeveloped/ecological mitigation/landscaping. In a number of cases landowners and developers have indicated an intention to make additional land available for open space and, although policies cannot require "over provision", the revised wording of the policy does not prevent developers making more land available for open space provision.

4.68 Finally, concerns are raised that, despite the aspirations of the draft policies DM11 and OS1 there are likely to remain shortfalls in open space provision for certain typologies in some parts of the borough. It is disappointing that no responses were received to the "Call for Sites" exercise for open space provision and the likelihood of an ongoing need for strategic interventions to deliver access to open space is recognised. There is scope however for increased provision of open space through the development of Neighbourhood Plans and it is anticipated that the Green and Blue Infrastructure Strategy will outline measures in the Action Plan to address this issue. It is considered, therefore, that the need for strategic open space provision should also be included as an item in the Infrastructure Delivery Plan, to enable such provision to be eligible for CIL funding in the future. Further work in regards to identifying potential opportunities for provision will be undertaken through the development of the Green and Blue Infrastructure Strategy and its Action Plan.

4.69 The recommended changes with respect to open space which are all included in the overall schedule in Appendix B can be summarised as follows;

- Additions to Policy DM11 to clarify the types of provision and the approach to determining individual site requirements
- Amendments to the open space allocations in Policy OS1 and corresponding amendments to Policies H1 and RMX1 site allocations to quantify and specify open space requirements including the location of the open space where this can be justified
- Owing to their non-availability for development for publically accessibly open space, deletion of OS4 – Bicknor Farm and OS8 – Tongs Meadow
- Specify open space requirements for East of Hermitage Lane in Policy H1(1) rather than in Policy OS1 in the light of the recent appeal decision.

Nursing and care homes policy (Policy DM42)

4.70 Comments proposed that the policy should also apply to brownfield sites and existing care homes in the rural parts of the borough. Refinements to the supporting text are proposed in response to clarify that proposals to extend an existing care or nursing home located in the rural area would be considered under the terms of Policy DM37 – Expansion of existing business in rural areas and that Policy DM32 – Conversion of rural buildings would

apply to a proposal to convert an existing rural building to a care or nursing home.

Park & Ride allocations (Policy PKR1) and Park & Ride (Policy DM13)

- 4.71 There was more support than objection to the deletion of the proposed Park & Ride facility at Linton crossroads (11 support, 3 objections) whereas the position was reversed for the deletion of the existing Sittingbourne Road Park & Ride site (11 object; 1 support) . Objectors noted that the consultation document did not propose any alternative measures to improve sustainable access into Maidstone. In response, the draft Integrated Transport Study is the document which will set out the overall framework for transport planning in the borough. It will provide a programme of specific schemes to support the growth proposed in the Local Plan. The aim is to deliver a package of highway improvements throughout the Borough which will add capacity at key junctions to the benefit of both public transport and car users.
- 4.72 A draft of the strategy was brought to 1st December meeting of this Committee. With respect to access from the south, a package of highway capacity improvements on A274/A229 has been developed to mitigate the impacts of increased traffic flows. To complement these capacity improvements for general traffic, bus priority proposals have been developed which will protect buses from residual queues and delays, contributing to quick and reliable bus services toward Maidstone town centre, with largely continuous bus priority between Wallis Avenue and Armstrong Road. Increases in the quality and frequency of bus services are also proposed as part of the comprehensive measures, including on the A249 corridor currently served by the Sittingbourne Road Park & Ride service.
- 4.73 KCC has objected to Policy DM15, which sets criteria for the provision of new or replacement Park & Ride facilities, stating that there is no support for the provision of bus measures, including bus lanes, as the benefits they achieve do not represent good value when compared with highway capacity schemes that will deliver overall improvements in traffic flow. The overall transport strategy is a separate matter for decision on this agenda.

