

Session 14A – Wednesday 30 November 2016 – 10:00-13:00
Alternative Sites

Land at Iden Park, Staplehurst, Nr Maidstone, Kent

Representation 19103 – Mr Brian Matthews

Qn14.1 Does the site have any relevant planning history? (applications, permissions, appeals, previous allocations)

An outline planning application 15/09999/OUT for 5 dwellings (with means of access and site layout for approval at this stage) has been submitted to the Planning Inspectorate following the refusal of planning permission. Copy of the site layout plan submitted is attached with this submission.

Qn14. 2 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)

The site is located within the countryside in the emerging local plan. The site **is not** situated within a Conservation Area or an AONB. The site is within the Low Weald Area of Local Landscape Value (ALLV).

Qn14. 3 What is the site's policy status in any made or emerging neighbourhood plan?

The site is within the defined Staplehurst Neighbourhood Plan area. Site is designated as open countryside.

Qn14. 4 Is the site greenfield or previously developed (brownfield) land according to the definition in the glossary of the National Planning Policy Framework?

The site is greenfield land under the definition set out in the National Planning Policy Framework. At present, the land is not in active agricultural land use.

Qn14.5 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 Representer have any comments on its conclusions.

The site has been assessed and has a reference No of HO-39.

Qn14.6 What is the site area and is has a site plan been submitted which identifies the site?

Site area is 2.8 hectares. Site plan attached shows the extent of the site.

Qn14.7 What type, and amount of development could be expected and at what density?

Due to its location on the edge of a designated Rural Service Centre (Staplehurst) we consider that a proposal for 9 residential units is appropriate. Surrounding properties are detached family sized dwellings. Therefore, a proposal for 9 dwellings is an appropriate figure.

The site is able to accommodate a mix use development comprising of residential and B1(a) office accommodation.

The site is able to accommodate in addition to the nine dwellings small serviced office accommodation.

The landowner of the site is Mr Brian Matthews a commercial surveyor with 40 years experience in the local property market. At present, we believe the emerging Maidstone Local Plan falls short in terms of new employment, commercial and office accommodation.

There is an opportunity on this site to provide not just a residential use but also serviced office accommodation (Class B1(a) Use). The site can accommodate two 3,000 sq ft office units set over two storeys plus a larger 5,000 sq ft unit plus car parking provision. These units will be sub divided internally into smaller units (say 1,000 sq ft units). The office blocks will have a rural character and architectural style and will be arranged in a courtyard setting using traditional materials such as facing brickwork, timber cladding with clay tiled pitched roof.

There is no office accommodation in the pipeline within the Maidstone Borough Council area. The town centre has already lost 360,000 sq ft of small office suites in the town centre. This is partly due to the Government policy of allowing change of use from office to residential under the GPDO *Prior Approval* procedure. Indeed the local planning authority is incorporating these former office premises as part of its housing supply calculations in this emerging local plan. Local residents are now having to leave the Council's area to commute for employment to other sites in neighbouring towns such as Kings Hill near West Malling.

To our knowledge there are no small employment units or small scale office suites under construction in the Maidstone Borough Council area.

Government policy of rating empty office accommodation and commercial units has been a further reason in the reduction in office accommodation space within the town centre.

We believe that there is demand at Staplehurst for small services office accommodation and that it is sustainable having sufficient high speed internet and access onto the major highway network (A229).

Qn14.8 When could development be delivered and at what rate?

Development can proceed within the first 5 years of the plan period (2016-2021)

Qn14.9 What evidence is there of the viability of the proposed development?

The site is a greenfield site. There are no remediation costs associated with this development. No significant highway or junction improvement works. Letter attached from Kent County Council indicating no issue with the proposed means of access onto the A229 Cranbrook Road subject to a Section 278 agreement.

Qn14.10 Has the site been the subject of sustainability appraisal and does the Representor have any comments on its conclusions?

