

Contents

MAIDSTONE BOROUGH-WIDE LOCAL PLAN: INSPECTOR'S REPORT

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GENERAL OBJECTIONS AND CHAPTER 9

Plan Title

Objection DOTH0020 - Ms C Morgan

Issue The need to include “Draft” within the Plan title.

Conclusions

G.1 The appropriate title is “Deposit Plan” and, contrary to the objector’s fears, this makes it clear that the Plan is not a formally adopted document.

RECOMMENDATION

G.2 Do not modify the Plan in response to this objection.

Inset Maps

Objection DOTH0019 - Ms C Morgan

Issue The need to number the inset maps.

Conclusions

G.3 Since these maps are numbered on the contents page it would be sensible if the maps themselves were also numbered. It is misleading to call them “inset” maps. Paragraph 7.14 of PPG12 makes it clear that inset maps are part of the Proposals Map, whilst these maps are clearly identified as illustrative.

RECOMMENDATION

G.4 Number the “inset” maps as shown on the contents page, and rename them.

Base Map

Objection DOTH0035 - Staplehurst Parish Council

Issue The need for an up-to-date base map.

Conclusions

General Objections and Chapter 9

G.5 The Council recognises the importance of an up-to-date base map in its response, and I have no doubt that this can be addressed when the final version of the Proposals Map is prepared.

RECOMMENDATION

G.6 Modify the Proposals Map before the Plan is adopted to ensure the most up-to-date base is used.

Additional Maps

Objection DOTH0021 - Ms C Morgan

Issue The need for a map to make the economic development and tourist policies clearer.

Conclusions

G.7 Where it is relevant, the policies are shown on the Proposals Map, and I see no need for any further maps.

RECOMMENDATION

G.8 Do not modify the Plan in response to this objection.

Chapter 9 - paragraph 9.51

Objection DOTH0002 – Mr D W G Sawyer

Issue The social acceptability of the concept of the “twenty-four hour city”.

Conclusions

G.9 Mr Sawyer has conditionally withdrawn this objection on the basis of the Council’s explanation that it stems from Government guidance in PPG6. It seems to me, however, that this paragraph puts a rather different, perhaps brasher, gloss on the advice in paragraph 2.19 of the PPG, with the use of the phrase in the issue, and the words “night time” economy, rather than “evening” economy used in the PPG and paragraph 9.54 of the Plan.

RECOMMENDATION

G10 Modify paragraph 9.51 to reflect paragraph 2.19 of PPG more closely.

CHAPTER 1 INTRODUCTION
Paragraph 1.3: Time-Scale of the Plan

Objections DOTH0009 - The House Builders Federation (HBF)
 DOTH0015 - Bryant Homes Technical Services Ltd
 DOTH0017 - Bryant Homes Technical Services Ltd
 DOTH0024 - J Murphy & Sons Ltd
 DOTH0037 - George Wimpey Plc

Issue The need to extend the plan period from 2006 to 2011.

Conclusions

1.1 It is argued that the Local Plan should have the same plan period as the Structure Plan to ensure greater certainty for developers and infrastructure providers, and to enable land-use and transportation strategies to be planned together as advised in PPG13 *Transport*. However, I note the advice in paragraph 5.17 of PPG12 *Development Plans and Regional Guidance* that local plans should, so far as practicable, cover a 10 year period. Moreover, the Council in its response recognises the need for an early review of the Plan, which will be essential to meet the requirements of the Structure Plan between 2006 and 2011 given the likely adoption date of this Plan. In these circumstances, I see no need to extend the end-date of the Plan.

RECOMMENDATION**1.2 Do not modify the Plan in response to these objections.**

Paragraph 1.3 Development Plan Context

Objections DOTH0023 - Kent County Council
 COTH0003 - Kent County Council

Proposed Change 1

Issue The need to explain fully the Development Plan context of this Plan.

Conclusions

1.3 I agree with the County Council that the proposed change overcomes this objection to a great extent. The remaining concern set out in the further objection can be overcome by appropriate up-dating when the final text of the Plan is prepared.

RECOMMENDATION

- 1.4 Modify the Plan in accordance with Proposed Change 1. Make no further modification, but ensure that this part of paragraph 1.3 is as up-to-date as possible when the final text is prepared.**

CHAPTER 2 STRATEGIC OBJECTIVES**Strategic Objectives Generally - The Environment**

Objection DOTH0014 - Kent Wildlife Trust

Proposed Change 4

Issue The need to refer to enhancing the environment as well as protecting it.

Conclusions

2.1 This objection is overcome to my mind by the proposed change which would include in Objective 2 the reference sought by the objectors.

RECOMMENDATION**2.2 Modify the Plan in accordance with Proposed Change 4.**

Paragraph 2.4 - Housing Land Requirement

Objection DOTH0001 - Mr D W G Sawyer

Issue The need to take account of the review of Regional Planning Guidance (RPG) to be prepared in the light of White Paper *Planning for the Communities of the Future*.

Conclusions

2.3 The Plan must conform with the adopted Kent Structure Plan, and must therefore make provision for the housing numbers in that plan. In the wider context, paragraph 34 of the White Paper says that until new Regional Guidance is available development plans must have regard to existing guidance. Moreover, paragraph 11 makes it clear that development plans already make provision for much of the growth up to 2006 which is the end-date for this Plan. I therefore agree with the Council that the publication of the White Paper does not suggest an early opportunity to reduce housing land requirements.

RECOMMENDATION**2.4 Do not modify the Plan in response to this objection.**

Paragraph 2.4 - Meeting Structure Plan Requirements

Objections	DOTH0016 - Bryant Homes Technical Services Ltd DOTH0018 - David Wilson Homes (Home Counties)
Issue	The need for a more positive statement.

Conclusions

2.5 This paragraph accurately reflects the Council’s position and, in the context of the Plan as a whole, I do not consider that its tone is contrary to advice in PPG12.

RECOMMENDATION

2.6 Do not modify the Plan in response to these objections.

Paragraph 2.6 - The Definition of Sustainability

Objection	DOTH0033 - Tovil Parish Council
Issue	The need to add a reference to the social environment.

Conclusions

2.7 I am satisfied that the Plan follows the advice in paragraph 5.51 of PPG12 that social considerations should be limited to those which are relevant to land-use matters.

RECOMMENDATION

2.8 Do not modify the Plan in response to this objection.

Objective 1 - Sustainability

Objections	DOTH0012 - Kent Wildlife Trust DOTH0034 - Tovil Parish Council
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Proposed Change 2

Issue	The need to define “sustainability” more fully.
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Conclusions

2.9 I consider that the proposed change removes any possible ambiguity feared by the Wildlife Trust. I do not accept the Parish Council’s objection and the addition of “social” to the definition for the same reason as I gave in the previous objection.

RECOMMENDATION

2.10 Modify the Plan in accordance with Proposed Change 2, but make no other modifications in response to these objections.

Objective 3 - Countryside

Objection DOTH0031 - Croudace Homes

Issue The need for the objective, in the light of National and Structure Plan policies for the countryside.

Conclusions

2.11 The existence of the policies to which the objectors refer does not negate the Council's approach in the Plan of setting out broad objectives. However, I find the word "defend" to be at odds with the tone of these policies, and I consider that "protect" would be more appropriate. I deal with arguments about the need for the Plan's policies later in this report.

RECOMMENDATION

2.12 Replace "defend" in line 3 of Objective 3 with "protect", but make no other modifications in response to this objection.

Objective 7 - Economic Development

Objection DOTH0026 - Dr F Simpson, Member, Kent County Council

Issue The need to recognise the existing allocations in the Objective.

Conclusions

2.13 I agree with the Council that this is an acceptable statement of a strategic objective: the question of existing allocations and their location is a matter for detailed consideration in the economic development chapter.

RECOMMENDATION

2.14 Do not modify the Plan in response to this objection.

Objective 12 - Transportation

Objection DOTH0022 - English Heritage

Issue The need for the Objective to be more consistent with Government policy.

Conclusions

2.15 I do not accept this objection since, as a broad objective, I consider that it is wholly in line with Government guidance, both on transportation policy, and what is appropriate to include in a local plan.

RECOMMENDATION

2.16 Do not modify the Plan in response to this objection.

Objective 13 - Rural Settlements

Objection DOTH0032 - Croudace Homes

Issue Whether the objective is unnecessary and should be deleted.

Conclusions

2.17 The existence of the policies to which the objectors refer does not negate the Plan's approach of setting out Strategic Objectives. The need for the "layering" of policies questioned by the objector is dealt with later in the report.

RECOMMENDATION

2.18 Do not modify the Plan in response to this objection.

Objective 14 - Recreation and Tourism

Objection DOTH0008 - English Sports Council S.E.

Issue The addition of "sport" to the Objective.

Conclusions

2.19 I agree with the Council that recreation includes sport, but there is a significant land-use difference between provision for informal recreation and formal sporting events. This should be made clearer in the Objective.

RECOMMENDATION

2.20 Modify Strategic Objective 14 by inserting "formal and informal" in front of

“recreation” in the first line.

Strategic Objective 14

Objection DOTH0025 - Dr F Simpson, Member, Kent County Council

Proposed Change 3

Issue The need to make it clear that the Plan should be read as a whole.

Conclusions

2.21 The proposed change overcomes this objection and I support it.

RECOMMENDATION

2.22 Modify the Plan in accordance with Proposed Change 3.

New Text - Sustainability

Objections DOTH0005 - English Nature
DOTH0013 - Kent Wildlife Trust

Proposed Change 2

Issue The need to explain more fully the principles of sustainable development.

Conclusions

2.23 Both these objections are overcome by the additional text proposed in paragraph 2.5 of the Plan under Proposed Change 2.

RECOMMENDATION

2.24 Modify the Plan in accordance with Proposed Change 2.

New Objective - Rural Communities

Objections DOTH0028 - Rural Development Commission
COTH0001 - GOSE

Proposed Change 5

Proposed Further Change 1

Issue The need for a strategic objective relating to the needs of rural communities.

Conclusions

2.25 These objections are overcome by both Proposed Changes.

RECOMMENDATION

2.26 **Modify the Plan in accordance with Proposed Change 5 and Proposed Further Change 1.**

CHAPTER 3 ENVIRONMENT
Paragraph 3.1 - Introduction

Objection DENV0528 - Tovil Parish Council

Issue The need to refer to social and community issues.

Conclusions

3.1 Paragraphs 5.48 - 5.51 of PPG12 discuss social considerations in the context of land-use planning. Paragraph 5.49 of the PPG gives examples, all of which are found in this Plan: policies for affordable housing, crime prevention, sport and recreation. It is important to bear in mind the advice in the last sentence of paragraph 5.51 of the PPG that the plan content should be limited to those social considerations that are relevant to land-use policies. In this context I do not accept this objection.

RECOMMENDATION

3.2 Do not modify the Plan in response to this objection.

Paragraph 3.3 - Introduction

Objection DENV0529 - Tovil Parish Council

Proposed Change 6

Issue The need to add “quality of life”.

Conclusions

3.3 I accept this proposed change which overcomes the objection.

RECOMMENDATION

3.4 Modify the Plan in accordance with Proposed Change 6.

Paragraph 3.9 - National and Strategic Context

Objection DENV0161 - NFU South East Region

Proposed Change 7

Issue The need to update the reference to PPG7.

Conclusions

3.5 This objection is overcome by the proposed change and I support it.

RECOMMENDATION

3.6 Modify the Plan in accordance with Proposed Change 7.

Proposed New Paragraph 3.26 - Aims and Objectives

Objection DENV0530 - Tovil Parish Council

Issue The need to refer to the effect of new development on communities.

Conclusions

3.7 I agree with the Council that this concern is adequately dealt with by the second sentence of paragraph 3.25 of the Plan.

RECOMMENDATION

3.8 Do not modify the Plan in response to this objection.

ENV1 - Aims and Objectives

Objections

DENV0012 - Kitewood Estates Ltd
 DENV0049 - British Telecommunications PLC
 DENV0096 - Charles Church Developments Ltd
 DENV0105 - Barton Willmore Planning Partnership
 DENV0115 - The House Builders Federation
 DENV0142 - GOSE
 DENV0190 - Kent Wildlife Trust

DENV0205 - Bryant Homes Tech. Services. Ltd.
 DENV0215 - David Wilson Homes
 DENV0425 - George Wimpey Plc
 DENV0452 - Rural Development Commission
 DENV0473 - Croudace Homes
 CENV0035 - The House Builders Federation
 CENV0043 - Croudace Homes
 CENV0051 - D W G Sawyer

Proposed Change 8

- Issues**
- (a) The form and wording of the policy.
 - (b) Whether “enhancement” can be sought through a policy.

Conclusions

3.9 Dealing with issue (a), advice in both *Development Plans: A good practice guide* (CD45) and *Better Local Plans: A Guide to Writing Effective Policies* (CD46), makes it clear that local plans should set out their objectives clearly. Indeed, paragraph 3.20 of CD45 distinguishes between broad “aims” and more specific “objectives”, which correspond roughly to the Strategic Objectives in Chapter 2, and ENV1 and other equivalent policies in later chapters of this Plan. I therefore support the approach in principle, but there are four fundamental points to follow in putting that principle into practice.

3.10 First, each level should be clearly labelled, for example Strategic Objective, Objective and Policy, whereas the use of both “aims” and “objectives” in this section of the Plan is confusing and suggests a level which does not exist. Second, there should be no confusion between the levels, whereas ENV1 (and later equivalent policies) is an objective, not a planning policy. Even with the proposed change, it does not conform to any of the advice in CD45, CD46 or PPG12 about the form and wording of land-use planning policies. Third, each level must add something to the Plan, not simply repeat what has already been said. I am not convinced that ENV1 does add anything. Indeed, the final section in the proposed change is an unattributed quote from the Brundtland Commission which is already set out in paragraph 3.6 of the Plan.

3.11 Fourth, it must be possible to link each level and, for example, to identify the policies which will implement the objectives. This cannot be achieved by simply setting out objectives as policies, because each has its own role, and a policy must be firmly based in its land-use planning origins as all the advice in CD45 and CD46 confirms. The diagram on page 39 of CD45 sets out both the levels and links very helpfully, and applying it to ENV1 and later equivalent policies shows their weaknesses very clearly. For example, it is possible to identify ENV3 as a policy which would be used to implement the first part of ENV1, but the second part is so general that it belongs at a higher level, and it is set out as Strategic Objective 1.

3.12 This section of the Plan, and ENV1, should therefore be reconsidered in the light of these points and I have recommended accordingly. I have identified part of ENV7 as a possible objective in paragraph 3.34(a). Although it has not been the subject of an objection, the first sentence of ENV29 is an objective not a statement of planning policy and, to be consistent, should be considered in the re-casting of ENV1.

3.13 Turning to issue (b), if ENV1 is recast as an objective it could be said that this objection is overcome. Moreover, there is no reason for the Council not to seek enhancement through an objective. However, ENV1 is the first “policy” to seek enhancement and I will deal with its inclusion in a policy here, and refer back to my conclusions where enhancement appears in later policies.

3.14 The Council recognises in its response to the objection on behalf of Croudace Homes that there is no support in Government guidance for “enhancement” generally, since advice in paragraph 40 of PPG1 is that: “Those deciding ... planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance.”

3.15 Apart from the special case of conservation areas where there is separate statutory provision for enhancement, policies in the Plan must therefore be aimed at preventing harm, rather than seeking enhancement. I do not consider that this problem is overcome by the wording of Proposed Change 8. The words “where possible” introduce an unacceptable level of ambiguity into the policy, whilst a reference to the provisions of other policies does not alter the fundamental advice in PPG1. Whilst I have recommended deleting ENV1 for other reasons, it is also unacceptable because of its inclusion of enhancement.

RECOMMENDATIONS

- 3.16 A Delete ENV1 in the Deposit Draft.**
- B Do not modify the Plan in accordance with Proposed Change 8.**
- C Reconsider paragraph 3.25 and ENV1 to ensure that:**
- (a) the distinction is clearly made between Strategic Objectives in Chapter 2, Objectives for Chapter 3 which could be set out here, and the policies which will be used to implement the objectives;**
 - (b) “objectives” are not set out as “policy”;**
 - (c) the relevant parts of ENV7 and ENV29 are considered as objectives not policy; and**
 - (d) specific environment objectives do not simply repeat Strategic Objectives in Chapter 2.**

ENV2 - Pollution (Air, Land and Water)

Objections

DENV0013 - Kitewood Estates Ltd
 DENV0106 - Barton Willmore Planning Partnership
 DENV0116 - The House Builders Federation
 DENV0383 - D R Parry

DENV0191 - Kent Wildlife Trust
 CENV0052 - D W G Sawyer
 CENV0036 - The House Builders Federation
 CENV0071 - Tovil Parish Council

Proposed Change 9

Proposed Further Change 2

Issue The need for the policy.

Conclusions

3.17 In making Proposed Change 9 the Council has accepted that the original form of ENV2 went beyond Government guidance and I agree. However, I cannot accept the first sentence of the proposed change since, with the words “...seek to ensure...”, it is a statement of objectives, not a land-use policy, and retaining it would be contrary to the advice in paragraph 4.29 of CD45. This apart, I consider that ENV2 as proposed to be changed is acceptable and does not, as argued by one objector, duplicate planning and environmental controls contrary to advice in PPG23 *Planning and Pollution Control*. I support the proposed further change and my recommendation takes cumulative effect into account.

RECOMMENDATIONS

3.18 A Delete ENV2 from the Deposit Plan.

B Proposed Change 9:

Delete “THE BOROUGH COUNCIL ... BE GRANTED IF ...”, and replace it with:

“PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH, ITSELF OR CUMULATIVELY, WOULD HARM THE QUALITY OF AIR, LAND AND WATER UNLESS ...”

C Modify the Plan in accordance with Proposed Change 9, subject to the further modification recommended in B above.

D Do not modify the Plan in accordance with Proposed Further Change 2.

ENV3 - Achieving Quality in New Developments

Objections

DENV0050 - British Telecommunications PLC
 DENV0097 - Charles Church Developments Ltd
 DENV0132/43 - GOSE
 DENV0160 - McCarthy & Stone (Developments)
 DENV0206 - Bryant Homes Tech. Services. Ltd.
 DENV0216 - David Wilson Homes
 DENV0380 - Marley Properties Ltd

DENV0453 - Rural Development Commission
 DENV0474 - Croudace Homes
 DENV0497 - Zeneca Agrochemicals
 CENV0044 - Croudace Homes
 CENV0053 - D W G Sawyer
 CENV0066 - Zeneca Agrochemicals
 CENV0072 - Tovil Parish Council

Proposed Change 10

Issue The form of the policy, and the requirement to enhance the environment.

Conclusions

3.19 The Proposed Change overcomes much of the valid objection that the original ENV3 went beyond Government guidance, and also GOSE’s concern that it was unclear. However,

I still find that the first sentence is expressed as an objective, not a land-use policy, and the form of the policy which I have recommended overcomes this whilst setting out clearly and strongly the approach the Council will take.

3.20 My recommended modification leaves out the word “enhance”. Whilst I sympathise with the Council’s aims in seeking enhancement, it seems to me to much clearer to set out, as Proposed Change 10 does, the matters against which planning applications will be judged. Moreover, as many of the objectors argue, there is not a general requirement that development should enhance the environment except in the particular circumstances of conservation areas, and I have discussed this earlier in paragraph 3.15. The Council’s position is protected in my recommendation, however, since any application which did not meet the requirements of the policy could be refused on the specific grounds which are set out.

RECOMMENDATIONS

3.21 A Delete ENV3 from the Deposit Draft.

B Proposed Change 10:

Delete “THE BOROUGH COUNCIL ... WILL EXPECT THAT: ...” and replace it with:

“PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT IN THE DEFINED URBAN AREA AND VILLAGE SETTLEMENTS UNLESS:”

C Modify the Plan in accordance with Proposed Change 10, subject to the further modification recommended in B above.

Paragraph 3.32 and ENV4 - Development Briefs

Objections DENV0014 - Kitewood Estates Ltd
 DENV0117 - The House Builders Federation
 DENV0426 - George Wimpey Plc
 DENV0475 - Croudace Homes

Proposed Change 11

Issue The form of the policy and its relationship to Government guidance.

Conclusions

3.22 Paragraph 42 of PPG1 says that Supplementary Planning Guidance (SPG) should only be referred to in the reasoned justification. Moreover, I agree with the objection on behalf of Croudace Homes that the Council’s intention to publish development briefs is an

administrative, not policy, matter. The Council does not need ENV4 to carry out its intention and the policy is therefore unnecessary.

3.23 I agree with the need for the first part of Proposed Change 11 but the second part, with its reference to a specific site, is out of place in a general discussion of principles. However, I also agree with the objectors who argue that the text should make it clear that developers may prepare development briefs and I have recommended accordingly.

RECOMMENDATIONS

3.24 A Delete ENV4.

B Paragraph 3.32 as it is proposed to be changed:

modify the Plan in accordance with Proposed Change 11 only by adding “In accordance with Government advice in PPG12” in line 1;

do not modify the Plan in accordance with any other part of Proposed Change 11.

C Add after “... by development briefs.” “ ... which may be prepared by the Council or the developer.” in line 7.

ENV5 - Planning Out Crime

Objections DENV0015 - Kitewood Estates Ltd
 DENV0090 - Mr F G Wilson
 DENV0148 - CPRE
 DENV0347 - Ms C Morgan
 DENV0476 - Croudace Homes

Issue The need for the policy.

Conclusions

3.25 I am satisfied that the first sentence of ENV5 is a land-use policy which will guide the Council’s approach to planning applications. However, the subsequent reference to seeking advice is a wholly administrative matter and should be deleted. The reference to development briefs conflicts with my recommendation on ENV4, but in any case is out of place here since not all development will be subject to them. The other matters referred to by the objectors are more detailed but, whilst they would be out of place in the Plan, they may well be matters which the Council would take into account when implementing ENV5.

3.26 Ms Morgan’s objection deals with matters too detailed to be included in the Plan.

RECOMMENDATIONS

- 3.27 A Delete from ENV5 “THE ADVICE OF ... THE BOROUGH COUNCIL”**
- B Make no other modifications in response to these objections.**
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ENV6 - Noise

Objections DENV0016 - Kitewood Estates Ltd
 DENV0098 - Charles Church Developments Ltd
 DENV0107 - Barton Willmore Planning Partnership
 DENV0118 - The House Builders Federation
 DENV0427 - George Wimpey Plc

Issue The form of the policy in relation to PPG24 *Planning and Noise*.

Conclusions

3.28 In principle, noise standards are an appropriate subject for SPG because of the level of detail involved. In practice, their preparation must follow Government advice, both in PPG24 about noise and PPG1 about the use of SPG, if they are to be successfully used by the Council in implementing ENV6. It is essential that, if the Council adopts different standards from those in the PPG, they are fully explained and justified in the Plan.

3.29 Noise is an appropriate subject for a planning policy despite the existence of PPG24. I see nothing in paragraphs 3.34 - 3.37 to support the objectors’ concerns about the use of SPG. However, the reference to SPG in the policy conflicts with the advice in paragraph 42 of PPG1 to which I referred when dealing with objections to ENV4.

3.30 More fundamentally, however, I have serious reservations about the form of ENV6. The words “... seek to minimise ...” are a statement of aims, and the policy does not clearly distinguish between noise-generating and noise-sensitive uses. Both these problems are overcome in the examples given on page 51 of CD46. In particular, the use of the phrase “... development will not be permitted ...” is a much clearer and stronger statement of policy than the wording of ENV6.

RECOMMENDATIONS

- 3.31 A Delete ENV6 and replace it with either policy 3.10.1 or 3.10.2 on page 51 of CD46, or a policy based on them.**
- B Paragraph 3.37: Add a reference to the SPG in which the standards appear, and justify the use of standards different from those in PPG24.**
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Paragraph 3.38 - Trees and Landscaping

Objection DENV0042 - English Nature

Proposed Change 12

Issue The need to refer to areas where tree planting may not be appropriate.

Conclusions

3.32 I agree with Proposed Change 12 which overcomes this objection.

RECOMMENDATION

3.33 Modify the Plan in accordance with Proposed Change 12.

ENV7 - Trees and Landscaping

Objections

DENV0051 - British Telecommunications PLC
 DENV0091 - Mr F G Wilson
 DENV0108 - Barton Willmore Planning Partnership
 DENV0119 - The House Builders Federation
 DENV0192 - Kent Wildlife Trust

DENV0207 - Bryant Homes Tech. Services. Ltd.
 DENV0217 - David Wilson Homes
 DENV0428 - George Wimpey Plc
 DENV0477 - Croudace Homes
 CENV0045 - Croudace Homes
 CENV0073 - Tovil Parish Council

Proposed Change 13

Issues The form and content of the policy.

Conclusions

3.34 Proposed Change 13 overcomes the inflexibility of the wording of the policy in the Plan which concerns many of the objectors, and to that extent I support it. However, I have several major reservations about the wording and content of the policy as it is proposed to be changed:

- (a) the words "... will expect ... to ensure ..." are not a clear statement of policy and should be deleted; however, they are important and the Council may wish to consider re-stating them as objectives for this chapter following my recommendation on ENV1;
- (b) "existing landscape features" are undefined and may not be the subject of planning control;

- (c) submitting information is administration not policy;
- (d) the reference to SPG in the policy is contrary to advice in PPG1; and
- (e) it is unclear whether the planting of indigenous trees will be required as a matter of policy or is simply advice.

3.35 I am also concerned that the policy tries to cover two separate matters: the protection of existing trees, and the provision of new planting. I will deal with each in turn.

3.36 Dealing first with the protection of “protected” trees, it seems to me that these problems are overcome by the example policy 3.5.3 on page 42 of CD46: the wording is a clear policy statement; the matters to which the policy applies are clearly defined and are the subject of planning control; and non-policy issues are kept to the supporting text.

3.37 Turning to new landscaping, I have recommended a form for a new policy, to which the Council can add criteria including the retention of trees not otherwise protected and the use of indigenous species. The supporting text for this policy should deal with the submission of schemes, as indicated on page 43 of CD46.

RECOMMENDATIONS

3.38 A **Delete ENV7 and replace it with a policy based on policy 3.5.3 on page 42 of CD46.**

B **Insert new policy:**

“POLICY ENV7A IN APPROPRIATE CASES THE COUNCIL WILL REQUIRE LANDSCAPING, INCLUDING SURFACE TREATMENT, TO BE CARRIED OUT AS PART OF DEVELOPMENT PROPOSALS. WHERE REQUIRED SUCH SCHEMES SHOULD:”

add criteria including the retention of trees and the use of indigenous species.

C **Consider re-casting the first sentence of the ENV7 as it is proposed to be changed as objectives for this Chapter.**

ENV8 - Tree Preservation Orders

Objections DENV0092 - Mr F G Wilson
DENV0162 - NFU South East Region

Issue The need for the policy.

Conclusions

3.39 The Council, as it acknowledges in its response to the second objection, has a statutory duty to make provision for the protection of trees. There is no need for a local plan policy to enable this duty to be fulfilled, and the Council can rely on its statutory powers and paragraph 3.39 of the Plan. The approach suggested by the first objector clearly goes beyond existing statutory powers.

RECOMMENDATION

3.40 Delete ENV8.

Paragraph 3.42 and ENV9 - Riverside Zone of Special Architectural Importance

Objections DENV0387 - English Heritage
DENV0388 - English Heritage

Proposed Change 14

Issue The need to require the submission of design impact statements, and to take account of broad townscape matters.

Conclusions

3.41 The proposed change overcomes these objections and I support it.

RECOMMENDATION

3.42 Modify the Plan in accordance with Proposed Change 14.

ENV9 - Riverside Zone of Special Architectural Importance

Objections DENV0068 - Meyer International
DENV0174 - Peugeot Motor Company Plc
DENV0348 - Ms C Morgan
DENV0349 - Ms C Morgan
DENV0386 - Whitbread Plc
DENV0465 - Environment Agency

Issue The need for the policy and its relationship to Government advice.

Conclusions

3.43 I support this policy since, as the Plan says, the river is an important part of the town

centre, and there are several large sites likely to be developed. However, to meet the advice in paragraph A1, Annex A of PPG1 on design issues there should be more reasoned justification for the policy to set out the area's defining characteristics, and to justify the criteria against that analysis. This applies in particular to criteria (3) and (10) which have been the subject of objections, although I support the intentions of both criteria which I do not consider to be unduly onerous. Criterion (3) would allow for car parking to be screened, if it were not possible to avoid the riverside and, given the townscape importance of the development sites, this seems to me to be essential. Criterion (10) is acceptable, again given the importance of the riverside to the town centre.

3.44 The words "... Borough Council will expect that..." should be replaced by a clear statement of policy, and I have recommended accordingly. Dealing with the other objections, I agree with the Council that this policy is not the place to deal with wildlife or energy matters, and that the reference to eyesores is not so subjective as to be unacceptable.

RECOMMENDATIONS

3.45 A ENV9:

**Delete: "IN CONSIDERING APPLICATIONS ... WILL EXPECT THAT" and replace it with:
"WITHIN THE RIVERSIDE ZONE OF SPECIAL TOWNSCAPE IMPORTANCE DEVELOPMENT WILL NOT BE PERMITTED UNLESS:"**

B Paragraphs 3.41 and 3.42:

expand to give more detailed reasoned justification for the policy, particularly criteria (3) and (10).

C Make no other modifications in response to these objections.

ENV10 - Advertising and Retail Frontages

Objection DENV0350 - Ms C Morgan

Issue The need for the policy to be more specific.

Conclusions

3.46 I agree with the Council that the objector's suggested rewording of ENV10(1) is

unacceptably prescriptive. I have dealt with the general objection about the need for policies relating to energy efficiency later in this chapter in considering new policy ENV59.

RECOMMENDATION

3.47 Do not modify the Plan in response to this objection.

Paragraph 3.45 and ENV11 and ENV12 - Listed Buildings

Objections DENV0351 - Ms C Morgan
 DENV0389 - English Heritage
 DENV0390 - English Heritage
 DENV0391 - English Heritage
 DENV0526 - Maidstone Development Watch

Proposed Changes 15, 16 and 17

Issue The need to use statutory definitions.

Conclusions

3.48 I agree with English Heritage that statutory definitions should be used in both the policy and text of this part of the Plan. In contrast, Proposed Change 15 uses the phrase “... architectural or historic character ...” whilst buildings are listed under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 because of their “... special architectural or historic interest ...”. In these circumstances, it is important to use the same words to avoid confusion and to ensure that policies are firmly based on the statute to which they relate.

3.49 I support Proposed Change 17 since it makes the Plan clearer by separating policies for alterations to, and demolition of, listed buildings. I am satisfied that proposed policy ENV11A broadly reflects Government advice in paragraphs 3.16 - 3.19 of PPG15 *Planning and the Historic Environment*. However, I find that ENV11 as proposed to be changed is wholly unacceptable. The phrase “... the Council will seek to ensure ...” is a statement of aims, and its inclusion in a policy is contrary to advice in paragraph 4.29 of CD45. In addition, the policy does not use the words from the statute, with the consequent problems I discussed in the previous paragraph.

3.50 The same criticism applies to the wording of ENV12 dealing with the setting of listed buildings which I also find unacceptable for the same reasons.

3.51 All these problems can be overcome by using policies 3.2.3, 3.2.4 and 3.2.5 on page 37 of CD46 as examples. These policies deal with alterations to listed buildings, their change of use and development affecting their setting. They are worded as policies, for example

“...development ... will not be permitted unless ...”. Moreover, they use the words from the legislation, which makes them more precise, and strengthens the Council’s hand in an important area of control and positive policy making. The examples are broadly worded, and CD46 recognises that more detail could be included in policy or text as reasoned justification. If these policies are used as examples, I consider that the concerns of English Heritage in DENV0391 would be met, without the unnecessary direct reference to listed building consent which, as the Council argues, arises from separate legislation and should not be duplicated in a policy.

3.52 Although ENV11A is broadly acceptable, its final section would be improved if it were based on policy 3.2.2 of CD46 which is more detailed and, with the use of the phrase “...permission will be subject to a condition ...” is worded as a policy not an objective

3.53 In response to objections from Ms Morgan and Maidstone Development Watch, I agree with the Council that compulsory purchase powers exist under other legislation and a local plan policy is not necessary to invoke them. Indeed, it would be contrary to Government advice to duplicate legislation in this way.

RECOMMENDATIONS

3.54 A Paragraph 3.45:

Do not modify the Plan in accordance with Proposed Change 15.

Delete “character” in line 2 and replace with “special architectural or historic interest”.

B ENV11 and ENV12:

Do not modify the Plan in accordance with Proposed Change 16.

Delete policies ENV11 and ENV12, and replace them with policies based on policies 3.2.3, 3.2.4 and 3.2.5 on page 37 of CD46.

C ENV11A:

Modify the Plan in accordance with Proposed Change 17 but delete:

“THE COUNCIL WILL ... BY REDEVELOPMENT.”

and replace it with wording based on policy 3.2.2 on page 37 of CD46.

D Make no other modification in response to these objections.

Paragraph 3.50 - Conservation Areas

Objection DENV0392 - English Heritage

Proposed Change 18

Issue The need to update the text.

Conclusion

3.55 This paragraph needs to be updated to reflect the definition of demolition following a recent High Court case. I therefore support the proposed change which overcomes this objection.

RECOMMENDATION

3.56 Modify the Plan in accordance with Proposed Change 18.

ENV13 - Conservation Areas

Objections DENV0074 - Bearsted Parish Council
 DENV0443 - Bearsted Amenity Society
 DENV0525 - Staplehurst Parish council
 DENV0536 - Mr J Broadhurst

Issue The need to review and alter conservation area boundaries.

Conclusions

3.57 Paragraph 2.9 of PPG15 makes it clear that the revision of boundaries of conservation areas should be carried out with extensive local consultation separately from the local plan process. Detailed matters of boundary definition are therefore not before me in dealing with objections to this Plan.

RECOMMENDATION

3.58 Do not modify the Plan in response to these objections.

ENV13 - Conservation Areas

Objections DENV0099 - Charles Church Developments Ltd
 DENV0121 - The House Builders Federation
 DENV0429 - George Wimpey Plc

Issue The deletion of “enhance” from the policy.

Conclusions

3.59 Within conservation areas Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “ ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”. In principle, therefore, I do not support these objections since enhancement is based on statute. However, nor do I support the wording of this policy which introduces different tests from those found in the Act with the words “... positive and recognisable contribution...” and “... special architectural or historic...”. In addition, the force of the policy is weakened by the phrase “...the Borough Council will expect that ...”.

3.60 As in previous cases, however, these problems can be overcome by referring to CD46. Pages 34 and 35 of this document set out several ways of approaching policies for development in conservation areas, all of which avoid confusion by using wording based on statute, and by positive and clear phrasing such as “... will only be permitted if ...”. Such approaches add considerably to the strength of the policy when compared to ENV13.

RECOMMENDATION

3.61 ENV13:

Delete “PROPOSALS FOR DEVELOPMENT ... WILL EXPECT THAT;” and replace with wording based on policies on pages 34 and 35 of CD46.

ENV13 - Conservation Areas

Objection DENV0175 - Peugeot Motor Company Plc

Issue The need to reflect advice in PPG15 and set out clear objectives for conservation areas.

Conclusions

3.62 Paragraph 2.9 of PPG15 makes clear the role of local plans in conservation and emphasises the separate functions of plan preparation and “... the assessment, detailed definition or revision of boundaries, and formulation of proposals for individual conservation areas ...”. Paragraph 4.9 of the PPG to which this objector also refers, deals with those proposals as part of this separate process rather than the Development Plan. In these circumstances, and with the modifications which I have recommended, I am satisfied that the Plan would contain conservation area policies which would fully conform to the advice in PPG15. (See also DENV0175 in paragraph 3.71.)

RECOMMENDATION

3.63 Do not modify the Plan in response to this objection so far as it relates to ENV13.

ENV13 - Conservation Areas

Objection DENV0352 - Ms C Morgan

Issue The need to encourage the re-use of materials and the energy efficient orientation of new buildings.

Conclusions

3.64 I am satisfied that the policy deals in appropriate detail with materials, and that energy efficiency is not a matter for this part of the Plan.

RECOMMENDATION

3.65 Do not modify the Plan in response to this objection.

ENV13 - Conservation Areas

Objection DENV0393 - English Heritage

Proposed Change 19

Issue The need to take account of the effect of development outside conservation areas.

Conclusions

3.66 I agree with the intention of this proposed change, which should be taken into account in considering my recommendation in paragraph 3.61.

RECOMMENDATION

3.67 Modify the Plan in accordance with Proposed Change 19 when considering the rewording of ENV13 in accordance with my recommendation.

ENV14 - Demolition of Unlisted Buildings in Conservation Areas

Objections DENV0052 - British Telecommunications PLC
 DENV0144 - GOSE
 DENV0394 - English Heritage
 CENV0063 - British Telecommunications Plc

Proposed Change 20
Proposed Further Change 3

Issue The form and wording of the policy.

Conclusions

3.68 I support both the proposed changes which bring ENV14 into line with advice in PPG15, and which overcome these objections.

RECOMMENDATION

3.69 Modify the Plan in accordance with Proposed Change 20 and Proposed Further Change 3.

ENV14 - Conservation Areas

Objection DENV0175 - Peugeot Motor Company Plc

Proposed Change 20

Issue The need for the policy since demolition in conservation areas is already controlled.

Conclusions

3.70 Paragraph 2.4 of PPG15 says that plans should include policies for works of demolition in conservation areas. The Council in its response to this part of the objection draws attention to the general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Against this background, and in the form set out in Proposed Change 20 which I have recommended, I am satisfied that the policy is acceptable. (See also DENV0175 in paragraph 3.63.)

RECOMMENDATION

3.71 Do not modify the Plan in response to this objection so far as it relates to ENV14.

Paragraph 3.53 - Conservation Areas

Objection DENV0395 - English Heritage

Issue The need for a policy to formulate and publish proposals for the enhancement of town centre conservation areas.

Conclusions

3.72 Formulating and publishing proposals for conservation areas is a duty imposed on local planning authorities by Section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. A policy, whether general or site specific, is not necessary for the Council to carry out that duty. Indeed, to include such a policy in the Plan would be to duplicate legislation contrary to Government guidance.

RECOMMENDATION

3.73 Do not modify the Plan in response to this objection.

ENV15 - Maintenance of the Appearance of Conservation Areas

Objections

- DENV0120 - The House Builders Federation
- DENV0208 - Bryant Homes Technical Services Ltd.
- DENV0218 - David Wilson Homes
- DENV0353 - Ms C Morgan
- DENV0430 - George Wimpey Plc
- DENV0502 - Disabled Persons Liaison Committee

Proposed Change 21

Issues

- (a) The form and wording of the policy.
- (b) The need to ensure accessibility for all.

Conclusions

3.74 The proposed change overcomes those objections to the words “preserve and enhance” in the first issue. However, I am concerned that the policy uses the phrase “... will seek to ensure ...” which is not a statement of planning policy and would be inconsistent with my recommendations on earlier policies which use these words. If, in considering my recommendation on ENV13, the Council adopts the form of policy 3.1.1 on page 34 of CD46 with its phrase “Conservation Areas will be preserved and enhanced by ...” these problems would be overcome.

3.75 On the second issue, I agree with the Council that other policies deal with matters of access for the disabled so far as they are relevant to a local plan.

RECOMMENDATIONS

3.76 A Modify the Plan in accordance with Proposed Change 21, but reword the policy in line with policy 3.1.1 on page 34 of CD46.

B Make no other modifications in response to these objections.

Paragraph 3.55 - Ancient Monuments of National Importance

Objection DENV0396 - English Heritage

Proposed Change 22

Issue The need to replace “normally” with “preferably” in the final line.

Conclusions

3.77 I agree with this proposed change which reflects advice in PPG16 *Archaeology and Planning* and which overcomes this objection.

RECOMMENDATION

3.78 Modify the Plan in accordance with Proposed Change 22.

ENV16 - Ancient Monuments of National Importance

Objections DENV0145 - GOSE
DENV0397 - English Heritage
CENV0064 - English Heritage

Proposed Change 23

Issue The need for the wording of the policy to reflect the advice in PPG16.

Conclusions

3.79 I agree with English Heritage that the wording of ENV16 in Proposed Change 23 does not reflect the advice in two places in PPG16 about nationally important remains: paragraph 8, with its reference to a general presumption in favour of physical preservation; and paragraph 16 where such remains should normally be earmarked for preservation. Nor, to my mind, does the proposed change meet GOSE’s objection that the wording should be unambiguous. I acknowledge the Council’s concern that the phrase “... will be refused ...” is too restrictive but, given the advice in the PPG, I consider that a restrictive approach is justified. Section 54A of the 1990 Act allows enough flexibility through the consideration of material considerations. I have recommended modified wording accordingly.

3.80 Paragraph 15 of PPG16 makes it clear that sites to which the policies apply should be defined on the Proposals Map. I accept that not all sites can be shown, but it seems illogical, as the proposed change appears to suggest, to delete the reference to the Map whilst retaining

the list of scheduled sites in Appendix 2 of the Plan, and retaining them on the Map itself. This problem can be readily overcome by the replacing “... as defined ...” in the second line of the original policy with “... including those defined ...”.

RECOMMENDATIONS

3.81 A Delete ENV16 and replace it with:

“PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD FAIL TO PRESERVE THE ARCHAEOLOGICAL VALUE AND INTEREST OF NATIONALLY IMPORTANT ARCHAEOLOGICAL REMAINS OR THEIR SETTINGS, WHETHER SCHEDULED OR NOT, INCLUDING THOSE DEFINED ON THE PROPOSALS MAP.”

B Do not modify the Plan in accordance with Proposed Change 23.