Wider issues raised through the consultation

- 4.74 The October 2015 Regulation 18 consultation focused on the select aspects on the Local Plan set out above. Some respondents took the opportunity nonetheless to raise other issues related to wider aspects of the Local Plan. The wider points made have been collated by officers and will be taken into account as the Regulation 19 version of the Local Plan is prepared, recognising that many of the same points have been raised at earlier consultations in the Local Plan process. For councillors' information, the main points made by respondents are as follows:
- Housing requirement is too high; housing requirement is too low
 - Brownfield sites should be developed before greenfield
 - Insufficient employment land to match housing; employment allocations are in the wrong places

- Transport: lack of an Integrated Transport Strategy; impact of the overall scale of development on the highways network; lack of the Leeds/Langley bypass
- Infrastructure: lack of an Infrastructure Delivery Plan; infrastructure should be delivered before development
- Object to the overall distribution of development; distribution should include a garden town centred on Otham; object to proposed scale of development at north west Maidstone, at south east Maidstone and/or at specific Rural Service Centres and Larger Villages; object to Lenham Broad Location
- Objections and support for specific allocations included in the Local Plan Regulation 18 (2014).
- The Local Plan will supersede more specific neighbourhood plans approved before the Local Plan's adoption.

Active frontages

4.75 Following a referral from Planning Committee, this Committee agreed to consider the issue of active frontages particularly in rural and rural edge areas and any policy initiatives which may be required. The Planning Committee was concerned about the urbanising effect of active frontages in these areas and also about the potential for highway safety issues.

4.76 The emerging Local Plan contains a Policy DM4 – Principles of good design which sets out key design considerations which all development should meet. A copy of this policy is included in Appendix G for information. To address the issue identified by the Planning Committee, the following addition to criterion (vi) of Policy DM4 is proposed for incorporation into the Regulation 19 version of the Local Plan.

(vi) Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. **Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation along the site frontage should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.**

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 This report summarises and addresses the outcomes of the latest public consultation on the Local Plan.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Committee's decisions will be incorporated in a revised full draft of the Local Plan which will be considered by the Committee and Council in January 2016 and thereafter subject to a further round of public consultation (Regulation 19 consultation).

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Maidstone Borough Local Plan will deliver the spatial objectives of the Sustainable Community Strategy and the Strategic Plan. It will also have regard to objectives set out in other council documents, such as the Economic Development Strategy and the Housing Strategy. The Local Plan aims to plan positively for future growth, including economic growth, in a sustainable way and protect the borough's environmental assets which is central to both the Council's key corporate priorities.	Rob Jarman, Head of Planning & Development
Risk Management	The adoption of the Maidstone Borough Local Plan will reduce the risk of inappropriate development.	Rob Jarman, Head of Planning & Development
Financial	The preparation of the local plan has been fully funded as part of the council's revenue budget. Potential deficiencies that might impact on the production of the local plan will be identified at an early stage.	[Section 151 Officer & Finance Team]
Staffing	The team is now fully staffed and additional short-term resources have been employed to assist with consultation representations and preparation of the Publication version of the local plan.	Rob Jarman, Head of Planning & Development
Legal	Public consultation on the emerging Local Plan is a legal requirement and essential to assisting the soundness of the	[Legal Team]

	Local Plan at Examination.	
Equality Impact Needs Assessment	None identified	[Policy & Information Manager]
Environmental/Sustainable Development	The Local Plan is fundamentally concerned with delivering sustainable development objectives.	Rob Jarman, Head of Planning & Development
Community Safety	N/A	[Head of Service or Manager]
Human Rights Act	The report highlights the potential for legal challenge to the new planning definition of Gypsy and Travellers.	Rob Jarman, Head of Planning & Development
Procurement	N/A	[Head of Service & Section 151 Officer]
Asset Management	N/A	[Head of Service & Manager]

8. REPORT APPENDICES

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

- Appendix A: Schedule of issues and responses
- Appendix B: Schedule of policies and amendments, including open space site plans
- Appendix C: Table of new sites submitted
- Appendix D: Table of resubmitted sites
- Appendix E: Sustainability Appraisal summary matrix
- Appendix F: Proposed site allocation policies and site plans
- Appendix G: Policy DM4 – Design principles

9. BACKGROUND PAPERS

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APPENDIX

APPENDIX C

Maidstone Borough Local Plan: Regulation 18 Consultation October 2015:

Newly proposed sites:

Site ref	Location	Commentary	Recommendation
HO3-301	Land at Kilnwood East of Old Ham Lane Lenham	<p>Site area approximately 9.8ha Yield: Not specified</p> <p>The site is located south of the railway-line and would not sit well with the existing pattern and grain of development in the existing village to the north. This site is different to the recent appeal decision on the site at The Old Goods Yard as that has a better relationship to the village and its facilities and was also partly previously developed land.</p> <p>The site is adjacent to a Local Wildlife Site and designated Ancient Woodland.</p> <p>Access to the site would be via a narrow road with poor horizontal alignment and visibility and would need to use a narrow railway bridge that would be likely to need substantial improvement to accommodate traffic likely to be generated by the development.</p>	Do not allocate
HO3-312	Land adj. Old Goods Yard Lenham	<p>Site area 1.4ha Yield not specified</p> <p>This site is located to the south of the existing settlement boundary of Lenham and on a site south of the railway line which has long provided a defensible boundary to the southward expansion of the village.</p> <p>The site relates poorly to the existing pattern of built development of Lenham village.</p>	Do not allocate