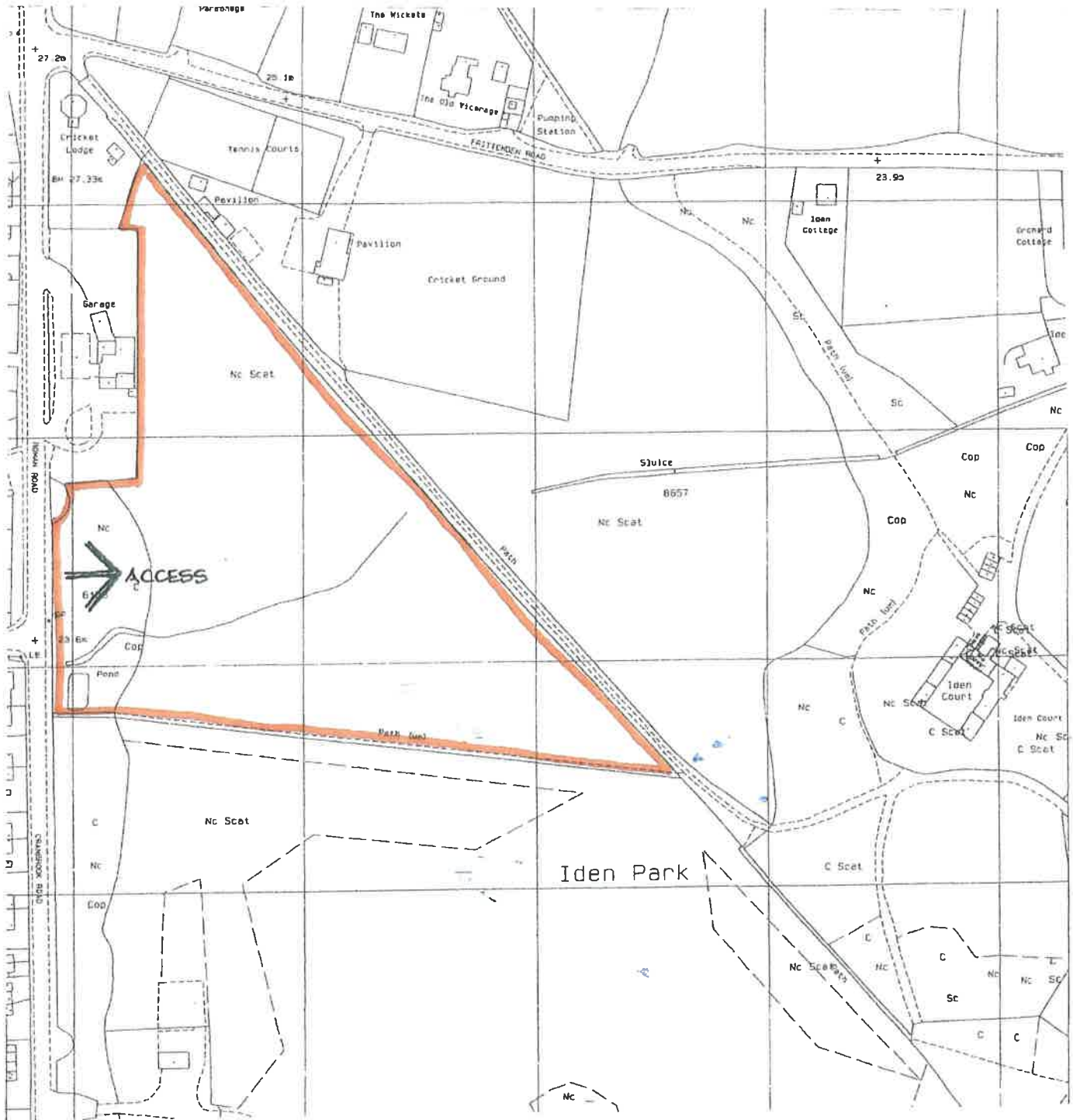
No sustainability appraisal undertaken as part of the local plan process.

There is a planning permission (MA/12/0922) for the redevelopment of the adjoining Iden Park petrol filling station. In the appeal decision it is stated that this site is a sustainable location in relation to services at Staplehurst. Copy of the appeal decision is attached for reference.

Qn14.11 What constraints are there on the site's development and how could any adverse impacts be mitigated?