ENV16 - Ancient Monuments of National Importance

Objection DENV0147 - Mr R C Tucker

Proposed Change 24

Issue The need to remove the Barn and Gatehouse at Nettlestead Place from Appendix 2 and the Proposals Map as they have been de-scheduled.

Conclusions

3.82 I agree with this proposed change which overcomes the objection.

RECOMMENDATION

3.83 Modify the Plan in accordance with Proposed Change 24.

Paragraph 3.58 - Other Archaeological Sites

Objection DENV0398 - English Heritage

Proposed Change 25

Issue The need to ensure early consideration of archaeology by the replacement of “perhaps” in the first line with “preferably”.

Conclusions

3.84 I agree with this proposed change which overcomes the objection.

RECOMMENDATION

3.85 Modify the Plan in accordance with Proposed Change 25.

Paragraph 3.59 - Other Archaeological sites

Objection DENV0399 - English Heritage

Proposed Change 26

Issue The need to reword the paragraph more clearly.

Conclusions

3.86 I agree with this proposed change which overcomes the objection.

RECOMMENDATION

3.87 Modify the Plan in accordance with Proposed Change 26.

ENV17 - Other Archaeological Sites

Objections DENV0146 - GOSE
DENV0355 - Ms C Morgan
DENV0400 - English Heritage

Proposed Change 27

Issue The form and wording of the policy.

Conclusions

3.88 I do not consider that the first part of the proposed change makes this an acceptable planning policy, since "... seek to ensure that ...". combined with the retained phrase "... is not warranted ..." gives no clear indication of the Council's likely approach. Moreover, the wording of the policy should reinforce the fact that these are sites of local importance, to avoid confusion with ENV16. The later parts of the policy are administrative matters, properly referred to in the text but unnecessary in the policy since the Council has separate powers to require information to be supplied with planning applications. I therefore do not accept this part of English Heritage's objection.

3.89 To overcome these problems I have based my recommendation on policy 3.3.2 on page 39 of CD46. This sets out clearly in (a) the priority to be attached to archaeology and development, and is quite distinct for these local sites from the more restrictive approach to be adopted under ENV16 for nationally important sites. Section (b) sets out succinctly the other matters to be dealt with in a policy, leaving the text to give more detail as already set out in paragraphs 3.57 - 3.60 of the Plan. I consider that this approach covers the objections raised by Ms Morgan, and I am satisfied that the reference to “in situ” is sufficient in the text, since it is a statement of intent, rather than a planning policy. I therefore do not accept this part of English Heritage’s objection.

3.90 Policy 3.3.3 on page 39 of CD46 extends the recording of archaeological remains beyond identified sites. I have recommended a new policy based on this example, given the nature of much of the potential housing land around Maidstone, and the references to watching archaeological briefs in several of the site specific housing policies in Chapter 4.

RECOMMENDATIONS

3.91 A Delete ENV17 and replace it with a policy based on policy 3.3.2 on page 39 of CD46.

B Do not modify the Plan in accordance with Proposed Change 27.

C Add new policy ENV17A based on policy 3.3.3 on page 39 of CD46.

ENV18 - Parks and Gardens of Special Historic Interest

Objection DENV0356 - Ms C Morgan

Issue Whether the wording of the policy is unacceptably subjective.

Conclusions

3.92 Subjective judgement is an important part of many planning decisions and, in these circumstances, I consider that the policy is acceptably worded.

RECOMMENDATION

3.93 Do not modify the Plan in response to this objection.

ENV18 and ENV19 - Parks and Gardens of Special Historic Interest

The Old Parsonage, Sutton Valence

Objection DENV0500 - Felicity A M Gresser and others

Issue	The definition of The Old Parsonage, Sutton Valence as an historic garden to be protected under ENV19.
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Conclusions

3.94 Although made as an objection to both ENV18 and ENV19, this objection applies to ENV19. The Council has accepted that the boundaries of this garden have changed significantly since the plan included in the *Kent Gardens Compendium* was drawn up, and that the area owned by the objectors should not be shown a part of the historic garden.

RECOMMENDATION

3.95 Modify the Proposals Map page 39, in accordance with the plan attached to the Council's Statement MBC/WS.8.

ENV19 - Parks and Gardens of Historic Interest**Snowfield Gardens**

Objection	DENV0075 - Bearsted Parish Council
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Issue	The inclusion of Snowfield in the <i>Kent Gardens Compendium</i> as a garden of historic interest.
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Conclusions

3.96 The gardens shown on the Proposals Map and the subject of ENV19 are those which are included in the *Kent Gardens Compendium*. Since Snowfield is not included in the compendium it cannot be made the subject of this policy.

RECOMMENDATION

3.97 Do not modify the Plan in response to this objection.

ENV19 - Parks and Gardens of Special Historic Interest**Turkey Court, Maidstone**

Objection	DENV0413 - SSTC Partnership
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Issue	The deletion of land from the Turkey Court historic garden.
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Conclusions

3.98 This objection refers to an area on the southern edge of the Turkey Court complex. It is identified as part of the historic garden in the *Kent Gardens Compendium* produced by the County Council and Kent Gardens Trust and is, therefore, the subject of ENV19. The area is a car park and, as a result, I found on my visit that its character and appearance are wholly different from the rest of the garden. Moreover, it is separated from the garden by a millrace and a change in levels. The Council accepts that the area is not part of the main garden but argues that the trees within the area an important backdrop to the buildings. I agree, and I note that many are now included in a TPO.

3.99 It is not for the Local Plan to change the boundaries of gardens identified in the *Compendium*, but rather to identify areas to which planning policies apply. To be consistent it seems to me that the areas covered by ENV19 and the definition of the historic gardens in the *Compendium* should be the same. In this case, from what I saw on my visit it seems to me that this can also be justified by the importance of the trees within the area. At the same time, the differences between the objection site and the rest of the garden could be a material consideration in dealing with any planning applications under Section 54A of the Act.

RECOMMENDATION

3.100 Do not modify the Plan in response to this objection.

ENV20 - Environmental Improvements

Objections DENV0357 - Ms C Morgan
 DENV0401 - English Heritage
 DENV0503 - Disabled Persons Liaison Committee
 DENV0532 - Tovil Parish Council
 CENV0074 - Tovil Parish Council

Proposed Change 28

Issue The form and wording of the policy.

Conclusions

3.101 In either its original form or as it is proposed to be changed, ENV20 is not a land-use planning policy conforming to the advice in paragraphs 3.7 - 3.8 of PPG12. Rather, it is a statement of intent which, according to the advice in paragraph 4.29 of CD45 "... should certainly be avoided.". Whilst I have every sympathy for ENV20 as a statement of the Council's corporate aims, because it is not a land-use policy it should be deleted from this Plan.

RECOMMENDATIONS

3.102 A Delete ENV20 and paragraph 3.64.

B Do not modify the Plan in accordance with Proposed Change 28.

ENV21 - Public Art

Objection DENV0358 - Ms C Morgan

Issue The need for the policy.

Conclusions

3.103 This is not a land-use based policy but a statement of the Council's intent. It should therefore be deleted in accordance with advice in paragraph 4.29 of CD45.

RECOMMENDATION

3.104 Delete ENV21 and paragraphs 3.65 – 3.66.

ENV22 - Strategic Transportation Corridors

Objections DENV0478 - Croudace Homes
CENV0065 - Harrietsham Parish Council

Proposed Change 29

Issue The form and wording of the policy.

Conclusions

3.105 In its original form, and as it is proposed to be changed, ENV22 is not a clear statement of land-use planning policy. The second sentence is a statement of intent, whilst the third sentence sets out definitions. Taking account of the advice in CD45, both of these matters should be included in the supporting text not the policy. In doing so, the definition should be made clearer: does it include all, and only, motorways, A roads, rail links and long-distance footpaths? If not, how can developers, or the public, know when this policy is to be invoked?

3.106 I have dealt with the broad question of policies requiring enhancement in paragraph 3.15 when considering objections to ENV1. I have not including the word in my recommendation for the reasons set out there.

RECOMMENDATIONS

3.107 A Delete ENV22, and replace it with:

“DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD HARM THE CHARACTER, APPEARANCE AND FUNCTIONING OF STRATEGIC ROUTES WITHIN THE BOROUGH.”

B Do not modify the Plan in accordance with Proposed Change 29.

C Clearly define “strategic routes” in the supporting text.

Paragraph 3.69 - Urban Open Space

Objection DENV0479 - Croudace Homes

Issue Whether the text fully explains ENV23.

Conclusions

3.108 It is clear to me that ENV23 applies to all open areas in the towns or villages, and that paragraph 3.69 gives a reasonable list of what most of these areas might be.

RECOMMENDATION

3.109 Do not modify the Plan in response to this objection.

ENV23 - Protection of Urban Open Space

Objections DENV0076 - Bearsted Parish Council
DENV0359 - Ms C Morgan
DENV0435 - Trebor Bassett Ltd

Proposed Change 30

Issue The form and wording of the policy.

Conclusions

3.110 Dealing with the Parish Council’s objection, I agree with the Borough Council that “... will have regard to ...” better reflects Government advice on wording than “... will give considerable weight to ...”. However, I also agree with the proposed change which is a response to another part of this objection. I find Ms Morgan’s suggested wording to be too

inflexible, particularly when the aim of the policy is to protect open areas.

3.111 Turning to the third objection, I agree with the Council that paragraph 3.71 indicates the Council's acceptance of the balance to be made in dealing with the development of open space. It is also important to distinguish the aims of the different policies protecting open space: ENV23 dealing with its visual importance and ENV24 dealing with its recreational importance. It seems to me that this objection confuses these different aims but, to an extent, so does the Plan particularly in ENV23(2) when open space need is wholly covered by ENV24. I have recommended that these aims are made more distinct to ensure clarity.

RECOMMENDATIONS

- 3.112 A Delete ENV23(2) and replace it with a text reference to ENV24.**
- B Ensure that paragraphs 3.69 - 3.71 emphasise the different roles of ENV23 and ENV24 to distinguish more clearly between protection for visual and recreational reasons.**
- C Modify the Plan in accordance with Proposed Change 30.**

Paragraphs 3.74 and 3.75 - Open Space and Recreation

Objection DENV0036 - English Nature

Proposed Change 31

Issue The need to refer to the nature conservation value of informal open spaces, and to the management of such areas.

Conclusions

3.113 I agree with the proposed change, which overcomes the first part of this objection. However, whilst I acknowledge its importance, management is not a land-use issue and it should not therefore be included in the Plan.

RECOMMENDATION

- 3.114 Modify the Plan in accordance with Proposed Change 31, but make no other modification in response to this objection.**

Paragraphs 3.81 - 3.83 - Loss of Open Space and Recreational Facilities

Objection DENV0480 - Croudace Homes

Issue The need to clarify the areas to which ENV24 applies.

Conclusions

3.115 I do not consider that these paragraphs are as clear as the Council argues because the words “open space” are used to describe land with no public access in paragraph 3.81 and, I think, land with public access in paragraph 3.83. This should be made clearer.

RECOMMENDATION

3.116 Modify ENV24 and paragraph 3.83 to clarify the areas to which they apply.

ENV24 - Loss of Open Space and Recreation Facilities

Objection DENV0053 - British Telecommunications PLC

Issue The need for greater flexibility to ensure that the policy reflects PPG17 *Sport and Recreation*.

Conclusions

3.117 I agree with the Council that this policy is flexible, since it would allow for alternative provision to be made.

RECOMMENDATION

3.118 Do not modify the Plan in response to this objection.

ENV24 - Loss of Open space and Recreation Facilities

Objection DENV0056 - English Sports Council SE

Issue The need to include a reference to “sport” in the policy to protect existing facilities.

Conclusions

3.119 Policy ENV28, to which the Council refers in its response to this objection, does not aim to protect existing sports facilities, but rather to encourage new or improved provision. Whilst recreation could be said to include sport this should be made clearer in the Plan.

RECOMMENDATION

3.120 Modify ENV24 by inserting “SPORT AND” between “OR” and “RECREATION” in the first line.

ENV24 - Loss of Open Space and Recreation Facilities

Objection DENV0436 - Trebor Bassett Ltd

Issue The need to meet the advice in PPG17 by:

- (a) distinguishing between different types of open space; and
- (b) basing the policy on a qualitative and quantitative assessment of need.

Conclusions

3.121 Dealing with (a), the objectors argue that the Council has not followed the advice in paragraph 26 of PPG17 about distinguishing between permanent and temporary open space and unused open land, in designating land on the proposals map. I note this advice, but I am also conscious of advice in PPG12 about the length and level of detail in local plans and, on balance, I support the Council’s approach of designating only proposed open space. In practice, I do not share the objectors’ concern that this would lead to the unjustifiable protection of sites with no visual or recreation contribution. Even if the Council sought to use ENV24 in this way, the matter could be resolved on appeal.

3.122 Turning to (b), the Council refers to a report on the analysis of open space needs on which the policies are based. Although presented to a Committee, the exact status of this document is not clear, but if it is to be used to justify decisions taken under ENV24 it should be referred to in the text, preferably in paragraphs 3.72 - 3.80 which introduce the open space policies.

3.123 I note the objectors’ concern about lack of balance, but overall the Plan seems to me to reflect the advice in paragraphs 26 - 28 of PPG17, where great importance is attached to the retention of recreational and amenity space in urban areas.

RECOMMENDATIONS

3.124 A Do not modify the Plan in response to this objection.

B Make fuller reference in the text to the analysis of open space needs to justify the policies.

ENV24 and paragraphs 3.72 - 3.83 - Loss of Open Space and Recreation Facilities

Objection DENV0193 - Kent Wildlife Trust

Proposed Change 31

Issue The need to recognise the importance of open spaces as wildlife habitat, and to identify and manage areas accordingly.

Conclusions

3.125 The proposed change meets part of the objection and I support it. However, I agree with the Council that management of land as a wildlife habitat is not a planning issue and should not be included in the Plan.

RECOMMENDATION

3.126 Modify the Plan in accordance with Proposed Change 31.

ENV25 - Site Specific Public Open Space Allocations

George Street, Staplehurst

Objection DENV0023 - Vista Properties Ltd

Issue The allocation of land for open space.

Conclusions

3.127 The offer of this land relates solely to its development for housing, which I have not recommended - see objection DH0037 to land not allocated under H2 in Chapter 4.

RECOMMENDATION

3.128 Do not modify the Plan in response to this objection.

ENV25 - Site Specific Public Open Space Allocations

Elizabeth Harvie Field and Land off Button Lane

Objection DENV0077 - Bearsted Parish Council

Issue Inclusion of these sites under ENV25.

Conclusions

3.129 Since neither of these sites is a proposed allocation it would be inappropriate to include them under ENV25 which applies only to sites which are allocated.

RECOMMENDATION

3.130 Do not modify the Plan in response to this objection.

ENV25 - Site Specific Public Open Space Allocations. - Land off Church Road, Otham

Objections DENV0210 - Bryant Homes Technical Services Ltd.
DENV0220 - David Wilson Homes

Issue The allocation part of this site for open space.

Conclusions

3.131 The open space is linked to residential development which I have not accepted - see objections DH0197 and DH0207 to land not allocated under H2 in Chapter 4.

RECOMMENDATION

3.132 Do not modify the Plan in response to these objections.

ENV25 - Site Specific Open Space Allocations

Land at Brishing Road and Furfield Quarry

Objection DENV0360 - Ms C Morgan

Issue Allocation as a community farm.

Conclusions

3.133 Land-use planning policies can require the provision of open space as part of development, and I note the Council's arguments that this is being done on proposed housing sites in this area. The way in which this land is used is a management matter which should not be included in a local plan. There is no evidence of the need for a community farm. However, if the Council, or any other body were convinced of a need, the lack of an allocation in the Plan need not prevent its provision in an appropriate location since the Plan cannot cover every eventuality, and any proposal would be considered against the policies in the Plan.

RECOMMENDATION**3.134 Do not modify the Plan in response to this objection.**

ENV25 - Site Specific Public Open Space Allocations**Gardens at Archbishops Palace, Maidstone**

Objection DENV0402 - English Heritage

Issue The identification of these gardens on the Proposals Map.

Conclusions

3.135 I have already supported the Plan's approach of not identifying all existing open spaces, in the light of advice in PPG12 about the length and detail of local plans. I do not consider that this in any way endangers the protection of these gardens under ENV24.

RECOMMENDATION**3.136 Do not modify the Plan in response to this objection.**

ENV25 - Public Open Space Allocations**Former Sharpes' Sports Ground, London Road**

Objection DENV0437 - Trebor Bassett Ltd

Issue The allocation of the site for public open space.

Conclusions

3.137 Outline planning permission has been granted for new housing and open space on this site. It seems to me, therefore, that the future of the site should continue to be determined by the application of the Plan's policies to it, rather than by making the site itself the subject of a specific policy.

RECOMMENDATION**3.138 Do not modify the Plan in response to this objection.**

ENV25(ii) - Site Specific Public Open Space Allocations - Grove Green

Objection DENV0008 - Boxley Parish Council

Issue The need for a policy to set out how and by whom this open space is to be provided.

Conclusions

3.139 Whilst I acknowledge the Parish Council’s concerns, I note that the Borough Council is negotiating with developers to secure this open space. In any case, I have no doubt that a policy of the type sought would be too detailed, contrary to advice in PPG12 about the length and amount of detail to be included in plans.

RECOMMENDATION

3.140 Do not modify the Plan in response to this objection.

ENV25(iii) -Site Specific Public Open Space Allocations - Sandling Lane Allotments

Objections DENV0062 - Maidstone Allotments Management Committee
 DENV0065 - Mr T W Pearce
 DENV0071 - Mr C Bridger
 DENV0073 - Mr & Mrs Hughes
 DENV0517 - D P Jones
 DENV0518 - Mrs S B Burch

Proposed Change 32

Issue The effect of the allocation on these allotments.

Conclusions

3.141 From what I could see on my site visit I support the objectors’ concerns about the disruptive effect of this allocation on the existing allotments. However, I saw that the location for the play area now suggested under the proposed change is separated from the allotments by a high chain-link fence, and it seems to me to overcome these objections. I also note concerns about abuse of the play area by older children, but this is a management matter, and does not suggest to me that the revised location is unacceptable in principle.

RECOMMENDATIONS

3.142 A Do not implement ENV25(iii) on the site proposed.

B Modify the Proposals Map in accordance with Proposed Change 32.

C Make no other modifications in response to these objections.

ENV25(iv) - Site Specific Public Open Space Allocations**Walnut Tree Farm, Tovil**

Objection DENV0006 - Mr A C Tomlin Dip Arch RIBA

Issue The need to amend the boundary between this allocation and the adjoining ED12(vi) allocation to protect the landscape.

Conclusions

3.143 I note the objector's concerns, but the boundary should remain as drawn since the adjoining land is either already in commercial use or has planning permission.

RECOMMENDATION

3.144 Do not modify the Plan in response to this objection.

ENV25(v) - Site Specific Public Open Space Allocations**River Len - Land west of Square Hill Road.**

Objection DENV0176 - Peugeot Motor Company Plc

Issue The deletion of the open space allocation.

Conclusions

3.145 I accept the objectors' argument that at present this site does not have an open space role. It clearly has considerable potential, however, as a vital part of the Council's plans for linking the countryside to the town centre described in paragraph 3.113 of the Plan. Although I have recommended the deletion of ENV34, I have supported the principle of these links, which I consider should be provided by specific policies such as this, or protected by ENV23 and ENV24. In these circumstances, and against the background of advice in PPG17 about the importance of sport and recreation and the role of development plans in ensuring the provision of adequate land, I support the allocation of this site as open space.

RECOMMENDATION

3.146 Do not modify the Plan in response to this objection.

ENV25(vi) - Site Specific Open Space Allocations

Land Adjoining River Medway, Maidstone Barracks

Objection DENV0385 - Maidstone Invicta Rowing Club

Proposed Change 33

Issue The need to include a reference to a new site for the rowing club within this allocation.

Conclusions

3.147 I agree with this proposed change which would conform with advice in PPG17, and would overcome the objection.

RECOMMENDATION

3.148 Modify the Plan in accordance with Proposed Change 33.

ENV25(ix) - Site specific Public Open Space Allocations

Hockers Farm, Detling

Objection DENV0501 - Mrs M Bonniface

Issue Whether the proposed open space would:

- (a) cause disturbance to people living nearby; and
- (b) conflict with the designation of the area as AONB.

Conclusions

3.149 I have no doubt that, as the Council argues, these concerns could be overcome by appropriate design and landscaping. As a result, and from my visit to the site, I see no reason to reject the principle of open space on this site.

RECOMMENDATION

3.150 Do not modify the Plan in response to this objection.

ENV26 - Allotments

Objections DENV0017 - Harrietsham Parish Council
 DENV0150 - CPRE
 DENV0361 - Ms C Morgan

Proposed Change 34

Issue The form and wording of the policy.

Conclusions

3.151 I agree with the proposed change, since not all allotments are owned by the Borough Council. However, ENV26 in its present form is a statement of intent, not land-use planning policy. In this form it can be set out in the text but, in accordance with the advice in paragraph 4.29 of CD45 it “should certainly be avoided” in a policy. I have recommended modifications based on paragraph 3.86 of the Plan which sets out in the text what ought to be in the policy.

3.152 Other points raised by Ms Morgan are not planning matters, but I am satisfied that the policy and text will ensure the protection of allotments as sought by these objections.

RECOMMENDATIONS

3.153 A Delete ENV26 and replace it with:

“DEVELOPMENT OF ALLOTMENTS FOR OTHER USES WILL NOT BE PERMITTED UNLESS ALTERNATIVE PROVISION IS MADE NEAR AT HAND, AND GROUND CONDITIONS ARE FULLY APPROPRIATE.”

B Modify the Plan in accordance with Proposed Change 34, but make no further modifications in response to these objections.

ENV27 - Public Footpaths

Objection DENV0163 - NFU South East Region

Proposed Change 35

Issue The form and wording of the policy.

Conclusions

3.154 In its existing and proposed form this is not a land-use policy and should be deleted to accord with advice in paragraph 4.29 of CD45. I recognise the importance of the aims set out in ENV27, however, and alternative forms of the policy could be based on the examples in Sections 6.6 and 6.7 of CD46. They could also take into account this objector's concerns about the needs of farmers when increased access to the countryside is proposed. It is also important to bear in mind that the creation of new rights of way is subject to separate legislation which the Plan should not try to duplicate.

RECOMMENDATIONS

3.155 A Delete ENV27 and replace it with policies based on those in Sections 6.6 and 6.7 of CD46.

B Do not modify the Plan in accordance with Proposed Change 35.

ENV28 - Other Sports Facilities

Objection DENV0086 - English Sports Council SE

Issues

- (a) The need for a District-wide leisure strategy.
- (b) The form and wording of the policy.

Conclusions

3.156 On issue (a), whilst there might be a need for a strategy it is not a matter to be set out in a policy, which should be restricted to the land-use implications of such a strategy. On issue (b), ENV28 in its present form is a statement of intent, not of policy. I have recommended modifications accordingly. The Council should add criteria, although other policies should not be referred to since the Plan will be read as a whole.

RECOMMENDATIONS

3.157 A Delete ENV28, and it replace with:

“PROPOSALS FOR SPORTING AND RECREATION FACILITIES WILL BE CONSIDERED AGAINST THE FOLLOWING CRITERIA:

(Add criteria as required and then continue)

SUCH PROPOSALS WILL BE CONSIDERED AS AN ALTERNATIVE TO GENERAL PUBLIC OPEN SPACE WHERE A PARTICULAR NEED IS IDENTIFIED AND WHERE THE LEVEL OF OPEN SPACE WOULD NOT BE REDUCED.”

B Make no other modifications in response to this objection.

ENV29 - Countryside

Objections

- DENV0043 - English Nature
- DENV0194 - Kent Wildlife Trust
- DENV0466 - Environment Agency

Proposed Change 36

Issue The need for habitat restoration or creation with development in the countryside.

Conclusions

3.158 I agree with the proposed change to ENV29(7) in principle and it overcomes these objections. I am satisfied that the reference to the importance of the countryside for the diversity of its wildlife, with the proposed change, would meet the Kent Wildlife Trust's other concern for a text reference to avoiding conflict with wildlife habitats. I have incorporated this part of the proposed change into my recommendation in paragraph 3.162.

RECOMMENDATION

3.159 Do not modify the Plan in response to these objections.

ENV29 - Countryside

Objections DENV0055 - MAFF
CENV0048 - Kent County Council

Proposed Change 36

Issue The need to distinguish in the policy wording between agriculture, forestry and minerals.

Conclusions

3.160 I accept the proposed change to ENV29(1) and the new criterion (2) which make the Plan clearer and which overcome the first objection. I note the County Council's concern that the wording of this part of the proposed change would be inconsistent with Structure Plan policies. However, I agree with the Borough Council that the words "reasonably necessary" reflect the advice in PPG7, and I therefore find them to be acceptable.

3.161 To be consistent with my approach elsewhere in this report, however, I have considered the wording of this policy more widely, in particular the criteria (5) – (9). I have also taken note of objections below to the lack of definition of the countryside, and considered the example set by policy 2.1.8 on page 31 of CD46. Taking all these points, my recommendation incorporates much of Proposed Change 36 and 37; removes the repetition of policies and criteria, such as (7) and ENV7, and (8) and T24; and simplifies (5), (6) and (9) with a reference in the body of the policy.

RECOMMENDATIONS

3.162 A Delete ENV29 and replace it with:

“POLICY ENV29 THE COUNTRYSIDE IS DEFINED AS ALL THOSE PARTS OF THE PLAN AREA NOT WITHIN THE DEVELOPMENT BOUNDARIES SHOWN ON THE PROPOSALS MAP.

IN THE COUNTRYSIDE PLANNING PERMISSION WILL NOT BE GIVEN FOR DEVELOPMENT WHICH HARMS THE CHARACTER AND APPEARANCE OF THE AREA OR THE AMENITY OF SURROUNDING OCCUPIERS, AND DEVELOPMENT WILL BE CONFINED TO:

(1) – (5) as (1) – (5) in Proposed Change 36

PROPOSALS SHOULD INCLUDE MEASURES FOR HABITAT RESTORATION AND CREATION TO ENSURE THAT THERE IS NO NET LOSS OF WILDLIFE RESOURCES.”

B In the supporting text, make brief reference to other major policies which will apply, and explain the development boundaries.

ENV29 - Countryside

Objection DENV0151 - CPRE

Issue The need to allow for reinstatement of land after mineral workings.

Conclusions

3.163 I agree with the Borough Council that this is a matter for the County Council’s Minerals Local Plan.

RECOMMENDATION

3.164 Do not modify the Plan in response to this objection.

ENV29 - Countryside

Objection DENV0152 - CPRE

Issue The need to ensure that development in the countryside does not give

rise to the need for new or widened roads.

Conclusions

3.165 I agree with the Council that the objectors' suggested wording would be unduly restrictive, and contrary to the social and economic objectives set out in PPG7. At the same time, T24 gives the Council the appropriate power to deal with the highway implications of development.

RECOMMENDATION

3.166 Do not modify the Plan in response to this objection.

ENV29 - Countryside

Objection DENV0164 - NFU

Issue The need to modify ENV29(5), (6) and (7) to take account of the practical use of farm buildings.

Conclusions

3.167 Proposals for new farm buildings would be specifically considered under ENV50. There is therefore no need to modify the criteria in this policy which apply to development in the countryside generally. In any case, I have recommended that they should be deleted because I found them to be repetitious and over complicated.

RECOMMENDATION

3.168 Do not modify the Plan in response to this objection.

ENV29 - Countryside

Objections DENV0212 - Bryant Technical Services Ltd
DENV0222 - David Wilson Homes

Proposed Change 37

Issue The need to define "the countryside" to which this policy applies.

Conclusions

3.169 I support this proposed change which overcomes these objections. I have also included the definition in my recommended form of ENV29 in paragraph 3.162.

RECOMMENDATION**3.170 Modify the Plan in accordance with Proposed Change 37.**

ENV29 - Countryside

Objection DENV0365 - Ms C Morgan

Issue The need for a criterion dealing with energy efficiency.

Conclusions

3.171 I have dealt with energy efficiency and the role of this Plan in considering proposed new policy ENV59 later in this Chapter. My recommendation here reflects those findings.

RECOMMENDATION**3.172 Do not modify the Plan in response to this objection.**

ENV29 - Countryside**Urban Boundary: Land at Bydews Place, Tovil**

Objection DENV0447 - Miss R Berridge

Issue The inclusion of the site within the urban boundary.

Conclusions

3.173 From my visit to the site, I have no doubt that the distinction between the urban area and the surrounding countryside is very clearly defined by the public footpath which runs around the western edge of the industrial land and to the east of the objection site. This distinction is reinforced by the difference in levels. Extending the urban boundary as proposed in this objection would be an unacceptable breach of this clear line and extend the developed area into Maidstone's countryside setting.

RECOMMENDATION**3.174 Do not modify the Plan in response to this objection.**

ENV29 - Countryside**Urban Boundary: Land at Castle View Farm**

Objection DENV0457 - Palmscourt Ltd

Issue The extension of the urban boundary to include this site.

Conclusions

3.175 I do not accept that the existence of a planning permission for an hotel on this site justifies the extension of the urban boundary. In dealing with the next objection I have not accepted that the land to the south of this site should be included in the urban area, and clearly a logical boundary could not be defined without the inclusion of both sites. As important, however, I note the Council's argument that the planning permission for the hotel reflected a policy to encourage tourism in this area, and I am satisfied that such a use could exist within the countryside.

RECOMMENDATION

3.176 Do not modify the Plan in response to this objection.

ENV29 - Countryside

Urban Boundary: Land at Sandyacre, Sandling

Objection DENV0460 - Palmscourt Ltd

Issue The extension of the urban boundary to include this property.

Conclusions

3.177 On my visit I did not find that this property was related physically or visually to the houses to the south of the site which, to my mind, are properly included in the urban boundary. Rather, the house itself is an appreciable distance from those to the south, and it is set well back from the road in a large garden. This is in marked contrast to the spacing and density of the houses to the south. Contrary to the objectors' arguments at the inquiry, I found that the recent road works and high fence emphasise the difference between this site and these adjoining houses.

3.178 Nor am I convinced by the argument that the existence of other uses or planning permissions to the north justifies the inclusion of this site within the urban boundary. The permissions are for an hotel and park and ride facility, both of which could be sited quite appropriately in the countryside. Moreover, I agree with the Council that if the site were included policies in the Plan would allow its development which, to my mind, would be a harmful extension of built form into a largely open area.

RECOMMENDATION

3.179 Do not modify the Plan in response to this objection.

ENV29 - Countryside**Urban Boundary: The Chiltern Hundreds Public House**

Objection DENV0521 - Public House Investment Co. Ltd

Issue The extension of the urban boundary to include the curtilage of this property.

Conclusions

3.180 My recommendation here reflects my recommendation in Chapter 4 dealing with objections on the land adjoining this site to the north-east. In its own right, however, I agree with the Council that the boundary is a policy line which should take account of the character of sites rather than property boundaries. Since the objection site has more in common with the openness of the land to the north-east, if my recommendation in Chapter 4 is not accepted, I do not consider that the objection site should be included in the development boundary.

RECOMMENDATION

3.181 Modify the Proposals Map page 14 to include this area within the urban boundary.

Paragraph 3.96 - Environmental Impact Assessments

Objection DENV0195 - Kent Wildlife Trust

Issue The need for a policy to strengthen the effect of the Plan.

Conclusions

3.182 Environmental Impact Assessment is the subject of other legislation, and a policy is not needed to implement it. Moreover, a policy would duplicate that legislation, contrary to Government advice.

RECOMMENDATION

3.183 Do not modify the Plan in response to this objection.

ENV30 - Best and Most Versatile Agricultural Land

Objections	DENV0165 - NFU South East Region DENV0481 - Croudace Homes
Issue	Whether the policy reflects the advice in PPG7.

Conclusions

3.184 Dealing with the general concern of the first objector I agree with the Council that the addition of “normally” would make the policy more ambiguous, not more flexible. Flexibility is provided by Section 54A of the Town and Country Planning Act 1990 which provides for planning applications to be determined in accordance with the plan “... unless material considerations indicate otherwise ...”.

3.185 Turning to the objection from Croudace Homes, it is clear that this policy’s reference to the protection of all agricultural land goes considerably beyond the advice in PPG7 about the protection of the best and most versatile land. The policy, nevertheless, takes it lead from ED6 of the Kent Structure Plan, where paragraph 7.65 justifies this different approach by reference to local circumstances in Kent. As worded, however, this part of ENV30 is a statement of intent, not planning policy and is thus contrary to the advice in paragraph 4.29 of CD45. Despite its roots in the Structure Plan, its practical weakness as a planning policy is revealed if an attempt is made to rewrite it in the form used in many of the examples in CD46. The second part of ENV30 is in line with these examples since it makes it clear that “... the Council will not permit development ...”, but given the advice in PPG7 it is difficult to see how this approach could be taken for lower quality land.

3.186 Since the words of this part of ENV30 are already in the Structure Plan there is, of course, no need to repeat them. However, if the Council wish to retain this part of the policy, it is essential that it is set out in a similar policy form to the second part, and that the departure from Government advice is far more fully justified in the text.

RECOMMENDATIONS

3.187 A ENV30:

Delete “THE BOROUGH COUNCILIN PARTICULAR ...”

B If the intention of this part of the policy is to be retained:

reword the first sentence of ENV30 as a planning policy not a statement of intent, and provide detailed justification in paragraphs 3.98 - 3.100 for the departure from Government advice in PPG7.

ENV30 - Best and Most Versatile Agricultural Land

Land North of Salts Avenue

Objections

DENV0296 - Mr C Handley	DENV0321 - Mr N Froom
DENV0297 - Mr J E Jerrom	DENV0322 - Mr S J Moreham
DENV0298 - Mr E P Tritton	DENV0323 - Mrs J Moreham
DENV0299 - Mr T Osborne	DENV0324 - Ms N Higgins
DENV0300 - Mrs C Bolton	DENV0325 - Ms D Higgins
DENV0301 - Mr G M Davis	DENV0326 - Mr J A Higgins
DENV0302 - S A Rushforth	DENV0327 - C Higgins
DENV0303 - Mr & Mrs R Mayhew	DENV0328 - Mr P Wilkinson
DENV0304 - Mrs C E King	DENV0329 - Mr J S Tyler
DENV0305 - Mr J Seager	DENV0330 - David C Large
DENV0306 - Mr R Fricker	DENV0331 - K Massam
DENV0307 - P J Gibbard	DENV0332 - G W F Sewell
DENV0308 - Mrs S P Hagreen	DENV0333 - P Stannett
DENV0309 - Mr C O Cheeseman	DENV0334 - Mr I Ovenden
DENV0310 - Mr & Mrs Dobson	DENV0335 - Mr G Loe
DENV0311 - Mrs A Ripper	DENV0336 - Mr E Francis
DENV0312 - Mr & Mrs A J Collier	DENV0337 - D R Beak
DENV0313 - Mr & Mrs D Nally	DENV0338 - Mr J Revell
DENV0314 - T J & F J Gillett	DENV0339 - Mr C A Brewer
DENV0315 - Mr & Mrs Beck	DENV0340 - Mrs V L Caplan
DENV0316 - Mrs J Forder	DENV0341 - Mrs P J Hugill
DENV0317 - Mr & Mrs C J Avery	DENV0342 - Mr E H Brislee
DENV0318 - Mr & Mrs R Mills	DENV0343 - Mrs E M Wright
DENV0319 - Mr T M Legg	DENV0344 - A Constable
DENV0320 - Mrs B A Froom	

Issue The need for policies to give greater protection to this land.

Conclusions

3.188 I am satisfied that the area which is of concern to these objectors is fully protected by policies in the Plan: ENV29, which protects the countryside for its own sake; ENV30 which protects the best and most versatile agricultural land; and ENV33, as I have recommended it should be modified, which protects the settlements from coalescence.

RECOMMENDATION

3.189 Do not modify the Plan in response to these objections.

ENV31 - Metropolitan Green Belt

Objection DENV0482 - Croudace Homes

Issue Whether the policy is consistent with PPG2 *Green Belts*.

Conclusions

3.190 One of the five purposes of including land in the Green Belt is to prevent neighbouring towns from merging, and I therefore see no need to alter the heading above this policy. However, I consider that the wording of this part of the Plan is wholly unacceptable, since it does not deal explicitly with “inappropriate development”. Since this is the basis of the approach in PPG2 and the Structure Plan it must also be the basis of any local plan policy and reasoned justification. Moreover, given the detailed nature of MGB3 in the Structure Plan, and the limited amount of Green Belt in the Borough, the need for a policy in the Plan must be considered in the light of advice in paragraph 4.29 of CD45 that local plans should not repeat structure plan policies.

3.191 Section 11.1 of CD46 provides helpful general advice in this respect, particularly where it says in the introductory paragraph that “The role of a local plan is to add site-specific definition and propose planning control policies if greater, locally-applicable detail is necessary.” In fact, ENV31 simply repeats MGB3 but, crucially, without being related in the text to the concept of “inappropriate development”. Since ENV31 is an area-based policy, however, the extent of the Green Belt within the Borough must be defined. I have therefore recommended that this policy and supporting text should be reconsidered.

RECOMMENDATIONS

3.192 A Delete ENV31 and paragraphs 3.101 - 3.103 and replace them with a policy and text based on advice in Section 11.1 of CD46, ensuring particularly:

- (a) **that the policy does not simply repeat MGB3 of the Structure Plan; and**
- (b) **that the approach is based explicitly on the concept of “inappropriate development” to conform with PPG2.**

B Make no other modifications in response to this objection.

Paragraph 3.104 - Protection of a Strategic Gap

Objection DENV0483 - Croudace Homes

Proposed Change 38

Issue Replace “village” with “settlement” in line 2.

Conclusions

3.193 I support this proposed change since it ensures that this paragraph reflects both MK5 of the Structure Plan and ENV32 of this Plan.

RECOMMENDATION

3.194 Modify the Plan in accordance with Proposed Change 38.

ENV32 - Protection of a Strategic Gap

Land adjoining The Stakis Hotel

Objection DENV0004 - McDonald's Restaurants Ltd

Issue Exclusion of the site from the Strategic Gap.

Conclusions

3.195 As originally made, this objection covered the area including Heath Wood and land as far east as the A249 which is also covered by objection DENV0490. The objection sought the deletion of ENV32 from this area which it was argued "... is suitable for economic expansion including a McDonald's restaurant in support." The additional written representations appear to reduce the site to a small area at the north-western corner of Bearsted Road and the A249 (WS.21, Plan B), and I have dealt with the objection on that revised basis. Since it is an objection to ENV32, I have also dealt with it solely as an objection to the inclusion of land in the Strategic Gap. However, a very similar area is the subject of objection DED0123 and I have dealt with its future commercial use in Chapter 5.

3.196 This site is part of a larger area which I deal with in paragraph 3.238, and again in Chapter 5 when I deal with objections DED0122 and DED0123. My recommendation here reflects my findings on the principle of including the larger area in the Gap.

RECOMMENDATION

3.197 Delete this site from the Strategic Gap.

ENV32 - Protection of a Strategic Gap

Land South of Forstal Road, Cobtree Forstal

Objections DENV0025 - Tonbridge & Malling Borough Council
DENV0404 – Kent County Council

Issue The inclusion of this land within the Strategic Gap.

Conclusions

3.198 This site is allocated for high value manufacturing under ED2 and I heard objections to this policy, and the exclusion of the site from the Strategic Gap, at the inquiry. I have dealt

with the other objections in Chapter 5, and here I deal solely with the principle of including the site in the Gap.

3.199 Policy MK5 and paragraph 3.106(c) of the Structure Plan make it clear that one of the purposes of the Strategic Gap is to separate Maidstone from Aylesford and Ditton, which is where the objection site lies. At the inquiry the Council accepted that the exclusion of this site from this part of the Gap reduces its width from 300m to 200m. I find that this is wholly unacceptable, particularly when the area is seen from Forstal Road. Here the openness of the site combines with the undeveloped nature of Cobtree Manor Park to the north to create a clear and undeveloped gap between the northern edge of Maidstone and the major commercial uses at Forstal. Contrary to the Council's arguments, I have no doubt that development on the site would lead to the coalescence of Maidstone and Aylesford and that, as a result, the site should be included in the Strategic Gap as a matter of principle.

RECOMMENDATION

3.200 Include this land within the Strategic Gap and modify the Proposals Map and illustrative plan opposite page 28 accordingly.

ENV32 - Protection of a Strategic Gap

Objection DENV0057 - MAFF

Issue The need to modify the text and policy to allow for development which is reasonably necessary for agriculture.

Conclusions

3.201 The modification which I have recommended to the next objection (DENV0100) will clarify the different purposes of policies which apply in the countryside. I am therefore satisfied that development reasonably necessary for agriculture can be dealt with under ENV29 and ENV50, and that it would not be unacceptably hindered within the Strategic Gap under ENV32.

RECOMMENDATION

3.202 Do not modify the Plan in response to this objection.

ENV32 - Protection of a Strategic Gap

Objections DENV0100 - Charles Church Developments Ltd.
DENV0213 - Bryant Homes Technical Services Ltd
DENV0223 - David Wilson Homes
DENV0384 - D R Parry

Issue The wording of the policy.

Conclusions

3.203 I do not accept the first three of these objections since much of the wording of this policy stems quite properly from MK5 of the Structure Plan which is the basis for the approach to be taken in the Strategic Gap. However, like Mr Parry, I am concerned by the phrase "... undeveloped character ...", which these objectors prefer, because it does not reflect MK5 and the primary purpose of policy in the Strategic Gap.