		<p>Notwithstanding the fact that the site adjoins a larger site which has gained permission in an appeal decision dated 2 October 2015, there is a primary difference, namely that this site is a greenfield site.</p> <p>It is considered that this key difference and the fact that this site is slightly more remote from existing village facilities than the adjoining land coupled with the site relating poorly to the existing pattern of development in the village and that further encroachment into the countryside will occur, are such that the site is not suitable for development.</p>	
HO3-313	Land adj. Detling Aerodrome Industrial Estate	<p>Site area approximately 177.5ha Residential: 40ha (approx. 1200 units) Commercial: 24ha (in addition to existing industrial estate (13.5ha)) Country park: 100ha Park and Ride Facility: 1000+ spaces</p> <p>This site was previously assessed as a proposed employment site. Despite the additional information that has been submitted (including the LVIA and highway technical note) as well as the offer of a 100ha Country Park and the Park & Ride car park, there has been no change in the site's status as lying within the nationally designated protected landscape of the Kent Downs AONB. The quantum of development proposed would result in unacceptable harm to the landscape and be contrary to the advice in the NPPF.</p> <p>Whilst the site would comprise mixed residential and employment development, nevertheless it is still in an unsustainable location with no community infrastructure and residents and workers would be reliant on the private car to meet their day-to-day needs.</p> <p>The Park & Ride Car Park whilst mooted as a replacement for the</p>	Do not allocate

		<p>existing car park at M20 Junction 7 is considered to be too far from the town and the motorway junction to be likely to be effective in securing modal shift, due to the length of the onward bus journey and the return.</p> <p>The site is considered unsuitable for the development proposed.</p>	
HO3-314	Land at Bydews Place Tovil	<p>Two parcels of land Parcel A (North of existing access road): 0.3ha Parcel B (South of existing access road): 2.1ha Yield: Not specified</p> <p>The sites are well-related to the existing urban area and to existing and proposed residential development and local infrastructure.</p> <p>Appropriate design and landscaping is required to preserve the boundary between the urban area and the countryside beyond the site as well as the setting of both Bydews Wood and the designated Heritage Assets at and adjacent to Bydews Place. The existing hedgerow and important trees should also be retained and the line of PROW KB14 maintained.</p> <p>In particular, the impact of any new development on the existing rural setting of the approach to the listed buildings would be of particular importance. The relationship of Parcel A to this access and any new development would also be of concern.</p> <p>It is considered that it may be most appropriate to limit development to Parcel B and leave Parcel A as open space to provide the setting to the group of listed buildings and to enable a more appropriate relationship and treatment of the existing access to Bydews Place to maintain its rural nature and form.</p> <p>The design of site access will be key. If an appropriate solution can be found it should link to the roundabout access approved to serve the development approved under application 10/0256</p>	Allocate site

		<p>ACCEPT</p> <p>YIELD - 50 UNITS (To take account of the need to preserve the rural aspect of the existing access to Bydews Place and existing trees and the PROW that crosses the site. Approximately 0.74ha of open space (to include the 0.3ha of parcel A) to be provided on site</p>	
HO3-315	Land at Downsoak Stud, West Street Harrietsham	<p>Site area: 1.28ha Yield: Up to 20 units</p> <p>The topography of this site does not lend itself towards a development that would be easily integrated into the existing landscape character in this part of the village.</p> <p>Furthermore, although the site is in a relatively sustainable location in terms of village facilities, it lies outside the village boundary and development here would further extend the built environment to the west, altering the character of the approach to the village on this side of West Street, particularly through the loss of a number of existing trees on the site.</p> <p>Substantial residential development on this side of West Street (as proposed) should not extend further than the primary school.</p>	Do not allocate
HO3-316	Land at Ledian Farm Upper Street Leeds	<p>Site area: 3.06ha Yield: 113 units (Class C2 Care village) or 60 units (Class C3 dwellings)</p> <p>Leeds is a village with very few community facilities apart from a village hall and school. The last shop/post office closed a number of years ago and it is not considered suitable for classification as a larger village.</p> <p>A purely Class C3 development (60 units proposed) in a village with so few community facilities serving day-to-day needs would be unsustainable given the likely need for reliance on the private car and poor public transport options.</p>	Do not allocate