An ecological and arboricultural report are attached.

The site is screened by mature trees from the highway and from surrounding vantage points. Along the southern perimeter of the site is a Public Right of Way. There is scope with a landscape led design to screen the development through replacement tree planting and planting along the western and eastern boundaries. The southern boundary with Iden Park can be retained and enhanced if necessary.



©Crown copyright 2006. All rights reserved. Licence number 100045422.

Land at Iden Park, Cranbrook Road, Staplehurst

Drawing 110/01: Site Location Plan 1:2500



Appeal Decision

Site visit made on 4 February 2013

by **Katie Peerless Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 February 2013

Appeal Ref: APP/U2235/A/12/2184356

Iden Park Service Station, Cranbrook Road, Staplehurst, Kent TN12 0EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Paul Chester against the decision of Maidstone Borough Council.
- The application Ref: MA/12/0922, dated 18 May 2012, was refused by notice dated 2 August 2012.
- The development proposed is redevelopment with 8 dwellings.
- The application is in outline with all matters apart from access reserved for future determination.

Decision

1. The appeal is allowed and outline planning permission is granted for redevelopment with 8 dwellings at Iden Park Service Station, Cranbrook Road, Staplehurst, Kent TN12 0EJ in accordance with the terms of the application, Ref: MA/12/0922, dated 18 May 2012, subject to the conditions attached as Annex A to this decision.

Main Issues

2. I consider that the main issues in this case are the effect of the proposed development on the character and appearance of the surrounding area and whether the site would be in a sustainable location in relation to other development in the village of Staplehurst.

Site and surroundings

3. The appeal site is a petrol filling and service station, including an area of car sales, located on the east side of the main A229 Cranbrook Road, to the south of the substantial village of Staplehurst. The development boundary of the village includes the residential development immediately opposite the site to the west, but does not cover the single residential property to the north, between the appeal site and Frittenden Road. The development to the north of Frittenden Road is within the development boundary.

The Proposals

4. The application seeks outline permission for 8 dwellings on the site of the demolished service station and its surrounding hardstanding. Although the appearance of the development, and the layout, landscaping and scale are reserved matters, an illustrative plan shows the dwellings arranged in a loose 'H' shape on the site with 3 central dwellings facing the main road and the others in 2 groups at each end of them, at right angles. There would be one central access point with landscaped areas on either side and the properties would each have a private rear garden.

Reasons

5. The Council, in its reasons for refusal, cites the provisions of policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 (LP) which restricts development in the countryside to a number of specific categories, of which open market housing is not one. The policy also requires that development should not harm the character and appearance of the area.
6. However, this plan is of some age and the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, states that due weight can now only be given to such policies where they are consistent with the Framework. The policies of this document promote the delivery of sustainable development and note that housing applications should be considered in this context. The Framework also encourages the effective re-use of previously developed land.
7. The site is such 'brownfield' land that is close to other developed sites to the west and north. There is countryside to the east and south but the proposed development would not encroach into it beyond the site boundaries. The Council considers that the site is '*entirely within the open countryside*' but this assessment does not reflect the fact that the site has a long boundary with existing residential development within the village envelope to the west, separated from it only by the main road, and it is in this context that the filling station development and its buildings are largely viewed. The proposed housing development would be seen in a similar context and, in my view, would not appear out of place when contrasted with the existing buildings.
8. In terms of the impact on the character and appearance of the area, I consider that the proposed development could, when subject to a detailed landscaping scheme, represent an improvement over the current situation. The service station and its associated development has a commercial character that is just as likely to be found in an urban area as in the countryside and it is not contributing in any positive way to the attractiveness of the surroundings. There is little scope for landscaping and the buildings and canopy over the petrol pumps are prominent in long views along the straight stretch of road in which the service station located.
9. The illustrative plan for the appeal scheme demonstrates that it would be possible to produce a proposal where the areas of the site covered by buildings and hardstandings would be less than at present. Consequently, a landscaping scheme could ensure that the proposed residential development would have a softer and less commercial appearance than the service station. The appellant accepts that landscaping is a crucial aspect of the scheme and it has therefore been considered at an early stage, with a landscape assessment being produced to inform the illustrative layout submitted with the application.
10. The Council considers that the site is in a transitional position between the development of the village and the open countryside, but I agree with the appellant's assessment that, at present, the development on the site is a dominant feature at the entrance to the village. I find that it contrasts unfavourably with the low key boundary treatments and landscaping of the existing residential development and consider that a well designed housing scheme on the site would be a visual improvement.