3.204 Where there are several policies applying to an area, in this case the countryside, it is essential for clarity, and thus the strength of the Plan, that each is limited to its own specific purpose. That purpose is set out for ENV32 in paragraph 3.105 of the Plan and is to avoid development which would "... prejudice the character and independence of Maidstone as a settlement.". In the light of advice in paragraph 4.16 of PPG7 about local countryside designations, this policy must only aim to protect Maidstone as a settlement - the extra protection referred to in the PPG - and not duplicate other countryside policies, even in part.

3.205 The use of this phrase, in contrast, blurs the purpose of ENV32. Moreover, it appears to overlap and duplicate other policies such as ENV29 and ENV50 and thus weakens the Plan. In addition, the phrase is not defined in the text, nor is there any justification for taking this policy approach in the Strategic Gap but not elsewhere in the countryside.

RECOMMENDATIONS

3.206 A DENV32

Delete: “, OR WHICH AFFECTS THE UNDEVELOPED CHARACTER OF ... ” and replace it with “WITHIN”.

B Do not modify the Plan in response to these objections.

ENV32 - Protection of a Strategic Gap

Objection DENV0122 - The House Builders Federation

Issue The need for long-term defensible boundaries in defining the Strategic Gap.

Conclusions

3.207 Since this objection is not site specific, I must deal with it solely as a matter of principle. I do not agree with the premise at the heart of this objection that the Strategic Gap and Green Belt are comparable. Paragraph 2.1 of PPG2 says that the essential characteristic of Green Belts is their permanence, guidance which is not applied in paragraph 4.16 of PPG7

in discussing strategic gaps. In principle, therefore, I do not accept this objection. I have dealt with the County Council's site specific objections to which the HBF refer elsewhere on their own merits.

RECOMMENDATION

3.208 Do not modify the Plan in response to this objection.

ENV32 - Protection of a Strategic Gap

Cowbeck Woods, Westfield Sole Road

Objections DENV0196 - Kent Wildlife Trust
DENV0408 - Gillingham Borough Council
DENV0419 - Twigden Homes

Issue The inclusion of land within the Strategic Gap.

Conclusions

3.209 There are several objections covering this site which I deal with together in Chapter 4 when considering objections to H2(v). Although I have recommended that the housing allocation should be deleted, my recommendation here reflects my findings in paragraph 3.216 about the inclusion of land north of the M2 in the Strategic Gap.

RECOMMENDATION

3.210 Do not modify the Plan in response to these objections.

ENV32 - Protection of a Strategic Gap

Oaken Wood, North of North Pole Road, Barming

Objection DENV0404 - Kent County Council

Issue The deletion of this area from the Strategic Gap.

Proposed Change 38
Additional Proposed Change 2

Conclusions

3.211 The additional proposed change meets this part of the County Council's objection by deleting this area from the Strategic Gap to conform to its modified definition in the adjoining

Tonbridge and Malling Borough Local Plan. Proposed Change 38 has also overcome the County Council's objection to the wording of paragraph 3.104 and I support it.

RECOMMENDATION

3.212 Modify the Proposals Map and illustrative map opposite page 28 in accordance with Proposed Change 38 and Additional Proposed Change 2.

ENV32 - Protection of a Strategic Gap:

Land north of the M2

Objections DENV0109 – Barton Willmore Planning Partnership
 DENV0404 - Kent County Council

Issue The exclusion from the Strategic Gap of land north of the M2.

Conclusions

3.213 The Strategic Gap arises from policy MK5 of the Structure Plan, and the purpose relevant to this objection is set out in paragraph 3.106: "(a) to separate the Medway Towns urban area from north Maidstone;". In pursuing this purpose, I agree with the County Council that the general boundaries of the Gap must logically be the southern edge of the Medway Towns, and the northern edge of Maidstone, and that in this area the M2 provides a clear, and easily defined northern boundary.

3.214 I have no doubt about the importance of keeping the land between Lords Wood and Hempstead open, and indeed that is not in dispute in this objection. Equally, however, I have no doubt that, whilst separating individual Medway Towns area from each other may be a local function, it does not fall within the strategic purpose of separating the whole of that urban area from Maidstone.

3.215 I note the County Council's suggestion about the use of a local gap policy, and the Borough Council's response, including the views of the Medway Council. This is an issue which may be resolved through the Medway Towns Local Plan for that Plan area. So far as the matter is before me, I would comment that the disputed area within this Local Plan is already protected by ENV29 and ENV38. I also draw attention to the advice in paragraph 4.16 of PPG7 about local countryside designations.

RECOMMENDATION

3.216 Delete all land north of the M2 from the Strategic Gap and modify the Proposals Map and illustrative plan opposite page 28 accordingly.

ENV32 - Protection of a Strategic Gap**Land between Walderslade Woods Road and the M2**

Objections DENV0408 - Gillingham Borough Council
 CENV0049 - Kent County Council

Proposed Change 39

Issue The inclusion of this land within the Strategic Gap.

Conclusions

3.217 The Borough Council accepts that the exclusion from the Strategic Gap of a strip of land between Walderslade Woods Road and the M2 is a printing error on page 1 of the Proposals Map which Proposed Change 39 would correct. This would overcome DENV0408, but I support the County Council's objection to the proposed change, and my recommendation reflects my findings in considering the wider objection to land north of the M2 in paragraph 3.216 above.

RECOMMENDATION

3.218 Do not modify the Plan in response to DENV0408, nor in accordance with Proposed Change 39.

ENV32 - Protection of a Strategic Gap**Kent Garden Centre, Allington**

Objection DENV0415 - Twigden Homes

Issue The inclusion of the site within the Strategic Gap.

Conclusions

3.219 There are many objections covering this site which I deal with together in Chapter 4 when considering objections to H2(i). My recommendation here reflects those findings.

RECOMMENDATION

3.220 Do not modify the Plan in response to this objection.

ENV32 - Protection of a Strategic Gap - Bridge Nursery, Allington

Objection DENV0431 - George Wimpey Plc

Issue The exclusion of the site from the Strategic Gap.

Conclusions

3.221 I have dealt with objection in Chapter 4 when considering a related objection (DH0306) to sites not allocated under H2. My recommendation here reflects those findings.

RECOMMENDATION

3.222 Exclude from the Strategic Gap that part of this site proposed for housing and modify the Proposals Map and illustrative plan opposite page 28 accordingly.

ENV32 - Strategic Gap - Castle View Farm

Objection DENV0458 - Palmscourt Ltd

Issue The exclusion of land from the Strategic Gap.

Conclusions

3.223 This site is part of the larger area covered by DENV0490 which I have dealt with in paragraph 3.233. It should remain in the Strategic Gap for the reasons I give there.

RECOMMENDATION

3.224 Do not modify the Plan in response to this objection.

ENV32 - Strategic Gap - Sandyacre, Sandling

Objection DENV0459 - Palmscourt Ltd

Issue The exclusion of land from the Strategic Gap.

Conclusions

3.225 This site adjoins Castle View Farm which I have dealt with in the previous objection. It is part of the larger area covered by DENV0490 which I have dealt with in paragraph 3.233. It should remain in the Strategic Gap for the reasons I give there.

RECOMMENDATION

3.226 Do not modify the Plan in response to this objection.

ENV32 - Protection of a Strategic Gap**East of Hermitage Lane**

Objection DENV0484 - Croudace Homes

Issue The exclusion of the site from the Strategic Gap.

Conclusions

3.227 I have dealt with this objection in Chapter 4 when considering a related objection (DH0524) to sites not allocated under H2. My recommendation here reflects those findings.

RECOMMENDATION

3.228 Exclude this site from the Strategic Gap and modify the Proposals Map and illustrative plan opposite page 28 accordingly.

ENV32 - Strategic Gap**Abbey Court, Sandling**

Objection DENV0489 - Sample Surveys Ltd

Issue The exclusion of the site from the Strategic Gap.

Conclusions

3.229 This site is part of the larger area which is covered by objection DENV0490 which I dealt with in paragraph 3.233. It should remain in the Gap for the reasons I gave there. I have also dealt with this site in Chapter 5 when considering an objection to ED24.

RECOMMENDATION

3.230 Do not modify the Plan in response to this objection.

ENV32 - Strategic Gap

Land south of the M20

Objections	DENV0109 - Barton Willmore Planning Partnership DENV0490 - Harveststore Systems Holdings
Issue	The redefinition of the boundary of the Strategic Gap to exclude land south of the M20.

Conclusions

3.231 As a matter of principle, I agree with the objectors that this policy must meet strategic not local objectives. However, I do not agree that it is the open land between the M2 and the M20 that is necessarily the most appropriate to include within the gap to meet these objectives. On the contrary, I have no doubt that development between the edge of Maidstone and the M20 could significantly extend the town's built confines, wholly contrary to MK5 of the Structure Plan. This area, therefore, meets that strategic objective, and I note that the County Council has not objected to this boundary, as it has elsewhere in the Plan.

3.232 These objections cover all the land between the edge of Maidstone and the M20, from Sandling in the west to Bearsted in the east. I have dealt with the land at Sandling on the basis of the original objections, and the rest as follows: the original objections covering Heath Wood and adjoining land up to the Old Sittingbourne Road, and a small site to the east of the Stakis Hotel which is also covered by DED0123; inquiry submissions for the rest of the central part between the Old Sittingbourne Road and the A249 which I heard when considering DED0122; and an additional written statement, WS.24, covering land to the east of the A249. In this chapter I have dealt with the principle of including land within the Gap, and I have dealt with specific proposals by the second objectors for the central part of the area in Chapter 5.

3.233 Dealing first with the western area, I found on my visits to the area that the M20 is not a significant visual barrier when looking northwards across the Gap towards the North Downs. It is largely screened by embankments and, whilst I was clearly aware of its presence, it did not seem to me to separate the area to its north from the land to the south, in the way that a line on a plan might suggest. Rather, I found that the land to the south of the M20 is largely open, with extensive views of the North Downs. I have no doubt that development on it would extend the urban area of Maidstone and that it would be clearly seen to do so because of the levels in the area. In this way, the space between Maidstone and settlements to the north would be eroded and this area should therefore be included within the Strategic Gap.

3.234 Dealing next with land around Heath Wood, I have recommended in Chapter 4 when dealing with DH0123 that the southerly part of this area should be allocated for housing and excluded from the Gap. I found that houses on this land would contribute to coalescence since they would be beyond the present boundary of the urban area. However, I also found that this effect would be limited because the northern boundary of the proposed housing site would still align with the development boundary to the west. Clearly, this is not the same with the rest of this land. Rather, I have no doubt that the site is properly included in the Gap

since any development on it would extend the urban area and contribute to coalescence, when seen from close to and from the North Downs Way where the open area adjoining Heath Wood is clearly visible.

3.235 Turning next to the area around the Stakis Hotel covered by DED0122 and DED0123, I found that the hotel is a significant built form within this small area. I am concerned that the inclusion of land within the Gap should not be considered on such a small site, but it is closely bounded by the M20 and other roads which here, at least, create a significant physical boundary. As a result I do not consider that the development in this area would significantly extend the built confines of Maidstone contrary to policy MK5 of the Structure Plan. I note that the County Planning Officer accepted that the allocation of the site in the Consultative Draft of this Plan would not impair the Strategic Gap. I therefore conclude that this area, which includes the site covered by objection DENV0004 in paragraph 3.197, should be excluded from the Gap.

3.236 Finally on the eastern area, I accept that there is built development at Newnham Court Farm, but this is a small part of a much larger area of agricultural land and woodland included in this part of the objection. Moreover, including this developed area within the gap, although it is closer to Maidstone, is no different in principle from the approach taken in the areas between the motorways where villages, and uses such as the County Showground and Detling Airfield, are washed over by the gap notation.

3.237 I accept that there are other countryside policies which apply to this area. However, I am satisfied that the application of ENV32 here meets the advice in paragraph 4.16 of PPG7, since the need for extra protection in the Strategic Gap is fully explained and is derived from a policy in the approved Structure Plan.

RECOMMENDATION

3.238 Delete from the Strategic Gap the area covered by DED0122 and DED0123, but make no other modifications in response to these objections.

ENV32 - Protection of a Strategic Gap

Land west of Hermitage Lane

Objection	DENV0492 - Mid Kent Water Plc
Issue	The exclusion of the site from the Strategic Gap.

Conclusions

3.239 In paragraph 3.287 I conclude that the Oakwood Green Corridor should be deleted, partly because the extent of development on the hospital site means that it cannot meet the purpose of the policy in separating Barming and Allington. I therefore do not agree with the references to such a role in this objection.

3.240 More important, however, I consider that the objection site is clearly part of the Strategic Gap referred to in policy MK5 of the Structure Plan. As farmland it shares the generally open rural character and appearance of the rest of the land in the gap, and as such it plays an important part in creating an area of undeveloped land between Maidstone and Ditton. I do not consider that this role is in any way diminished by the woodland which screens it from the land to the north, the levels in the area or the presence of the hospital. To my mind it is clearly part of an area of undeveloped land which it is necessary to prevent the coalescence of settlements.

3.241 I agree with the objectors that a strategic purpose must be fulfilled by land in a strategic gap, and in this case I have no doubt that it is. This is quite different from the situation faced by my colleague who considered objections to the strategic gap as defined in the Tonbridge and Malling Borough Local Plan, since he found no strategic purpose for the land he recommended should be deleted.

RECOMMENDATION

3.242 Do not modify the Plan in response to this objection.

ENV32 - Protection of a Strategic Gap

The Chiltern Hundreds Public House

Objection	DENV0523 - Public House Investment Co. Ltd
Issue	The exclusion of the remainder of the public house site from the Strategic Gap.

Conclusions

3.243 I have dealt with an objection to the inclusion of land to the north-east of the site in the Strategic Gap in paragraph 3.234. I have also considered objections to the allocation of the adjoining site for housing under H2 in Chapter 4. My recommendation here reflects those findings.

RECOMMENDATION

3.244 Exclude this site from the Strategic Gap and modify the Proposals Map and illustrative plan opposite page 28 accordingly.

ENV32 - Protection of a Strategic Gap

Objection	DENV0536 - E J Mackleden & Sons (Bobbing) Ltd
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Issue	The need to redefine the Strategic Gap to exclude the area north of Maidstone not within the Medway Valley.
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Conclusions

3.245 The Strategic Gap derives from policy MK5 of the Structure Plan and its purposes are set out in paragraph 3.106. Separating north Maidstone from the Medway Towns is the first specific purpose, and I can find no support in the Structure Plan for the objectors' arguments that the Gap should be restricted to the Medway Valley. Rather, this area lies directly between the two towns, and development within it could lead to their coalescence, contrary to MK5.

3.246 I acknowledge the advice in PPG7 about local countryside designations, and that much of this area is also AONB and SLA. However, I have no doubt that separating the two major urban areas is essential in its own right and justifies the extra protection of ENV32 as the PPG advises.

3.247 I note in passing that this objection has the same number as that made by Mr Broadhurst to ENV13. However, this is the number assigned by the Council in its letter to the objectors' agent dated 23 January 1998.

RECOMMENDATION

3.248 Do not modify the boundary of the Strategic Gap in response to this objection.

ENV32 and paragraph 3.105 - Protection of a Strategic Gap

Objection	DENV0066 - Lenham Parish Council
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Issue	The need to delete "significantly" to reinforce the effect of the defined village boundaries in protecting the countryside.
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Conclusion

3.249 I do not accept this objection since ENV32 reflects MK5 of the Structure Plan in its use of "significantly", and its deletion would cause confusion. However, I do not consider that this in any way weakens the effect of other policies, particularly ENV29, in protecting the countryside.

RECOMMENDATION

3.250 Do not modify the Plan in response to this objection.

ENV33 and paragraphs 3.106 - 3.107 - Protection of Villages to the east, south and south-west of Maidstone

Objections

DENV0101 - Charles Church Developments Ltd
 DENV0110 - Barton Willmore Partnership
 DENV0123 - The House Builders Federation
 DENV0214 - Bryant Homes Tech. Services Ltd

DENV0224 - David Wilson Homes
 DENV0432 - George Wimpey Plc
 DENV0485 - Croudace Homes
 DENV0486 - Croudace Homes

Issue The deletion of the policy and its supporting text to accord with Government advice and to remove duplication with other policies.

Conclusions

3.251 I accept that this policy does not arise from the Structure Plan as ENV32 does, but in itself this is not a reason to delete it. However, as I have argued earlier, it is essential that where there are several policies covering an area such as the countryside, each must clearly state its own specific purpose. In this way the Plan will be clearer for all who read it, and the Council's policies will be set out in the strongest way possible.

3.252 Against this background, I have taken particular note of three elements of the advice in paragraph 4.16 of PPG7 about such policies:

- (a) it is an area where normal policies cannot provide protection;
- (b) the Plan should set out what requires extra protection and why; (my underlining) and
- (c) the policies should be soundly based on a formal assessment.

3.253 Starting with (c) there is no evidence of an assessment, beyond a general concern by the Council, and this is reinforced, to my mind, by the fact that the policy area is undefined. In this I share the objectors' view that a policy such as this should be defined on the Proposals Map, and I consider that this should flow naturally from a formal assessment of the area. Such work is also necessary to overcome my concerns about (a). There are parts of the wide area described in the policy where I consider that normal policies such as ENV29 provide the necessary protection. The areas around Hollingbourne or Linton for example, have very different, more rural, characteristics than the area around Coxheath and Boughton Monchelsea, and a formal assessment would take this into account.

3.254 Turning to (b), from dealing with objections to sites not included in H2, it seems to me that an area to the south of Maidstone, perhaps from Coxheath to Langley Green, could be an area where extra protection is needed. There is clearly pressure for development in this area where settlements are close to each other and the town. Within this area the countryside is protected for its own sake by ENV29, and agricultural land by ENV30. However, I saw on my visits that there are many small areas of land, perhaps adjoined by housing or isolated

from larger farm holdings, which may be more difficult to protect under these policies because of their limited size and the effect of existing development on their character and appearance. The development of such sites would, however, lead both to the coalescence and consolidation of the scattered settlements in this area, much to its detriment.

3.255 In these circumstances, I have no doubt that the extra protection afforded by ENV33 is fully justified, although I have recommended that the Council consider adding to the policy consolidation as well as coalescence. If, as a result of my recommendation, the adopted Plan contains a more tightly defined policy area, closely based on the advice in PPG7, I have no doubt that the Council will be in a stronger position when that policy is put to the test at appeal.

RECOMMENDATIONS

3.256 A Delete ENV33 and paragraphs 3.106 and 3.107.

B Replace them with a policy and reasoned justification based on a formal assessment as advised in PPG7, limited to areas defined on the Proposals Map where normal policies are not enough and where extra protection to prevent the coalescence or consolidation of settlements is needed.

ENV33 - Protection of Villages to the east, south and south-west of Maidstone

Objection DENV0078 - Bearsted Parish Council

Issue The need to refer to the retention of the defined urban boundary in the policy.

Conclusions

3.257 If my recommendation in paragraph 3.256 is accepted, the policy will be recast. However, I agree with the Council in its response to this objection that there is no need to refer to retaining the urban boundary which is a matter dealt with in ENV29.

RECOMMENDATION

3.258 Do not modify the Plan in response to this objection.

ENV33 - Protection of Villages to the east, south and south-west of Maidstone

Objection DENV0154 - CPRE

Issue Replace “resist” with “oppose” coalescence in the first line.

Conclusions

3.259 If my recommendation in paragraph 3.256 is accepted the policy will be recast. I agree with the Council that resist is a more appropriate word, but this part of the ENV33 should be in the text, since it is a statement of intent, not a planning policy.

RECOMMENDATIONS

3.260 A Do not modify the Plan in response to this objection.

B If my recommendation to modify ENV33 is accepted, ensure that it is worded as a policy in accordance with advice in paragraph 4.29 of CD45.

ENV33 and paragraph 3.107

Protection of Villages to the east, south and south-west of Maidstone

Objections DENV0067 - Lenham Parish Council
DENV0535 - Harrietsham Parish Council

Issue The need to add Lenham and Harrietsham to the area covered by this policy.

Conclusions

3.261 I have recommended that the area covered by ENV33 should be formally assessed in accordance with the advice in paragraph 4.16 of PPG7 and defined on the Proposals Map. It is also clear from the thrust of this advice that local countryside designations, such as gaps, should be used very sparingly, and I have sought to reduce and refine the area covered by ENV33 in my recommendation. I have seen no evidence that any threat of the coalescence of these villages cannot be dealt with by normal policies or that extra protection is needed, as the PPG advises.

RECOMMENDATION

3.262 Do not modify the Plan in response to these objections.

ENV34 - Maidstone's Green Corridors

The Policy in Principle

Objections DENV0020 - Oakwood Park Grammar School
DENV0111 - Barton Willmore Planning Partnership
DENV0124 - The Housebuilders Federation

DENV0495 - Maidstone & Mid Kent Chamber of Commerce

Issue The need for the policy.

Conclusions

3.263 The Council’s response to the first of these objections (MBC/PR.12 paragraphs 3.1 and 3.2) sets out two purposes for the Green Corridors:

“... a specific local anti-coalescence function by maintaining open land between areas of development spreading out from the town ...”; and

“... focus[ing] attention on opportunities for public access from the town to the Countryside.”

3.264 This definition of the first part of the purpose is important for two reasons. First, it is far clearer than any definition in the Plan itself. Second, it makes clear that land will be kept open to prevent coalescence, not to protect countryside for its own sake, which would duplicate ENV29, nor to protect its landscape value, which would duplicate ENV37 or ENV38. I accept that ENV34 is not intended to be a wholly “countryside” policy since in places it applies within the urban area. Nevertheless, the advice in paragraph 4.16 of PPG7 refers to “green wedges”, and defining the purpose in this way should help to show where normal policies cannot provide the necessary protection, and where and why extra protection is needed.

3.265 In considering the more detailed of these objections against the first purpose, I have applied three tests to justify retaining ENV34:

does the defined area meet the stated purpose?

if so, is a separate policy necessary, or would protection be provided by other policies? and

does the defined area meet the criteria for Green Corridors set out in paragraph 4.4 of the Council’s *Planning Guidance Notes Number 7: Green Corridors* (CD15)?

3.266 Turning to the Council’s second purpose, I acknowledge the importance of some of the green corridors in providing public access from the town centre to the countryside. However, it is clear from advice in CD45 and CD46 that policies must have a planning purpose, and should not be in the Plan “to focus attention on opportunities”.

3.267 Before considering each green corridor in turn, I must deal with the two more general objections. First, in response to Barton Willmore, I am satisfied that a strict application of the purposes of the policy as defined above should ensure that there is no duplication of policies in the Plan. I do not accept the HBF’s argument that restraint policies should not be applied around Maidstone because of the need for additional housing land over the next 15 years. This Plan must deal with its own time-scale, and meeting any future housing needs must be

achieved through a formal review. As I have argued elsewhere, there is nothing in ENV34 which is comparable to the permanence of the Green Belt stressed in PPG2, and it must therefore be part of that review.

3.268 In addition to its objection to ENV34, but not part of the original objection, the Chamber of Commerce also argued at the inquiry that educational campuses should have their own planning policies. I agree with the Council, however, that this is not necessary, and that any educational development could be properly considered under existing policies.

3.269 Although it is not specifically part of the objections, I find that the final sentence of ENV34 is too restrictive. There may be many reasons why adjoining land could not reasonably provide access into a green corridor - security, privacy, and unsuitability of the use for public access - and to say that these areas should provide for access is too onerous.

3.270 There is a minor mistake within the North Medway Green Corridor where a site on the western side of James Whatman Way has been wrongly identified by an ENV19 notation. I support the Council's intention to delete this notation when the Plan is reprinted.

3.271 I now consider each green corridor in response to the other two objections.

(i) The South-West Medway and (ii) the Loose Valley Corridors

3.272 Almost all the land within these corridors lies outside the urban area and is subject to ENV29. Most is also defined as an ALLI and protected by ENV38. I accept that both areas meet many of the criteria set out in CD15 since, for example, they extend from the countryside into the town and they are generally undeveloped. However, I do not accept that they meet the Council's stated purpose of preventing coalescence because neither has development on both sides. Rather, they are separated by a widening area of countryside covered by ENV29 where ENV34 would not apply. In my view the essence of a "gap" policy is that the whole of the gap must be included. I do not advocate that here since I have seen no evidence to justify such a policy in this area, although ENV33 could cover the narrow Loose/Maidstone gap.

3.273 I have no doubts at all about the importance of the ALLI definition and ENV38 in protecting the special landscape quality of both these areas, but I am also certain that, with ENV29, this will be enough to protect them. These areas therefore do not meet the first two tests which I set out above, and I have recommended that ENV34 be deleted from both.

(iii) The Oldborough Corridor

3.274 This corridor meets many of the criteria in CD15, since it extends from the countryside into the town and, although largely in private ownership, there are public footpaths and lanes which make such a link possible. On my visits, despite the presence of schools, I found the area to have an open, rural character and appearance, in marked contrast to the developed areas on either side. I also consider that it performs an important anti-coalescence function between development on the A229 and A274 and therefore meets the stated purpose of a green corridor. Moreover, I am satisfied that a separate policy is needed since part of the area

is within the urban boundary and, as objections in Chapter 4 show, there is pressure for development. In these circumstances, as I recommended in dealing with objections to ENV33, I consider that the additional protection of a separate policy is justified. I have dealt with site specific objections to the defined boundary below, but in principle I support this part of ENV34.

(iv) The Len Valley Corridor

3.275 The eastern part of this corridor is a large area of countryside on the outside edge of the town, and I have dealt with objection DH0260 for housing on part of it in Chapter 4. I have no doubt that, because of its location, this area does not meet the Council's stated purpose of preventing the coalescence of areas of development spreading out from the town, nor the criteria in CD15. Rather, it is countryside which is an important part of Maidstone's setting and which is fully protected by ENV29.

3.276 This is enough to my mind to justify my recommendation on this part of the green corridor. In addition, however, I saw on my visits that the topography of the area is more complex than was argued by the Council at the inquiry in dealing with the housing objection. The River Len turns north as it leaves the town and the southern part of the area is a separate valley, divided from the Len by a pronounced ridge of farmland. This easterly part, therefore, is not a simple continuation of the corridor into the countryside, and for all these reasons it should be deleted from the Green Corridor.

3.277 Mote Park is a major open space and is properly the subject of ENV19, to protect its historical importance, and ENV23 and ENV24 to protect it as open space. These policies will protect it from harmful development, and it is therefore not necessary to duplicate them.

3.278 The management plan referred to in paragraph 3.111 of the Plan is clearly important, but does not rely on ENV34 for success in what are management not planning policy matters. Where a planning policy is needed, for example ENV25(v) covering land west of Square Hill Road, I have supported it. This approach should be taken elsewhere in the narrow link sections, although existing open space is protected by ENV23 and ENV24.

3.279 I accept that this area meets many of the criteria in CD15, but since ENV34 would duplicate other policies I have recommended that this Green Corridor should be deleted.

(v) The Weaving Corridor

3.280 I have dealt with a site specific objection below, but in principle I see no need for ENV34 to apply to this land whose important landscape quality would be protected by its designation as an ALLI. I fully support the need to keep the area open to prevent the coalescence of the development on either side, but ENV34 would simply duplicate ENV38 and it is therefore unnecessary.

(vi) The Vinters Park Corridor

3.281 Although this area is within the urban boundary, most of it is covered by other

policies to reflect its importance as an open area with special, and historical, landscape qualities. The area generally meets the criteria set out in CD15 since, despite some low density development, it is largely undeveloped and forms at least a visual link between the countryside north of Bearsted Road and Mote Park. There is public access to part of the area, although there are private, albeit largely open, uses at the northern and southern ends.

3.282 I have no doubt that the defined area should be protected and kept open to prevent the coalescence of development on either side. However, because of the other policies which cover it - ENV19, ENV25(i) and (ii) and ENV38 - I do not consider that a separate policy is needed.

(vii) The Invicta Park Corridor

3.283 I have dealt with this area in detail below when considering DENV0070, and concluded that it should not be defined as a Green Corridor.

(viii) The North Medway Corridor

3.284 I shall deal with the two parts of this corridor separately. First the main area running north - south on both sides of the river, almost all of which is outside the urban boundary and designated either as an SLA or ALLI. It is therefore quite properly protected by ENV29, ENV37 and ENV38 to reflect its importance as an open area of high landscape quality running into the town centre. In addition, ENV19 protects Allington Castle.

3.285 I have dealt with site specific objections within in this area in Chapter 4 when considering objections to H2, and later in this chapter. I have no doubt about the importance of the area defined in this part of the corridor and that it should be kept open. I am less certain, given its topography and the limited access to it, that it would ever be subject to development pressures that could threaten coalescence. Most important, however, I do not consider that a separate policy is necessary, since the area would be fully protected by the existing policies which cover it.

3.286 The other part of this corridor lies to the south and west and, in part, provides a link between Allington and the river at Allington Lock. To this limited extent it could be said to comply with the first criterion in paragraph 4.4(i) of CD15. However, it does not link to the town centre, and cannot be seen as a green corridor in itself, but only as part of the larger area. Moreover, it does not have an anti-coalescence function since much of it lies within the urban area, and therefore does not meet the first purpose for green corridors which the Council has set. I can understand the Council's wish to retain and improve a link from Allington to the river, but this is a management matter, and does not require a planning policy to achieve.

(ix) The Oakwood Corridor

3.287 This corridor consists of several sites of such disparate character that together they are not perceived as part of an open area projecting into the town: Oakwood Park is a large campus with several schools, colleges and their playing fields which is largely enclosed by

development; the hospital is a major built-up institutional site, with extensive housing in addition to the hospital buildings; and at the town's edge there is a large unused site to the east of Hermitage Lane and an area of farmland to the west. Since these sites are not seen as one area they fail to meet the first criterion in CD15, nor does the hospital site meet the second and third criteria given the amount of development on it, both existing and proposed. It also seems to me that ENV34 is unnecessary on the area of farmland which is already protected as countryside by ENV29 and as part of the Strategic Gap by ENV32. Nor am I convinced that, given the amount of development on the hospital site and within Oakwood Park, that the area performs any anti-coalescence function, and it does not, therefore, meet the Council's purpose for green corridors which I set out in paragraph 3.263.

3.288 The land to the east of Hermitage Lane is the subject of objections by Croudace Homes seeking its deletion from the green corridor (DENV0481, paragraph 3.349), and its development for housing (DH0524). I have dealt with this second objection in Chapter 4, and here I consider the site solely as part of the Green Corridor. In this light it does not seem to me to have any role since it will be connected to Oakwood Park only by a footpath link through new housing on the hospital site. Whilst I accept that green corridors could vary in width as CD15 allows, I consider that this is too tenuous to meet the first criterion that they should be a "green wedge" extending from the countryside into the built-up area.

3.289 For all these reasons I have recommended that this policy be deleted. In addition to ENV29 and ENV32 which apply outside the urban area, the Council would still have very powerful policies to control development within Oakwood Park if ENV34 no longer applies: ENV3 with Proposed Change 10 and my recommended modification which would cover a wide range of general matters; ENV23 to protect its important visual quality as open space; and ENV24, with Proposed Change 31 and modifications which I have recommended, to protect it as recreational open space. Both these policies also refer to wildlife interests.

3.290 Dealing with applications against these policies in this way also overcomes the objections, which I support, to the words "minor development" in the policy. I cannot accept the Council's argument that these words are flexible. Taken on their face value, the policy can only allow "minor development" if it is to have any meaning, and developers, land owners and the public cannot rely on a scheme by scheme interpretation of its meaning by the Council. Rather, it is clear from advice in CD45 and CD46 that a policy should be unambiguous, and it is better that it should set out criteria against which proposals will be considered, than to pre-determine one matter, in this case scale.

Overall Conclusions

3.291 Generally, I support the Council's intentions of keeping open the areas defined in ENV34. However, I have recommended that the policy itself should be deleted because this purpose can be achieved through other policies. My approach has therefore followed the advice in paragraph 4.16 of PPG7.

3.292 I have made a separate recommendation on the Invicta Park Corridor, which I do not consider meets the definition set out in CD15, and on parts of the Len Valley, Weaving and North Medway Corridors. I have also concluded that the final sentence of ENV34 is

unacceptable in its own right.

3.293 I agree with the Council on the need for additional protection for the Oldborough Green Corridor. I have considered site specific objections to its boundaries below. Subject to these recommendations, it seems to me that the best way to deal with this area is to include it in the modified form of ENV33 which I have recommended. It can then be defined along with other areas to the south of Maidstone.

3.294 With my recommendation below to delete ENV35, the Council may well feel that I have dealt harshly with one of its most important environmental initiatives for Maidstone. However, my recommendations follow the best planning practice and PPG advice, and will not harm the Council's overall aims for two reasons. First, in many places ENV34 simply duplicates other policies, and adds no planning strength. Second, where the policies cover management not planning matters, my recommendations make no difference at all to the Council's ability to carry them out. Provided it is clearly a corporate, as distinct from a planning, policy document, the Council can still publish a statement of intent for green corridors, drawing attention to the planning background set by this Plan, and concentrating on the management measures it proposes to take.

RECOMMENDATIONS

- 3.295 A Delete ENV34 and paragraphs 3.108 - 3.113, and the related notations on the Proposals Map and illustrative map opposite page 28 of the Plan.**
- B Subject to the recommendations on its boundary below, include the Oldborough Green Corridor in the modified form of ENV33 which I have recommended in paragraph 3.256.**
- C Delete the ENV19 notation from land to the west of James Whatman Way.**

ENV34 - Maidstone's Green Corridors

Objections DENV0019 - Boughton Monchelsea Parish Council
 DENV0058 - MAFF
 DENV0454 - Rural Development Commission

Proposed Changes 40 and 41

Issue The need to make various wording changes to the policy.

Conclusions

3.296 I have recommended that ENV34 be deleted, and therefore do not recommend any modifications in response to these objections. However, I have the following comments to

make. The Parish Council's suggested wording would be unacceptably restrictive. Moreover, it is clear from advice in CD45 and CD46 that policies should contain the criteria against which proposals will be considered, and not be written as presumptions against development. Proposed Change 40 is consistent with earlier changes. I have dealt with "enhancement" in paragraph 3.15, and Proposed Change 41 does not overcome my concern.

RECOMMENDATION

3.297 Do not modify the Plan in response to these objections or in accordance with Proposed Changes 40 and 41.

ENV34 - Maidstone's Green Corridors

Objection DENV0044 - English Nature

Issue The need to address management issues in SPG.

Conclusions

3.298 I have recommended that ENV34 be deleted on principle, but this does not affect the Council's management of any of the areas it covers, since they are not planning matters to be included in the Plan or SPG.

RECOMMENDATION

3.299 Do not modify the Plan in response to this objection.

ENV34 - Maidstone's Green Corridors

Kent Garden Centre

Objection DENV0416 - Twigden Homes

Issue The inclusion of this site within a Green Corridor.

Conclusions

3.300 Earlier in this chapter I recommended the deletion of all but one Green Corridor for a variety of reasons, but primarily because I do not consider that they meet the Council's own criteria set out in CD15, or the advice in PPG7 about local countryside designations. Even if I had not done so, however, I could not accept this objection. The site is on the outer edge of the town, yet criterion (i) in paragraph 4.4 of CD15 requires that green corridors should project into the urban limits of Maidstone. This clear failure to meet the criterion is enough on its own to justify my recommendation.

RECOMMENDATION**3.301 Do not include this site within a Green Corridor.**

ENV34 - Maidstone's Green Corridors**Objection** DENV04690 Environment Agency**Issue** The need to define additional green corridors on the river frontages to new developments.**Conclusions**

3.302 The areas proposed by this objector would meet neither the purposes for Green Corridors which I discuss in paragraph 3.263, nor the criteria set out in CD15. I agree with the Council that the matters of concern should be addressed at the planning application stage of the sites referred to by the objector.

RECOMMENDATION**3.303 Do not modify the Plan in response to this objection.**

ENV34 - Maidstone's Green Corridors**(i) The South-West Medway Corridor**

Objections DENV0422 - Twigden Homes
 DENV0507 - Crofton Place Developments Ltd
 DENV0509 - The Trustees of the Warbleton Charity

Issue The exclusion of sites from the Green Corridor.**Conclusions**

3.304 I have already recommended that this Green Corridor should be deleted because it would not meet the anti-coalescence purpose set for it by the Council, and to avoid duplicating policies. At the same time, however, I have fully supported keeping the area it covers open through its designation as an ALLI under ENV38. I have dealt with these specific sites in Chapter 4 when considering objections to land not allocated under H2, and this recommendation reflects my findings there.

RECOMMENDATION**3.305 Do not modify the Plan in response to these objections.**

ENV34 - Maidstone's Green Corridors**(i) The South-West Medway Corridor: Land at Bydews Place, Tovil**

Objection DENV0446 - Miss R Berridge

Issue The exclusion of this site from the Green Corridor.

Conclusions

3.306 My recommendation to delete this Green Corridor does not alter my recommendations in paragraphs 3.174 and 3.421 that this site should remain outside the urban boundary and within an ALLI.

RECOMMENDATION

3.307 Do not modify the Plan in response to this objection.

ENV34 - Maidstone's Green Corridors**(ii) The Loose Valley Corridor: Land at Hayle Place**

Objection DENV0103 - Fairclough Homes Ltd

Issue The exclusion of the site from the Green Corridor.

Conclusions

3.308 I have recommended that this Green Corridor should be deleted because it would not meet the anti-coalescence purpose set for it by the Council and to avoid duplicating policies. I have considered objections to this site to land not allocated under H2 in Chapter 4.

RECOMMENDATION

3.309 Do not modify the Plan in response to this objection.

ENV34 - Maidstone's Green Corridors**(iii) The Oldborough Corridor: Land west of Pheasant Lane**

Objection DENV0069 - Kent County Council, Head of Estate Management

Issue The deletion of this site from the Green Corridor.

Conclusions

3.310 I have recommended that this Green Corridor should be retained. However, on my visits to the area I did not find that this site was a significant part of the generally open area which is characteristic of the Green Corridor. Rather, I found that it was clearly separated from it by Pheasant Lane and the boundary wall and hedge of the cemetery. Furthermore, it could not be seen from any distance to the south because of the area woodland and buildings on the eastern side of the Lane. I have no doubt that this separateness will be reinforced if the site is developed in accordance with the current outline planning permission for housing, or even more if it is developed as a fire training centre.

3.311 I note the Council's concern to improve access to this Corridor, but my recommendation is based on my firm conclusion that this site is not part of it. The potential to increase access alone cannot justify including this site.

RECOMMENDATION

3.312 Exclude this site from the Oldborough Corridor.

ENV34 - Maidstone's Green Corridors.

(iii) The Oldborough Corridor: Land at Boughton Lane

Objection DENV0102 - Charles Church Developments Ltd

Issues (a) The deletion of the policy.
 (b) The exclusion of the site from the Green Corridor.

Conclusions

3.313 I have dealt with issue (a) in paragraph 3.274 and concluded that this Green Corridor should remain. I have dealt with issue (b) in Chapter 4 when considering an objection under H2 to sites not allocated for housing.

RECOMMENDATION

3.314 Do not modify the Plan in response to this objection.

ENV34 - Maidstone's Green Corridors

(iii) The Oldborough Corridor

Objections DENV0366 - Ms C Morgan
DENV0367 - Ms C Morgan

Issue The need to extend the Green Corridor to the east.

Conclusions

3.315 I agree with the Council that there is no justification for the extension of the Oldborough Corridor in this way since it would no longer be part of the wedge of open land which separates development along Loose Road from that along Sutton Road. Land to the east of the defined area is on the southern edge of the town, rather than between two arms of development, and would in any case be protected by ENV29.

RECOMMENDATION

3.316 Do not modify the Plan in response to these objections.

ENV34 - Maidstone's Green Corridors**(iii) The Oldborough Corridor: Land at Pested Bars Road**

Objections DENV0418 - Twigden Homes
DENV0516 - Mr & Mrs Norton

Issue The inclusion of this site in the Green Corridor.

Conclusions

3.317 This site already has planning permission for housing and development has started. Although I have recommended retaining this Corridor, in these circumstances I see no point in including this land within it.

RECOMMENDATION

3.318 Do not modify the Plan in response to these objections.

ENV34 - Maidstone's Green Corridors**(iii) The Oldborough Corridor: Land at Sutton Road**

Objection DENV0496 - Kent County Constabulary

Issue The exclusion of sites from the Green Corridor.

Conclusions

3.319 This objection covers two sites on the eastern side of the Green Corridor which are part of the operational policing estate. I have recommended that this Green Corridor should be retained, but I do not agree with the Council that these sites are part of it. Rather, I found on my visits to the area that they are well screened from the land to the west by trees and hedges which form a readily apparent eastern boundary to the Green Corridor. Although the playing field site is open, this screening prevents it playing any part in the generally open character of the land to the west. When seen from the west, the other site has a largely built-up, urban character, wholly different from the open, rural nature of the rest of this part of the Green Corridor.

3.320 I therefore have no doubt that these sites should not be included in the Green Corridor in their own right. Neither, given the nature of the police uses, could they be included on the grounds that they might provide access to the area or because of their wildlife interest. Although these conclusions are the main reason for my recommendation, I also share the objectors' concerns about the words "minor development" in the policy for the reasons I give in paragraph 3.290.

3.321 I note that land which is part of the Senacre School grounds is included in the Green Corridor and would be isolated from it if this recommendation is accepted. Clearly, this area must also be excluded, although it is not the subject of this objection.

RECOMMENDATION

3.322 Delete these sites from the Oldborough Corridor, and redefine its eastern boundary to follow Pested Bars Road and the footpath which continues its line to the north-west.

ENV34 - Maidstone's Green Corridors

(iv) The Len Valley Corridor: Land west of Square Hill Road

Objection DENV0177 - Peugeot Motor Company Ltd

Issue The exclusion of this site from the Green Corridor.