		<p>There are two extant permissions for a mixed C3 and C2 development and a C2 development the latter of which would provide some facilities available for public use. Given these it is not considered that the site should be allocated due to the impact on the countryside</p>	
HO3-317	Land West of Ledian Farm Upper Street Leeds	<p>Site area: 1.4ha Yield: 30 Units</p> <p>Despite the reduction in the proposed development area from the previous submission (HO3-299), development of the site would still result in the significant incursion of built development west of the Upper Street settlement into open countryside.</p> <p>Neither nearby settlement of Leeds nor Langley has an adequate range of community facilities. As a sole Class C3 residential development (30 units are proposed) given the lack of community facilities in the village for basic day-day needs and the likely reliance on the use of the private car, this is an unsustainable settlement.</p>	Do not allocate
HO3-318	Land North East of Forge Lane Bredhurst	<p>Site area 0.18ha Yield: Not specified</p> <p>Bredhurst is a settlement with very limited facilities and no local convenience store together with a poor bus service. It is not therefore within the preferred hierarchy for allocation.</p> <p>Given the site's location within the Kent Downs AONB and the site history which includes residential development on adjacent land and a quashed enforcement notice on the site itself any redevelopment of the site would best be pursued through the application process rather than an allocation in the emerging local plan.</p> <p>Not suitable for further development</p>	Do not allocate
HO3-319	Land South of Tovil	Site area:	Allocate site

	(East of B2010 Dean Street)	<p>9.25ha: A new site for (outdoor sports facility (likely to be Maidstone Rugby Club) together with new doctors' surgery/community clinic 12.9ha: Up to 452 dwellings 2.67 and 3.54ha: Strategic Landscaping Areas</p> <p>Yield: Up to 452 dwellings (see above)</p> <p>The site is well-related to the existing urban area and to existing/allocated residential development.</p> <p>The site is relatively sustainably located being in close proximity to local services/shops and infrastructure and on a local bus route with regular services.</p> <p>Careful attention to appropriate design, landscaping and open space provision is required to preserve the boundary between the urban area and the countryside beyond and significant attention is required to respect the setting of Abbey Gate Place and to a lesser extent, Bydews Place. Careful consideration of a lighting scheme is required to ensure the impact on the countryside, especially on long distance views from the AONB and the setting on the surrounding designated Heritage assets, is properly considered.</p> <p>The existing internal and boundary hedging should be maintained with appropriate buffer areas, especially along Stockett Lane with improved upgrading and additional provision of PROW's linking up with the site.</p> <p>Mix of uses proposed is considered acceptable and use of former landfill site for rugby club provision would enable the openness of the site to the east to be maintained, whilst meeting a recognised need for medical provision in the locality. Emphasis should be on wide community use and not just rugby club provision and attention should be paid to issues relating to the landfill.</p> <p>Principle access should only be from B2010 with emergency</p>	
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		access from Stockett Lane and this should be considered alongside the consented scheme under application 10/0256.	
HO3-320	Land South of Warmlake Road Chart Sutton	<p>Site area: 1.1ha Yield: 20 units</p> <p>Chart Sutton is a village with very few services.</p> <p>Access to services in adjoining villages is likely to be by means of the private car given the poor bus service and the distances involved which would deter walking. The village is not identified in the Council's preferred spatial development hierarchy as suitable for further development as a result.</p> <p>Development on this site would represent a significant visual expansion of built development eastwards from the current limit of the village.</p> <p>The arbitrary boundary across the open field is not related to any existing hedgerows /landscape features etc.</p>	Do not allocate
HO3-321	'Nutbrow' Land off Boyton Court Road Sutton Valence	<p>Site area: 5.26ha Yield: 150 units</p> <p>The site is in open countryside in a prominent location on the Greensand Ridge scarp slope.</p> <p>It is not well related to the nearby settlement of Sutton Valence and is in an unsustainable location with poor connection to local facilities and no reasonable access to public transport.</p> <p>Residential development of any significant level on this site would be harmful to the character and appearance of the area, let alone the 150 units envisaged in the submission.</p>	Do not allocate