11. The Landscape Officer of the Council, in the report to Committee, noted that further details on existing trees would be needed before a full assessment of the proposal could be made but concluded that, on the wider landscape grounds, the proposal was acceptable in principle and had the potential to improve the existing landscape quality. I find no reason to disagree with this assessment or that submitted by the appellant's landscape consultant who drew similar conclusions.
12. Paragraph 55 of the Framework seeks to avoid 'new isolated homes in the countryside'. This paragraph also notes that housing in rural areas should be located where it would enhance or maintain the vitality of rural communities. This indicates that there will be situations where new housing will be considered acceptable, even if located outside current development boundaries, particularly where the development plan in which these are contained are out of date in relation to the Framework.
13. The draft Maidstone Core Strategy Consultation document notes that, in 2010, there was an identified need for 24 dwellings in Staplehurst and, in policy CS4, that new housing should be focused within or adjacent to village settlements. This strategy seems to me to be more consistent with the policies of the Framework than the current Local Plan and indicates the direction in which future planning policy in the Borough may be heading.
14. I consider that residential development on the appeal site meets the criteria discussed above. It would not be 'isolated'; rather it would be sustainable in terms of its location, which is within walking distance of the village and its range of services, on a bus route and about a mile from the main line railway station. The Framework, in paragraph 14, sets a presumption in favour of sustainable development and also makes clear, in paragraph 7, that overall sustainability has social and economic dimensions as well as environmental. In this case, development of the site would make a contribution to the housing needs of the village; it would be on a previously developed site with good local connections and would not harm the natural environment. I therefore conclude that it would fall within the category of sustainable development as discussed in the Framework.
15. I have noted the recent appeal decision cited by the Council in which the Inspector considered that, in relation to the application he was considering, policy ENV28 was 'broadly consistent' with the policies in the Framework. However, that site was within a designated Special Landscape Area which, although adjacent to such an area, the appeal site is not. It was also for development of garden land, which is specifically excluded from the 'previously developed' category by the Framework.
16. As the application is in outline, the Council will have the opportunity, through the discharge of the reserved matters, to ensure that the final design will be of a quality that meets the high standards set by paragraph 7 of the framework.

Other matters

17. Interested parties have raised objections to the loss of the service station and its convenience store. This was not a matter of concern to the Council in its reasons for refusal and the report to Committee explains that planning permission has been granted for the redevelopment of another petrol filling station (that is currently closed) by Sainsbury elsewhere in the village. The likelihood that Staplehurst would no longer have a petrol station if the appeal succeeds is consequently significantly reduced.

Conditions

18. I have considered the conditions suggested by the Council, in the event of the appeal succeeding, in accordance with the guidance given in Circular 11/95. I have amended the suggested wording where necessary to follow this guidance. In addition to the conditions requiring the submission of the details of the reserved matters for approval within a defined timescale and their consequent implementation in accordance with the approved details, I shall impose a condition requiring the submission and implementation of an arboricultural method statement and tree protection plan, to ensure that existing trees on the site are retained and protected.
19. To ensure that the dwellings are constructed in a sustainable and energy efficient manner, I shall impose a condition to require that they meet level 3 of the Code for Sustainable Homes. In the interests of highway safety, conditions will require the provision and maintenance of visibility splays at the entrance to the site. As the site has the potential to be contaminated from its previous use and to protect human health and the environment, I shall require it to be the subject of a detailed scheme of remediation that has been approved by the local planning authority.
20. The Council has noted that there is, at present, no limitation on the height of the proposed houses. The appellant has suggested that this could be controlled by condition and has drawn attention to the proposal that the buildings shall be of no more than 2 storeys, with the potential for some accommodation in the roof space. In order to ensure that the development is of a similar scale to other residential properties in the surrounding area, I shall impose a condition to require this limitation. I shall also require an archaeological investigation of the site to ensure that any items of archaeological or historic value are recorded.