Conclusions

3.323 Although I have recommended the deletion of this Green Corridor to avoid duplicating policies, it does not alter my view on the importance of this site as open space, which is reflected in my recommendation when dealing with an objection by this Company to

ENV25(v).

RECOMMENDATION

3.324 Do not modify the Plan in response to this objection.

ENV34 - Maidstone's Green Corridors

(iv) The Len Valley Corridor: Land adjoining the Orchard Spot PH

Objection DENV0409 - J Murphy and Sons Ltd

Issue The exclusion of the site from the Green Corridor.

Conclusions

3.325 In Chapter 4 when dealing with objection DH0260 I recommended that housing should not be built on this site because it would be an unacceptable urban intrusion into the countryside setting of Maidstone and Otham. However, in paragraph 3.275 I have recommended that the whole eastern section of this green corridor which includes this site should be deleted because it is open countryside and therefore does not meet the Council's purposes or criteria for green corridors. My recommendation here reflects these findings.

RECOMMENDATION

3.326 Exclude this land from the Len Valley Green Corridor.

ENV34 - Maidstone's Green Corridors

(iv) The Len Valley Corridor: Turkey Place

Objection DENV0414 - SSTC Partnership

Issue The exclusion of this site from the Green Corridor.

Conclusions

3.327 I have recommended that this Green Corridor be deleted to avoid duplicating policies.

RECOMMENDATION

3.328 Do not modify the Plan in response to this objection.

ENV34 - Maidstone's Green Corridors
(v) The Weaving Corridor: Land at Banky Meadow

Objection DENV0064 - Maiford Ltd

Issue The exclusion from the Green Corridor of land at the northern end.

Conclusions

3.329 I have recommended that this Green Corridor should be deleted because of duplication with ENV38, but I acknowledge that Proposed Change 46, which I have also recommended in paragraph 3.431, would remove this objection land from the ALLI. I found that this area has a wholly different character from the rest of the ALLI since it is built-up and includes business and other uses.

3.330 I accept that the area is also different from the housing which adjoins on either side but, unlike the rest of the ALLI, it has an urban character. The contrast with the adjoining areas is therefore not so great as to justify a separate policy, and any development proposals can be safely considered against other policies in the Plan. In any case, I consider that the area is sufficiently developed already for further development not to constitute coalescence, and the application of ENV34 would therefore not meet its stated purpose.

RECOMMENDATION

3.331 Do not include this area within a Green Corridor.

ENV34 - Maidstone's Green Corridors**(vii) The Invicta Park Corridor**

Objection DENV0070 - Secretary of State for Defence

Issue The deletion of this Green Corridor.

Conclusions

3.332 I note that the Invicta Park Corridor contains more land than the Invicta Barracks. Nevertheless, I do not accept that this Green Corridor meets the second criterion set out in paragraph 4.4 of CD15, since it is not "largely undeveloped". Whilst some buildings can be acceptable, schools in the Oldborough Corridor for example, they should not be predominant. I saw on my visit that the technical area contains major workshops, stores and parking areas and runs almost the full length north-south of the Barracks. This area also links with high density housing, mess area and barrack blocks to cross the site east to west. There is some attractive, open land in the northern part of the site, and playing fields in the east, but this is

not enough to alter my view that the site is largely developed. For this reason I do not accept the Council's argument that this area is comparable with other green corridors which contain buildings set in large grounds.

3.333 Given the amount of development on the site, I cannot accept that the area fulfils the first purpose of preventing coalescence: buildings on the site may not dominate their surroundings, but that is more as a result of levels as the objectors argue, than of the site's openness. Given the nature of the use and the need for security, the area has no scope in the foreseeable future for public access and, although this is a management not a planning policy matter, it nevertheless significantly weakens one of the aims of green corridors.

3.334 I do not agree with the Council's argument that the words "limited development" are acceptable for the reasons I give in paragraph 3.290. However, my recommendation is based primarily on the fact that this Green Corridor does not meet a major criterion and the purpose set out by the Council for green corridors.

3.335 I note the objectors' plans for possible future development within the Barracks. Given the size and importance of the site, the Council may wish to consider an individual policy to guide future development.

RECOMMENDATIONS

3.336 A Delete the Invicta Park Corridor.

B Consider an individual policy to guide future development on the site.

ENV34 - Maidstone's Green Corridors

(viii) The North Medway Corridor: Land at Buckland Lane, Allington

Objection DENV0381 - The JTS Partnership

Issues (a) The exclusion of the site from the Green Corridor; or
(b) modifying the explanatory text to allow infilling.

Conclusions

3.337 The objection site is a group of dwellings lying beyond the railway line east of Buckland Lane. At the inquiry the objectors drew my attention to a plot of land within this area on which planning permission for the erection of a dwelling had recently been refused.

3.338 I have recommended that this Green Corridor should be deleted because of duplication with other policies, in this case ENV29, as the objection site lies outside the urban boundary. To that extent, therefore, I have agreed with the objectors. I have, however, made

it clear that I support the Council's intentions of keeping open the area defined on the Plan as the North-Medway Corridor: my only disagreement is the way in which this should be achieved.

3.339 Nor have I been influenced in any way by the material presented at the inquiry about the individual plot within the objection site, since that seems to me to be a matter entirely for development control, not planning policy. In this case, I have no doubt that the future of the objection site, and any plot within it, can be safely dealt with by the application of ENV29.

RECOMMENDATION

3.340 Do not modify the Plan in response to this objection.

ENV34 - Maidstone's Green Corridors

(viii) The North Medway Corridor: *Farriers, Gibraltar Lane*

Objection DENV0412 - R Smith

Issue The deletion of the site from the Green Corridor and the ALLI, and its inclusion within the urban area.

Conclusions

3.341 The objection site is a house and large garden, and the exact nature of the objection was clarified at the inquiry. I have already recommended that this Green Corridor should be deleted because of duplication with other policies, in this case ENV29 the countryside, and ENV38 the ALLI. I have, however, made it clear that I support the intention of keeping open the area defined as the North Medway Green Corridor, my only disagreement with the Council is the way in which this should be done.

3.342 In this case, I saw on my visits that much of the objection site, as a large garden, shares the undeveloped, well treed characteristics of the surrounding area on the steeply sloping land beside the river. To my mind, therefore, it is properly included in the ALLI. Similarly, it does not have the built-up character of the residential area to the east, and should therefore be excluded from the urban boundary.

3.343 I acknowledge that the objection site is residential curtilage, and subject to permitted development rights. However, I have no doubt that its essentially open character would be more changed by even the limited development which might be allowed if it were within the urban area. I note the examples of other development nearby to which the objector drew to my attention, but I have considered this objection entirely on the merits of the site itself and the policies involved.

RECOMMENDATION**3.344 Do not modify the Plan in response to this objection.**

ENV34 - Maidstone's Green Corridors**(viii) The North Medway Corridor: Land between Springfield and River Medway****Objection** DENV0493 - Whatman Plc**Issue** The identification of this site for residential development within the Green Corridor.**Conclusions**

3.345 I have already recommended that this Green Corridor should be deleted, although that does not alter my view that the area which it covered should be kept open through its designation as an ALLI under ENV38. I have dealt with an objection under H2 on this site in Chapter 4, and my recommendation here reflects my finding that this site should be dealt with through the development control process, rather than by a specific policy.

RECOMMENDATION**3.346 Do not modify the Plan in response to this objection.**

ENV34 - Maidstone's Green Corridors**(viii) The North Medway Corridor: Bridge Nurseries, Allington****Objection** DENV0433 - George Wimpey Plc**Issue** The exclusion of this site from the Green Corridor.**Conclusions**

3.347 In paragraph 3.286 I recommended that this corridor should be deleted as a matter of principle, bearing in mind the Council's stated purposes for green corridors and the criteria set out for them in CD15. This recommendation was not based on this objection which is one of several made by the objectors seeking housing development on the site, and which I consider in Chapter 4.

RECOMMENDATION**3.348 Do not modify the Plan in response to this objection.**

ENV34 - Maidstone's Green Corridors

(ix) The Oakwood Corridor

Objection DENV0487 - Croudace Homes

Issue The exclusion of land to the east of Hermitage Lane.

Conclusions

3.349 I have already recommended deleting the Oakwood Green Corridor and I deal with this site specifically in paragraph 3.288. I also deal with an objection covering this site in Chapter 4 when considering objections to sites not allocated under H2.

RECOMMENDATION

3.350 Exclude this site from the Oakwood Corridor.

ENV35 - Maidstone's Green Corridors

Objections DENV0133 - GOSE
CENV0008 - GOSE

Proposed Change 43

Proposed Further Change 4

Issue Whether ENV35 is a clear statement of planning policy.

Conclusions

3.351 I find this policy confusing, since the first sentence deals with green chains, outside green corridors, whilst the second sentence returns to the corridors themselves. It is not clear to me why this second sentence is not part of ENV34. Moreover, I agree with both these objections that ENV35, even with the proposed changes, is not a statement of planning policy. There are several problems: the first and last sentences are statements of intent and do not say when planning permission will be granted or not. This is contrary to advice on page 10 of CD46. The policy includes enhancement which I have discussed in paragraph 3.15, and also refers to nature conservation which is the subject of ENV42 and ENV43. If there is any other identifiable nature conservation interest it should be the subject of a specific policy, as I recommend below in considering objections to ENV41. As written, ENV35 is too ambiguous in this respect.

3.352 Whilst I accept the value of the matters set out in ENV35, they are the Council's corporate aims, and should be furthered by direct action or management by the Council. They should not be included as a local plan policy, as the advice on page 7 of CD46 makes clear.

3.353 I note that the maintenance of linear connections of open land is given by the Council as an argument for ENV34, and this must also be a justification for ENV35 which refers specifically to green chains (MBC/PR.21, paragraph 3.4). However, this should be achieved by identifying specific sites, for example ENV25(v), or by relying on ENV23 and ENV24 to protect existing sites. As written ENV35 is too ambiguous, and does not give the clarity quite rightly expected by land owners, developers or the public.

RECOMMENDATIONS

3.354 A Delete ENV35.

B Do not modify the Plan in accordance with Proposed Change 43 and Proposed Further Change 4.

ENV35 - Maidstone's Green Corridors

Objection DENV0166 - NFU South East Region

Issue The need to refer to the effect of increased access on farming.

Conclusions

3.355 I have recommended that this policy should be deleted since it does not deal with planning matters. However, the Council can consider the point made in this objection as part of its management of the areas which the policy covered.

RECOMMENDATION

3.356 Do not modify the Plan in response to this objection.

ENV35 - Maidstone's Green Corridors

Objection DENV0178 - Peugeot Motor Company Plc

Issue The need to explain how aspects of ENV34 are to be promoted.

Conclusions

3.357 I have recommended that this policy should be deleted since it does not deal with planning policy matters. Nevertheless, the Council can consider the points made in this objection when preparing its management plans for the areas the policy covered.

RECOMMENDATION
3.358 Do not modify the Plan in response to this objection.

ENV35 - Maidstone's Green Corridors

Objections DENV0368 - Ms C Morgan
DENV0506 - Disabled Persons Liaison Committee

Issue The need for cycleways to be suitable for all.

Conclusions

3.359 I have recommended that ENV35 should be deleted because it is not a planning policy. The matters raised in these objections are wholly management matters for the Council and they do not need a policy to be pursued.

RECOMMENDATION
3.360 Do not modify the Plan in response to these objections.

ENV36 - The Kent Downs Area of Outstanding Natural Beauty (AONB)

Objections DENV0167 - NFU South East Region
DENV0369 - Ms C Morgan
DENV0370 - Ms C Morgan
DENV0371 - Ms C Morgan
DENV0455 - Rural Development Commission
DENV0537 - E J Mackelden & Sons (Bobbing) Ltd
CENV0079 - Countryside Commission

Proposed Change 44

Issue The wording of the policy in relation to advice in PPG7.

Conclusions

3.361 I agree with the Rural Development Commission that the word “demonstrated” in criterion (2) of this policy is unduly onerous and does not reflect the advice in PPG7. However, this objection is overcome by its deletion in the proposed change.

3.362 I accept that “large scale” in criterion (3) is a vague phrase but, if it is to be modified to accord with paragraph 4.8 of PPG7 as the Council proposes, it should use the precise wording of the PPG. I note the Countryside Commission’s concern about the effect of other

large scale development, but as I have recommended that it be modified, the criterion will be a specific reference to this paragraph of the PPG. Any other large scale development would be considered against the Plan as a whole, and this change does not weaken the protection which it affords, nor does it depart from the approach set out in the PPG generally.

3.363 I do not agree with DENV0537 that this policy amounts to a “presumption against development”. Giving priority to landscape matters over other considerations is a reasonable inference from the advice in paragraph 4.8 of PPG7, itself based on the statutory purpose of designation set out in paragraph 4.7 of the PPG, that decisions should favour conservation of the natural beauty of the landscape. As the Council argues, this approach is also supported by ENV3 of the Structure Plan. In addition, the criteria set out the approach to be taken when development is proposed.

3.364 I am, however, concerned about some detailed aspects of the wording. For consistency with national and Structure Plan policy the phrase “conservation of the natural beauty of the landscape” must be used, rather than, for example, “landscape quality”, in the body of the policy, or “damage to the environment” in criterion (3). It is particularly important to use the precise words in this instance because they are the statutory purpose of designating AONBs. Apart from causing confusion, other phrases cannot have the same strength, and the Plan is therefore weaker than it should be. In addition, the policy is not made any more effective by the use of emotive qualifications such as *greatest possible* protection, *all* other planning considerations and, in criterion (5), a *vigorous* examination.

3.365 I agree with the DENV0537 that there is no support in national guidance for the application of ENV36 outside the AONB, unlike the advice in PPG2 about Green Belts. In particular, the more detailed criteria would be unduly onerous and the application of the policy would be wholly unclear since the adjacent area is not, and cannot be, identified. This phrase should therefore be deleted. I also agree with this objection that criterion (4) is unclear in its use of the term “local materials”, particularly since it is qualified by normally. I have recommended a form of wording which meets the Council’s intentions whilst overcoming this objection. I have not included the recycling of materials in this proposed modification in response to Ms Morgan’s objection to criterion (4), since I consider it would be unreasonably onerous. In any case, the re-use of materials could be considered at the detailed design stage under the provisions of this criterion.

3.366 I do not accept Ms Morgan’s first objection since landscape, not the broader environment, is the statutory basis for designating AONBs. I have recommended a modification to criterion (3), but I do not accept Ms Morgan’s objection in principle, since it would be unreasonable to require the repair of damage by an applicant who may not be responsible for it.

RECOMMENDATIONS

3.367 A ENV36:

Delete “...THE LANDSCAPE QUALITY ... ADJACENT TO THIS AREA”, and replace it with:

“... THE CONSERVATION OF THE NATURAL BEAUTY OF THE LANDSCAPE WILL BE GIVEN PRIORITY OVER OTHER PLANNING CONSIDERATIONS WITHIN THIS AREA: ...”

B ENV36(2):

Modify in accordance with Proposed Change 44.

C ENV36(3):

Do not modify in accordance with Proposed Change 44.

Delete “LARGE SCALE DEVELOPMENTS ...”

and replace it with “MAJOR INDUSTRIAL OR COMMERCIAL DEVELOPMENT ...”

Delete “... , AND DESIGNED ... THE ENVIRONMENT.”

D ENV36(4):

Delete and do not modify it in accordance with Proposed Change 44.

Replace it with:

“(4) WHERE DEVELOPMENT IS PERMITTED THE DESIGN, SITING AND MATERIALS OF NEW BUILDINGS SHOULD REFLECT THE TRADITIONAL CHARACTER OF BUILDINGS IN THE AREA, AND SHOULD CONSERVE THE NATURAL BEAUTY OF THE LANDSCAPE;”

E Make no other modifications in response to these objections.

ENV36 - The Kent Downs Area of Outstanding Natural Beauty

Harrietsham

Objection DENV0018 - Harrietsham Parish Council

Issue The inclusion of additional land within the AONB.

Conclusions

3.368 The AONB is defined nationally not through the preparation or modification of local

plans. Changes cannot, therefore, be made to its boundaries through this process.

RECOMMENDATION

3.369 Do not modify the Plan in response to this objection.

ENV37 - Special Landscape Areas (SLA)

The North Downs: Land adjoining the Stakis Hotel

Objection DENV0005 - McDonald's Restaurants Ltd

Issue The exclusion of this site from the SLA.

Conclusions

3.370 As originally made, this objection covered the area including Heath Wood and land as far east as the A249 which is also covered by objection DENV0491. The objection sought the deletion of ENV37 from this area which it was argued "... is suitable for economic expansion including a McDonald's restaurant in support." The additional written representations appear to reduce the site to a small area at the north-western corner of Bearsted Road and the A249 (WS.21, Plan B), and I have dealt with the objection on that revised basis. Since it is an objection to ENV37, I have also dealt with it solely as an objection to the inclusion of land in the SLA. However, a very similar area is subject to objection DED0123, and I deal with its future commercial use in Chapter 5.

3.371 My recommendation here reflects my findings that this small site shares the characteristics of the larger area covered by DENV0491, and that it should be excluded from the SLA for the same reasons.

RECOMMENDATION

3.372 Exclude this site from the SLA.

ENV37 - Special Landscape Areas

The Greensand Ridge: Land south of Heath Road, Coxheath

Objections DENV0011 - Mr D W G Sawyer
DENV0498 - Linton Parish Council

Proposed Further Change 23

Issue The inclusion of this land in the SLA.

Conclusions

3.373 This proposed further change would overcome these objections and I support it.

RECOMMENDATION

3.374 Modify the Proposals Map and illustrative map opposite page 32 in accordance with Proposed Further Change 23.

ENV37 - Special Landscape Areas**The Low Weald: Land at Blunden Lane, Yalding**

Objection DENV0113 - Banner Homes Ltd

Issue The exclusion of this site from the SLA.

Conclusions

3.375 Although the original objection sought the exclusion of this site from the SLA, the later representation argued that new housing could be allowed within the designation which washes over Yalding (MB/WS.48, paragraphs 1.4 & 4.11). I agree in principle and I therefore recommend no modification to the SLA. However, this is one of several related objections seeking new housing on the site which I have not supported in Chapter 4 (DH0119/20/21/22).

RECOMMENDATION

3.376 Do not modify the Plan in response to this objection.

ENV37 - Special Landscape Areas**The North Downs: Land at Penenden Heath**

Objection DENV0114 - Prowting Projects Ltd

Issue The exclusion of the site from the SLA.

Conclusions

3.377 This site is covered by other objections which I have dealt with elsewhere, the effect

of which would to remove much of the land from the SLA: DH0123 covers the land in the south-west corner in Chapter 4; DENV0491 covers the remainder in paragraph 3.395. I have not repeated my recommendations here.

RECOMMENDATION

3.378 Do not modify the Plan in response to this objection.

ENV37 - Special Landscape Areas

The Greensand Ridge: Former Fire Brigade Training Centre, Heath Road

Objection Westwood Estates Ltd

Issue The exclusion of the site from the SLA.

Conclusions

3.379 This objection is superseded by DH0286 in Chapter 4 where the objectors argue that the site could be retained in the SLA with the number of dwellings now proposed. My recommendation here reflects my findings in Chapter 4.

RECOMMENDATION

3.380 Do not modify the Plan in response to this objection.

ENV37 - Special Landscape Areas

The Low Weald: Land south of the railway line, Headcorn

Objection DENV0410 - P.A. Edwards

Issue The exclusion of this land from the SLA.

Conclusions

3.381 This case is related to objection DED0094 for the allocation of this land for various commercial uses which I deal with in Chapter 5. I consider the other issues in Chapter 5, including the impact of the proposal on its surroundings generally. Here I deal only with the principle of the exclusion of the site from the SLA.

3.382 The objector's main argument in this respect is that the land is a large open field, uncharacteristic of the Low Weald landscape which tends to small enclosed fields and tree groups. I agree. However, I also agree with the Council that the land is part of a larger area

with a broadly consistent landscape which is characteristic of the Low Weald. Set in this wider context I have no doubt that it should not be excluded from the SLA. Clearly it is impractical, as the Council argues, to define SLAs but exclude pockets of land which do not exhibit all the landscape characteristics of the area. SLAs are derived from policy ENV4 of the Structure Plan which says that their boundaries will be defined in local plans. I note that the County Council has not objected to the boundaries of this SLA.

RECOMMENDATION

3.383 Do not modify the Plan in response to this objection.

ENV37 - Special Landscape Areas

The North Downs: Church Landway, Bearsted

Objection DENV0441 - Bearsted Amenity Society

Issue The designation of this site as an SLA.

Conclusions

3.384 This area is designated as an ALLI, one of 13 areas which paragraph 3.123 of the Plan says "... perform a vital local function by demarcating particular distinctive features which are important to Maidstone specifically.". SLAs, on the other hand, are derived from policy ENV4 of the Structure Plan, where they are described in paragraph 4.13 as "... of strategic landscape importance. These areas have been recognised as being of a landscape quality and sufficient in scale to be of scenic significance in the county context.". To emphasise their strategic nature SLAs include the nationally designated AONBs. Both local designations are made in the context of the advice in paragraph 4.16 of PPG7 about the need to justify such designations.

3.385 I have set this background out in some detail, because it is important to distinguish between a local and strategic function in deciding whether this area should be in an ALLI or an SLA. From my site visit I have no doubt that the area should remain open. It is a vital part of the setting of this part of Bearsted, including the church, churchyard and nearby buildings which are within a Conservation Area. However, I consider that this is a purely local function, which justifies the ALLI designation, but not the proposed modification to SLA. I found that the present boundary between the two is very clearly defined by the sharp change in levels between the steep-sided Lilk valley, and the flatter land which comprises Church Landway. I therefore did not find the objection land to be part of this wider, strategically important landscape. Of course, this does not in any way diminish its local importance as the setting for this part of the village.

RECOMMENDATION

3.386 Do not modify the Plan in response to this objection.

ENV37 - Special Landscape Areas**The North Downs: Land at Water Lane, Thurnham**

Objection DENV0444 - Mr M R Filmer

Issue The exclusion of the site from the SLA.

Conclusions

3.387 I have dealt with this objection in Chapter 4 with objection DH0318 proposing the allocation of this land for housing under H2. My recommendation here reflects my findings in Chapter 4.

RECOMMENDATION

3.388 Do not modify the Plan in response to this objection.

ENV37 - Special Landscape Areas**The North Downs: Land North of Bearsted Road**

Objection DENV0491 - Harveststore Systems Holdings

Issue The exclusion of land from the SLA.

Conclusions

3.389 This objection covers an area which includes Heath Wood in the west; land adjoining the Stakis Hotel in the centre; and land to the east of the A249 as far as Horish Wood and including Newnham Court Farm. The objectors rely on their original objection for the most westerly area and a small site in the central area to the east of the hotel and covered by DED0123; they rely on evidence which I heard at the inquiry when dealing with DED0122 for the rest of the central section; and on a further written statement, WS.25, for the eastern area. I have dealt with the development proposed in DED0122 and DED0123 in Chapter 5, and here I consider the inclusion of each of these areas in the SLA as a matter of principle.

3.390 Dealing first with the western area, I have recommended in Chapter 4 when considering DH0123, that the most southerly part of this land should be allocated for housing and excluded from the SLA. I will not repeat my reasoning here. I have no doubt, however, that the rest of the land west of the Old Sittingbourne Road should remain in the SLA. Heath Wood is important in its own right as an extensive area of woodland but, as the Council

argued, it is also characteristic of the landscape in this area generally, to which woodland blocks make a significant contribution. To the east of Heath Wood is an open area which, despite its present appearance, is an important open foil to the woodland and in this way contributes to the characteristic landscape of the area. For this reason I conclude that it should remain in the SLA.

3.391 Turning to the central area, I agree with the objectors that its landscape character has been severely affected by the urbanising influences of the hotel, the M20 and other roads, and the park and ride facility. I am concerned that the criteria for establishing SLAs should not be applied to such a small area, since not every part of the SLA will meet all them. Nevertheless, I agree that in itself the site has little scenic quality and that, whilst it retains elements of open fields and tree shelter belts, they are not enough in this urban context to ensure that the site is representative of Kent countryside. Moreover, from the A249 to the east of the site where these features are most apparent, the car park can be seen through the trees, further eroding its scenic and representative qualities.

3.392 The Council pointed out that the original justification for including land to the south of the M20 in the SLA was that it was the foreground to the Kent Downs AONB. It was argued that the objection site was still important as the undeveloped foreground in views northwards to the open countryside and the Downs. I agree that there are views of the Downs particularly from the western end where Bearsted Road rises above the site. However, the hotel is highly prominent in all these views, both along the road frontage and into the site in depth. I did not find that the landscaping mitigates the urbanising impact of its extensive roof, since in many places the road is higher than the site and looks down onto the roof.

3.393 For all these reasons I have concluded that this part of the objection site, which is also the site of objections DED0122 and DED0123 dealt with in Chapter 5, should be deleted from the SLA. This area includes the site which is the subject of objection DENV0005 in paragraph 3.372. To be consistent the site of the Stakis Hotel should also be excluded.

3.394 Finally on the eastern area, I found on my visits, and looking from the North Downs Way, that the prominence of the development around Newnham Court Farm is limited to the western part of the area. In contrast, there remains an extensive area of open agricultural land to the east which is unaffected by these buildings, or the urban influences further west, and which is wholly in keeping with rest of the landscape in the SLA. I therefore conclude that this area should remain in the SLA.

RECOMMENDATION

3.395 Delete the site of objections DED0122 and DED0123 from the SLA, and the Stakis Hotel for consistency, but make no other modifications in response to this objection.

ENV37 - Special Landscape Areas

The Greensand Ridge: Land at South Lane, Sutton Valence

Objection	DENV0519 - The Court Planning Consultancy
Issue	The exclusion of land between South Lane and the A274 from the SLA.

Conclusions

3.396 The SLA designation in this area washes over part of Sutton Valence and The Harbour, but broadly I found on my visit that the area retains the general landscape characteristics of the Greensand Ridge justifying my recommendation. I am also satisfied that the SLA meets the advice in PPG7 about local countryside designations. I note that, although ENV37 and its boundaries stem from policy ENV4 of the Structure Plan, there is no objection to the boundary from the County Council. I have dealt with the related objection DH0640 in Chapter 4 when considering an objection to the non-allocation for housing of part of this land.

RECOMMENDATION

3.397 Do not modify the Plan in response to this objection.

ENV37 - Special Landscape Areas

The North Downs: The Chiltern Hundreds Public House

Objection	DENV0522 - Public House Investment Company Ltd
Issue	The exclusion of the whole of this site from the SLA.

Conclusions

3.398 In Chapter 4 when dealing with objection DH0123 I have recommended that the land adjoining this site to the north-east should be allocated for housing and excluded from the SLA. My recommendation here reflects that finding.

RECOMMENDATION

3.399 Exclude the site from the North Downs SLA and modify the Proposals Map and illustrative plan opposite page 32 accordingly.

ENV38 - Areas of Local Landscape Importance (ALLI)

Objections	DENV0112 - Barton Willmore Planning Partnership DENV0125 - The House Builders Federation
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DENV0168 - NFU South East Region
DENV0434 - George Wimpey Plc

Issue The deletion of the policy.

Conclusions

3.400 I have dealt with site specific objections below, but I see no reason to delete this policy in principle. Clearly, any area defined as an ALLI must meet the advice in paragraph 4.16 of PPG7, but that advice does not preclude local designations in principle. The definition of local areas of landscape importance is distinct from the definition of “countryside” to which ENV29 applies, and provides the extra protection referred to in the PPG.

RECOMMENDATION

3.401 Do not modify the Plan in response to these objections.

Paragraph 3.125 and ENV38 - Areas of Local Landscape Importance

Land between Howard Drive and Maidstone Hospital

Objections DENV0131 - Cllr M Robertson
DENV0255 - Hermitage Environment & Leisure Project
DENV0265 - Mr M R Tucker
DENV0271 - Mrs H L Susans
DENV0275 - Mr R Dyer
DENV0280 - Mrs S Lake

Proposed Change 45

Issue The need for a reference to this ALLI in the text.

Conclusions

3.402 This area is shown as an ALLI on the Proposals Map, but is not listed in paragraph 3.125 of the Plan. This would be corrected by Proposed Change 45, but in dealing with the next objections I have recommended that the ALLI should be deleted. My recommendation here reflects that finding.

RECOMMENDATION

3.403 Do not modify the Plan in accordance with Proposed Change 45 or in response to these objections.

Paragraph 3.125 and ENV38 - Areas of Local Landscape Importance

Land between Howard Drive and Maidstone Hospital

Objections DENV0488 - Croudace Homes
 CENV0046 - Croudace Homes

Issues The deletion of this ALLI.

Conclusions

3.404 There is a related objection which seeks to allocate most of this site for housing which I consider in Chapter 4. Here, however, I consider its designation as an ALLI in principle, against the purposes set out in the Plan and the advice in PPG7 about local countryside designations. Paragraph 3.123 of the Plan says that ALLIs “... perform a vital function by demarcating particular distinctive features which are important to Maidstone specifically.” Proposed Change 45 identifies the role of this ALLI as “ ...providing a landscape setting for the built up area of Allington”.

3.405 Paragraph 4.16 of PPG7 sets out detailed advice about local countryside designations. It says that they should only be maintained where there is good reason to believe that normal policies cannot provide the necessary protection, and that development plans should say what it is that requires extra protection and why. In this case the objection site is outside the defined boundary of the urban area and therefore protected as countryside by ENV29; it is within a Green Corridor, although I have recommended that that should be deleted in principle; and it is within the Strategic Gap between Maidstone and the towns to the west. In these circumstances, the “extra protection” advised in PPG7 can only be for its landscape quality, and that must pass the test set for it in paragraph 3.123 of the Plan which I have quoted.

3.406 The objection site is mostly former farmland no longer used, and now consists of grassland with some scrub invasion. On my visits to the area I found that its most noticeable characteristics were its openness and the important woodland and tree belts which run across it towards the south, and around its north-eastern boundary. Whatever its past uses, most of the site no longer exhibits in any significant way the landscape characteristics set out in the County Council’s *Greensand Belt - Landscape Assessment and Guidelines* which the Borough Council quoted at the inquiry. There are, for example, no orchards, tall hedgerows or shelter-belts associated with fruit on the majority of the site to the south of the public footpath. Whilst the site may provide a landscape setting for Allington, I do not consider that the openness, woodland and tree belts are such distinctive landscape features that they meet the purpose for ALLIs set out in paragraph 3.123 of the Plan. Nor to my mind do they require the extra protection advised in PPG7.

3.407 I acknowledge the local support for this designation and for the Council’s case against the related housing objection. I can also understand the wish to provide the strongest possible case for protecting the site. However, the advice in PPG7 is very clear, and my

recommendation here reflects my findings that there is nothing in the character of the landscape of the area which justifies the extra protection of ENV38 which cannot be achieved by other policies in the Plan.

RECOMMENDATION

3.408 Delete this ALLI and modify the Proposals Map and illustrative plan opposite page 32 accordingly.

Paragraph 3.125 and ENV38 - Areas of Local Landscape Importance

Land at Parkwood

Objections DENV0372 - Ms C Morgan
DENV0373 - Ms C Morgan

Issue The need for an additional ALLI at the rear of Parkwood.

Conclusions

3.409 I agree with the Council that this area does not have the landscape importance to justify its designation as an ALLI. Whilst local people may make use of open areas, it is essential not to weaken the policy by designating areas which do not have that importance as landscape.

RECOMMENDATION

3.410 Do not modify the Plan in response to these objections.

ENV38 - Areas of Local Landscape Importance

Land between Howard Drive and Maidstone Hospital: Kent Garden Centre

Objection DENV0417 - Twigden Homes

Issue The extension of this ALLI to include land at Kent Garden Centre.

Conclusions

3.411 In paragraph 3.408 I have recommended that this ALLI should be deleted in principle because it does not meet the purpose for an ALLI set out in the Plan. Without repeating them, I have no doubt that my reasons for that recommendation apply equally to the landscape of this site which in my view does not perform the “vital local function” required by paragraph 3.123. As the objectors point out the site is within an ALLI in the adopted Borough Local

Plan. However, it is clear from paragraph 8.8(viii) of that Plan that the special importance of the area is in maintaining the separate identity of Maidstone and the Medway Gap towns. This is not a landscape designation comparable with ALLIs in the present Plan, and ENV32 now takes on that role by defining a Strategic Gap.

RECOMMENDATION

3.412 Do not modify the Plan in response to this objection.

ENV38(i) - Areas of Local Landscape Importance

Medway Valley

Objection DENV0155 - CPRE

Issue The extension of the boundaries of the ALLI to include:

- (a) an area to the north from the present boundary to North Pole Road (Area 1 (North) in the objectors' statement); and
- (b) an area to the south between the ALLI and the Greensand Ridge SLA (Area 2 (South) in the objectors' statement).

Conclusions

3.413 In their representations the objectors argued that these area should either be included in the ALLI, in the Greensand Ridge SLA or in a new SLA designated through the Local Plan. At the inquiry the objectors accepted that SLA designations are a matter for the Structure Plan, and I have therefore dealt with this objection on the basis of a possible extension to this ALLI which is a Local Plan matter.

3.414 Dealing with (a), looking across the Medway Valley from various points along Lower Road I found that the landscape of this area has much in common with the landscape of the ALLI since it is agricultural land with open fields bounded by trees. Indeed, for most of this area, I could see no change in landscape character at the ALLI boundary, and much of the land north of the A20 seemed to me to be an indistinguishable part of the Medway Valley. I note the Council's concern about the impact of built development and recreational uses around Teston and Watringbury, but this could be overcome by the definition of a boundary to exclude these areas.

3.415 I acknowledge the advice in PPG7 about the use of countryside designations and the need to state what it is that requires extra protection. In this case, the need to protect this objection land is the same as that for the rest of the ALLI: to protect a particularly distinctive feature, here the Medway Valley, which is of importance to Maidstone. My recommendation reflects my view that the Council should define the boundaries, particularly at the western

edge, only after a careful and detailed review.

3.416 Turning to (b), I found that this area is not part of the Medway Valley landscape since, as the Council argued, it is on a plateau above a clearly defined ridge. As countryside, it is covered by ENV29 and I can find no justification for the extra protection required by PPG7. I have not, therefore, accepted this part of the objection.

RECOMMENDATIONS

3.417 A Add to this ALLI an area north of the A20 up to North Pole Road, the detailed boundaries of which should be defined after a full review.

B Make no other modifications in response to this objection.

ENV38(i) - Areas of Local Landscape Importance

Medway Valley: Fant Farm, Gatland Lane.

Objection DENV0423 - Twigden Homes

Issue The exclusion of the site from the ALLI.

Conclusions

3.418 There are several objections covering this site, including DH0293 from these objectors, which I deal with together in Chapter 4 when considering objections to land not allocated under H2. My recommendation here reflects my findings in Chapter 4.

RECOMMENDATION

3.419 Do not modify the Plan in response to this objection.

ENV38(i) - Areas of Local Landscape Importance

Medway Valley: Land at Bydews Place, Tovil

Objection DENV0445 - Miss R Berridge

Issue The exclusion of the site from the ALLI.

Conclusions

3.420 From my site visit, I have no doubt that the part of the objection site which is within

the ALLI is properly designated, since it shares that area's distinctive and important landscape character, in contrast to the adjoining urban area.

RECOMMENDATION

3.421 Do not modify the Plan in response to this objection.

ENV38(i) - Areas of Local Landscape Importance

Medway Valley: Farleigh Lane

Objections DENV0508 - Crofton Place Developments Ltd
DENV0510 - The Trustees of the Warbleton Charity

Issue Exclusion of the site from the ALLI.

Conclusions

3.422 There are several objections covering this site, including DH0561 and DH0568 from these objectors, which I deal with together in Chapter 4 when considering objections to H2. My recommendation here reflects my findings in Chapter 4.

RECOMMENDATION

3.423 Do not modify the Plan in response to these objections.

ENV38(ii) - Areas of Local Landscape Importance

Medway Valley: Monktons Lane

Objection DENV0494 - Whatman Plc

Issue The identification of the site for housing within the ALLI.

Conclusions

3.424 Part of this site is shown for housing within the development brief for Springfield (CD48), and an outline application has been made for housing on part of it. I see no reason in principle why some development on this site should not be possible within the ALLI, but in Chapter 4 I recommend that the future of the site should continue to be determined by the application of policies in the Plan and the detailed guidance in CD48.

RECOMMENDATION

3.425 Do not modify the Plan in response to this objection.

ENV38(iii) - Areas of Local Landscape Importance**The Loose Valley: Land at Hayle Place****Objection** DENV0104 - Fairclough Homes Ltd**Issue** The exclusion of the site from the ALLI.**Conclusions**

3.426 I have dealt with a related objection, DH0112, for the allocation of this site for housing in Chapter 4, where I also consider the effect of such an allocation on the character and appearance of the area. Here I consider the principle of whether this site should remain in the ALLI.

3.427 The main feature of the ALLI is the steep sided valley of the Loose Stream, and I note that the western boundary broadly follows the change in level at the top of the valley. In contrast, on the eastern side of the stream the ALLI includes a generally flat area of which the objection site is part. I saw on my visit that to the south of the objection site there are extensive views across open fields to the sloping western side of the valley. I have no doubt that this area is properly included in the ALLI since it is part of this important rural landscape.

3.428 I agree that this site is screened from the rest of the ALLI by a belt of mature trees along its western boundary. I also acknowledge the urbanising effect of the large house on the objection site, and the site's generally unkempt appearance. However, whilst these may be factors to take into account when considering the impact of housing on the site in Chapter 4, they do not convince me that the objection site should, in principle, be excluded from the ALLI. Rather, I found that the site shares the generally rural character and appearance of the flat land above the valley sides, and as a result is part of the characteristic landscape which the ALLI seeks to protect. I therefore do not support this objection.

RECOMMENDATION
3.429 Do not modify the Plan in response to this objection.

ENV38(iv) - Areas of Local Landscape Importance**Banky Meadow****Objection** DENV0063 - Maiford Ltd**Proposed Change 46**

Issue The exclusion of land at the northern end.

Conclusions

3.430 I agree with this proposed change, since it reflects the extent of the important landscape area more accurately than the present designation, and overcomes this objection.

RECOMMENDATION

3.431 Modify the Proposals Map and illustrative map opposite page 32 in accordance with Proposed Change 46.

ENV38(ix) - Areas of Local Landscape Importance

Church Landway, Bearsted

Objection DENV0081 - Bearsted Parish Council

Issue Deletion of this designation and its replacement with SLA designation under ENV37.

Conclusions

3.432 I have dealt with this objection in paragraphs 3.384 - 3.386 in considering the Parish Council's related objection to ENV37. My recommendation here reflects those findings.

RECOMMENDATION

3.433 Do not modify the Plan in response to this objection.

ENV38(xiii) - Areas of Local Landscape Importance

Capstone, Darland and Lidsing: Land at Cowbeck Woods

Objection DENV0420 - Twigden Homes

Issue The inclusion of land within the ALLI.

Conclusions

3.434 There are several objections covering this site, including DH0292 from these objectors, which I deal with together in Chapter 4 when considering objections to H2(v). My recommendation here reflects my findings in Chapter 4.

RECOMMENDATION

3.435 Include the land at Cowbeck Woods allocated for housing under H2(v) within the ALLI defined in ENV38(xiii) and modify the Proposals Map and illustrative plan opposite page 32 accordingly.

Paragraph 3.126 - Rural Lanes

Objection DENV0169 - NFU South East Region

Proposed Change 47

Issue The need to refer to the role of rural lanes in the transport system.

Conclusions

3.436 I agree with the proposed change, since rural lanes clearly are an important part of the daily working life of the countryside.

RECOMMENDATION

3.437 Modify the Plan in accordance with Proposed Change 47.

ENV39 - Rural Lanes

Objection DENV0079 - Bearsted Parish Council

Issue The need to extend this policy into urban areas.

Conclusions

3.438 This policy closely reflects ENV13 of the Structure Plan, and both recognise the particularly rich heritage in the County of rural lanes. There is thus a specific purpose behind these policies which cannot apply except in rural areas. I can sympathise with the Parish Council's intentions in making this objection, but I agree with the Borough Council that ENV3, with Proposed Change 10 and as I have recommended it should be further modified, will provide the protection which is sought.

RECOMMENDATION

3.439 Do not modify the Plan in response to this objection.

ENV40 - River Corridors and Catchments

Objection DENV0082 - Bearsted Parish Council

Issue The extension of the policy to the settings of river corridors.

Conclusions

3.440 I agree with the Council that the settings of rivers and watercourses would be fully protected by other policies in the Plan. Moreover, the definition of river corridors in paragraph 3.129 "... areas ... physically and visually linked ..." is very broad and would seem to me to be likely to meet the concerns to the Parish Council.

RECOMMENDATION

3.441 Do not modify the Plan in response to this objection.

ENV40 - River Corridors and Catchments

Objections DENV0134 - GOSE
DENV0156 - CPRE
CENV0009 - GOSE

Proposed Change 48

Issue The form and wording of the policy.

Conclusions

3.442 I note that on page 11 of the Structure and Local Plan Group's report of 5 March 1998 into representations on the proposed changes, CENV0009 shows GOSE's objection as withdrawn. However, I have dealt with this objection on the basis of GOSE's letter of 13 January 1998 which opposes Proposed Change 48 because of its ambiguous phrasing.

3.443 I find that most of ENV40 with the proposed change is written as a statement of intent, not a policy, contrary to the advice in paragraph 4.29 of CD45. I therefore support both the objections from GOSE. If ENV40 is worded as I recommend, the rest of the policy set out in the proposed change can become the reasoned justification for it. In this way development which did not retain natural banks, for example, could be refused because of its harmful impact on the character of the watercourse.

3.444 I have not included "enhancement" in my recommendation for the reasons I set out in dealing with objections to ENV1 in paragraph 3.15. Moreover, the words "where possible" proposed by the CPRE would make the policy ambiguous. Enhancement could, nevertheless, be referred to in the text as part of the Council's aims.

RECOMMENDATIONS

3.445 A Delete ENV40 and replace it with:

“POLICY ENV40 DEVELOPMENT WHICH WOULD HARM THE CHARACTER, NATURE CONSERVATION, ARCHAEOLOGICAL AND RECREATIONAL IMPORTANCE OF WATERCOURSES AND THEIR CORRIDORS WILL NOT BE PERMITTED.”

B Add to the reasoned justification in paragraphs 3.128 and 3.129 the matters which are referred to in Proposed Change 48, but otherwise do not modify the Plan in accordance with this proposed change.

ENV40 - River Corridors and Catchments

Objection DENV0197 - Kent Wildlife Trust

Proposed Change 66

Issue The need for a reference to building in the flood plain.

Conclusions

3.446 I have recommended the addition of a new policy, ENV56, to cover this issue in dealing with objection DENV0461 below. To my mind this overcomes this objection.

RECOMMENDATION

3.447 Do not modify the Plan in response to this objection.

Paragraph 3.132 - Nature Conservation

Objections DENV0203 - Kent Wildlife Trust
DENV0471 - The Environment Agency

Proposed Change 50

Issue The need to add a reference to the Kent Biodiversity Action Plan.

Conclusions

3.448 I agree with this proposed change which overcomes these objections.

RECOMMENDATION

3.449 Modify the Plan in accordance with Proposed Change 50.

ENV41 - Nature Conservation

Objections DENV0135 - GOSE
 DENV0198 - Kent Wildlife Trust

Proposed Change 51

Issue The form and wording of the policy.

Conclusions

3.450 Even with the proposed change, ENV41 is not a planning policy. The words “actively seek” do not indicate what planning action - the refusal of permission, or the imposition of conditions - the Council would take in dealing with proposals. Unless there are any other specific circumstances not already covered by later policies dealing with Sites of Special Scientific Interest (SSSIs) or Sites of Nature Conservation Interest (SNCIs), it seems to me that ENV41 is a statement of intent which would be implemented by these later policies.

3.451 I have therefore recommended that it be deleted as a policy. However, it is important that the Council considers whether there are any other specific nature conservation interests which should be protected which are not covered elsewhere. An example might be the discovery of nature conservation interest not previously known about, in which case policy 3.14.8 on page 60 of CD46 could be considered.

RECOMMENDATIONS

- 3.452 **A Delete ENV41, but retain its substance as supporting justification in the text.**
- B Consider the need for additional specific nature conservation policies covering matters not dealt with elsewhere in the Plan.**
- C Do not modify the Plan in accordance with Proposed Change 51.**
-

Paragraph 3.133 - Sites of Special Scientific Interest

Objection DENV0035 - English Nature

Proposed Change 52

Issue The need to refer to procedures for sites of international nature

conservation importance.

Conclusions

3.453 I agree with this proposed change which overcomes this objection.

RECOMMENDATION

3.454 Modify the Plan in accordance with Proposed Change 52.

ENV42 - Sites of Special Scientific Interest

Objections DENV0034 - English Nature
DENV0199 - Kent Wildlife Trust
DENV0374 - Ms C Morgan

Proposed Change 53

Issue The form and wording of the policy.

Conclusions

3.455 I agree with this proposed change since it corrects drafting errors, and adds sensible provisions such as the use of obligations and conditions in a way which reflects Government advice. Generally the wording reflects PPG9 *Nature Conservation*, and I therefore do not accept Ms Morgan's objection. However, I find it unnecessarily repetitive, and I have recommended a simplification. I accept that the words "special scrutiny" appear in paragraph 29 of PPG9, but I see no need to repeat them in a planning policy.

RECOMMENDATIONS

The line numbers refer to ENV42 on page 27 of CD7.

3.456 Modify ENV42 in accordance with Proposed Change 53, but:

delete "PROPOSALS FOR" in line 1;

replace "AFFECT" with "HARM DIRECTLY OR INDIRECTLY" in line 2; and

delete "WILL BE SUBJECT TO ... INDIRECTLY ..." in lines 5-7.

ENV43 - Sites of Nature Conservation Interest

Objection DENV0199 - Kent Wildlife Trust
DENV0405 - Kent County Council

Proposed Change 54

Issue The form and wording of the policy.

Conclusions

3.457 I agree with this proposed change since it does for this policy what Proposed Change 53 does for ENV42, and closely reflects policy ENV6 of the Structure Plan. Again, however, I have recommended a simplification of the wording. I note the Trust’s concern to explain the county-wide importance of SNCIs, although this should be dealt with in the text rather than the policy. Paragraph 3.135 makes no distinction between SNCIs and Local Nature Reserves (LNRs): if there is a distinction it should be made clear.

RECOMMENDATIONS *The line numbers refer to ENV43 on page 28 of CD7.*

3.458 A Modify ENV43 in accordance with Proposed Change 54, but:

delete “IN CONSIDERING PROPOSALS FOR” from line 1;

replace “AFFECT” with “HARM” in line 2;

delete “DEVELOPMENT ... DESIGNATED ...” in lines 5-6; and

replace “OF” with “OR” in line 9.

B Clarify the relative status of SNCIs and LNRs in paragraph 3.135.

ENV43 - Sites of Nature Conservation Interest

Honey Hill Campsite, Thurnham

Objection DENV0382 - Mr S Lower

Issue Deletion of this site as an SNCI.

Conclusions

3.459 SNCIs are designated by Kent Wildlife Trust as both this Plan and the Structure Plan make clear. The Local Plan is not, therefore, the appropriate vehicle for amending boundaries as this objection seeks, particularly as there is no similar objection from the Trust.

RECOMMENDATION
3.460 Do not modify the Plan in response to this objection.

ENV43 and 44 - Sites of Nature Conservation Interest
ENV45 - Trees in the Countryside
ENV46 - Ancient Woodlands

Objection DENV0072 - Mr S Green

- Issues**
- (a) The extension of Widehurst Wood SNCI.
 - (b) The need for an additional policy to encourage tree planting and to protect existing trees.

Conclusions

3.461 Dealing with issue (a), it is the practice in Kent, recognised by both the County and Borough Councils, for SNCIs to be designated by the Kent Wildlife Trust. I must therefore follow this practice in dealing with objections to the Plan. It appears that at least part of this objection may be overcome by an extension to the SNCI proposed by the Trust, and this can be taken into account before the Plan is adopted. Even if this is not the case, the modification which I have recommended to ENV43 ensures that newly designated areas are considered under the policy.

3.462 Turning to issue (b), the form of the policy suggested by the objector does not, as the Council argues, meet the advice in PPG12 or CD45 about the distinction between a planning policy and a statement of intent. Although the objector seeks to suggest a wider role for local plans, advice in paragraph 3.7 of PPG12 is that a local plan “sets out detailed policies and specific proposals for the development and use of land, and should guide most day-to-day planning decisions.”. This approach is reinforced in paragraph 3.8 of the PPG, and the suggested policy cannot therefore be included in this Plan. Elsewhere in this report, I have recommended that policies of a similar nature should be deleted for the same reason. I cannot accept the inclusion of TPO action in the policy since, as the Council argues, it is the subject of separate legislation.

RECOMMENDATIONS

- 3.463 A Modify the boundary of SNCI 45 in accordance with advice from Kent Wildlife Trust if the information is available before the Plan is adopted.**
- B Make no other modifications in response to this objection.**
-

ENV44 - Local Nature Reserves

Objection DENV0045 - English Nature

Proposed Change 49

Issue The need for a reference to the use of the Kent Wildlife Habitat Survey in the identification of sites as potential LNRs.

Conclusions

3.464 I support this proposed addition to paragraph 3.132 which overcomes the objection. Although it is not the subject of this objection, the wording of ENV44 is a statement of intent, not a planning policy, and Council does not need a policy to consult English Heritage for it to do so. To be consistent with other recommendations, this policy should be deleted and set out in the text of the Plan.

RECOMMENDATIONS

3.465 A Modify the Plan in accordance with Proposed Change 49.

B Delete ENV44, and set out its intentions in the text.

ENV44 - Local Nature Reserves

The Lilk Valley

Objection DENV0442 - Bearsted Amenity Society

Issue The consideration of an LNR for the Lilk Valley.

Conclusions

3.466 Establishing LNRs is not a land-use planning matter, and therefore should not be included in the Plan.

RECOMMENDATION

3.467 Do not modify the Plan in response to this objection.

ENV45 - Trees in the Countryside

Objection DENV0170 - NFU South East Region

- Issues**
- (a) The need to refer to statutory provisions in the policy.
 - (b) The form and wording of the policy.

Conclusions

3.468 On issue (a) I agree with the Council that a planning policy is not the place to refer to other legislation which can be invoked in its own right, without the need for a policy.

3.469 Issue (b) is not part of the objection, but I must deal with it to be consistent with other recommendations. I find that there are three problems which make ENV45 unacceptable. First, by relating it to “development or tree felling” (my underlining) the policy appears to go beyond the limits of land-use planning and the development control powers of the Council. Second, “will be conserved wherever practicable” is a statement of intent not planning policy. Third, the reference to TPOs is unnecessary since they are the subject of other legislation.

3.470 In the land-use context which this Plan addresses, trees in the countryside are most likely to be affected by development, and it would therefore seem logical to deal with the matter in ENV29 which sets out criteria for development in the countryside. ENV29(8) in Proposed Change 36 deals with landscaping, and could be modified to be more specifically related to trees if the Council thinks that is necessary. This would provide the correct planning focus for the Council’s understandable concern, and does not prevent corporate action being taken outside the scope of the planning powers to which this Plan is limited.

RECOMMENDATIONS

3.471 A Delete ENV45 and paragraph 3.136, and consider modifying ENV29(8) to relate more specifically to trees.

B Do not modify the Plan in response to this objection.

ENV46 - Ancient Woodlands

Objection DENV0093 - Mr F G Wilson

Issue The need for a policy to place TPOs on all Ancient Woodlands.

Conclusions

3.472 The suggested policy would be contrary to the statutory provision that TPOs are only made when it is expedient to do so, and it cannot, therefore, be included in the Plan.

RECOMMENDATION**3.473 Do not modify the Plan in response to this objection.**

ENV46 - Ancient Woodlands

Objections DENV0136 - GOSE
CENV0047 - Croudace Homes

Proposed Change 55

Issue The form and wording of the policy.

Conclusions

3.474 The proposed change has overcome GOSE's objection. However, I support the principle of the objection to the change on behalf of Croudace Homes, since I find the wording lacks clarity. The policy 3.5.3 on page 42 of CD46, in contrast, is very clear, and the Council could also consider applying such a policy to other protected trees.

RECOMMENDATIONS

3.475 A Delete ENV46, and replace it with a policy based on policy 3.5.3 on page 42 of CD46.

B Do not modify the Plan in accordance with Proposed Change 55.

ENV46 - Ancient Woodlands: Cowbeck Woods/Westfield Sole Road

Objection DENV0421 - Twigden Homes

Issue The harm to this ancient woodland created by housing proposed under H2(v) and H9.

Conclusions

3.476 This is an objection to housing development not to ENV46 itself. I have dealt with all the objections to H2(v) and H9 in Chapter 4.

RECOMMENDATION**3.477 Do not modify the Plan in response to this objection.**

Paragraph 3.141 and ENV47 - Protection of Hedgerows

Objection DENV0094 - Mr F G Wilson

Issue The need for a reference to statutory regulations.

Conclusions

3.478 This objection is partly overcome by Proposed Change 56 which I recommend in part below. However, I agree with the Council that the further reference to statutory notices set out in this objection would duplicate other legislation and is unnecessary.

RECOMMENDATION

3.479 Do not modify the Plan in response to this objection.

Paragraph 3.141 - Protection of Hedgerows

Objection DENV0171 - NFU South East Region

Proposed Change 56

Issue The need to update the paragraph to refer to the statutory regulations.

Conclusions

3.480 I agree with this part of the proposed change since it provides necessary updating.

RECOMMENDATION

3.481 Modify the Plan in accordance with Proposed Change 56 so far as it relates to paragraph 3.141.

ENV47 - Protection of Hedgerows

Objection DENV0083 - Bearsted Parish Council

Issue The need to include hedgerows in Bearsted Parish in the policy.

Conclusions

3.482 The Hedgerow Regulations 1997, which will be referred to in paragraph 3.141 in response to Proposed Change 56, will apply within Bearsted Parish, and the Borough Council will be able to use them to protect appropriate hedgerows. There is therefore no need for a further reference in the Plan.

RECOMMENDATION

3.483 Do not modify the Plan in response to this objection.

ENV47 - Protection of Hedgerows

Objection DENV0137 - GOSE

Proposed Change 56

Issue The form and wording of the policy.

Conclusions

3.484 Despite the proposed change I consider that this policy is still a statement of intent, indeed the policy itself uses the word “objective”. The proposed change to ENV47 also refers to the issuing of statutory notices, which is the function of other legislation, and should not be the subject of a policy. This revised wording should be added to paragraph 3.141, as a statement of the Council’s objective. In any case, since the Hedgerow Regulations are separate legislation there is no need for a policy to invoke them, and ENV47 is unnecessary.

RECOMMENDATIONS

3.485 A Delete ENV47.

B Include the wording of ENV47 as it is proposed to be changed within paragraph 3.141.

C Do not modify the Plan in accordance with Proposed Change 56 so far as it relates to ENV47.

ENV48 - Ponds

Objection DENV0138 - GOSE

Proposed Change 57

Issue The form and wording of the policy.

Conclusions

3.486 Even as it is proposed to be changed I do not consider that ENV48 is an acceptable land-use planning policy, meeting the advice in PPG12 and CDs 45 and 46. The phrase “will seek to protect” is unclear. Moreover, the policy introduces “wetlands” without defining them in the text which deals solely with ponds and which, to an extent at least, have been identified by survey.

3.487 Paragraph 3.145 should be modified to make it clear that there is no statutory protection for ponds beyond that given to SSSIs. However, its present wording that the Council cannot protect ponds, if read literally, undermines the policy itself.

RECOMMENDATIONS

3.488 A Delete ENV48 and replace it with :

“POLICY ENV48 DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD LEAD TO THE LOSS OF PONDS OR WHICH WOULD HARM THEIR VISUAL AND WILDLIFE FUNCTIONS.

WHERE THE LOSS OF A POND CANNOT BE AVOIDED A CONDITION WILL BE IMPOSED TO ENSURE THAT A NEW POND IS CREATED.”

B Do not modify the Plan in accordance with Proposed Change 57.

C Modify paragraph 3.145 to clarify the protection which can be given through statute and planning policy.

ENV48 - Ponds

Objection DENV0472 - Environment Agency

Proposed Change 48

Issue The need for a policy dealing with watercourses and their natural banks.

Conclusions

3.489 This objection has been overcome by my recommended modifications to ENV40.

RECOMMENDATION

3.490 Do not modify the Plan in response to this objection.

ENV49 - Roadside Verges**Salts Lane and Linton Road, Loose**

Objection DENV0126 - Loose Parish Council

Issue The need to modify the Plan to take account of verges in these roads.

Conclusions

3.491 In the absence of any objection from Kent Wildlife Trust who identify roadside verges of nature conservation interest, I agree with the Council that the Plan should not be modified at this stage. However, it seems sensible to me for the Council to seek the views of the Trust on these two verges and, if necessary, modify the Plan before it is adopted.

RECOMMENDATION

3.492 Do not modify the Plan in response to this objection, but seek the views of the Kent Wildlife Trust on verges mentioned in the Parish Council's objection before the Plan is adopted.

ENV49 - Roadside Verges

Objection DENV0139 - GOSE

Proposed Change 58

Issue The form and wording of the policy.

Conclusions

3.493 Paragraph 3.146 sets out the background to this policy and the Council's broad aims. However this is not translated clearly and unambiguously into planning policy in ENV49 even as it proposed to be changed. A clear statement of planning policy is also essential to distinguish between the role of Borough Council through its planning decisions taken in the light of the Plan, and the roles of the County Council as Highway Authority and the Wildlife Trust as advisers on management and conservation.

RECOMMENDATIONS

3.494 A Delete ENV49 and replace it with:

“DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD

HARM THE ROADSIDE VERGES DEFINED ON THE PROPOSALS MAP.”

- B Clarify in paragraph 3.146 the different roles of the Borough Council with its planning powers, and the County Council with its highway improvement responsibilities.**

ENV50 - Agricultural Buildings

Objections DENV0059 - MAFF
 DENV0139 - GOSE
 DENV0172 - NFU South East Region
 DENV0375 - Ms C Morgan
 CENV0050 - Kent County Council

Proposed Change 59

Issue The form and wording of the policy.

Conclusions

3.495 The proposed change, by deleting “normally” and rewording criterion (1) in line with advice in PPG7, overcomes much of the first three objections. I note the County Council’s objection to the proposed change to this criterion, but I have not accepted it because the revised wording would reflect the advice in the PPG. Similarly I do not agree with the NFU that the other criteria are more restrictive than PPG7 which does not exclude farm buildings from its general advice in paragraph 2.18 about achieving good quality development which respects the character of the countryside. However, I do not accept Ms Morgan’s objection, since a policy requiring the re-use of local materials would be unduly onerous. Moreover, the words “wherever possible” would make the policy ambiguous.

RECOMMENDATION

- 3.496 Modify the Plan in accordance with Proposed Change 59 apart from the change to criterion (4) with its reference to the use of recycled materials.**

ENV51 - Changing the Use of Buildings in the Countryside

Objections DENV0060 - MAFF
 DENV0141 - GOSE
 DENV0157 - CPRE
 DENV0173 - NFU South East Region
 DENV0456 - Rural Development Commission
 CENV0077 - CPRE

Proposed Change 60**Proposed Further Change 5**

- Issues**
- (a) Whether the Plan fully reflects the advice in PPG7 on the re-use of rural buildings.
 - (b) Whether the Plan's multi-policy approach is appropriate.
 - (c) The form and wording of ENV51.

Conclusions

3.497 Government guidance on the re-use and adaptation of rural buildings is set out in detail in paragraphs 3.14 - 3.17 and Annex G of PPG7. In response, the Plan contains four policies: ENV51 deals with changes of use generally, H33 with changes to residential use, ED20 with changes to commercial uses and ED26 with changes to tourist uses. I have had to consider all these policies in principle in dealing with issue (a), and I make a recommendation here which affects them all. I have considered the detailed wording of the other policies in later chapters.

3.498 On issue (a) my concern partly supports the Rural Development Commission's objection since the Plan does not reflect the difference in priority between re-use for business and residential purposes which emerges very strongly from PPG7. In particular, the more stringent criteria and policy guidance for residential re-use in paragraphs 3.15 - 3.17 are not included. From its response to this objection, it appears that the Council shares this priority, and in my view it should be made explicit in the Plan. This could be corrected by adding wording to one of the existing policies. However, to my mind the difference in priority can be expressed with much greater impact if policies for commercial and residential re-use are placed together in the Plan, where the difference could be explained in the same reasoned justification. This is the approach taken in CD46 with policies 10.2.1 and 10.2.2.

3.499 My recommendation for two policies set out in this way leads me onto issue (b). I consider that the multi-policy approach taken in the Plan is unnecessarily complicated, and this is well illustrated by the example discussed in issue (a). Even if the different priorities between residential and commercial re-use were expressed in the Plan as it is written at present, the impact would be lost, and readers would have to look in several places to complete the picture. Moreover, there is repetition between ENV51 and the other policies which can be avoided by the approach taken in CD46. For example, ENV51(2) and ED20(3)(F); and ENV51(4) and ED20(3)(C) and (D).

3.500 I turn now to issue (c) and my concerns about the wording of ENV51. I support the proposed change and its deletion of "normally". The changes to the final section of the policy are an improvement in some ways, since future proposals should be considered on their own merits against policies and circumstances prevailing when applications are made. I do not therefore support CPRE's objections which seek to pre-judge such applications. However, this change adds another example of cross-referencing between policies which is contrary to

the advice on page 17 of CD46 and is itself unacceptable.

3.501 ENV51(1) and (2) both use the phrase “where appropriate” which makes them ambiguous. In any case, neither of these matters needs to be included in a policy for the Council to take action, and in my view they would be better set out in the supporting text. Moreover, the meaning of the phrase “a location unsuitable for permanent buildings” in criterion (3) is wholly unclear to me.

3.502 The use of the example policies in CD46 which I recommend overcomes all the problems identified in these issues: they follow PPG7 very closely; they set out the criteria fully but succinctly, and they follow best practice advice. ED26 which deals with tourist uses can be accommodated in 10.2.1 by the addition of “tourism” in its preamble.

RECOMMENDATIONS

- 3.503 A Delete ENV51, H33, ED20, ED26 and their supporting text.**
- B Replace them in this Chapter with two policies following examples in CD46 and appropriate reasoned justification:**
- ENV51: commercial re-use based on policy 10.2.1 on page 120; and**
- ENV51(A): residential re-use based on policy 10.2.2 on page 121.**
- C Do not modify the Plan in accordance with Proposed Change 60 and Proposed Further Change 5.**

ENV52 - Equestrian Development

Objections DENV0046 - English Nature
DENV0200 - Kent Wildlife Trust

Proposed Change 61

Issue The need for the policy to protect nature conservation interests.

Conclusions

3.504 I agree with this proposed change which meets these objections.

RECOMMENDATION

3.505 Modify the Plan in accordance with Proposed Change 61.

ENV52 and paragraph 3.155 - Equestrian Development

Objection DENV0095 - Mr F G Wilson

Issue The need for a specific reference to training facilities for race horses.

Conclusions

3.506 I agree with the Council that training facilities would be covered by the policy which includes commercial stables, and a specific reference is therefore not needed.

RECOMMENDATION

3.507 Do not modify the Plan in response to this objection.

ENV53 - Golf Courses

Objections DENV0061 - MAFF
DENV0376 - Ms C Morgan
DENV0403 - English Heritage

Proposed Change 62

Issue The need for the policy to protect:

- (a) the best and most versatile agricultural land; and
- (b) sites of archaeological interest and parks and gardens of special historic interest.

Conclusions

3.508 The Proposed Change overcomes the objections from MAFF and English Heritage and I support it. Ms Morgan's objection, that watering of golf courses should be by water from sewage treatment works, is not a land-use matter and cannot therefore be included in the Plan.

3.509 To be consistent with earlier recommendations the final part of the policy should be deleted since it refers to SPG contrary to the advice in PPG12. This reference should, however, be included in the supporting text.

RECOMMENDATIONS

3.510 A Modify the Plan in accordance with Proposed Change 62.

B Delete the final part of the policy “SUCH DEVELOPMENT ... BOROUGH COUNCIL.”

C Make no other modifications in response to these objections.

ENV54 - Telecommunications

Objections DENV0001 - Orange Personal Communications
 DENV0002 - Orange Personal Communications
 DENV0024 - Vodafone Ltd
 DENV0054 - British Telecommunications PLC

Proposed Change 63

Issues

- (a) The need to distinguish between development requiring planning permission and permitted development.
- (b) The deletion of criterion (1) as contrary to PPG8 *Telecommunications*.
- (c) The need to amend criteria (2) and (3) for greater flexibility.

Conclusions

3.511 Dealing with issue (a), Proposed Change 63 clarifies the application of the policy and I support it.

3.512 On issue (b), I agree with the objectors that, intentionally or not, this criterion appears to be in direct conflict with the advice in paragraph 6 of PPG8 that local authorities should not question the need for a service. For this reason alone the criterion should be deleted in its present form. The Council’s response points to paragraph 26 of the PPG that the significance of the proposed development to a national network is a material consideration. In the light of clear Government guidance and because it is a material consideration, however, there is no need for it to be included as a criterion in the Plan.

3.513 Turning to issue (c), the advice in paragraph 27 and 28 of PPG8 encourages mast sharing “where practicable”. This objection could be overcome, and national advice could be more closely reflected, by inserting “practical” in front of “possibility” in both criteria.

RECOMMENDATIONS

3.514 A Modify the Plan in accordance with Proposed Change 63.

B Delete criterion (1).

-
- C** Insert “PRACTICAL” in front of “POSSIBILITY” in line 1 of criteria (2) and (3).
-

ENV54 - Telecommunications

Objection DENV0158 - CPRE

Issue The need for an additional criterion to ensure the removal of redundant equipment.

Conclusions

3.515 I agree with the Council that the reference in paragraph 3.159 to the imposition of a planning condition deals with this matter in an appropriate way since the imposition of such a condition does not require a local plan policy.

RECOMMENDATION

3.516 Do not modify the Plan in response to this objection.

ENV54 - Telecommunications

Objection DENV0377 - Ms C Morgan

Issue The need for a criterion dealing with the health effects of radio wave radiation.

Conclusions

3.517 There is advice on this issue and development plans in paragraphs 13 – 19 of a consultation draft of a DETR circular entitled *Land Use Planning and Electromagnetic Fields (EMFs)* issued on 8 December 1998. As a draft circular the weight that can be attached to it is very limited. However, it seems to me that the Plan follows the advice that it contains.

RECOMMENDATION

3.518 Do not modify the Plan in response to this objection.

Paragraph 3.161 and ENV55 - Floodlighting

Objection DENV0089 - English Sports Council S.E.

Proposed Change 64

Issue The recognition of the benefits of flood lighting to sports facilities.

Conclusions

3.519 I agree with this proposed change which overcomes the objection.

RECOMMENDATION

3.520 Modify the Plan in accordance with Proposed Change 64.

ENV55 - External Lighting

Objection DENV0159 - CPRE
Issue The need to add a reference to roadway and external lighting.

Conclusions

3.521 The first sentence of ENV55 is a statement of intent, not policy, and should be set out only in the text. The second sentence is unnecessary in a policy since the submission of information with planning applications is covered by other legislation, although it could be included in the supporting text. I therefore do not accept this objection, although I agree with the Council's response that such matters would have been covered by the policy in its original form. They will be covered in the text if my recommendation is accepted.

RECOMMENDATIONS

3.522 A Delete "The BOROUGH COUNCIL... PLANNING APPLICATION."

B Do not modify the Plan in response to this objection.

Paragraphs 3.167 and 3.168 - Environmental Appraisal

Objections DENV0533 - Tovil Parish Council
 DENV0534 - Tovil Parish Council

Proposed Change 65

Issue The need for references to the social environment and its improvement.

Conclusions

3.523 I agree with this proposed change, which reflects advice in PPG12.

RECOMMENDATION

3.524 **Modify the Plan in accordance with Proposed Change 65.**

Paragraph 3.171 - Monitoring

Objections DENV0047 - English Nature
DENV0204 - Kent Wildlife Trust

Issue The need for indicators which test the effectiveness of the policies.

Conclusions

3.525 It does not seem to me that compiling lists of the amount or number of things as set out in paragraph 3.171 is, in itself, a helpful way of monitoring the effect of the Plan's policies. This is particularly so when many items on this list, such as Listed Buildings or Scheduled Ancient Monuments which are listed or scheduled wholly independently of the Plan, do not rely on those policies for their existence. They may rely on the protection afforded by the policies for their continued existence, but even here loss or damage to an SNCI or SSSI may occur through action which is not "development" and therefore not covered by a land-use plan with its specific statutory basis. The effectiveness of a policy protecting Listed Buildings is not monitored against the number of those buildings, but against the number of applications for demolition which have been successfully resisted. This is hinted at in paragraph 3.172, but should be central to this section of the Plan.

RECOMMENDATION

3.526 Delete paragraphs 3.171 and 3.172 and replace them with a refined list of indicators aimed at matters which are directly related to policies in the Plan, and making clear the way in which they will be used in monitoring the effectiveness of those policies.

New Policy: ENV56 and paragraphs 3.173 - 3.174 - Protection of the Floodplain

Objections DENV0461 - The Environment Agency
CENV0004 - The Environment agency
CENV0070 - Boxley Parish Council

Proposed Change 66

Proposed Further Change 6

Issue The need for a policy to protect flood plains.

Conclusions

3.527 The proposed changes overcome the Environment Agency's objections and I support them. I agree with the Borough Council that the new policy would protect the flood plain of concern to the Parish Council without the specific reference which is sought.

RECOMMENDATIONS

3.528 A Modify the Plan in accordance with Proposed Change 66 and Proposed Further Change 6.

B Make no other modifications in response to these objections.

New Policy: ENV57 and paragraph 3.175 - Surface Water Run-off

Objections DENV0462 - Environment Agency
 CENV0010 - GOSE

Proposed Change 67**Proposed Further Change 7**

Issue The need for a policy to control surface water run-off.

Conclusions

3.529 I agree with the need for the policy, but even with the proposed further change it is worded as a statement of intent. However there are example policies on page 50 of CD46 which overcome this problem.

RECOMMENDATIONS

3.530 A Modify the Plan in accordance with Proposed Change 67 only in relation to paragraph 3.175.

B After paragraph 3.175 insert a new policy ENV57 based on policies 3.9.4 or 3.9.5 on page 50 of CD46.

New Policy: ENV58 and paragraph 3.176 - Contaminated Land

Objection DENV0464 - Environment Agency

Proposed Change 68

Issue The need for a policy dealing with development on contaminated land.

Conclusions

3.531 I agree with the need for a policy, and the proposed change overcomes the objection. However, I prefer the wording of policy 3.12.2 on page 55 of CD46 since, as a planning policy should, it makes clear the circumstances in which development will not be permitted. This phrase is crucially missing from the proposed change which, as a result, reads as a statement of intent.

RECOMMENDATIONS

3.532 A **Modify the Plan in accordance with Proposed Change 68 only in relation to paragraph 3.176.**

B **After paragraph 3.176 insert a new policy ENV58 based on policy 3.12.2 on page 55 of CD46.**

New policy: ENV59 and paragraph 3.177 - Energy Conservation

Objection DENV0346 - Ms C Morgan

Proposed Change 69

Issue The need for a policy dealing with energy conservation.

Conclusions

3.533 Whilst I acknowledge the importance of energy conservation as part of achieving sustainable development the proposed policy is a statement of intent not a land-use planning policy, and in accordance with the advice in paragraph 4.29 of CD45 should be deleted in its present form. Moreover, it introduces “construction” which, whilst essential in energy conservation, is not a matter for planning legislation. Finally, the words “optimize reduction” are undefined and probably unmeasurable, in which case it is difficult to see how the policy could be used in practice, for example in analysing submitted housing layouts for their energy conservation properties, and determining whether they are acceptable or not

3.534 In these circumstances, unless proposed ENV59 can be recast as a planning policy, the Plan should rely on Strategic Objective 1 for its broad statement of intent. However, this does not prevent the Council from adopting corporate policies for energy conservation.

RECOMMENDATION

3.535 Do not modify the Plan in response to this objection or in accordance with Proposed Change 69.

New Policy - Protected Species

Objections DENV0048 - English Nature
DENV0201 - Kent Wildlife Trust

Issue The need for a policy to deal with protected species.

Conclusions

3.536 I agree with the Council that protected species are dealt with under other legislation which should not be duplicated in the Plan.

RECOMMENDATION

3.537 Do not modify the Plan in response to these objections.

New Policy - Infilling at Bearsted

Objection DENV0080 - Bearsted Parish Council

Issue The need for a policy to protect Bearsted from the effects of infilling and new development.

Conclusions

3.538 I note the Parish Council's concerns, but I agree with the Borough Council that ENV3, as I have recommended it should be modified, will provide the protection for Bearsted and other villages in the Borough. For this reason, a separate policy would unnecessarily duplicate ENV3.

RECOMMENDATION

3.539 Do not modify the Plan in response to this objection.

New Policy - Water Resources

Objections DENV0202 - Kent Wildlife Trust
DENV0463 - The Environment Agency

Issue The need for policy to protect water resources.

Conclusions

3.540 I agree with the Council that, since this matter is dealt with in policies NR1, NR3 and NR4 of the Structure Plan, there is no need to repeat it in this Plan.

RECOMMENDATION

3.541 Do not modify the Plan in response to these objections.

New Policy - Cycleways

Objections DENV0363 - Ms C Morgan
 DENV0364 - Ms C Morgan
 DENV0504 - Disabled Persons Liaison Committee
 DENV0505 - Disabled Persons Liaison Committee

Issue The need for a policy to construct a network of cycleways.

Conclusions

3.542 Construction of cycleways is not a planning matter and should not therefore be the subject of a policy. The lack of a policy does not, of course, prevent the Council from acting under other powers to achieve the end sought by these objections. The objectors' second objection deals with a form of cycling in Mote Park which is a wholly management matter for the Council and should not be the subject of a policy.

RECOMMENDATION

3.543 Do not modify the Plan in response to these objections.

New Policy - Recycling

Objection DENV0379 - Ms C Morgan

Issue The need for a policy making provision for recycling of waste.

Conclusions

3.544 The separation of materials for recycling is not a land-use planning issue which can be included in the Plan.

RECOMMENDATION

3.545 Do not modify the Plan in response to this objection.

New Policy - Clay Pigeon Shooting, Vehicle Scrambling, War Games

Objection DENV0448 - Dr F Simpson, Member, Kent County Council

Issue The need for policies to control these activities.

Conclusions

3.546 I agree with the Council that ENV29 would give sufficient control of these activities without the need for separate policies which would duplicate its provisions.

RECOMMENDATION**3.547 Do not modify the Plan in response to this objection.**

New Policy - Integrating New Development into the Community

Objection DENV0531 - Tovil Parish Council

Issue The need for a policy dealing with social integration.

Conclusions

3.548 This objection goes far beyond the advice in PPG12 about dealing with social issues in local plans.

RECOMMENDATION**3.549 Do not modify the Plan in response to this objection.**

CHAPTER 4 HOUSING
New paragraph 4.7 - Local Context

Objection DH0651 - Tovil Parish Council

Issue The need for a reference to an enhanced quality of life as a principal objective of the Plan.

Conclusions

4.1 I have discussed the general need for objectives, and the different levels at which they should be stated, when dealing with objections to ENV1 in Chapter 3, and housing objectives in paragraphs 4.6 – 4.8 below. In my view, the modification sought by the Parish Council is a strategic objective, not specifically related to housing, and I am satisfied that it is covered by the Strategic Objectives set out in Chapter 2.

RECOMMENDATION**4.2 Do not modify the Plan in response to this objection.**

Paragraph 4.9 - Local Context

Objection DH0652 - Tovil Parish Council

Proposed Change 71

Issue The need to assess the impact of new housing on communities in social and infrastructure terms.

Conclusions

4.3 In paragraph 3.1 I deal with the limitations set on social considerations in the Plan by its statutory land-use basis. ENV3 as I have proposed that it should be modified will allow the impact of new development to be assessed in physical terms. ENV23 and ENV24 will protect existing open spaces, and all three have a social dimension in that they contribute to the quality of the environment. However, given the limitations, I am satisfied that paragraph 4.9 sets out the position clearly and should not be modified.

RECOMMENDATIONS

4.4 Do not modify the Plan in response to this objection or Proposed Change 71.

Paragraph 4.13 - Aims and Objectives

Objection DH0653 - Tovil Parish Council

Proposed Change 73

H1(5) - Aims and Objectives

Objection DH0654 - Tovil Parish Council

Proposed Change 74

- Issues**
- (a) The form and wording of H1.
 - (b) The need to refer to the protection of communities, as well as built-up areas, and to assess the impact of new development in social terms.

Conclusions

4.5 I have dealt with these objections together since they seek essentially the same modifications, the first to the text and the second to H1. They are also closely related to the Parish Council's previous objection DH0652.

4.6 I have cast issue (a) widely because it is essential to resolve it to be able to deal properly with this and other objections by the Parish Council relating to community needs. I must also be consistent with my recommendations on ENV1. H1 is clearly a statement of objectives, and it is contrary to advice in CD45 and CD46 to set it out as a policy. I have discussed this fully in Chapter 3 when dealing with ENV1 and exactly the same principles apply.

4.7 In this case, I broadly support the content of H1, its position in the hierarchy of Strategic Objectives, Objectives and Policies, and the links which can be seen between H1 and the policies through which it will be implemented. For this reason, although it uses different names, H1 fits well with the diagram on page 39 of CD45 and, apart from a modification to H1(1) below, I have recommended that it should be retained but set out as objectives not policy. If this recommendation is accepted it could not be numbered H1(1) - (6), but I have used this numbering for convenience in this report.

4.8 I have already dealt with issue (b) as far as the limitations on the inclusion of social issues is concerned in responding to the Parish Council's previous objection, and the same arguments

apply in this case. In paragraph 3.11 I point out the importance of the links between objectives and the policies which will implement them. In this case it is possible to see these links between H1(5) as presently written and policies such as ENV3 which will implement it. This would not be the case if I agreed to this objection. Given the limitations on the Plan in considering social matters, there are quite rightly no policies which would protect the character of “communities” as distinct from their environment.

RECOMMENDATION

4.9 A Subject to recommendation 4.15 below, retain H1 rewritten as Housing Objectives.

B Do not modify the Plan in response to these objections or in accordance with Proposed Changes 73 and 74.

H1 - Aims and Objectives

Objection DH0060 - Ward Homes

Issues (a) The need to up-date the base information to 1996.
(b) The need for a 10% contingency for housing land.

Conclusions

4.10 Neither of these issues is relevant to this part of the Plan which sets out housing objectives. However, they are relevant to the question of housing land availability and I deal with them below.

RECOMMENDATION

4.11 Do not modify the Plan in response to this objection.

H1 - Aims and Objectives

Objection DH0103 - Charles Church Developments Ltd

Issues (a) The need to up-date the base information to 1996.
(b) The need to extend the Plan period to 2011.

Conclusions

4.12 I have dealt with (a) in paragraph 4.41 and (b) in paragraphs 1.1 and 4.44.

RECOMMENDATION

4.13 Do not modify the Plan in response to this objection.

H1 - Aims and Objectives

Objections DH0113 - Barton Willmore Planning Partnership
 DH0124 - The House Builders Federation
 DH0134 - Westwood Estates Ltd

Issue The need to refer to maintaining a 5 years supply of housing.

Conclusions

4.14 I agree with the Council that specific reference to a 5-year supply is unnecessarily detailed for a housing objective. However, paragraph 24 of PPG1 refers to continuity of supply as well as adequacy, and I have recommended a modification to H1(1) accordingly. The modification also takes into account the County Council's objection which I deal with in paragraph 4.33.

RECOMMENDATION

4.15 Delete H1(1) and replace it with:

“To ensure an adequate and continuous supply of housing land to meet strategic housing requirements.”

H1 - Aims and Objectives

Objection DH0139 - D R Sinclair

Issue The need to recognise the value of transport corridors and to allocate land for housing accordingly.

Conclusions

4.16 H1(3) would ensure that housing is located according to sustainable principles, and I agree that transport is important in this respect. However, there are other aspects of sustainability which must also be taken into account, such as the protection of high quality farmland, areas of

high landscape value and the countryside generally. To ensure that sustainability principles are met, land must be allocated by balancing all these factors, rather than giving absolute priority to one. Whilst I acknowledge the transport difficulties in the Borough, I cannot support the objector's argument about the location of development near railway stations such as Lenham, Headcorn or Barming, because of conflict with the other sustainability principles which I have mentioned.

RECOMMENDATION

4.17 Do not modify the Plan in response to this objection.

H1 - Aims and Objectives

Objections DH0196 - Bryant Homes Technical Services Ltd.
DH0205 - David Wilson Homes

Issues (a) The need to extend the Plan Period to 2011.
(b) The need for an objective to ensure a supply of land at all times.

Conclusions

4.18 I have dealt with (a) in paragraphs 1.1 and 4.44, and with (b) by my recommendation in paragraph 4.15.

RECOMMENDATION

4.19 Do not modify the Plan in response to these objections.

H1 - Aims and Objectives

Objection DH0266 - Tovil Parish Council

Issues (a) The need to modify H1(4) to seek new services, facilities and support for existing communities following new development.
(b) The need for a new objective to ensure that new housing is appropriate to the community.
(c) The need for a new objective to ensure that affordable housing is dispersed wherever possible.

Conclusions

4.20 Dealing with issue (a), I agree with the Borough Council that H1(4) reflects Government advice that new development can only be required through the planning system to meet the needs it creates, not to make good existing shortfalls. I do not, therefore, support this part of the objection.

4.21 On issue (b), I am satisfied that H1(2), supported by policies such as ENV3 of this Plan and ENV15 of the Structure Plan, will ensure that new housing development is appropriate in the land-use terms to which this Plan is limited.

4.22 Turning to issue (c), I agree with the Council that the application of H20 will lead to a dispersed pattern of affordable housing, since all sites of an appropriate size are likely to include an element of such housing. I therefore see no reason to add this as an objective.

RECOMMENDATION

4.23 Do not modify the Plan in response to this objection.

H1 - Aims and Objectives

Objections DH0018 - Kitewood Estates (Issue (b) only)
DH0301 - George Wimpey Plc

Issues

- (a) The need for a reference to a 5-year supply of housing land.
- (b) The need to up-date the base information.
- (c) The need to reduce the allowance for small and windfall sites.

Conclusions

4.24 I have dealt with (a) in paragraph 4.15 and, since they are relevant to the calculation of housing land supply, with (b) and (c) below.

RECOMMENDATION

4.25 Do not modify the Plan in response to these objections.

There are three objections with reference DH0018: this one; a second in paragraphs 4.415 – 4.420; and a third in paragraphs 4.435 – 4.441.