Conclusions

21. Although the proposed development conflicts with the provisions of LP policy ENV28, in that it is for housing development on land designated as being within the countryside, I consider that there are other material considerations, including the policies of the Framework, that indicate planning permission should be granted for the scheme. I have found that the scheme would not harm the character and appearance of the surrounding landscape and that it would, in fact, be an improvement on the current situation. The site is in a sustainable location adjacent to the development boundary; it is previously developed land and would contribute to the aim of boosting the supply of housing in the Borough. I consider that these points in favour of the development outweigh the policy objections and consequently, for the reasons given, above I conclude that the appeal should be allowed.

Katie Peerless

Inspector

Annex A

Conditions to be attached to planning permission MA/12/0922

- 1) The development shall not commence until details of the appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') have been submitted to, and approved in writing by, the local planning authority and the development shall be carried out as approved.
Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2) The details submitted in respect of the reserved matter of appearance shall include written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and all hard surfaces and the development shall be constructed using the approved materials.
- 3) The details submitted in respect of the reserved matter of landscaping shall include details of all fencing, walling and other boundary treatments and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or land and maintained thereafter.
- 4) The details submitted in respect of scale shall limit the height of the dwellings to no more than 2 storeys, apart from any accommodation contained entirely within the roof space.
- 5) The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) (which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations') has been submitted to, and approved in writing by, the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design, where the AMS identifies specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.
- 6) All dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it, certifying that at least Code Level 3 has been achieved.

- 7) The development shall not commence until pedestrian visibility splays of 2m x 2m with no obstruction over 0.6m above the access footway level, have been provided and these splays shall be maintained thereafter.
- 8) The development shall not commence until vehicular visibility splays between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access way and points on the carriageway edge 120m from, and on both sides of, the centre line of the access way, have been cleared of obstructions to visibility at and above a height of 0.6m above the nearside carriageway level. These splays shall thereafter be maintained.
- 9) The development shall not commence until:
 1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to, and approved in writing by, the Local Planning Authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.
 2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail the sources of best practice employed.
 3. Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified, additional Contamination Proposals shall be submitted to, and approved in writing by, the Local Planning Authority.
 4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to, and approved by, the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.
- 10) The development shall not commence until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to, and approved in writing by, the Local Planning Authority.

16 March 2016

Spatial Policy
Maidstone Borough Council
Maidstone House
King Street
Maidstone ME15 6JQ

Our Ref: 15-026

Dear Sir/ Madam

**Maidstone Local Plan Regulation 19 Consultation
Land at Iden Park, Staplehurst, Nr Maidstone, Kent**

We are acting on behalf of Mr Brian Matthews the owner of land at Iden Park Staplehurst in connection with this matter.

We would like to make representations on the local plan and we would also wish to participate in the forthcoming hearings or the Examination in Public that will be scheduled in due course for the local plan. We wish to **OBJECT** to the local plan on the basis of its soundness. Broadly, we have concerns about the spatial strategy with an under supply of allocated sites in Policy H1 with no contingency sites plus concern over the 'broad locations' identified in Policy H2.

Representations for this site have been submitted at various stages in the site allocation document and more recently as part of the Maidstone Local Plan and the neighbourhood plan. This includes representations made as part of the Call for Sites in June 2012 and further submissions were made more recently in December 2015.

National planning policy promotes positive plan-making and in this context, Local Plans should be prepared and based on a strategy which seeks to meet the objectively assessed need (OAN). When the Council consulted on an earlier version of this document in March 2014, the objectively assessed need (OAN) was 19,600 for the plan period (2011-2031) and the housing requirement for the Borough was agreed on the basis of the OAN figure. The figure was revised to 18,560 following a later review based on 2012 population data. Given further inward migration levels from London and a continued unmet need in the Greater London area the local planning authority must therefore include additional allowance as a result of increasing migration from London.