H1 - Aims and Objectives

Objections	DH0317 - Mr M R Filmer DH0522 - Croudace Homes
Issue	Whether the Plan makes adequate provision for housing.

Conclusions

4.26 I deal fully with the adequacy of the Plan's housing land provision below.

RECOMMENDATION

4.27 Do not modify the Plan in response to these objections.

H1 - Aims and Objectives

Objection	DH0559 - Disabled Persons Liaison Committee
Issue	The need for an objective to ensure that all housing is accessible to wheelchairs at ground floor level.

Conclusions

4.28 In paragraph 3.11 I describe the importance of the link between an objective, as a broad statement of intent, and a planning policy to put that intent into practice. In this case, H1(2) is the objective and H22 the relevant policy to implement the part of it which is of concern to these objectors. There are clearly difficulties with H22, and the Liaison Committee's objection to it, and I deal with them in paragraphs 4.885 – 4.888. For this part of the Plan, however, I see no reason to modify H1(2) as a statement of the objective of meeting a range of housing needs.

RECOMMENDATION

4.29 Do not modify the Plan in response to this objection.

H1 - Aims and Objectives

Objection	DH0215 - Ms C Morgan
Issue	The need to replace "housing" with "dwellings".

Conclusions

4.30 I am satisfied that in this part of the Plan “housing” will clearly be understood in its broader meaning, rather than literally as to provide a house but no other form of dwelling.

RECOMMENDATION

4.31 Do not modify the Plan in response to this objection.

H1(1), paragraphs 4.1 and 4.10 - Aims and Objectives

Objection DH0253 - Kent County Council

Proposed Changes 70, 72 and 74

Issue The need to refer to strategic housing quantities, not guidelines.

Conclusions

4.32 I support Proposed Changes 70 and 72, and Proposed Change 74 so far as it relates to H1(1). I consider that these changes overcome this objection, although they do not use the specific word suggested by the County Council.

RECOMMENDATION

4.33 Modify the Plan in accordance with Proposed Changes 70 and 72, and Proposed Change 74 as far it relates to H1(1).

H1 - Aims and Objectives

New paragraphs 4.14 and 4.15

Objection DH0267 - Tovil Parish Council

Issues

- (a) The need to refer to the provision of low density housing in appropriate circumstances.
- (b) The need for policies to deal with social cohesion and to deter transient populations.

Conclusions

4.34 On issue (a), H1(5) is an acceptable housing objective which allows the consideration of density. It is linked to ENV3(1), as I have recommended that it be modified, as the policy through which the objective will be implemented. The density of each scheme will be considered against this policy in the light of local circumstances when applications are made, and I am satisfied that the Council would have powers to refuse a scheme of unacceptably high density. I therefore do not support this objection, since the Plan already includes a mechanism to deal with the Parish Council's concerns. Moreover, paragraph 4.32 explains that the use of the guideline figure of 25 dwellings per hectare is limited to estimating the yield from allocated sites. It is clear, therefore, that this does not prejudge the consideration of density when applications are made.

4.35 On issue (b), I agree with the Borough Council that neither of these matters is land-use based, and such policies could not, therefore, be included in the Plan.

RECOMMENDATION

4.36 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Loss of Agricultural Land

Objection DH0072 - Headcorn Parish Council

Issue Whether the loss of the best and most versatile agricultural land for new housing in the Borough is acceptable.

Conclusions

4.37 I accept that some of the sites allocated for housing under H2 are within the category of best and most versatile land which PPG7 seeks to protect. I have considered objections to some of the sites individually, but I accept this loss in principle in the light of advice in paragraph 2.18 of the PPG. In this context, I am satisfied that meeting the Structure Plan housing requirements constitutes an overriding need and, from what I heard throughout the inquiry, that land of lower quality is not available.

RECOMMENDATION

4.38 Do not modify the Plan in response to this objection.

I have dealt with this objection here since it is District-wide, although it accompanied a

supporting representation which applied only to Headcorn.

Paragraphs 4.14 - 4.35 and H2

Calculation of Housing Land Supply and Housing Land Allocations

Objections

DH0104 - Charles Church Developments Ltd
 DH0013 - Paynes Stores Ltd
 DH0114 - Barton Willmore Planning Partnership
 DH0115 - Barton Willmore Planning Partnership
 DH0019 - Kitewood Estates Ltd
 DH0125 - The House Builders Federation
 DH0126 - The House Builders Federation

DH0127 - The Housebuilders Federation
 DH0198 - Bryant Homes Technical Services Ltd.
 DH0206 - David Wilson Homes
 DH0295 - George Wimpey Plc
 DH0523 - Croudace Homes
 DH0540 - Wards Construction (Medway) Ltd
 DH0575 - Bryant Homes Technical Services Ltd

- Issues**
- (a) The need to extend the Plan period to 2011.
 - (b) Whether the Plan can proceed on the basis of an identified deficit in housing land provision.
 - (c) Whether enough land for housing is provided to meet the Structure Plan requirement.

Background

4.39 In dealing with the objections to housing numbers and housing sites in this Chapter I have considered first housing land provision; then objections to allocated sites; and finally objections to sites not allocated. I have reached conclusions and made recommendations at each stage, and set out interim housing land position statements at the end of each section before setting out a final conclusion in Table 4 and paragraph 4.700.

4.40 I have set out my conclusions for the whole Plan period 1991 - 2006 only since by the time this Plan is adopted the first half of the period, 1996 - 2001, will be nearly over. The adopted Plan should show figures for the first period, but they should be the most up-to-date figures available. In any case, given this time-scale, any figures which I recommend would have very limited policy value. I return to this point in paragraph 4.704 when dealing with objections to H3 and the phasing of housing development.

4.41 This section of my report covers the matters discussed at the Housing Round Table session of the inquiry, and the issues closely reflect the agenda for that day. I have used the

figures and site identification numbers from Appendix 1 of the Council's Housing Topic Paper (CD9) to up-date figures in the Plan for sites included in H2, and for those large sites with outstanding planning permission which are listed in paragraph 4.17 of the Plan. Table 1 after paragraph 4.34 of the Plan has also been up-dated: there is a revised version after paragraph 2.8 in Appendix 1 of CD9, but it was further revised after the Round Table session and is shown as Table 2 of the Notes of the session. It seems to me that the use of this updated material, and my recommendation G below, overcome objections to the base data for housing land supply which I refer to earlier in this Chapter.

4.42 The difference of 46 units between the Council's figures in Tables 1 and 2 is accounted for in Section 3 of the Notes as the different yield from sites with planning permission. I acknowledge the Council's view that the yield from such sites could go up as well as down, but I have used these figures as they are the most up-to-date available.

4.43 Before the inquiry opened I raised several questions with the Council which were sent to all those taking part in the Round Table session with the Council's responses (CD50). I have referred later to the footnotes to Table 1 in this document, which set out in detail the Council's methodology and sources.

Issue (a) The Plan Period

4.44 I have dealt with this matter in Chapter 1. I found that the present plan period is acceptable since it meets the advice in paragraph 5.12 of PPG12 in covering 10 years. I accept that about half of that period is likely to have been completed before the Plan is adopted, but any problems which this creates can be overcome by an early review. I therefore do not support this part of the objections.

Issue (b) Deficit

4.45 I can find no support in Government guidance for the Plan to be prepared on the basis of a deficit in housing land provision as the Council proposes (CD9, Appendix 1, page (iii), Table 1). The Council argued that the deficit may be made good by the development of sites at Lockmeadow and Beaconsfield Road, Tovil, but these sites are not identified as available and included H2. I cannot accept that this approach in any way reflects the advice in paragraph 45 of PPG3: "It is important that sufficient land is genuinely available in practical terms to enable the policies and proposals in approved structure plans and adopted local plans to be carried forward."

4.46 As some objectors pointed out, this position is made more untenable because policy H1 of the Structure Plan says that the provision made for the three periods of that Plan is cumulative, and that any shortfall from earlier periods will be rolled forward to later periods. The Local Plan cannot, therefore, be prepared on the basis of a deficit in provision to be made good by the development of sites which are not identified in the Plan as genuinely available.

Issue (c) Adequacy of housing provision**Large sites with planning permission**

The Roman numerals are from the list after paragraph 2.2, Appendix 1, CD9.

4.47 Two main arguments were raised against the Council's provision from these sites: the yield from specific sites; and the need for a discount to reflect non-implementation.

4.48 Dealing with the first argument, the Council has deleted two sites from the list in paragraph 4.17 of the Plan, and consequently reduced the total number by 18 units (CD9, Appendix 1, paragraph 1.3). This reduction is thus allowed for in all the figures. At the Round Table session the Council agreed a further reduction in yield from these sites of 46 units, with the proviso which I acknowledge in paragraph 4.42. Other sites, however, remain in dispute:

(iv) Loose Road: Kent Fire Training Centre

The Council accepted a lower yield from this site, 66 as opposed to 88 units, and this is included in the figure of 46 discussed above. However, the Council did not accept that, because it was reportedly sold to Tesco, the site would not be developed for housing at all. I have seen no direct evidence to convince me that this site could not be developed for housing during the Plan period, and I therefore propose to retain it, but with the lower yield. However, the argument raised by the HBF and others has contributed to my recommendation that there should be an allowance made for non-implementation of these sites and I discuss this in more detail in paragraph 4.51.

(xi) Linton Hospital, Heath Road, Coxheath

I heard about this site on several occasions during the inquiry, and I understand that there is a problem of relocating a use associated with the former Hospital. I heard nothing, however, to convince me that this could not be achieved within the Plan period and I have therefore retained this site.

(xiv) Ashford Road/Square Hill Road, Maidstone

I accept the HBF's argument for a reduction from 70 to 62 units to reflect the development which is taking place. It appears from what was said at the inquiry that there may be additional units on the site, but I agree that they would more accurately be defined as "windfall" at this stage.

(xxviii) Commercial Centre, Postley Road, Maidstone

This site is in commercial use. I have retained it, but only on the basis of the discount for

non-implementation which I discuss below.

(xxix) Teston Garage, Tonbridge Road, Teston

This is a small site still in commercial use, but I have retained it on the same basis as the Commercial Centre.

(xxxii) St Luke's Road, Maidstone

There are clearly options open to the owners of this site, since I heard that there are two planning permissions, one for six units and another for a flat and meeting room. Since it is a small site I have retained it, on the basis of the discount for non-implementation.

4.49 In all, therefore, I consider that the Council's original estimate of yield from these sites should be reduced by 54 units, the 46 mentioned in paragraph 4.42 and 8 reflecting changes on site (xiv) above.

4.50 Turning to the second argument, it is clear from the discussion above that there must be some discount for the non-implementation of these sites. The Council argued that this was achieved through the 50% discount which it makes on windfall sites which I deal with below. It seems to me, however, that it would be more satisfactory to identify a discount for each element in turn, rather than to apply the discount for one element across the board. This should also avoid the danger of under-estimating the amount of discount.

4.51 In these circumstances, I have applied a discount of 10% to these sites which was argued for by many of the objectors and which stems from advice in a report published by Roger Tym and Partners. To my mind this approach meets the advice in paragraph 8, Annex B of PPG3, since it allows for the difficulty of assessing the marketability of individual sites, whilst not excluding them simply because they are not owned or controlled by developers at present.

4.52 With the reduction in yield from these sites, and this discount for non-implementation, the provision from these sites would be 581 units.

Small unidentified sites

4.53 The principal argument here was that the estimated number of these sites should be reduced to allow for the impact of stricter policies, particularly following PPG3 and advice about town cramming, and to allow for the flow of sites to slow down as the most obvious are developed. In response to questions from me before the inquiry opened, the Council confirmed that the estimate of 954 units coming forward in this category between 1991 - 2006 was based on the annual average of completions on such sites between 1992 - 1997 (CD50, page 3, footnote 4).

4.54 On the first argument, I agree with the Council that the policies in this Plan are no stricter than in previous Plans which applied during the 5 years on which this average is based.

Moreover I see no reason why development should be more difficult to achieve contrary to the HBF's argument. I have noted the examples of other local plans which were drawn to my attention but I have dealt with these objections on their own merit in the light of circumstances in Maidstone, which are not necessarily comparable with these other areas.

4.55 On the second argument, there is no evidence of the supply of small sites reducing for either of the reasons given by the objectors, and the Council supported this with evidence of completions submitted at the inquiry. I can understand the objectors' argument that, logically, the number of these sites coming forward must reduce since they are a finite resource. However, since there is no evidence of this reduction I have not taken it into account and have kept unchanged the Council's estimate of 954 units.

Windfall Sites

4.56 These are the unidentified sites of between 0.4ha and 1.0ha, and the Council's method of calculating the supply is set out in CD50 in the footnotes to Table 1. The starting point is the average of net planning permissions granted over the past 5 years, which is then discounted by 50% to allow for non-implementation of all categories of site. A further discount of 12 months is also made for this category only, to take account of slippage in implementation.

4.57 The first argument against this approach was that the normal practice in Kent is to allow for an 18 month discount for slippage, and that there are no specific circumstances in Maidstone to justify the shorter period. The County Council representatives at the inquiry confirmed that they had supported an 18 month period at the Canterbury local plan inquiry, and I heard no evidence from the Borough Council to justify the shorter period. Certainly, 18 months seems more realistic on sites where planning obligations would be required.

4.58 Applying this figure over the 9 year period 1997 - 2006 reduces the yield from 356, as estimated by the Council, to 334.

4.59 The second argument was that a further reduction should be made over the second half of the Plan period to reflect the increasing constraints on these sites. It seems to me, however, that with the initial 50% discount which would now apply only to this category, the 18 month slippage period, and the separate 10% discount that I have recommended for large sites with planning permission, there is no need for a further discount.

Local Plan allocations

The Roman numerals are from the revised H2 in Appendix 1, CD9.

4.60 The yield from several sites was questioned at the inquiry:

(iv) Pested Bars Road, Boughton Monchelsea

Although planning permission has been granted only for 150 units at this stage, I have heard nothing to convince me that the archaeological interest of this site will preclude permission for the remaining 90 units during the Plan period. I have therefore retained 240 units for this site.

(v) Land at Westfield Sole Road, Lordswood, Boxley

I have recommended the deletion of this site on its planning merits in paragraph 4.183, but I heard nothing at the inquiry to convince me that the yield was likely to be less than that estimated by the Council. At this interim stage, therefore I have retained the site in Table 1 below.

(vii) Land at Tovil Hill, Tovil

From site inspections since the inquiry it is apparent that a volume house builder is developing this site. I have therefore retained it.

(ix) Baileys Garage, Ashford Road, Harrietsham

This is a small site with a yield of 5 units, in commercial use and adjoining newly built houses. At the inquiry I heard that the developers of the adjoining houses had tried unsuccessfully to acquire the site, and I have seen that it is now somewhat constrained by the new housing, as was also argued at the inquiry. I acknowledge the Council's argument that the owners had asked for it to be included in the Plan but, given its limited size and the uncertainty about its future development, I consider that it should be deleted as an allocation with a consequent **reduction of 5 units**. If development takes place in the future it would be treated as a windfall site.

(xiii) Oakwood Hospital, Queens Road, Maidstone

At the inquiry the HBF argued that development on this site had been slower than envisaged, and I find that this is reflected by the figures in the versions of H2 in the Plan and CD9. The total number of units remains 624, but in CD9 123 less units are shown in the first phase, and the same number has been added to the second phase.

This is a large site, much of which has yet to be put on the market, and where the present development includes the conversion of large former hospital buildings. I have heard no detailed evidence of phasing, but in these circumstances it seems to me to be unrealistic to assume that a slippage of about 120 units in the first phase will be made good in the second. I have therefore recommended a **reduction of 120 units** in the yield from this

site during the Plan period.

(xv) West Kent Hospital, Union Street, Maidstone

The buildings on this site are currently in use, and I heard at the inquiry that the users will have to be relocated for development to take place. I heard no detailed evidence about the future of the present occupiers, but in my view there is enough uncertainty about the site to justify deleting it as an allocation with a consequent **reduction of 13 units**.

(xix) Invicta Works, Teston

A letter from agents acting for the owners of this site confirming that the site was being marketed for housing was submitted to the inquiry after the Round Table session and sent to participants. In these circumstances I have retained this site.

(xx) Hart Street, Maidstone

A volume house builder has made an application for the development of this site, and planning permission has been granted. From what I heard at the inquiry there are clearly difficulties in developing this site. Whilst this might lead to delays, however, I see no reason to believe that the problems could not be overcome and the site developed within the Plan period. I have therefore retained it.

4.61 In all, therefore, I have recommended that 138 units should be deleted from the allocation made under H2 on the basis of the matters considered at the Round Table session.

Other Matters

4.62 I have dealt later in this chapter with objections to H15 and H15A dealing with housing development on the sites at Lockmeadow and Beaconsfield Road/Eccleston Road/Wharf Road. I have supported the principle of housing on these sites, but I have no doubt that, apart from H2(xx) above, they should not be included in the Plan as genuinely available for the reasons given by the Council.

4.63 At the inquiry it was argued on behalf of Ward Homes that the Council's density assumption of 25 dwellings per hectare (dph) was too high, and that 22dph was more appropriate. This figure would reflect evidence the company has of customer demand for larger dwellings, even for small households. I am satisfied, however, that as a basis for calculating yield the Plan's figure is acceptable, and I note the Council's argument that it also takes into account densities in town centre locations which will be higher than sites elsewhere.

4.64 Concern was also expressed about the effect on completion rates of the concentration of housing to the south-east of Maidstone. This was also the subject of separate objections and I

have dealt with it fully in paragraphs 4.81 – 4.89.

CONCLUSIONS

4.65 Table 1 is an interim comparison of the housing land position between the Council's estimate and the effect of my recommendations following the arguments which I heard at the Round Table session of the inquiry. **It does not include any modifications which might be made as a result of objections to sites allocated under H2 or to sites which have not been allocated. I have brought all this together in Table 4 and paragraph 4.700.**

Table 1: Housing land position after Round Table Session

Housing Land Provision 1991 – 2006	Borough Council	Recommendations
Structure Plan Requirement	7400	7400
Completions 1991 – 1997	2406	2406
Large sites with planning permission	654 ¹	581 ²
Small sites estimate	954	954 ³
Windfall sites	356	334 ⁴
Local Plan allocations	2823 ⁵	2685 ⁶
Total provision	7193	6960
Housing land position	(207)	(440)

1 See paragraph 4.48.

2 See paragraphs 4.47 – 4.52.

3 See paragraphs 4.53 – 4.55.

4 See paragraphs 4.56 – 4.59.

5 See CD9, para. 2.8, Table 1.

6 See paragraphs 4.60 – 4.61.

RECOMMENDATIONS

4.66 A Retain the Plan period of 1996 - 2006.

B Do not proceed with a deficit in housing land provision.

C Large sites with planning permission:

reduce the yield by 54 units; and

apply a 10% discount to allow for non-implementation.

D Small unidentified sites:

do not modify the yield in response to these objections.

E Windfall sites:

apply 50% discount for non-implementation; and

apply 18 month discount for time-lag.

F Local Plan Allocations:

reduce by 138 units to allow for non-implementation within the Plan period.

G Make use of the most up-to-date information when modifying the Plan.

H Make no other modifications in response to these objections.

Paragraph 4.28 - The Location of New Housing Sites

Objection DH0187 - Staplehurst Properties Ltd

Issue Whether the housing location strategy accords with Government guidance and the Structure Plan.

Conclusions

4.67 Many other objectors also made this argument at the inquiry as part of their case for the release of specific sites. I will deal with it here for convenience rather than repeat it each time it was raised. I will also deal here solely with the principle, since individual sites must still be considered on their planning merits.

4.68 There is clear guidance in paragraphs 1.7 and 1.8 of PPG13 on the need to influence the location of different types of development to meet the Government's aim of reducing the need to travel, especially by car. Further guidance for housing is set out in paragraph 3.2 of the PPG, and I have referred to it all in detail in considering the objections seeking housing allocations on sites in villages. There is also advice in PPG7 about the role and benefits of new housing in villages.

4.69 Policy RS2 and the related explanatory text of the Structure Plan closely follow this guidance. Paragraph 12.4 says that it is intended to concentrate new development at the main urban areas, and thus continue to restrict the outward spread of most villages. Policies RS2 and RS3(a), however, make it possible for local plans to identify villages and small rural towns where more than minor development would be allowed. It was argued by the objectors that the Local Plan failed to follow the Structure Plan by not identifying any housing sites in villages or small rural towns, although such sites could meet the principles of sustainable development with access to rail and bus routes and local shopping and jobs. It was also argued that this approach failed to provide housing choice contrary to policy S6 of the Structure Plan.

4.70 Paragraph 4.28 of the Plan recognises that sites in larger villages could meet sustainable development objectives, but argues that further housing would be “excessive at the present time” because of allocations made in the adopted Borough Local Plan. At the inquiry it was also argued that time was needed to allow people living in this new housing to be integrated into the villages and small towns where the allocations were made.

4.71 The Council accepted that there is no support in Government guidance for this approach which seems to me to be unacceptably imprecise as a basis for a planning policy. There is no definition of “integration”, it is not to be monitored, and no-one will know when it has started or finished. In principle, therefore, I find this aspect of the Plan’s approach to housing location strategy unacceptable and not supported by either Government guidance or the Structure Plan. Paragraph 4.28 must be modified accordingly and I have considered objections to sites in the larger villages with this in mind.

RECOMMENDATION

4.72 Paragraph 4.28:

Delete the final sentence “Further development ... present time.”, and replace it with “Nevertheless, additional sites at these larger villages could meet sustainable objectives.”

Paragraph 4.28 - The Location of New Housing Sites

Objection DH0192 - NFU South East Region

Issue The need to take account of the effect on farming practices of new housing in rural areas.

Conclusions

4.73 The Council incorrectly listed this objection in its report of 18 November 1997 as an objection to paragraph 4.48, Kent Garden Centre.

4.74 From paragraphs 4.27 and 4.28 and the Council's response to this objection, it appears that the primary concern on agricultural matters in selecting housing sites was to avoid the loss of the best and most versatile agricultural land, and to ensure that the land which is to be developed is self-contained. It is also clear from policies H5 and H6, for example, that site specific requirements are included where necessary to prevent further impact on farmland. It seems to me that this approach reflects the advice in PPG7, in particular paragraph B7 of Annex B, which says that land quality will normally be the most important factor. However, the other factors listed in the subsequent paragraphs of Annex B have been taken into account and are reflected in individual site policies where necessary.

RECOMMENDATION

4.75 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations

Objection DH0075 - Head of Kent Estate Management

Proposed Changes 87 and 88

Issue The need for cross references to CF2 in policy or text.

Conclusions

4.76 This objection seeks cross references to several sites which are allocated or have planning permission for housing. As a matter of principle, the development plan must be read as a whole, and policy CF2 applies to appropriate sites whether or not there is a cross reference to it in this Plan. Certainly, there is no need for a policy cross reference, as the advice on page 17 of CD46 makes clear.

4.77 I have considered some of the individual sites elsewhere, but I do not support this objection in principle since the Plan must be read as a whole and cross referencing is unnecessary.

RECOMMENDATION

4.78 Do not modify the Plan in response to this objection.

Policy H2 Housing Land Allocations: Modifications to the Proposals Map

Objection	DH0224 - Ms C Morgan
Issue	The need to delete H2(iii), H2(v) and H2(xvii) from the Proposals Map to reflect other objections.

Conclusions

4.79 In response to other objections from Ms Morgan and others, I have considered the deletion of all these sites and recommended the deletion of H2(iii) and H2(v). I have also recommended that the Proposals Map should be modified accordingly.

RECOMMENDATION

4.80 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations - Concentration of Housing at Parkwood

Objection	DH0116 - Barton Willmore Planning Partnership
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Background

4.81 At the inquiry the objectors pointed out that in the revised version of H2 on page ii, Appendix 1 of CD9 over 800 dwellings are proposed on sites to the south-east of Maidstone in the second half of the plan period, 2001 - 2006:

H2(ii)	Land north of Sutton Road	266
H2(iii)	Furfield Quarry	150
H2(iv)	Pested Bars Road	90
H2(xviii)	Langley Park Farm West	325
Total		831

4.82 This is about 35% of the total allocations in the Plan but, as the Council pointed out, taking account of sites with planning permission, it represents 13% of the total Structure Plan requirement. The objectors argued that the Council's strategy for the allocation of housing sites should be reviewed, with particular reference to the deletion of H2(ii) and H2(iii) which they also sought through site specific objections which I have dealt with below (DH0289 and DH0290).

4.83 I have made several recommendations in response to other arguments which it seems to me affect some of the arguments in this case. I have recommended the deletion of H2(iii) which would reduce the number of units in Parkwood by 150, and the addition of 655 units in other parts of Maidstone. In my view these recommendations overcome the objectors' arguments about lack of choice, since the number of units in Parkwood is almost exactly balanced by the number of units I now recommend, and that takes no account of other sites such as Oakwood Hospital. For the same reason, I consider that this overcomes the argument that the number of units required to be built each year would not be achieved: the annual number of units required would be smaller because there are less in total, and the other sites provide ample competition to ensure a satisfactory completion rate.

Issues

4.84 Against this background the issues in this case are whether there would be an unacceptable concentration of new housing to the south-east of Maidstone leading to:

- (a) conflict with advice in PPG13 about the need to reduce reliance on the private car, or to increased traffic congestion; and if so
- (b) whether the need to meet Structure Plan housing requirements would override any harm which may be found.

4.85 On issue (a), I have considered objections for these sites individually, and in doing so I have recognised the limitations of the A274, the distance of the area from the town centre and the lack of a rail service. In each case, however, I have concluded that the sites broadly meet the objectives for a sustainable location, given the availability of local services including shops and schools; the possibility of jobs at the Parkwood Industrial Estate; bus services on the A274; and park and ride at Armstrong Road. I have heard no evidence to convince me that this conclusion should not apply equally to the sites as a whole.

4.86 I have considered the objectors' arguments about PPG13 very carefully. I acknowledge the inherent weakness of peripheral sites in terms of distance from the town centre and, in this case, lack of rail services. As a result I have sought to improve the balance of provision with recommendations for housing on more central sites. Nevertheless, I conclude on this part of the issue that Parkwood has limitations as a location for new housing in relation to advice in PPG13 about reducing the need to travel, especially by car.

4.87 On the second part of the issue there is no objection from the County Council as highway authority and, whilst it was made for other reasons, my recommendation to delete H2(iii) would reduce the increase in traffic set out by the objectors at the inquiry. I note that there are proposals for improvements at junctions along the A274, but I accept that the road is congested particularly

at peak times. I am not convinced, however, that the increase of traffic is great enough, even from all the allocated sites, to justify in itself deleting any of these sites.

4.88 Turning to issue (b), I have found in paragraph 4.238 that, after considering the calculation of land supply and the objections to allocated sites, there is a need for an additional 940 units if Structure Plan housing requirements are to be met. The difficulties of achieving this are clear from paragraph 4.700 since, after considering objections to land which has not been allocated, I have been unable to recommend enough sites. This has convinced me that both central and peripheral sites will be needed. I therefore conclude that, whilst Parkwood has limitations as a location for new housing they are clearly outweighed by the need to meet Structure Plan housing requirements.

RECOMMENDATION

4.89 Do not modify the Plan in response to this objection.

In this section of the report the site reference numbers are from the Deposit Draft.

H2(i) - Housing Land Allocations - Kent Garden Centre, London Road, Allington

Objections DH0048 - MAFF
 DH0141 - Cllr M Robertson
 DH0288 - Twigden Homes
 DH0453 - Green Wedge Association*
 DH0562 - Crofton Place Developments Ltd
 DH0569 - The Trustees of the Warbleton Charity

* Members of the Green Wedge Association are list at the end of this Chapter.

Issues Whether the allocation should be deleted:

- (a) because of the loss of best and most versatile agricultural land;
- (b) to enable its inclusion in the adjoining Strategic Gap; and
- (c) to enable its inclusion in the adjoining ALLI.

Conclusions

Background

4.90 I have included DH0562 and DH0569 here because, although they were made as

objections to H5, they are to the principle of development rather than the detailed wording of that policy. I note the concerns of the Green Wedge Association about the relationship of the allocation and the adjoining park and ride site. There clearly is a relationship in terms of land ownership and leases, but this is a matter for the Council, and I have considered the allocation entirely on its planning merits.

4.91 I note the alternative site put forward by Councillor Robertson. This is part of an area proposed for housing which I deal with in paragraphs 4.580 – 4.592. I cannot accept the development of this smaller area for the reasons which I give there.

Issue (a)

4.92 This site is grade 2 land under MAFF's classification, and thus the best and most versatile land which PPG7 seeks to protect. MAFF is concerned that its development would lead to the loss of adjoining grade 2 land. However, accepting the difficulties of finding suitable housing sites on the edge of Maidstone, MAFF is prepared to withdraw its objection if this adjoining land can be protected, as proposed in H5(2), by the transfer of land to the west and south of the site to the Council. I am satisfied that this can be achieved through the planning obligation which the developers have signed, and I deal with this in more detail in dealing with objections to H5.

4.93 I acknowledge the other objections to the loss of agricultural land. However, paragraph 2.18 of PPG7 allows for the development of the best and most versatile land if there is an overriding need or if there is no land of lower quality available. In paragraph 4.700 I found that there is still a need for an additional 160 units to meet the Structure Plan housing requirement when all my recommendations have been taken into account, and which I have been unable to identify. I have no doubt that this is an overriding need to justifying the loss of agricultural land as an exception to the advice in PPG7. It is also clear that there is no land of lower quality available to meet this requirement. On this issue, therefore, I conclude that loss of agricultural land should not lead to the deletion of this allocation.

Issue (b)

4.94 Policy MK5 and paragraph 3.106 of the Structure Plan say that a "strategic gap" will be designated in local plans between Maidstone and the Medway Gap urban area of Aylesford and Ditton. Beyond the Borough boundary the area has been designated in this way in the Tonbridge and Malling Borough Plan. In the adopted Maidstone Borough Local Plan the objection site is part of a larger area designated as an ALLI. However, it is clear from paragraph 8.8(viii) of that Plan that this designation reflects its special importance in maintaining the separate identity of settlements rather than any intrinsic landscape quality. It seems to me, therefore, that an equivalent designation in the Borough-Wide Local Plan would be under ENV32 to protect the Strategic Gap.

4.95 It is clear from what I heard at the inquiry that there has been considerable pressure over

the years for development in the area between Maidstone and the towns to the west, and that the Council has been supported on appeal in resisting much of it. However, I must consider the allocation of this site on the basis of the circumstances which prevail now, most importantly my finding of the need for additional units to meet Structure Plan housing requirements. This was not the case in the past, for example see paragraph 3 of Doc.H2(i)A submitted with Councillor Robertson's statement, MB/PR.2.

4.96 From my visits to the area I have no doubt that the site is part of the larger area between Maidstone and the Medway Gap towns since it has an open western boundary with the adjoining farm land. Nevertheless, it seems to me that the impact of houses on the perception of the gap between these towns would be limited. The allocated site lies behind houses and a furniture warehouse and would therefore not extend the built-up part of Maidstone westwards into the gap. For the same reason, development of this site would not extend the built-up frontage of the A20, and thus not reduce the perception of the gap for people travelling on this road.

4.97 Houses could be seen from the A20, particularly in winter, but in the context of new houses in the foreground and existing houses in Allington behind. In these views houses would be seen to extend the built-up area, but in a north-south direction, rather than westwards into the gap.

4.98 I also looked at the site from Blue Bell Hill. From here the impact of housing would be reduced by the limited size of the site and its distance from the view point. Nevertheless, the site is seen as a green space running into the existing built-up area. In this view, I found that houses would be seen as an extension of the built-up area rather than as an outward extension of the town into the gap. There would, however, be some impact on Maidstone's countryside setting.

4.99 On this issue, therefore, I conclude that there would be a limited impact on the gap between Maidstone and the towns to the west, and on Maidstone's countryside setting. However, I also conclude that neither would cause sufficient harm to justify deleting this allocation, particularly in the light of my findings on housing need.

Issue (c)

4.100 As I have made clear, the previous designation of this site as an ALLI was in recognition of its importance in separating settlements. In this Plan ALLIs are defined in paragraph 3.123 as areas which "... perform a vital function by demarcating particular distinctive features which are important to Maidstone specifically." Although the site is clearly countryside, and I have found that it is part of the gap to the west, I have no doubt that its landscape quality does not meet this definition. It is not, for example comparable with the Medway Valley or the Loose Valley which are properly designated as ALLIs. I must also take account of the advice in paragraph 4.16 of PPG7 about the caution which should be exercised in making local countryside designations.

4.101 For all these reasons I conclude that the deletion of this site is not justified to enable it to

be designated an ALLI, reflecting my conclusions in Chapter 3 when dealing with objection DENV0417. In the same chapter I reached a similar conclusion about the larger area to the south when dealing with objection DENV0488.

Other Matters

4.102 I acknowledge the concerns of the Green Wedge Association about the loss of privacy, but I have no doubt that this is a matter which can be resolved through the development control process. I also note their concern about loss of wild-life habitat. However, whilst as open land the site will have some value, it has not been identified as having even local importance under nature conservation policies in Chapter 3. Neither of these matters, therefore alter my findings on the main issues.

RECOMMENDATION

4.103 Do not modify the Plan in response to these objections.

H2(i) - Housing Land Allocations

Kent Garden Centre, London Road, Allington

Objection DH0537 - Taywood Homes Ltd/Beazer Homes

Proposed Change 75

- Issues**
- (a) The need to modify the Proposals Map to take account of the dwellings already built on the site.
 - (b) The need to modify paragraph 4.32 to allow for increased development densities on sites close to public transport.

Conclusions

4.104 On issue (a), the proposed change overcomes the objection and I support it.

4.105 On issue (b), I agree with the Council that paragraph 4.32 makes it clear that the 25 dwelling per hectare density will be used purely to estimate the yield from housing sites. The density of individual sites is therefore not being prejudged. Density should be considered on an individual basis, and I can see no reason as a general proposition to increase density for sites close to public transport. I note the advice in paragraph 3.3 of PPG13, but it seems to me to be aimed at the location of high density housing, rather than increasing the density of sites because of their location.

RECOMMENDATIONS

4.106 A Modify the Plan in accordance with Proposed Change 75.

B Make no other modifications in response to this objection.

H2(ii) - Housing Land Allocations

Land North of Sutton Road, Maidstone/Otham

Objections DH0026 - Redrow Homes (South East) Ltd
 DH0586 - Bryant Homes Technical Services Ltd
 DH0596 - David Wilson Homes
 DH0613 - Mr J I Lee

Issue The need to include this site in the first phase of 1995 - 2001.

Conclusions

4.107 I have accepted the principle of phasing the housing allocations when dealing with objections to H3. However, I concluded that it would have little practical impact so far as the policies of this Plan are concerned because so little of the first phase will remain by the time my report is received and even less before the Plan is adopted. In effect, the first phase shown in H2 of the adopted Plan will be a record of what has happened, not a policy to ensure a continuous and adequate supply of housing land. In the meantime, the supply will be ensured by the application of advice in paragraphs 45 - 49 of PPG3 which has allowed the Council, for example, to release land at Pested Bars Road. As the first objector argues, I accept that there could be a long lead-time before houses could be built to allow for the completion of planning obligations and structural landscaping. If time allows, however, this could be overcome by retaining the site in the second phase, but granting planning permission before 2001. Moreover, in dealing with objections to H6 I have recommended that the landscaping should be completed before the occupation of the first dwelling, rather than the start of development.

RECOMMENDATION

4.108 Do not modify the Plan in response to these objections.

H2(ii) - Land North of Sutton Road, Maidstone/Otham

Objections

DH0049 - MAFF
DH0094 - Cllr F C Winckless
DH0265 - Otham Parish Council
DH0284 - Mrs J Weeks
DH0289 - Twigden Homes

DH0525 - Croudace Homes
DH0563 - Crofton Place Developments Ltd
DH0570 - The Trustees of the Warbleton Charity
DH0657 - Langley Parish Council

Background

4.109 I have dealt with DH0284, DH0563, DH0570 and DH0657 here because, although they were made to H6, they are to the principle of the allocation not the detail of that policy. I have also dealt with DH0284 as an objection to H2(iii) and H2(iv) since that is clearly Mrs Weeks' intention in her original representation, although the Council has registered it only as an objection to this site.

4.110 The allocation site is mainly grade 3a agricultural land which PPG7 advises should be protected as the best and most versatile land. In the light of the advice in paragraph 2.18 of the PPG, however, the issue here is whether this loss can be justified by the need for additional housing, and I return to this in dealing with issue (c).

4.111 Concerns have been expressed about the possible archaeological importance of the site, but I am satisfied that this could be dealt with by the application of ENV17 and ENV17A which I recommend in Chapter 3. I return to this when considering objections to H6.

Issues

4.112 Against this background the issues in this case are:

- (a) Whether the location of the site, and the traffic it would generate, meet the principles of sustainable development.
- (b) Whether housing on the site would materially harm the character and appearance of the area.
- (c) Whether the need for additional units to meet the Structure Plan housing requirement outweighs any harm which may be identified, including the loss of the best and most versatile agricultural land.

Conclusions

Issue (a) Sustainability

4.113 I agree with the Council that there is an acceptable range of local shops and schools within a reasonable distance of the site. There is also the possibility of local jobs nearby, and bus

services along the A274 with an existing park and ride facility at Armstrong Road. However, I acknowledge the limitations imposed by the amount of traffic on the A274 and its effect on bus services and traffic flow generally; the distance to the town centre; and the lack of a rail service. I have not relied on the possible additional park and ride and Medway Metro provisions at Langley Park Farm West since they are long-term proposals, although they would clearly improve public transport provision in the area. I also acknowledge Otham Parish Council's argument in this context about the benefits of using of town centre sites for housing but, as I discuss below, there is a need for all the sites if Structure Plan housing requirements are to be met.

4.114 I do not consider that the additional traffic generated by housing on this site would be enough on its own to justify deleting the allocation, and I note that there is no objection to the allocation from the highway authority. However, in dealing with objection DH0116 I consider the traffic implications of all the sites allocated in the Parkwood area. I note the concerns about traffic "rat running" through Otham towards the A20. However, in Chapter 6 I recommend the inclusion of the Leeds/Langley Bypass in T19 which would provide an improved route for these journeys. In the same chapter I also broadly support the Council's approach to the All Saints Bypass to improve the southern approach of the A274 to the town centre.

4.115 I note concerns about increased pollution from the traffic generated by housing on the site. In Chapter 5 I dealt with a similar concern when considering objection DED0024 to the allocation at Langley Park Farm West. Council evidence at the inquiry on that objection was that traffic flows on Sutton Road would have to more than double before there would be concern about meeting statutory air quality objectives. Clearly this allocation would not give rise to such an increase. In dealing with the same objection I heard concern, also expressed in this case, that the construction of the Leeds/Langley Bypass would increase traffic on Sutton Road. However, from figures forecast by the County Council and presented at the inquiry, I am satisfied that this would not be the case, since the purpose of this road is to bypass the two villages, and its design standard militates against high speed, high capacity traffic movements.

4.116 On this issue therefore I conclude that, with some limitations, the location and traffic generation of this site broadly meets the principles of sustainable development

Issue (b) Character and appearance

4.117 I found on my visits that Bicknor Wood screens the site well in views from White Horse Lane to the north, and from the public footpath to the north-east. This is important, as Otham Parish Council argued, because this is a wholly rural area, and housing on the allocation site would be an urban intrusion if it were visible. I note the history of this woodland but, to my mind, there are enough trees remaining along its southern boundary with the objection site to provide an effective screen, particularly since many are closely planted chestnut coppice trees. In contrast, however, I found that most of the site's boundary with Gore Court Road is open, and housing would be urban intrusion into the road's generally rural character and appearance.

4.118 From Sutton Road the site is prominent because of its higher level at the western end and its openness at the eastern end. Travelling east, the site marks an abrupt end to the town on the northern side of the road and its rural character and appearance make it to my mind part of Maidstone's countryside setting. Moreover, I agree with the objectors that the existing edge of the town is well defined along Gore Court Road, and housing on the site would breach this clear boundary and extend Maidstone into the countryside.

4.119 There are, however, some reasons for me to conclude that any harm from housing on the site would be limited. First, the southern side of Sutton Road has an urban character and appearance along the entire frontage of the objection site. This would limit the intrusive effect of housing, since this part of Sutton Road is not wholly rural. Second, I agree with the Council that the site is well contained along its northern and eastern boundaries which, as I found above, would prevent urban intrusion into the rural area to the north. Third, when seen from Gore Court Road, whilst the site is open agricultural land, it is also the foreground for commercial buildings and uses fronting Sutton Road, and this brings an element of urban intrusion into this area already. I have also taken into account the possibility of landscaping the site boundaries to limit further the impact of housing, and I deal with this later in considering objections to H6.

4.120 I do not agree with some of the objectors that the development of the site would be contrary to advice in paragraphs 18 and 19 of PPG3 for two reasons. First, I do not accept that the site is ribbon development which traditionally would be much narrower, perhaps only one dwelling wide fronting a road. Second, whilst I have acknowledged the distance from the town centre, locally the site is physically well related to the urban part of Maidstone on the southern side of Sutton Road.

4.121 I note Otham Parish Council's concern about the effect of the proposed housing on their village and its setting. However, it seems to me that the allocation site is more closely related to the commercial development on the southern side of Sutton Road, and to the housing on the north-western side of Gore Court Road than it is with the scattered village of Otham which is some way to the north. I agree that the land north of Bicknor Wood is wholly rural and is part of the setting of the village. However, I have found that the allocation site is well screened from this area, and that this would prevent harm to it. Nor do I accept the argument that housing on the allocation site would make further housing in this area difficult to resist. I have no doubt that housing north of Bicknor Wood would be unacceptably harmful to the rural character of the area, which has none of the features to limit that harm which I have found with the allocation site.

4.122 Parish Council witnesses also expressed concern that Otham would be "swamped" or "overpowered" by the proposed new housing, particularly as so much other housing has taken place around the village in recent years. In answer to my questions this concern was mainly about the increase of traffic through the village "rat running" to the A20, and I have dealt with that above. There was also a less well defined concern about the impact of more people living close by.

4.123 In relation to physical closeness, I have recommended in Chapter 3 that ENV33, which seeks to prevent the coalescence of Maidstone and surrounding villages including Otham, should be reconsidered, and the area to which it applies should be shown on the Proposals Map. In paragraph 4.402 when dealing with a proposal for housing on land adjoining the Orchard Spot PH, I concluded that the gap there between Maidstone and Otham could benefit from the protection of ENV33. However, the future form of ENV33 is for the Council to consider in the light of my recommendation and the advice in paragraph 4.16 of PPG7 about local countryside policies.

4.124 I conclude on this issue, therefore, that housing on the site would harm the rural character an appearance of the area, but that this harm would be limited for the reasons I have given.

Issue (c) Meeting housing need

4.125 I found in paragraph 4.238 that, after considering the calculation of land supply and the objections to allocated sites, there is a need for an additional 940 units if Structure Plan housing requirements are to be met. Moreover, it is clear from paragraph 4.700 that I have been unable to recommend enough sites to meet this requirement, even with my recommendation that this site should remain allocated. This is clearly different from the statement in paragraph 4.35 of the Plan quoted by Otham Parish Council that the strategic guidelines would easily be met. It also places me in a different position from my colleague who dealt with an appeal on part of the site in 1992 which was raised at the inquiry, although in any case that proposal was for an hotel not housing.

4.126 I acknowledge Otham Parish Council's argument about the use of town centre sites, and elsewhere in this chapter I have recommended housing on two such sites: land to the west of Royal Engineers Road, and Maidstone East Railway Station. However, my findings on housing numbers mean that this is in addition to, not instead of, this allocation site. These findings also mean that, contrary to the Parish Council's argument, there is no justification for phasing the development of this site after 2006.

4.127 All this illustrates the great difficulty in finding enough land for housing in the Borough to meet the Structure Plan requirement, and I have concluded that meeting this housing need outweighs the limited harm which I have identified in the previous issues. I have no doubt either, that this is an overriding need which paragraph 2.18 of PPG7 advises could justify the development of grade 3a agricultural land.

RECOMMENDATION

4.128 Do not modify the Plan in response to these objections.

H2(ii) - Land North of Sutton Road, Maidstone/Otham

Objections	DH0086 - John Mills Esq. DH0089 – John Mills Esq.
Issue	The allocation of land at Bicknor Farm as an extension of the allocation made under H2(ii).

Background

4.129 Although the second objection was made to H6 I have dealt with it here since it is to the principle of the allocation rather than the detail of that policy. These objections seek the allocation of about 9.2ha for housing as an eastwards extension of the allocation north of Sutton Road, providing 500 units in all: 266 on the allocated site and 234 on the proposed site. The objector also owns land around the site and this would be transferred to public ownership. I return to this in considering issue (b) below. There is no dispute that the site consists of the best and most versatile agricultural land which PPG7 advises should be protected. The issue here, therefore, is whether the loss of this land is outweighed by the need which I have identified for more housing to meet the Structure Plan requirements or any other benefits of the development. I return to this in considering the same issue.

4.130 There was no dispute at the inquiry that the location of the site broadly conforms to sustainability objectives, since it is on the edge of Maidstone and there are local shops, schools and bus services reasonably close by. In addition, Parkwood Industrial Estate offers the possibility of local jobs.

Issues

4.131 Against this background the issues in this case are:

- (a) whether housing on the site would harm the character and appearance of the area;
- (b) and if so, whether the need to meet Structure Plan housing requirements, or any benefits arising from the proposal, outweigh any harm which may be identified, or the loss of the best and most versatile agricultural land.

Conclusions

4.132 On issue (a), I found on my visits that the objection site, and the other land owned by the objector, is attractive, open land which retains much of its former parkland character with both groups and scattered individual mature trees. At present it is clearly separated from the urban area of Maidstone and to my mind its rural character and appearance make it part of the town's countryside setting.

4.133 The allocation of H2(ii) will bring the town closer to the site, as will the development of land opposite under H2(xx) and ED5. Even then, however, I have no doubt that houses on this site would be an intrusive urban feature in the countryside. Approaching from the north on the public footpath, houses would be at odds with the wholly rural character and appearance of the surrounding area. In comparison with H2(ii), this site extends further north from the A274, and is not screened along its northern boundary to the same extent by Bicknor Wood. The eastern boundary of the proposed allocation aligns with the eastern boundary of the allocation to the south. However, it is not related to any landscape feature, and would appear incongruous and contrived in this open, parkland setting.

4.134 I acknowledge that there are no countryside or landscape designations on this site. However, paragraph 2.14 of PPG7 makes it clear that the countryside should be protected for its own sake, and I agree with the Council that this area is attractive, as well as being important as the rural setting for Maidstone. I note the Council's concern about the effect of housing on the setting of the listed building on the A274 frontage. Clearly housing would change the character of the open area around the building, but it is part of an intensive group of farm buildings, and it therefore does not seem to me that openness is a significant part of its setting.

4.135 I note the Council's arguments about the effect of the proposal in relation to ENV33 and the coalescence of villages. However, in Chapter 3 I have recommended that the area to which this policy applies should be defined, and limited to areas where the extra protection referred to in paragraph 4.16 of PPG7 is justified. This is a matter for the Council to consider in more detail in responding to my recommendation. However, in this instance, I have no doubt that the harm to the countryside justifies my recommendation on its own, and I am less convinced about the need for an additional policy to give the extra protection.

4.136 For all these reasons I conclude on this issue that housing on this site would materially harm the character and appearance of the area.

4.137 Turning to issue (b), I found in paragraph 4.238 that, after considering objections to land availability calculations and allocated sites, there is a need for an additional 940 units to meet the Structure Plan housing requirement. Moreover, it is clear from paragraph 4.700 that I have been unable to recommend enough sites to achieve this number. Nevertheless, I have no doubt that this does not outweigh the serious harm which I have identified in the previous issue. Similarly, whilst I note the objector's arguments about the benefits of a comprehensive development of this and the adjoining site, including the provision of community facilities and the transfer of land ownership, I see nothing to convince me to support this objection. I accept the Council's argument that educational needs can be met, and I have seen no evidence of any other community needs which cannot be provided within other allocations. In addition, I note that Otham Parish Council supports the Borough Council in this case, although one of the benefits argued for the scheme is the possibility of a community facility within the Parish.

4.138 Much of the objection site is grade 1 agricultural land and I note the objection from MAFF. Some of the allocated sites are on the best and most versatile land but, as the Council pointed out, not on land of this quality. I note the arguments about its present use and concerns about trespass, but the classification relates to intrinsic quality not management and ownership matters such as these. In these circumstances, I conclude that neither the housing need, nor the other benefits claimed for the scheme, outweigh the harm which I have identified in issue (a) or the loss of agricultural land contrary to the advice in PPG7.

RECOMMENDATION

4.139 Do not modify the Plan in response to these objections.

H2(iii) - Furfield Quarry, Brishing Lane, Boughton Monchelsea

Objections

DH0004 - Mrs E Twyman	DH0526 - Croudace Homes
DH0093 - John Mills Esq.	DH0558 - P A L Nevill
DH0106 - Charles Church Developments Ltd	DH0564 - Crofton Place Developments Ltd
DH0222 - Ms C Morgan	DH0571 - The Trustees of the Warbleton Charity
DH0284 - Mrs J Weeks	DH0637 - Mrs C F Tring
DH0290 - Twigden Homes	DH0658 - Langley Parish Council

Issues

- (a) Whether the proposed allocation would harm the character and appearance of the area.
- (b) The effect on the proposed allocation of the nearby landfill site.
- (c) Whether housing need outweighs any harm which might be identified.

Conclusions

4.140 I have dealt with DH0106, DH0222, DH0284, DH0564, DH0571 and DH0658 here because, although they were made to H7, they are to the principle of the allocation not the detail of that policy.

Issue (a) Character and appearance

4.141 The objection site is part of a larger field divided by an area of mature woodland, Long Shaw. On my visits I found that the wider northern end is particularly open to view from Brishing Lane where it is seen as agricultural land sloping away from the road. Along much of

its north-eastern boundary with Brishing Road a recreation area which contains mature trees separates the site from the edge of the town. Elsewhere along this road hedges define the site.

4.142 Contrary to the Council's argument, I have no doubt that the site is part of Maidstone's countryside setting: it is wholly rural in character and appearance and in keeping with views across it to the south; it is seen as agricultural land from nearby roads; it is separated from the town by an open, well treed area and hedges along Brishing Road; and it contains a significant area of mature woodland. In this context new housing would be seen as an intrusive urban extension into the countryside. I disagree with the Council that the open recreation area would reduce this impact: rather it would increase it, since new housing on the site would be seen in comparative isolation from the nearest existing buildings.

4.143 I note the requirement for a landscape scheme to retain Long Shaw, and to create a dense belt along the southern boundary of the site. Nevertheless, I am concerned about the impact upon the Shaw from housing on either side. It seems likely to me that it would be under pressure from householders concerned about overshadowing or loss of light, and from use by residents and their pets. Any significant impact on the trees would have a harmful effect on the important contribution Long Shaw makes to the character and appearance of the area. Moreover, I find that the proposed southern boundary would appear wholly arbitrary on the ground, since it would not be related to any existing landscape feature. Rather it has been defined by the need to keep housing an acceptable distance from the adjoining landfill site, and landscaping along the boundary would appear arbitrary when seen alongside the existing hedge pattern.

4.144 For all these reasons I conclude on this issue that the allocation would materially harm the character and appearance of the area.

Issue (b) Landfill gas

4.145 I heard at the inquiry that the presence of the landfill site nearby requires three stages of gas control: primary, to ensure an active gas extraction system from the landfill; secondary, to control the migration of gas towards the housing site; and tertiary to provide building protection for each house on the site. It is also possible to impose permitted development right restrictions upon the site to control the external activities of future residents. I was told that the land owners were upgrading the primary control and had agreed with the potential developers of the allocation site a means of funding its future management, and the provision of the secondary control.

4.146 The principles of this approach were not disputed at the inquiry, and I have no doubt that a technically acceptable solution could be found for all these controls. I also have no doubt that they could be implemented, in the first instance at least, through planning powers: through conditions attached to the original permissions for tipping on the landfill site, and through criteria in the local plan and conditions on any subsequent planning permission on the objection site. The objectors argued, however, that there was not enough certainty in all these matters to enable the site to be considered genuinely available under PPG3 and that the allocation should therefore

be deleted.

4.147 The major area of dispute between the parties was on the form - and thus the cost – of the means of secondary control. The cost difference is about £3m, and this raises uncertainties in my mind, since the final design can only be determined after a risk assessment which has yet to be carried out. Moreover, the Environment Agency would have to be consulted and the Council accepted that it was a “reasonable supposition” that its requirements would have to be met. This adds to the uncertainty, in a situation where there is no dispute that the site is actively producing gas, or that the local rock strata are highly permeable. Given the importance of gas protection, the very early stage of considering the solutions to the secondary controls, and the great cost difference in the alternatives, there is enough uncertainty for me to conclude on this issue that the site should not be considered to be genuinely available. I return to the implications of this conclusion below in dealing with the next issue.

Issue (c) Housing need

4.148 I found in paragraph 4.238 that, after considering objections to land availability calculations and allocated sites, there is a need for an additional 940 units to meet the Structure Plan housing requirement. Moreover, it is clear from paragraph 4.700 that I have been unable to recommend enough sites to achieve this number. In this case, however, I have no doubt that the serious harm which I have identified to the character and appearance of the area outweighs housing need. My conclusion on issue (b) could be overcome by additional work and the uncertainty which concerns me could be removed before the Plan is adopted. However, this does not alter my firm view that this site should not be allocated for housing because of the harm which I identified in issue (a).

Other Matters

4.149 I note the concern of some objectors about the impact of the additional traffic generated by houses on this site. However, I do not consider that the amount of traffic from 150 houses would be materially harmful, and I note that there is no objection from the highway authority. I have also considered the effect of the combined traffic generation of all the sites allocated in this area in paragraph 4.87. Some of this site is grade 3a agricultural land, which is the best and most versatile and should be protected according to advice in PPG7. In this case, however, there is no objection from MAFF and, as I have found elsewhere in this report, housing need could override this advice.

4.150 I find that the location of this site is broadly sustainable since there are local shops, bus services and employment areas reasonably close by. However, its harmful impact on the character and appearance of the area is not in accordance with the principles of sustainable development. The area is not identified as important for nature conservation, although to an extent such concerns reinforce my views about the impact of the allocation on the trees in Long Shaw.

4.151 I note concerns about the dwelling yield from the site, particularly in the light of the archaeological findings and the consequent restrictions on the eastern part of the site. This reinforces my conclusion on issue (b), since it suggests further uncertainty about the scheme and its viability. In other respects, however, I am satisfied that the archaeological interest of the site could be protected, either by other policies in the Plan, or an appropriate criterion on a site specific policy.

4.152 In the light of my recommendation the Council may wish to review primary school requirements in the area which is discussed in paragraph 4.61 of the Plan.

RECOMMENDATIONS

4.153 A Delete H2(iii), H7, H20(iii) and paragraphs 4.62 – 4.68 and modify the Proposals Map accordingly.

B Review the reference to new primary school provision in paragraph 4.61 of the Plan.

H2(iii) - Furfield Quarry, Brishing Lane, Boughton Monchelsea

Objection DH0216 - Ms C Morgan

Issue The deletion of this allocation to enable the site to become part of a green corridor.

Conclusions

4.154 I have recommended that this allocation should be deleted, and my recommendation here reflects that finding. However, I do not support this objection for the reasons I gave in Chapter 3 when considering Ms Morgan's objections DENV0336/7 to ENV34(iii).

RECOMMENDATION

4.155 Do not modify the Plan in response to this objection.

H2(iv) - Land at Pested Bars Road, Boughton Monchelsea

Objections

DH0005 - Mrs E Twyman
 DH0092 - John Mills Esq.
 DH0137 - Mr & Mrs Davies
 DH0284 – Mrs J Weeks
 DH0291 - Twigden Homes

DH0621 - Mr & Mrs Norton
 DH0638 - Mrs C F Tring
 DH0565 - Crofton Place Developments Ltd
 DH0572 - The Trustees of the Warbleton Charity
 DH0622 - Mr & Mrs Norton

Issue The deletion of the allocation.

Conclusions

4.156 I have dealt with DH0284, DH0565 and DH0572 here because, although they were made to H8, they are to the principle of the allocation not the detail of that policy.

4.157 These objectors raise several different arguments against the principle of this allocation. However, the site already has planning permission and construction has started. The principle of development is therefore not before me in considering objections to the Plan.

RECOMMENDATION

4.158 Do not modify the Plan in response to these objections.

H2(iv) - Land at Pested Bars Road, Boughton Monchelsea

Objection DH0051 - MAFF

Issue The loss of best and most versatile agricultural land.

Conclusions

4.159 This site already has planning permission and construction has started. This objections was withdrawn on condition that the boundary of the Oldborough Green Corridor remains as set out in the Plan. In Chapter 3 I recommend the retention of this green corridor.

RECOMMENDATION

4.160 Do not modify the Plan in response to this objection.

H2 (iv) - Land at Pested Bars Road, Boughton Monchelsea

Objection CH0055 - B B Firmin Farms

Issue The need to increase the number of units in the first phase to 240, recognising that planning permission has been granted over the whole site.

Conclusions

4.161 As I have argued elsewhere in this report, very little of the first phase will remain by the time the Plan is adopted. The housing land availability during this period will be more a reflection of the advice in PPG3 about the provision of a 5 year supply, rather than as a result of this Plan.

RECOMMENDATION

4.162 Do not modify the Plan in response to this objection.

H2(iv), H8, and paragraphs 4.69 - 75 - Land at Pested Bars Road, Boughton Monchelsea

Objection DH0527 - Croudace Homes

Issue The need to reduce the capacity of this site.

Conclusions

4.163 I have dealt with the capacity of sites generally when considering housing land availability. It is also clear that some of the arguments raised by these objectors, for example methane seepage and off-site road works, have been addressed by the grant of planning permission.

RECOMMENDATION

4.164 Do not modify the Plan in response to this objection.

H2(v) - Land at Westfield Sole Road, Lordswood, Boxley

Objections

DH0016 - Mr D W G Sawyer
 DH0025 - Cllr Mrs S Hall
 DH0040 - Mrs M Rogers
 DH0043 - Mrs J L Cameron

DH0045 – English Nature
 DH0073 - Mr J K Austin NDD
 DH0074 - Mr D Murr, CPRE
 DH0081 - Wigmore Residents Association

DH0084 - Mr J Kehoe	DH0257 - Rochester u Medway City Council
DH0085 - Mr J Kehoe	DH0258 - Gillingham Borough Council
DH0087 - John Mills Esq.	DH0281 - D B Mitchell
DH0090 - Mr J Mills	DH0283 - The Longhurst Family
DH0095 - Mr R F Matthews	DH0285 - Maidstone First
DH0133 - Mr N Turner	DH0292 - Twigden Homes
DH0195 - Kent Wildlife Trust	DH0319 - Hempstead Residents Association
DH0200 - Bryant Homes Technical Services Ltd	DH0321 - Dr F Simpson
DH0209 - David Wilson Homes	DH0528 - Croudace Homes
DH0217 - Ms C Morgan	DH0566 - Crofton Place Developments Ltd
DH0227 - Ms C Morgan	DH0573 - The Trustees of the Warbleton Charity
DH0255 - Rochester u Medway City Council	DH0639 - Mrs C F Tring

Background

4.165 Some of these objections were made to H9, but I have dealt with them here since they are to the principle rather than the detail of the development of this site. It was accepted at the inquiry by the Council that the narrow area in the south-west corner of this allocation was wrongly shown on the Inset Map as housing under H9(iii). Rather, it should be shown as H9(ii) as a buffer between two housing areas (roughly Compartment C, Appendix 1 in the Council's landscape proof of evidence). I have dealt with this case on that basis.

4.166 In broad terms I find the location of the allocation to be in accordance with sustainability principles, since it is on the edge of a large urban area, and there are employment areas nearby. There are also local shops, schools and buses. However, several objectors raised the argument that an allocation here could not meet the needs of Maidstone and, indeed, facilities and services for future residents would have to be supplied by another authority.

4.167 It is quite clear to me that not all the housing provision in the Borough can be made in or on the edge of Maidstone, and there is no policy support in the Structure Plan for the argument that it should be. Indeed my recommendation in paragraph 4.72 recognises the contribution that sites in the larger villages and small rural towns could make. I have also recommended sites in these locations. Nevertheless, I have some sympathy with this argument in relation to an allocation of this size which, it seems to me, should have closer geographical and functional ties with the principal town in the Borough. However, I have considered this allocation primarily on the planning merits set out in the issues which I identify below.

4.168 The Development Plan for this area includes the Medway Towns Local Plan 1992 in which the site is shown as part of an ALLI. I note the comments about the future development of part of the present objection site made by the Inspector who considered objections to that Plan. However, I am satisfied that it is wholly appropriate that I should consider the allocation of this site as part of the review of this Plan (which succeeds the Medway Towns Local Plan in this area), in the light of policies and circumstances which prevail now. As several objectors pointed out, those circumstances have changed: the local plan area is different, and the emphasis in the draft Medway Towns Plan in housing location is towards the centre rather than the southern edge

of the Plan area; the area before me is larger than the site considered earlier; and there is new Government guidance in PPGs 7 and 13. I also note comments made about the Council's site selection process and the merits of other sites. However, I have considered this allocation, and all other sites drawn to my attention, on their own planning merits.

4.169 I acknowledge concerns that local roads beyond the site are not adequate to carry the additional traffic likely to arise from the allocation, and that not enough improvements are proposed. However, there is no objection to the allocation from the highway authority and no detailed evidence of traffic flows has been put forward. I note the proposed improvement of Westfield Sole Road and the extension of North Danes Way as part of the allocation, and the continuing discussions between local authorities about the Medway Towns Southern Peripheral Road. Whilst I set out below my concern about the environmental impact of some of the road works, I have dealt with this case on the basis that, from a purely highway point of view, a suitable solution could be found if the site were allocated.

Issues

4.170 Against this background, the issues in this case are:

- (a) The effect of the proposed housing on:
 - (i) the character and appearance of the area;
 - (ii) ancient woodland; and
 - (iii) the Strategic Gap identified in ENV32.
- (b) Whether any harm which may be identified would be outweighed by the need to meet Structure Plan housing requirements or any benefits which may arise.

Conclusions

Issue (a)(i) Landscape

4.171 I will deal first with the effect of housing on its immediate surroundings, before considering the wider effect on the Capstone Valley to the east, and the rural area to the south. Quite clearly the present dense character and appearance of the woodland experienced from Westfield Sole Road would be wholly changed. The road itself would be widened, there would be accesses into housing areas, and houses would be seen through the remaining trees. To my mind the area within the allocation would become urban, not rural as it is at present, taking on the character and appearance of housing amongst trees, in place of the present dense woodland.

4.172 Outside the allocation, I found on my visits that the area immediately to the east of the

site is rural in character and appearance. In this local context the woodland on the site acts as a dense backdrop, screening housing and other uses to the west, and therefore is significant in maintaining the rural character of the site's immediate surroundings. I have no doubt that housing on the eastern edge of the allocation site would be a major urban intrusion into this setting beyond the present very clearly defined edge of the urban area. I saw the bund which has been built in this area, but I am not convinced that the impact of housing could be materially lessened by it and the limited area for landscaping indicated around this edge of the site on the Proposals Map and included in H9(ii).

4.173 Moving on to the wider context of the site, the dense screening of the woodland is seen from further to the east and north-east within the Capstone Valley as part of the western edge of a wider rural area, again screening the major housing areas from the countryside. The notable exception to this is, as objectors point out, the recent housing to the north. From the south, the woodland is seen across the M2, again as a dense backdrop, screening housing from the rural area at the summit of the North Downs.

4.174 In these views, I have no doubt that the woodland plays a vital role in the landscape of this area, screening a large built-up area from the countryside which adjoins it to the east and south, and in this way ensuring that the countryside retains its rural character and appearance. I note the Council's arguments about the effectiveness of the landscaping requirements included in H9. I have no doubt, however, that housing of the scale proposed here would be seen from the Capstone Valley, and the rural area to the south, through the trees and landscaping on the eastern boundary of the site and the eastern end of the Westfield Sole Road frontage. Trees may filter these views, but as I have explained above, the landscape significance of the present woodland is its denseness and its ability to screen completely the large built up area which adjoins it.

4.175 The Council pointed out that there will be changes in the area anyway as a result of new road building, in particular the southwards extension of North Danes Way. I also note the latest position on the Medway Towns Southern Peripheral Road in Additional Proposed Change 8. I can understand concerns about the effect of existing traffic on the local lanes, but the construction of new roads does not justify to my mind the far greater impact of housing on the landscape.

4.176 For all these reasons, therefore, I conclude on this part of the issue that the proposed housing would materially harm the character and appearance of the area. I return to this below in considering the inclusion of this site in the Capstone, Darland and Lidsing ALLI.

Issue (a)(ii) Ancient Woodland

4.177 The Council acknowledged the loss of ancient woodland which would occur in the development of the areas allocated under H9(iii). However, it argued that this was justified by

two factors: the disturbance and replanting which it claimed has taken place in areas where these allocations have been made north of Westfield Sole Road; and the lack of management and storm damage in the area to the south of the road. The impact of these changes was disputed at the inquiry, but I accept that changes may have occurred. Moreover, since coppicing is vital to the ecology of the woodland in maintaining light levels, I accept that lack of management may have affected the range of flora, particularly in the dense area south of Westfield Sole Road which I saw on my visit. I also saw that the area north of Westfield Sole Road is a small dense woodland, close to a large housing area and, whilst there is no formal public access, it is clearly in use and under pressure from people and their pets.

4.178 However, none of this justifies to my mind the direct loss of ancient woodland, itself protected by a policy in the plan; the effect on wildlife of this and of fragmenting the remaining habitat; or the indirect harm to the remaining woodland caused by people living within and around it. I am not convinced that woodland management, or the control of the design and density of the proposed housing enclaves, could overcome the problems of extreme pressure on the limited remaining areas, particularly when loss of trees for road widening and access is taken into account. Rather, I have no doubt that the remaining areas would be too small and fragmented to maintain their ecological importance as ancient woodland and become instead areas of trees within a mainly residential environment. I accept that these areas could be managed, but to my mind they would no longer be woodland in any way comparable to what exists at present. I have no doubt either, that these remaining areas would continue to come under pressure for further change from people living among them, concerned about the effects of trees on their surroundings. On this part of the issue, therefore, I conclude that housing would materially harm the ancient woodland on the site.

Issue (a)(iii) Strategic Gap

4.179 I have already dealt with this issue in Chapter 3, when considering objections to ENV32 both to this land, and all land north of the M2. I concluded that none of the land north of the M2 was part of the Strategic Gap, the purpose of which was to separate Maidstone from the towns to the north, not the Medway towns from each other. My recommendation here reflects those findings which are set out in detail in that chapter.

Issue (b) Housing Need and Benefits

4.180 I have concluded in paragraph 4.238 that, without this and other sites, there is a need for an additional 940 units to meet the Structure Plan housing requirement. Given the size of this allocation and the contribution which it could make, I have weighed this very carefully against the harm I have found in the previous issue, particularly since it is clear from paragraph 4.700 that I have been unable to recommend enough sites. I have also considered my view that the location of the allocation is broadly sustainable, against my findings about harm to the landscape and ancient woodland, which must be unsustainable. Taking all this into account, I conclude that the harm to the character and appearance of the area and the loss of ancient woodland clearly

outweigh housing need and fully justify my recommendation to delete this allocation.

4.181 Nor am I convinced that there are benefits arising from the allocation which would outweigh the harm. I have already concluded that the effect of creating the housing enclaves within the ancient woodland would so reduce the woodland that its present character and ecological importance would be lost. At this price, I do not accept the Council's argument that management, or the lawful use, of the remaining areas of trees is a benefit. For the same reason, I do not consider that the proposed highway improvements are a benefit which could outweigh the harm both to the loss of ancient woodland and the effect on the character and appearance of the area.

Other Matters

4.182 In view of my overall conclusion, and my findings about the importance of the woodland to the character and appearance of the landscape of the surrounding area, I have recommended that the allocation site should be added to the adjoining ALLI notation. I note that the site is within the area covered by RPG9A *The Thames Gateway Planning Framework*, and it seems to me that my recommendations are in sympathy with the concerns in that document for raising the quality of the environment generally, the countryside and natural features in the landscape. I note concerns about the amount of open space provided within the scheme but, given the particular woodland nature of the site, I am satisfied with the provision made. I deal with the wider question of open space below when considering Boxley Parish Council's objection.

RECOMMENDATIONS

- 4.183 A Delete H2(v), H9, H20(v) and paragraphs 4.76 - 4.89, and modify the Proposals Map accordingly.**
- B Include the area of H2(v) within the ALLI covered by ENV38(xiii).**
- C Do not include the area of H2(v) in the Strategic Gap,**

H2(v) - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0015 - Boxley Parish Council

Issue The need to delete this allocation unless there are commitments to (a) improving the shortage of formal open space north of M2; and (b) improving the roads between Boxley Road and Hempstead.

Conclusions

4.184 I have recommended that this allocation should be deleted for reasons set out in the previous paragraphs, and my recommendation here reflects that finding. On (a), the Parish Council produced figures at the inquiry to show a shortfall of formal recreation space in wards north of the M2. These calculations were accepted by the Borough Council for the area to which they applied, but it was argued that the findings depended on the area chosen. On this basis I see no reason to dispute the Borough Council's argument that within the Borough provision of formal open space is adequate for the population. However, I share the view that since this provision is concentrated in locations such as Mote Park, it is not necessarily convenient for people living in all parts of the Borough. I note, however, the provision made or proposed in the Medway towns which would be closer for people living north of the M2. I agree with the Council that, in this light, the formal open space provision in this wider area is not a ground for deleting this allocation.

4.185 At the inquiry in dealing with this objection reference was made to H36 and formal open space provision within the site, and I have dealt with a related objection from the Parish Council in considering H36. I have reservations about this policy, but the wooded nature of the site seems to me to make it very difficult to provide formal recreation space of any size within it even through the application of a modified H36. Moreover, since I have recommended that H2(v) should be deleted partly because of the loss of woodland I would be very concerned about any provision which would add to that loss.

4.186 Turning to (b), I note the provisions for road improvement in H9. I have expressed concerns about the environmental impact of these improvements, but in the absence of an objection from the highway authority I do not support this part of the objection.

RECOMMENDATION

4.187 Do not modify the Plan in response to this objection.

H2(v) - Land at Westfield Sole Road, Lordswood, Boxley

Objection	DH0078 - Medway Friends of the Earth
Issue	The need for a better balance between housing and jobs in the Lordswood area.

Conclusions

4.188 I acknowledge the concerns of this objector about the need for people to travel from Lordswood to work because of a lack of local jobs, but I have seen no evidence to show that this is materially worse than in many other parts of the country in similar sized towns. However, this objection points to a weakness in the allocation of a housing area of this size at the edge of the

Borough since the Council cannot itself address the wider issues of jobs, public transport and other services. My recommendation to delete this allocation is nevertheless based on the planning merits of the proposal set out in the issues which I identify in paragraph 4.170.

4.189 I note this objector's concerns about the increase in noise levels from the M2 if Cowbeck Woods were destroyed, but again I have seen no evidence on this matter. I also note the concerns about the effect of the Medway Towns Southern Peripheral Road, but I can make no comment since the Plan does not include a policy that it should be built.

RECOMMENDATION

4.190 Do not modify the Plan in response to this objection.

H2(v) - Land at *Marylands*, Westfield Sole Road, Lordswood, Boxley

Objection DH0261 - Mr R Clifford

Issue The need in this policy (a) to increase the capacity of the land allocated; and (b) to bring forward development to the first 5 year phase.

Conclusions

4.191 I have recommended that this allocation should be deleted, and my recommendation here reflects that finding. However, I support the Council on the detail of both parts of this objection. On (a) the objectors argue that a higher density than the Plan's standard 25 dwellings per hectare (dph) should be adopted. I note the arguments about the need to provide for small households, but I disagree in principle. Paragraph 4.32 of the Plan makes it clear that the 25dph figure is used purely to estimate yield and that the use of this figure does not prejudge densities when planning applications are considered. On this basis, I support the Plan's approach.

4.192 On (b), whatever the housing requirement of the Borough, the release of this area, or any part of it, can only be considered as part of the review of the Local Plan. In purely practical terms, this process is unlikely to be completed in time to make the allocation of the site in the first phase meaningful.

RECOMMENDATION

4.193 Do not modify the Plan in response to this objection.

H2(vi) - Fountain Park, Enterprise Road, Maidstone

Objections DH0299 - George Wimpey Plc
DH0308 - George Wimpey Plc

Proposed Change 75

Issue The need to include this site in the first 5 year Plan period.

Conclusions

4.194 These objections are overcome by the proposed change and I support it.

RECOMMENDATION

4.195 Modify the Plan in accordance with Proposed Change 75 so far as it relates to this site.

H2(vii), and paragraph 4.31 - Land at Tovil Hill, Tovil

Objection DH0079 - Mr S Green

Issue As part of the development the need to require:

- (a) the retention and improvement of Loose stream as an open watercourse through the site;
- (b) the provision of a cycle and footway to replace the route proposed along Church Street; and
- (c) the installation of traffic lights at the junction of any access road with Tovil Hill.

Conclusions

4.196 I can appreciate the objector's concerns to ensure a high quality of development on this site, including the treatment of Loose stream. However, I agree with the Council that the matters to which he refers should be dealt with at the application stage, not at this stage which determines the principles of development. The matters are in any case the subject of other policies in the Plan which will be applied to the site since the Plan must be read as a whole and it is not necessary to repeat them here. For example the following policies will apply:

-
- (a) ENV3 to deal with the quality of development, with ENV41 if there is a nature conservation interest;
 - (b) T8 dealing with cycle routes; and
 - (c) T24 to ensure highway standards at the junction.

RECOMMENDATION

4.197 Do not modify the Plan in response to this objection.

H2(ix) - Baileys Garage, Ashford Road, Harrietsham

Objection DH0059 - Baileys Nissan

Issue The need to estimate the yield from this as set out in paragraph 4.32.

Conclusions

4.198 I have not recommended any modification to the approach set out in paragraph 4.32 of estimating yield from housing sites on the basis of 25 units per hectare. There is therefore no outstanding objection in this case.

RECOMMENDATION

4.199 Do not modify the Plan in response to this objection.

H2(x) - Station Road, Harrietsham

Objection DH0346 - Henry Starnes Properties Ltd

Proposed Change 76

Issue The need to extend the allocated site to up-date the allocation.

Conclusions

4.200 I accept the proposed change which overcomes this objection.

RECOMMENDATION

4.201 Modify the Plan in accordance with Proposed Change 76.

H2(xii) - Buckland Hill, Maidstone

Objections DH0001 - Mr E Edmonds
 DH0003 - Mrs P Croucher
 DH0011 - Mr W J C Caley
 DH0041 - Mr & Mrs D W Oaks
 DH0054 - Maidstone Allotments Management Committee
 DH0055 - Mr G H Morgan
 DH0349 - Mrs A Geeson

Issues Whether this allocation should be deleted because it would lead to:

- (a) a loss allotments;
- (b) a loss of open space and wildlife habitat; or
- (c) an unacceptable increase in traffic.

Conclusions

4.202 I have noted the objectors' arguments about the ownership of this site and the limitations this may place on its use for housing. I also note the statutory process which must be followed if allotments are to be used for other purposes. Normally ownership is not a matter for land-use planning. However, in this case I must be assured, following the advice in PPG3, that land allocated for housing is genuinely available. Nothing that I have heard or read in this case convinces me that these matters could not be overcome during the life-time of the Plan. For example, even if the covenants on the site about its use are valid, which the Council disputes, there are other means open to the Council to further the matter through the Lands Tribunal. I therefore propose to deal with this site as though it were available and on its planning merits.

4.203 Dealing then with issue (a), I heard at the inquiry that the northern part of the site, about half the total area, had been handed back to the Council in 1989 and has since been left unmanaged. The Council allocated the site in this Plan for housing following a review of its land holdings, and proposes that existing plot holders should be relocated to the allotments at Rocky Hill. The Allotments Management Committee accepted at the inquiry that this would be mathematically possible, but objected to the relocation because the age of many existing plot holders, most of whom live very close by, made such a move impossible, and because of the level of vandalism at Rocky Hill.

4.204 I sympathise with this view, and the Management Committee's argument that it should be left to manage the allotments in the town since it has the necessary detailed knowledge. The

Borough Council, however, has a duty through this Local Plan to meet the Structure Plan housing requirement, and I find in paragraph 4.238 that there is a shortfall of 940 units. Even after considering objections to sites which were not allocated, I find in paragraph 4.700 a shortfall of 160 units. In these circumstances, and since the use of the site for houses would not lead to an overall loss of usable allotment plots, I conclude on this issue that the loss of allotments from the site does not justify deleting the allocation.

4.205 Turning to issue (b) and dealing first with the loss of an open area, I found on my visits that Buckland Hill is a wide road with an open character and appearance. In the wider street scene, the undeveloped nature of site contributes to this openness and affords views across the Medway valley. Closer to, however, the site is well screened by boundary hedges which limit views into it. In these circumstances, new housing would have an impact on the character and appearance of the area, although I consider that there are reasons why this would be limited.

4.206 First, the site is steeply sloping and careful design and attention to storey heights could limit the impact on the views across the valley; it should be possible for views from above the site, for example, to be over the roofs of new dwellings lower down the site. Second the spacious character of Buckland Hill could be retained by reflecting the spacing of existing houses in the proposed layout. Third, the site is not generally open when seen from close to because of the boundary hedges. The definition and enclosure of private gardens would not, therefore, materially alter the present enclosure of the site when seen from the adjoining footways.

4.207 Given my findings about the need for additional units, I conclude on this part of the issue that this allocation should remain since the limited impact of new houses would be outweighed by the need to meet Structure Plan requirements.

4.208 I note the concerns of the objectors about the loss of habitat, particularly in the unmanaged area on the northern edge of the site. However, this area has not been identified as having any formal wildlife importance, for example, as an SSSI to be protected under ENV43 in Chapter 3. I am not therefore convinced that there is any justification for deleting the site on these grounds. However, in Chapter 3 when dealing with objections to ENV41, I recommend that the Council should consider a policy for nature conservation matters not previously known about. If such a policy were added to the Plan, it would apply to this site if anything of importance were discovered.

4.209 Finally on issue (c) I have seen the limitations of the local roads, including the access from the A20, during several visits to the area. However, I note that there is no objection to the allocation from the highway authority, and I am not convinced that the amount of traffic likely to be generated by 22 units would be great enough to justify deleting this allocation.

RECOMMENDATION

4.210 Do not modify the Plan in response to these objections.

H2(xii) - Buckland Hill, Maidstone

Objection DH0259 - Maidstone Development Watch

Issue The need to provide more than the estimated 22 dwellings on this site.

Conclusions

4.211 The objectors argue that smaller units with communal rather than individual gardens should be provided to make the best use of the space available. As a town site there may be some merit in this, but it is a matter entirely for the development control process, not for a local plan policy. Paragraph 4.32 of the Plan makes it clear that the figure of 25 dwellings per hectare is used solely as a means of estimating the yield from housing sites. This approach does not, therefore, prejudge the density of any future scheme for this site, which will be determined at the design stage taking other policies into account.

RECOMMENDATION

4.212 Do not modify the Plan in response to this objection.

H2(xiii) - Oakwood Hospital, Queens Road, Maidstone

Objection DH0646 - South Thames Regional Office of the NHS Executive

Issue The need to delete the phasing on this site.

Conclusions

4.213 I have already argued that, whilst I support phasing over the Plan period in principle, in this case it will have very limited impact in practice, because the first phase will be nearly over before this report is published and the Plan adopted. Given the complexity and size of this site I can understand the objectors' concerns, but they do not seem to have been borne out in practice. The revised version of H2 based on 1997 completion information shows a lower number in the first 5 years of the Plan than H2 in the adopted Plan, suggesting to me that phasing has reflected the speed of development rather than a restrictive planning policy (CD9, Appendix 1, page (ii)).

RECOMMENDATION

4.214 Do not modify the Plan in response to this objection.

H2(xv) - East of Yeoman Lane, Bearsted

Objection DH0140 - D R Sinclair

Issue The deletion of the allocation which adjoins a sewage treatment works and would add traffic congestion on adjoining roads.

Conclusions

4.215 This site is an allocation in the adopted Local Plan, and a substantial amount of development has taken place.

RECOMMENDATION**4.216 Do not modify the Plan in response to this objection.**

H2(xvii) - Castle Road, Allington

Objection DH0218 - Ms C Morgan

Issue Replacing the housing allocation with an allocation for a station/interchange between the Victoria and Medway Valley railway lines.

Conclusions

4.217 This is an allocation in the adopted Local Plan, and a substantial amount of development has now taken place.

RECOMMENDATION**4.218 Do not modify the Plan in response to this objection.**

H2(xx) - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0006 - Mrs E Twyman

Issue	Whether the development of this site would lead to a loss of wild-life and, if so, whether the need to meet the housing requirements overrides such a loss.
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Conclusions

4.219 Mrs Twyman has listed the wild-life which she has seen on the site. Since the site is a large area of undeveloped land I have no reason to doubt her findings, and the proposed housing and industrial development would clearly remove much of the present habitat. However, the site has not been identified as having any formal nature conservation interest, even at the local level under ENV43. In these circumstances, I consider that this loss is overridden by the need to meet the Structure Plan housing requirement which I have identified in paragraph 4.238.

RECOMMENDATION

4.220 Do not modify the Plan in response to this objection.

H2(xx) - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0033 - The P W Chambers Will Trust

Issue The need to bring forward 160 dwellings into the period 1996 - 2001.

Conclusions

4.221 As I have commented elsewhere, any recommendation which I might make on phasing is largely academic since the Council will not receive my report, and the Plan be adopted, until the first phase is nearly over. I accept the principle of phasing, but my recommendation reflects this reality. In the meantime, the Council must, in any case, follow the advice in PPG3 and maintain a 5 year supply of housing land.

RECOMMENDATION

4.222 Do not modify the Plan in response to this objection.

H2(xx) - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0052 - MAFF

Issue The need to avoid the loss of the best and most versatile agricultural land.

Conclusions

4.223 Recognising the difficulties facing the Council in allocating housing sites on the edge of Maidstone, MAFF is prepared to withdraw this objection provided that land on the eastern and southern boundaries is transferred to the Council. This is to ensure the provision of landscape belts to prevent the spread of development onto adjoining farmland. I have supported this in dealing with objections to H14, although the ownership of land cannot be made the subject of a planning policy. I am satisfied, however, that these landscaped areas can be provided and their future secured within the limitations of land-use planning and that this would meet MAFF's objection.

RECOMMENDATION

4.224 Do not modify the Plan in response to this objection.

H14 - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0032 - The P W Chambers Will Trust

Issue The addition of Use Class B1(a) Offices to the uses permitted on this site.