With regards to the allocated sites Policy H1, I still consider there to be an overall shortfall in numbers. In addition, it is proven that the indicative yield stipulated in the Regulation 19 is on the high side. I will demonstrate this with some random examples.

For example in the earlier Regulation 18 document indicates that Site H1 (1) *Bridge Nursery* had an indicative yield of 165. The actual planning permission granted by

2

the local planning authority was for a lower figure (140 units). H1 (3) *West of Hermitage Lane* was originally to yield 330. In 2015 planning permission was granted on H1 (3) for 300 on this site and construction is underway. Likewise H1 (4) *Oakapple, Barming* has a reduced number of units 187 compared to 240 stated previously in earlier documentation. H1(43) *Glebe Gardens* is forecasted as providing 10 units the planning application submitted is for 8. H1 (52) *Hubbards Lane* is scheduled to yield 21. However, only 11 can be accommodated on the site. H1 (64) *West of Eyhome Street* was earmarked for 35 units. Construction is underway for 14 units

As you will note there is a downward trend between the forecast figures and the actual. The combined total of these sites in Policy H1 is 8707 units representing a significant proportion of the total. However, from the evidence we have there is always an under provision based on these indicative numbers. **In our opinion the local planning authority needs to provide additional sites as a contingency by allocation additional sites.**

With regard to the windfall allowance of 1,026 it is unclear where this figure has been derived upon.

In addition to this we are doubtful about the broad locations for developable sites between 2026 -2031 referenced in Policy H2.

Policy H2 refers to Maidstone Town Centre accommodating 700 units over the plan period 2026-2031. Over the past 18 months alone since the introduction of permitted development rights and Prior Approval procedures for conversion of office to residential (Part L) the town centre alone has already lost approximately 300,000 sq ft (32,000 sq metres of floorspace with the conversion of large office blocks such as Concorde House, Kent House, Miller House and others. The figure of 700 units is not a long term aspiration and will already be included elsewhere in the figures as the works have planning permission and have been converted.

At Lenham there is a neighbourhood plan in preparation which does not include any major development either west or east of the village in the broad locations identified in the plan. Finally, with regards to Invicta Barracks (1,300 units) the disposal of this site by the Defence Estates Organisation (DEO) has been discussed for over 20 years. The DEO has disposed of other significant land at the Medway Council area also occupied by Royal Engineers whilst over the same period there has not been any intent to dispose of this land.

In light of this, the local planning authority should bring forward additional sites that were previously submitted as part of the call for sites and earlier stages in the plan making process

Land at Iden Park, Staplehurst

Our client has previously made representations to Maidstone Borough Council (the local planning authority) and also to Staplehurst Parish Council for the inclusion of land south of Staplehurst at Iden Park in the emerging local plan and the neighbourhood plan respectively. Our client has previously had discussions and meetings with the Parish Council on this matter.

The site identified to both Councils comprises of 2.8 hectares. This site has good footpath and recreation connections to the north and vehicle and pedestrian access is achievable onto the Cranbrook Road. It is therefore considered to be a sustainable location on the edge of Staplehurst suitable for housing in a parkland setting. To the front of the site the petrol filling station has an extant planning permission for the development of eight dwellings (reference MA/12/0922) allowed at appeal. This site was deemed to be a sustainable location by the Inspector.

Our client's site can provide a low density residential layout with a mix of house types to achieve a high quality residential development in Staplehurst. This type of property is in short supply within the Borough and can be a catalyst for attracting inwards investment to the area. The site can accommodate 10 residential detached properties

As previously mentioned above, the land owned by our client has been promoted and we will continue to do so for inclusion in the emerging Maidstone Local Plan. The site was submitted as part of a call for sites in 2014 (reference H0-39). The site has been assessed has not been considered for inclusion in the current document by Planning Officers.

As this site has not been included in the current local plan documents the only option available is to make representations at Regulation 19 stage and at the Public Inquiry. This will be the first opportunity in the process for our client to present the case for including the land in the plan.

Significant growth is envisaged within the Borough up to 2031 and Staplehurst, which is identified as one of the rural services centres (RSC's), has a key role in boasting housing numbers in the wider Borough.

In addition, this site can also accommodate a courtyard style office development of 10 units. Each commercial unit will be 1,500 sq ft with car parking provided on site. The intended use will be B1(a) office use.

A site layout plan is attached.

We trust this letter of response will be taken into consideration. We would ask to be notified in order to participate at the forthcoming hearings

Yours faithfully



Andrew Street

3 December 2015

Spatial Policy
Maidstone Borough Council
Maidstone House
King Street
Maidstone ME15 6JQ

Dear Sir/ Madam

Staplehurst Neighbourhood Plan- Regulation 16 Consultation

I am acting on behalf of Mr B Matthews the owner of land at Iden Park Staplehurst in connection with this matter.

Our client has previously made representations to Maidstone Borough Council (the local planning authority) and also to Staplehurst Parish Council for the inclusion of land south of Staplehurst at Iden Park in the emerging local plan and the neighbourhood plan respectively. Our client has previously had discussions and meetings with the Parish Council on this matter

The site identified to both Councils comprises of 2.8 hectares. This site has good footpath and recreation connections to the north and vehicle and pedestrian access is achievable onto the Cranbrook Road. It is therefore considered to be a sustainable location on the edge of Staplehurst suitable for housing in a parkland setting. To the front of the site the petrol filling station has an extant planning permission for the development of eight dwellings (reference MA/12/0922) allowed at appeal. This site was deemed to be a sustainable location by the Inspector.

Our client's site can provide a low density residential layout with a mix of house types to achieve a high quality residential development in Staplehurst. This type of property is in short supply within the Borough and can be a catalyst for attracting inwards investment to the area.

The concern we have at present is that our ongoing representations regarding this site to the local planning authority in the emerging local plan will be compromised if the Staplehurst Neighbourhood Plan proceeds to adoption in its current form.

Within the Maidstone Borough Council's area (local planning authority's area) there is no up to date development plan in place. The adopted local plan (Maidstone Boroughwide Local Plan 2000) predates 2004 and under the National Planning Policy Framework has '*limited weight*' in determining planning applications. The emerging local plan carries the same weight until adoption. Therefore, there is a policy vacuum as is no borough wide development plan in place at the present time.

The local planning authority's new Maidstone Borough Local Plan for the period up to 2031. However, this draft local plan is still subject to further consultation and has not been subject to scrutiny at an examination. This is scheduled for late 2016.

As previously mentioned above, the land owned by our client has been promoted and we will continue to do so for inclusion in the emerging Maidstone Local Plan. The site was submitted as part of a call for sites in 2014 (reference H0-39). The site has been assessed has not been considered for inclusion in the current document by Planning Officers. The draft local plan document has just completed Regulation 18 consultation as October 2015. We understand that the next stage will be a Regulation 19 consultation which will commence in spring 2016.

As this site has not been included in the current local plan documents the only option available is to make representations at Regulation 19 stage and at the Public Inquiry. This will be the first opportunity in the process for our client to present the case for including the land in the plan.

At this stage the emerging local plan has not been tested for soundness at examination. In addition, the local planning authority has no five year supply of land. As of April and September 2015 the local planning authority had a 3.3 year supply of land set against an objectively assessed need of 18,560 units

Significant growth is envisaged within the Borough up to 2031 and Staplehurst, which is identified as one of the rural services centres (RSC's), has a key role in boasting housing numbers in the wider Borough. Therefore, this plan cannot be considered in isolation given the wider strategy for growth in sustainable locations. Furthermore, it is unclear how the Maidstone Local Plan will evolve over the coming months owing to the level of development amid current concern over highways and infrastructure provision.

In light of the above, we ask that the neighbourhood plan be put on hold pending the outcome and adoption of the Maidstone Local Plan which is envisaged for late 2016. That will allow our client to promote the site and make representations up the Inspector appointed to deal with the Borough Council's broad and strategic policies plus site allocations document.

If this plan were to proceed in the circumstances we consider it premature in light of the lack of a borough wide local plan covering the area.

We trust these comments will be taken into consideration.

Yours faithfully

Andrew Street