Conclusions

4.225 When dealing with objections to H14 I recommend that the housing and industrial elements of this site should be dealt with in separate policies. If I were to accept this objection the modification would therefore be to ED5, although I have dealt with it here since it reflects the present policy wording. I agree with the Council that, given the good supply of sites more suitable for offices to meet Structure Plan requirements, this site should be reserved for manufacturing and related uses to ensure a range of provision across the District. Recognising the difficulties which have been experienced in developing the site, the Council has already widened the uses which can be permitted in contrast to the limitation to Use Class B2 in policy E15 of the adopted Local Plan. I do not consider, however, that these difficulties justify accepting office uses on the site.

RECOMMENDATION

4.226 Do not modify the Plan in response to this objection.

H2(xx) - Langley Park Farm West, Boughton Monchelsea/Langley

Objections

DH0068 - Wards Construction (Medway) Ltd
 DH0088 - John Mills Esq.
 DH0091 - John Mills Esq.
 DH0107 - Charles Church Developments Ltd

DH0201 - Bryant Homes Technical Services Ltd.
 DH0210 - David Wilson Homes
 DH0520 - Kent Chamber of Commerce & Industry
 DH0529 - Croudace Homes

- Issues**
- (a) Whether the allocation meets the advice in PPG13 about the location of new development.
 - (b) Whether the loss of previously allocated commercial land is acceptable.
 - (c) The effect of the proposal on the character and appearance of the area.
 - (d) Whether any harm which might be identified would be overridden by the need to meet Structure Plan housing requirements.

Conclusions

4.227 Although some of these objections were to H14, I have grouped them together here because they are all to the principles of development, whilst H14 and objections to it relate to the site specific details. Several objectors refer to the agricultural quality of the land, and I have dealt with this in paragraph 4.224 when considering MAFF's objection.

4.228 Dealing with issue (a), I am satisfied that the allocation of this site meets the advice in paragraph 3.2 of PPG13, since it is part of a "larger urban area" - Maidstone - and reasonably accessible to shops, schools and jobs. I accept that there is no railway in the area, but the A274 is a bus route. I acknowledge, also, that the A274 is a busy road, but I heard at the inquiry of junction improvements, and in Chapter 6 I deal with the proposed All Saints By-Pass in the town centre and the Leeds/Langley By-Pass.

4.229 The allocation also meets the advice in paragraph 3.3 of PPG13 since it is a mixed-use development of housing and employment uses. I note the concerns in DH0107 about the closeness of the site to the adjoining Parkwood Industrial Estate. This is important if a good living environment is to be created, but it is a matter to address at the detailed stage in H14, and does not affect the principle of development. On this issue, therefore, I conclude that the proposed allocation meets the advice in PPG13 about the location of new development.

4.230 On issue (b), much of this site is allocated for economic development in the adopted Local Plan, and I agree that the proposed housing should not take place at the expense of job creating uses. However, policy ED2(a) of the Structure Plan allows poor quality or constrained sites to be replaced by better allocations and, from what I heard at various times in the inquiry, I am satisfied that this has happened in this case. (For example, see the Council's planning

evidence to objections to ED2, paragraph 6.11, MBC/PR.119 etc.) In addition, in Chapter 5 I have recommended the allocation of an additional site in Old Sittingbourne Road. I conclude on this issue, therefore, that the loss of industrial land in this case is acceptable, since the Council remains able to meet the Structure Plan requirement.

4.231 Turning to issue (c), the site is a large area of flat open land fully in keeping with the open landscape around it. Its development would, therefore, extend Maidstone into the surrounding countryside. However, the eastern edge of the Parkwood Industrial Estate is very harsh and prominent in this flat landscape and development of this site would be an opportunity to create a softer, more attractive edge to the town. I deal with this in more detail in considering H14. On this issue, therefore I conclude that there would be some harm to the character and appearance of the area, but that this could be limited by appropriate landscape design around the site.

4.232 Finally on issue (d), I found in paragraph 4.238 a need for an additional 940 units to meet the Structure Plan housing requirements. Even after considering objections to sites which were not allocated I find in paragraph 4.700 a shortfall of 160 units. In this case it seems to me that this overrides the limited harm I have identified in issue (c), particularly because of the opportunity for improvement which exists. I therefore conclude that housing on the site is justified. I note the comparisons made in some objections with other housing objections sites, but I have dealt with them all on their own merits.

RECOMMENDATION

4.233 Do not modify the Plan in response to these objections.

H2(xx), H14 - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0300 - George Wimpey Plc

Issue The need to delete the industrial allocation from this policy.

Conclusions

4.234 About 6ha of this site are allocated for industry Use Class B1(b) and (c) and B2. In a letter to the objectors dated 22 April 1998 the Council confirmed that the figure of 6ha was correct, but that in paragraph 4.114 of the Plan its conversion to 10 acres was incorrect – the figure should be 14.8 acres. The letter also set out the likely floor space for the uses proposed, based on plot ratio advice in the Structure Plan. As a result, the objectors withdrew the objection conditionally in a letter dated 27 April 1998. I support the Council's explanation and correction of the acreage, and the need to allocate the site for industrial use in the light of Structure Plan requirements. I have recommended accordingly.

RECOMMENDATIONS

4.235 A Do not modify the Plan in response to this objection.

B Paragraph 4.114:

replace “(10acres)” with “(14.8 acres)” in line 1.

H2(xx) - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0556 - Mr R M R Ashby

Issue The extension of this allocation to cover the adjoining golf driving range.

Conclusions

4.236 I acknowledge that this site is not in agricultural use, but I found on my visits to the area that its generally open nature is in keeping with the surrounding countryside. In contrast, I have no doubt that its development for mixed housing and industrial uses would extend Maidstone into its countryside setting beyond the clear boundary which it is proposed to create around this allocation through the landscaped areas proposed under H14. I consider that this would materially harm the character and appearance of the area. For this reason, despite my findings in paragraph 4.238 on the need for additional units to meet the Structure Plan housing requirement, I cannot support this objection.

RECOMMENDATION

4.237 Do not modify the Plan in response to this objection.

OVERALL CONCLUSIONS ON OBJECTIONS TO ALLOCATED SITES

4.238 If my recommendations in this section are accepted the number of units on allocated sites should be reduced by 500 – 350 at Westfield Sole Road and 150 at Furfield Quarry. This position with a shortfall of 940 units is shown in Table 2, and is a second interim comparison, after the round table session and after deleting these allocated sites. The final position is set out in Table 4 and paragraph 4.700 and I turn next to consider the objections to sites not allocated.

Table 2: Housing land position after round table session and objections to allocated sites.

Housing land provision 1991 – 2006	MBC	Recommendations
Structure Plan Requirement	7400	7400

Completions 1991 – 1997	2406	2406
Large sites with planning permission	654	581
Small sites estimate	954	954
Windfall sites	356	334
Local Plan allocations	2823	2185 ¹
Total provision	7193	6460
Housing land provision	(207)	(940)

1. Figure from Table 1, less 500 units recommended for deletion.

H2 - Housing Land Allocations: Land at Bell Farm, North Street, Barming

Objection DH0287 - Twigden Homes

Background

4.239 It was agreed at the inquiry that this site was generally well related to the range of facilities needed to serve housing areas, and the Council accepted that, like most sites on the edge of a town, its location met sustainability objectives. The Council did not raise any technical highway objections, but in considering issue (a), I deal with the environmental impact of the illustrative highway proposals which were presented at the inquiry.

4.240 From what I heard at the inquiry there is no doubt that the development of the objection site would lead to the loss of the best and most versatile agricultural land contrary to the advice in PPG7. The points at issue therefore are whether this loss is justified by the need for additional housing which I have identified, or the specific circumstances of farming this land. I have dealt with these matters in issue (b).

4.241 I have considered the letters exchanged by the objectors and the Council since I heard the case at the inquiry which deal with the a site-specific policy for this site if it were allocated.

Issues

4.242 Against this background the main issues in this case are:

- (a) Whether housing on this site would harm the character and appearance of the area; and if so

- (b) whether the need to meet Structure Plan housing requirements overrides any harm which may be identified, or the loss of the best and most versatile agricultural land.

Conclusions

Issue (a) Character and Appearance

4.243 From the arguments that I heard at the inquiry I have considered the impact of housing on this site from two main areas: from a distance to the south in Lower Road looking across the Medway valley; and from close to in North Street.

4.244 Dealing with the distant views first, I found on my visits in both summer and winter that the site can be clearly seen from various places in Lower Road, particularly from directly to the south in views which were not illustrated by the objectors' landscape witness. In these views, this edge of Maidstone has an attractive, rather diffuse character, described by this witness as "... a quite subtle merging of town and country. ..." (MB/PR.104, paragraph 3.14).

4.245 At present the site contributes to the character and appearance of the area when seen from Lower Road because its openness contrasts with the housing development around it, and extends the rural character of the area to the west amongst that housing. The urban boundary is therefore not clear cut, and town and country merge in an attractive, subtle way. I have no doubt that this would change if the site were developed for housing since, even with the landscaping proposed, the green and open character of much of the site which I saw on my visits would be lost. The effect of housing, therefore, would be to consolidate the urban element in the area at the expense of the rural, and the subtlety of their merging would be lost.

4.246 I agree with the objectors that housing on the site would not be extend the urban area along the valley since there is housing along its northern and southern boundaries. However, to my mind the opposite effect, of reducing the countryside incursion amongst the houses, is equally harmful. I do not agree with the objectors that the site does not appear as an obvious part of the countryside, particularly in those views directly from the south which were not illustrated at the inquiry. I accept that the western boundary is well treed, but the site still appears open, in marked contrast to the urban area to the east.

4.247 The objection site is in an area which has no special landscape designation. However, I note the advice in paragraph 2.14 of PPG7 that the countryside should be protected for its own sake. Moreover, in Chapter 3 I have recommended that the Council should extend the Medway Valley ALLI to cover this area north of its present boundary. I conclude on this part of the issue, therefore, that housing on the site would materially harm the distant views of this part of Maidstone when seen from the south across the Medway valley.

4.248 I turn now to consider the effect of the proposal on North Street. Architecturally the

appearance of North Street is dominated by modern housing. Nevertheless, the extensive views west and south-westwards across the objection site from the northern end of the Street, and the views due south along it and across the Medway valley, give it a rural character to be expected on the edge of the town. This would be completely changed by housing on the objection site, even with the area of open space proposed on the eastern edge and which it has been agreed would be included in a site specific policy. The rural views across the site, towards and beyond the shelter belt planting, would be replaced by views across urban open space towards housing. Even the extensive landscaping which is illustrated cannot alter the change from a rural to an urban character and appearance.

4.249 My concern is reinforced when the illustrative road access proposals are considered. Whatever detailed design is chosen for the junctions proposed to give access to the objection site from North Street, they would introduce an urban form and scale wholly out of place in this largely rural setting. I note that traffic could be removed from the northern part of North Street, but this does not in any way overcome the harm that road proposals of this scale would cause.

4.250 I accept the value of some of the elements in the design concept, internal landscaping, footways and cycleways, for example, but they do not address my concerns which are to the principle of development.

4.251 For all these reasons I conclude on this issue that the proposal would materially harm the character and appearance of North Street, and the distant views of the area from Lower Road across the Medway valley.

Issue (b)

4.252 In paragraph 4.238 I found the need to provide sites for an additional 940 houses to meet the Structure Plan requirement. Moreover, it is clear from paragraph 4.700 that I have been unable to recommend enough sites to meet this need. Despite this, however, I have no doubt that the serious harm which I have identified in issue (a) is not outweighed by housing need.

4.253 The need for additional housing could represent the overriding need referred to in paragraph 2.18 of PPG7 to justify the loss of the best and most versatile agricultural land, particularly in circumstances where land of lower quality may not be available. I also heard of the difficulties of farming the land because of its closeness to the town, its limited size and lack of facilities. As grade 2 land this site should be protected in the light of advice in PPG7, and the Council submitted a letter of objection to the development from MAFF. However, much of the land around Maidstone is in the best and most versatile category and, to meet the Structure Plan housing requirements, the Council has allocated land of grades 2, 3a and 3b quality. On some sites, MAFF has withdrawn its original objection to development recognising the need to provide housing land, and subject to the protection of adjoining farmland.

4.254 Whilst I note the advice in Annex B of PPG7, I am not convinced by the arguments

about the difficulties of farming this site since, as MAFF notes, many relate more to ownership matters rather than the intrinsic land quality. The problems of proximity to housing could also be simply moved with the shift in development area boundary, although I accept that a dense landscape area is proposed along the western boundary of the site. In this case I have no doubt that my recommendation is justified by my conclusions on issue (a) alone, but that the loss of grade 2 agricultural land reinforces my conclusion that the need for housing is not overriding.

RECOMMENDATION

4.255 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Ware Street, Bearsted

Objection DH0111 - Hillreed Homes

- Issues**
- (a) Whether housing on the site would harm the character and appearance of the area; and if so
 - (b) whether the need to meet Structure Plan housing requirements, or any other benefits from the proposal, would override any harm which may be identified.

Conclusions

4.256 This site has an area of 4.25ha and the objection seeks its allocation for low density housing of between 12-15dph. This would provide a yield of 50-65 units, against 106 if the Plan's standard density of 25dph were used. The objection also seeks the exclusion of the site from the Strategic Gap and the North Downs SLA, although the objectors argued that low density housing could be consistent with both.

4.257 Dealing with issue (a), I found on my visits to the area that the two sides of Ware Street have entirely different characters, which are accurately reflected both by the definition of the urban boundary to exclude the objection site, and the SLA/Gap notations which include it. The south side of Ware Street is wholly urban. In contrast, the objection site has mature trees along much of its frontage, and its undeveloped character and appearance is in keeping with the land to the north, including the Golf Course, which forms part of the gap between Maidstone and the Medway towns. It is also in keeping with the frontage to Ware Street to the north-west, which has a largely rural character. In this context, houses on the site would be seen from Ware Street to be an urban intrusion into an undeveloped area, breaking down the present clear distinction between the town and its rural surroundings.

4.258 Although access to the site is a matter for detailed design, in this case it seems likely to emphasise the urban nature of the use, since the objection site is set above the level of Ware Street with a bank along the back of footpath line which is likely to be breached. I do not consider that the lower density suggested by the objectors would materially reduce the impact of housing, since the site would become urban even with the lower number of houses proposed. Nor am I convinced by comparisons made with other sites: in Chapter 5 I have recommended the deletion of the allocation at Cobtree Forstal because of its impact on the Gap and SLA, whilst the housing sites at Detling are very much smaller and clearly not comparable. For all these reasons I conclude on this issue that houses on the site would materially harm the character and appearance of the area.

4.259 Turning to issue (b), I found in paragraph 4.238 that a further 940 units were necessary to meet the Structure Plan housing requirement. Moreover, it is clear from paragraph 4.700 that I have been unable to recommend enough sites to meet this need. Despite this, however, I have no doubt that the harm which I have identified outweighs housing need in this case. I accept that the site is in a reasonably sustainable location, and I note the objectors' arguments about the need for a choice of housing sites. However, none of this convinces me to support this objection in the face of the serious harm which I have found to the character and appearance of the area.

RECOMMENDATION

4.260 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Water Lane, Bearsted

Objection	DH0318 - Mr M R Filmer
Issues	Whether housing on the site would: <ul style="list-style-type: none"> (a) harm the character and appearance of the area; or (b) lead to the loss of the best and most versatile agricultural land; and if so, (c) whether any harm which may be identified would be overridden by the need to meet the Structure Plan housing requirements.

Conclusions

4.261 Dealing with issue (a) this site is on the edge of Bearsted, lying behind a line of houses to the south, and significantly higher than Water Lane to the west. It is farmland and, whilst it may

have clearly defined boundaries on three sides as the objectors argue, it is open to the east and shares the wholly rural character and appearance of the countryside in this direction. For this reason I have no doubt that the site should remain in the North Downs SLA, and I do not accept objection DENV0444 in Chapter 3 when dealing with objections to ENV37.

4.262 On my visit, looking from the public footpath to the east, I also found that the site is an important part of the countryside setting for Bearsted, and that housing development would be a major urban intrusion into this rural area. Moreover, I share the Council's concern about the additional effect on the area of providing road access to the site, given the lower level of Water Lane and the narrowness of the farm access to the south.

4.263 On this issue I conclude that housing on the objection site would materially harm the rural character and appearance of the area and of this part of the North Downs SLA.

4.264 On issue (b) I note the classification of the site as grade 3 agricultural land. Although there has been no survey to determine its precise grade, I acknowledge that the loss of land of this grade and higher has been accepted elsewhere in the Borough to ensure that the Structure Plan housing requirement is met. Nevertheless, if the land is grade 3a it is within the best and most versatile category which paragraph 2.17 of PPG7 advises should be protected. In the absence of more detailed information about the precise grade, however, I cannot come to a firm conclusion on this issue.

4.265 On issue (c) I have found that there is a need to provide more housing in the Plan, and it is clear that this could be a factor to override the harm I have identified in considering issue (a), or the potential loss of agricultural land in issue (b). I also acknowledge the objectors' arguments about the location of the site, which is reasonably close to the village centre and railway station. However, none of this persuades me to accept this objection. Rather, I have no doubt that the serious harm which I have identified to the character and appearance of the area, and to this part of the SLA, is of overriding importance, and cannot be justified by the need to find additional housing sites.

RECOMMENDATION

4.266 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Bearsted Station

Objection DH0582 - Railtrack Property

Issue The allocation of this site for housing in 1995 - 2001.

Conclusions

4.267 This site adjoins Bearsted Station. It is outside the development boundary and is covered by T7, a policy which would not permit development on land which might provide passenger facilities, including parking, or development which would prevent the re-opening of a passenger railway station. I support the application of this policy to the objection site since the Council is seeking additional parking, and I have seen on visits to the area that the existing car park is under considerable pressure.

4.268 With this proviso I also support the Council's acceptance of some housing on the site, since it is, as the objectors argue, well located in relation to the station and other facilities, and it would be the re-use of a previously developed area. I note that a planning application has been made, but that it was withdrawn after the Council required further information about the layout and an assessment of noise and vibration levels.

4.269 To protect its potential to provide railway related car parking I consider that T7 should continue to be applied to this site and I therefore do not accept this objection. However, I see no reason in principle why the housing should not take place on the site, provided that the parking and noise and vibration issues can be resolved. These are essentially matters for development control and do not require the site to be allocated for housing, particularly since the application of T7 need not prevent a satisfactory housing scheme taking place.

RECOMMENDATION

4.270 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Cock Street, Boughton Monchelsea

Objection DH0083 - Mr I Bruce

Issues Whether housing on this site would:

- (a) be contrary to the aim of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether any harm that might be identified would be overridden by the need to meet the Structure Plan housing requirements.

Conclusions

4.271 Dealing with issue (a), the site adjoins a group of houses which lies to the east of

Boughton Monchelsea. The nearest local services are in Boughton Monchelsea and they are very limited. Despite the scatter of houses and villages in the general area, to my mind the site is in a rural location which must look to Maidstone and elsewhere for all its major services and facilities. Whilst I heard about bus services in the area, I have no doubt that people living in houses on the objection site would use cars for most journeys for shopping, work and recreation. This would be wholly contrary to the advice in paragraph 1.7 of PPG13 about the need to reduce travel, especially by car, by influencing the location of development. Nor does the location of the site comply with any of the policies to further this aim which are set out in paragraph 1.8 of the PPG. On this issue, therefore, I conclude that housing on the site would not accord with the aim of reducing travel set out in PPG13.

4.272 Turning to issue (b), I found on my visits to the area that the open part of the site combines with the agricultural land to the south to create a rural character and appearance quite distinct from that of the houses and public house to the west. There are commercial uses and houses on one side of the road to the east, including one very large building. However, this does not materially alter this character, since the land to the south is open and, to my mind, they are seen as a scatter of buildings in a generally rural area. In these circumstances, I have no doubt that houses on the site, particularly on that part which is undeveloped, would be seen as an urban intrusion into this part of Heath Road.

4.273 I accept that from Brishing Lane the site is largely hidden by existing dwellings and hedges and trees in their gardens. Houses would not therefore be prominent, but I consider that they would nevertheless be glimpsed as a consolidation of an area which is open at present.

4.274 I have recommended in Chapter 3 that ENV33 should be modified, but accepted it in principle in the Boughton Monchelsea area. The Council must respond to this recommendation in its own way, but in my view housing on the objection site would lead to the coalescence of the group of houses to the west of the site with those buildings to the east.

4.275 For all these reasons I conclude that housing on the objection site would materially harm the character and appearance of the area.

4.276 On issue (c), I concluded in paragraph 4.238 that 940 more dwellings are needed to meet Structure Plan requirements, and it is clear from paragraph 4.700 that I have been unable to recommend enough sites to meet that need. I also accept the objector's argument that the site could accommodate a range of house types. However, none of this is enough to override the clear harm I have identified in both the other issues, and I conclude that housing development on this site is not justified.

4.277 Turning to other matters raised at the inquiry, I note that planning permission has been granted for housing on that part of the site occupied by a filling station. However, it seems to me that the replacement of one built form with another in this way is a matter for development control, dealing with the proposal on its merits against policies in the Plan. It does not justify the

allocation of the larger, unused area now proposed. I also note the appeal decision on land to the east. However, I have considered this objection on the circumstances which are before me, including the advice in PPG13 which was not available at the time of that appeal.

4.278 Finally, I agree with the Council that the group of buildings to the west is too small and isolated from Boughton Monchelsea to be defined with a development boundary and thus included in H27.

RECOMMENDATION

4.279 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land West of Vicarage, Church Lane, Boughton Monchelsea

Objection DH0100 - J P Spiere Practice Ltd

Issue The allocation of this land for housing.

Conclusions

4.280 This is an isolated rural site, and I agree with the Council that its development for housing would not meet the objectives for sustainable development and reducing the need to travel, especially by car, which are set out in paragraphs 1.7 and 1.8 of PPG13. For this reason I do not support this objection, since in this case meeting sustainable objectives overrides the need which I have found to allocate additional land to meet the Structure Plan housing requirement.

RECOMMENDATION

4.281 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Sites in Boughton Monchelsea

Objections DH0102 - Kent Quality Homes Limited
 DH0624 - Burwood Property Company Limited
 DH0629 - Garden of England Retirement Villages

Background

4.282 I have dealt with these sites together at the request of the objectors who wished them to be considered as a comprehensive proposal for mixed development (letter from Triplos)

Architects, 28 March 1998). I have dealt with DH0633 also referred to in that letter in paragraph 4.895 since it is an objection to H24. In each case I have considered three sets of material: the original objection as set out above; objections to proposed changes by the Paris Group which were accepted by the Council as supplementary to the original objections; and the appearance statements submitted to, and comments made at, the inquiry.

4.283 I have dealt with the three sites on the basis of the inquiry appearance statements as follows:

DH0102: Land south of Boughton Monchelsea County Primary School

“This site should be used to build affordable housing to satisfy local needs, with allocations of land to permit expansion of the County Primary School, car parking for the school and relocation of a Scout hut.”

MB/PR.9, Tripos Architects reference PR/TR.3

DH0624: Land to the north of *The Limes* and to the west of Church Street

“This site should be used to build housing for indigenous people to satisfy local needs and maintain the community, making use of safe vehicular access via a new mini roundabout in Heath Road”

MB/PR.10, Tripos Architects reference PR/TR.4

DH0629: Land to the west of Boughton Monchelsea Primary School

“This site should be used to build housing for the elderly, with a 60 bed Nursing Home, Medical Centre and community shops.”

MB/PR.7, Tripos architects reference PR/TR.1

4.284 I have also considered the site of DH0624 when dealing below with objection DH0337 covering a larger area.

Issues

4.285 Against this background I consider that the main issues in these cases are:

- (a) Whether there is any support in Government guidance for policies which seek to make allocations for the sections of the population covered by these objections.
- (b) Whether development of the sites would be contrary to the aim of reducing the

need to travel set out in PPG13.

- (c) The effect of development on these sites on the character and appearance of their surroundings.
- (d) Whether the need for additional housing land outweighs any harm which may be identified.

Conclusions

Issue (a)

4.286 The only support for housing policies aimed at particular sections of the population is the guidance on affordable housing in PPG3. Dealing with DH0102, I have considered the Plan's policies in relation to PPG3 when considering objections to H20 and concluded that the Plan follows the advice in many respects. There are two acceptable mechanisms to achieve affordable housing: negotiation on identified general housing sites, set out in paragraph 38 of the PPG, and reflected in H20 of this Plan; and a rural exceptions policy in which sites are not identified, as set out in paragraph 2, Annex A of the PPG, and in H30 of this Plan. There is, therefore, no support for the type of policy proposed in this objection for a large scale affordable housing allocation.

4.287 Turning to DH0624, there is no support either in Government guidance for housing specifically for "indigenous people", unless by chance they also fall in the affordable housing category. Although DH0628 is site specific I have dealt with this aspect of the issue when considering a general objection to H24. I concluded that, as a matter of principle, any proposal to combine a nursing home and bungalows should be considered on its merits against the policies in the Plan, and should not be the subject of a policy in the Plan.

4.288 In these circumstances I conclude that all three of these objections are fatally flawed in principle, and that this alone would justify my recommendation. Nevertheless, I have concluded in paragraph 4.238 that there is a need for 940 additional dwellings in the Plan period to meet the Structure Plan requirements, and I have considered the objection sites against the next issues for that reason.

Issue (b)

4.289 Paragraph 1.7 of PPG13 advises that the aim of development plans should be to reduce the need to travel, especially by car, amongst other things by influencing the location of different types of development. Paragraph 1.8 gives further advice on the policies which should be adopted to further this aim, including policies to promote development in urban areas and to strengthen local centres in rural areas. I have no doubt, however, that Boughton Monchelsea is not a local centre in this sense since it does not have, as the PPG advises, a range of everyday shopping or employment opportunities. Whilst I note the arguments made by the objectors about

the benefits of considering all these sites together, in these circumstances I consider that residents would travel by car to work and shop. On this issue, therefore, I conclude that development on these sites would be wholly contrary to the advice in PPG13.

Issue (c)

4.290 Objections DH0102 and DH0629 cover sites to the south of Heath Road, and lie in an area with a rural character and appearance. The site of DH0102 is open, and development on it would be prominent and out of keeping in such a rural area. In contrast, the site of DH0629 is a dense coppice, wholly in keeping with the character and appearance of the locality which contains other similar sites. I accept that in some cases it may be possible to site new housing amongst trees as the objectors' argued, but the scale of the proposal illustrated in this objection, and the denseness of the coppice, persuades me that this is not the case here. Rather, development would lead to the extensive loss of trees which would materially harm the character and appearance of the area.

4.291 On my visits to the area, I found that the site of objection DH0624 is particularly important when seen from the south-east near the corner of Heath Road and Church Street, and from the Recreation Ground. In these views its undeveloped character, with hedges and trees, is clearly apparent in the middle distance with the openness of the playing fields in the foreground and the North Downs in the distance. The roofs of houses in the village are seen through and above trees, but new houses on the objection site would be an urban intrusion into the setting of this part of Boughton Monchelsea, and materially harm the character and appearance of the area.

Issue (d)

4.292 Despite my conclusion about the shortfall in housing against the Structure Plan requirement, I have no doubt that the serious harm which I have identified in the earlier issues cannot be overcome by the need for additional houses.

RECOMMENDATION

4.293 Do not modify the Plan in response to these objections.

H2 - Housing Land Allocations: Lime Farm, Boughton Monchelsea

Objection DH0627 - Greenfields (Kent) Ltd

Issue The allocation of this site for the stationing of static residential caravans.

Conclusions

4.294 Paragraph 29 of PPG3 recognises that residential mobile homes may have a part to play in providing low cost accommodation for small households, and advises that, where there is a demand, the local authority should take that into account in its forward planning for new housing. Paragraph 30 of the PPG says that proposals for mobile homes, like all proposals, should be considered on their own merits.

4.295 I have seen no evidence of need for this type of accommodation in this part of the Borough. However, with this advice in mind, even if such a need could be shown, it seems to me that sites should be provided by considering proposals on their own merit against policies in the Plan, rather than by allocation. For this reason I do not support this objection, although I have not considered the merits of the site since that is a matter for development control, not local plan policy. In paragraph 4.1033E I have recommended that the Council should consider the need for a specific policy dealing with this type of accommodation, although it may be that existing policies for development in the countryside would be enough.

RECOMMENDATION

4.296 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Haste Hill, Boughton Monchelsea

Objections DH0298 - George Wimpey Plc
 DH0337 - Countryside Residential Plc
 DH0661 - Mr B V Piper
 DH0662 - Mr B V Piper

Background

4.297 I have considered these objections together since they have significant areas in common within the larger area contained by Haste Hill Road, Hubbard's Lane, Church Street and Heath Road:

DH0298	Seeks an allocation for 225 units under H2 on the northern and western part of the site;
DH0337	Seeks an allocation for 250 units on all the land to the west of the allotments, and 350 units including land to the east. It was this objection which I heard at the inquiry.
DH0661/2	Although there are no plans with Mr Piper's objections, I am satisfied from the descriptions he gives that they lie within the area covered by DH0337.

4.298 I have dealt elsewhere in this report with several of the arguments raised at the inquiry on behalf of Countryside Residential Plc:

I conclude that there is a need for 940 additional units to meet Structure Plan housing requirements in paragraph 4.238;

I recommend that the housing sites at Furfield Quarry and Westfield Sole Road should be deleted in paragraphs 4.153 and 4.183;

in paragraph 4.89 I support the Plan's approach to the allocations at Parkwood, with the exception of Furfield Quarry for site related reasons, not because of concern for over concentration; and

I make a recommendation about the Plan's general housing location strategy in paragraph 4.72.

4.299 There was no dispute at the inquiry that the objection sites are largely grade 3a in MAFF's agricultural land quality classification, and that development would therefore lead to the loss of the best and most versatile land, contrary to the advice in PPG7. The point at issue here was whether this loss was justified by the housing need contended by the objectors and I deal with this below.

Issues

4.300 Against this background the issues raised by these objections are:

- (a) Whether housing on these sites would be contrary to the aim of reducing the need to travel set out in PPG13.
- (b) The effect of housing on these sites on the character and appearance of their surroundings.
- (c) Whether the need for additional housing land, or any benefits claimed for the proposal, outweigh any harm which may be identified.

Conclusions

Issue (a) PPG13

4.301 Paragraph 1.7 of PPG13 advises that the aim of development plans should be to reduce the need to travel, especially by car, amongst other things by influencing the location of different

types of development. Paragraph 1.8 gives advice on the policies which should be adopted to further this aim, including policies to promote development in urban areas and to strengthen local centres in rural areas. There is also further guidance in paragraph 3.2 about housing location. This general advice is reflected in the Structure Plan, and particularly policies RS2 and RS3.

4.302 As the objectors argued at the inquiry, development at villages is not prohibited by this advice, but there are to my mind very clear guidelines which the Local Plan must follow. As I have commented on other objections, it seems to me that Boughton Monchelsea is not a rural centre which should be strengthened since I do not consider that it has the range of everyday shopping and employment opportunities to which paragraph 1.8 of PPG13 refers. There is only one shop - a Post Office/store - and very limited job opportunities. I acknowledge the presence of schools and village community facilities, but in these circumstances I have no doubt that most people living in the proposed houses would travel to Maidstone and elsewhere for shopping, work and recreation.

4.303 I note the availability of bus services, and the objectors' arguments about the accessibility of Maidstone and other more local facilities by bicycle. However, there is no railway station and none of this convinces me that Boughton Monchelsea is a location for housing which is "capable of being served by rail or other public transport" as advised in paragraph 3.2 of PPG13. Rather, the journeys for work and shopping are, to my mind, far more likely to be made by car. On this part of the issue, therefore, I conclude that housing on these sites would be contrary to the aims of PPG13.

Issue (b) Character and Appearance

4.304 The area south of Maidstone is characterised by several closely spaced villages linked by open areas and scattered housing. Although it is not the subject of national or local landscape designations, much of the open land is good quality agricultural land, and it is also subject to ENV29, supported by Government guidance, that the countryside should be protected for its own sake. The area is also covered by ENV33, which I return to below, and which I recommend should be modified in Chapter 3.

4.305 I found that the objection sites play an important part in this mix of built development and open land. In paragraph 4.291 I analyse the importance of the area to the north of the recreation ground and east of the allotments which would be developed under the larger alternative proposed in DH0337. On my visits I also found that the openness of the land to the west, at the corner of Hubbard's Lane and Heath Road, is important. Here there are views across undeveloped land to the North Downs beyond, and this is entirely in keeping with the character of the undeveloped land to the south. The Concept Plan submitted to the inquiry on behalf of Countryside Residential Plc shows this area as a primary school with open space beyond. However, these uses would have an urban, rather than rural, character, and there would be views

of housing beyond.

4.306 At the north-west corner of the land, the area described as allotments in DH0662 is open and undeveloped and there are views across it to the orchards which make up the north-western part of the wider objection land. Despite the houses which adjoin in Hubbard's Lane and Haste Hill Road, I found that this area has a largely rural character and appearance, determined by the orchards to the north and the unused open land to the west, which is subject to objection DH0061. Whilst the Concept Plan shows this part of the objection site as open land, it would have an urban character and houses would be seen across it. Similar considerations apply to views into the site from an agricultural access in Hubbard's Lane to the south.

4.307 A public footpath crosses the objection land. Seen from here the land is large enough to have an open rural character and appearance in its own right, despite the houses which can be seen around some of its boundaries. The proposed housing would alter this character fundamentally. In all these views I consider that the appearance of housing and associated open uses on the objection land, both the whole and the smaller parts in some of the objections, would materially harm the character and appearance of the area.

4.308 In Chapter 3 I recommend that ENV33 should be modified following a formal assessment of the area to which it should apply, and limited to areas where extra protection is needed. However, I suggest that the policy could broadly apply to this location, and that the Council should consider the effects of consolidating the settlements as well as their coalescence. In this case it seems to me that housing on this site would both consolidate the scattered nature of Boughton Monchelsea and lead to its coalescence with Loose, both of which would materially harm the area.

4.309 A highways report and scheme accompany objection DH0337. I note the Council's reservations about some of the detailed proposals, but I accept that a technically acceptable highway solution could be found to the provision of up to 350 houses on the objection land. At the same time I have no doubt that this number of people, and the traffic they would generate, would have a significant and harmful impact on the character of the surrounding roads, particularly the quieter rural lanes, and the pleasant village core of Boughton Monchelsea.

4.310 For all these reasons I conclude on this issue that housing on either the whole or smaller parts of the objection land would materially harm the character and appearance of the area.

Issue (c) Housing Land Need

4.311 I conclude in paragraph 4.238 that an additional 940 units are needed to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites. I also accept that this shortfall could outweigh the loss of agricultural land. In this case, however, I have no doubt that the serious harm which I have found

in the first two issues outweighs housing need. My recommendation is based on my conclusions on these issues, but it is reinforced by the loss of agricultural land.

RECOMMENDATION

4.312 Do not modify the Plan in response to these objections.

H2 - Housing Land Allocations: Land South of Haste Hill Road, Boughton Monchelsea

Objection DH0353 - Mr & Mrs Ferrell

Background

4.313 I acknowledge the advice in PPG3, which was referred to by the objectors, that the planning system should identify an acceptable choice of housing sites, and take into account the increasingly varied types of housing requirement met by the private sector. In all this advice, however, it is suggested that only one need can be met on land where planning permission would not normally be granted, that is small sites for affordable housing in rural areas (PPG3, Annex A, paragraph 1). It is clear from what I have read and heard of this objection that the proposal is not for affordable housing, but for six bungalows for owner occupation, accompanied by a planning obligation to ensure that at least one occupier would at all times be over the age of 55.

4.314 In these circumstances I must consider first whether the objection site is suitable for housing generally, before considering the proposed limitation of the occupancy. In doing so I must also take into account the advice in paragraph 6 of PPG3 that planning authorities should regulate the mix of house types only where there are specific planning reasons for such control. Finally, this objection must be dealt with in the light of my finding in paragraph 4.238 of the need for an additional 940 dwellings to meet the Structure Plan requirement.

Issues

4.315 Against this background I consider that the main issues in this case are whether housing on this site would:

- (a) be contrary to the aim of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether any harm which may be identified would be overridden by the need to provide dwellings for retired people in the village or to meet the general Structure Plan housing requirements.

Conclusions

4.316 Dealing with issue (a), I note the local services in the village to which the objectors draw my attention. However, the very limited provision of shops or local employers suggests strongly to me that people living in new houses would have to travel to Maidstone and elsewhere for shopping and work. I note, too, the existing bus service but, as the Council argued, there is no railway station. In these circumstances I consider that housing on this site would be contrary to the advice in paragraph 1.7 of PPG3 about reducing the need to travel by influencing the location of development. Nor would a small housing site in a village meet any of the advice in paragraph 1.8 of the PPG about the ways in which land-use policies can meet this aim. In particular, I do not consider that Boughton Monchelsea is a local centre which might be strengthened, since it does not offer an everyday range of shopping and employment opportunities.

4.317 On the first issue, therefore, despite the small scale of the proposal, I conclude that housing on the objection site would not accord with the aims of PPG13.

4.318 Turning to issue (b), I note that the access to the site is within the defined boundary of Boughton Monchelsea. Apart from this, the site is a small part of a much larger open area lying to the west of the village. I have dealt in paragraphs 4.297 – 4.312 with objections to this area, although this larger scale development is clearly not part of this present objection.

4.319 The objection site is not prominent in the street scene in Haste Hill Road, although building an access road would clearly alter its present appearance. The site can be seen from the allotments to the west and the track that leads to them. Here, its undeveloped rural character and appearance is wholly in keeping with the larger open area which adjoins it to the south, and on my visits I found that new housing would be seen as an urban intrusion into this area.

4.320 I have considered the arguments about ENV33, and the Council's concern about the coalescence of villages in this area. In Chapter 3 I recommend that ENV33 should be modified following a formal assessment of the area to which it should apply, and limited to areas where extra protection is needed. However, I suggest that the policy could broadly apply to this location, and it seems to me that houses on this site would bring the built form of Haste Hill Road closer to houses in Heath Road which would contribute to the coalescence of two separate groups.

4.321 On the second issue, therefore, I conclude that housing on the objection site would materially harm the character and appearance of the area

4.322 Finally on issue (c), I have considered the arguments about the local need for retirement housing very carefully, and I note the discussions which have been held with the Parish Council. The Parish Council's questionnaire gives some indication of the attitude of local people towards retirement housing for sale, and of possible demand. However, I heard nothing to justify this scheme from these results, since there is no evidence that demand cannot be met within the

existing housing stock, or by the development of small sites which could be permitted under policy H27 of the Plan which applies here. Nor am I convinced by the objectors' argument that future occupants would travel less. As the Council pointed out, the suggested planning obligation would only require one resident to be over 55 years of age, and that person, and any others in the dwelling, could be working. In any case, all residents would have to shop, and the provision in the village is very limited as I saw on my visit.

4.323 In the absence of any clear evidence of a need for dwellings for the retired which cannot be met in other ways, I do not consider that the limitation of the occupancy proposed in this objection would meet a specific planning reason. It would therefore be contrary to the advice in paragraph 6 of PPG3.

4.324 For all these reasons I conclude on the third issue that there is no overriding justification for the development of this site.

4.325 I have also considered the arguments put at the inquiry about the loss of agricultural land, but I note the Council's acceptance that, given the limited size of the site and its location, there is unlikely to be an agricultural objection.

RECOMMENDATION

4.326 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land rear of *The Limes*, Boughton Monchelsea

Objection DH0553 - Mrs J E Wilson

Issue The allocation of the site for four retirement bungalows.

Conclusions

4.327 There is no support in Government guidance for allocating sites for this form of occupation. There is planning permission for two bungalows on the site and, as the objector acknowledges, the principle of some form of housing is therefore not at issue. In these circumstances, any application for development on this should be considered on its own merits, against the policies in the Plan, but the site should not be the subject of an allocation.

RECOMMENDATION

4.328 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: North-east Corner of Junction of Church Street & Heath Road, Boughton Monchelsea

Objection DH0579 - T Cook

Issues Whether housing on this site would:

- (a) be contrary to the aim of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether any harm which may be identified would be overridden by the need to meet Structure Plan housing requirements.

Conclusions

4.329 I note the discussions which were held on behalf of the objector with the Parish Council, and the subsequent consultative ballot in the Parish, all of which related to a scheme for this site which included housing, doctors' surgery and open space. However, I have dealt with this case as an objection to the Plan in the form in which it was made, that is seeking the allocation of the site housing under H2 in the period 1995 - 2001. In addition, it was agreed at the inquiry that provision for affordable housing would be made through the application of H20.

4.330 Dealing with issue (a), Boughton Monchelsea has a limited range of local facilities perhaps typical of a village of this size: a Post Office/stores, a pub, recreation ground and primary school. In addition there is a secondary school nearby, and a small range of local employers. All these would be accessible to people living on the objection site. However, Maidstone town centre is 5km away and the nearest large employment area at Park Wood about 2km away. In these circumstances, I have no doubt that most people living on the site would rely on travel to Maidstone and elsewhere for most of their shopping trips, work and recreation.

4.331 I note the existing level of bus service, and I accept that that this could be improved if there were greater demand. However, it seems likely to me that most of these trips would be by car, wholly contrary to the advice about the location of new housing in paragraphs 1.7 and 1.8 of PPG13. Paragraph 1.8 includes a reference to strengthening local centres in rural areas. However, I do not consider that Boughton Monchelsea is such a centre because it does not have a range of everyday shopping and employment opportunities. I also note the advice in PPG3 and PPG7 on the need for new housing in rural areas. However, I conclude that this does not override the harm to the aims of PPG13 caused by the allocation of this site.

4.332 Turning to issue (b), I saw on my visits that, despite the ribbon of housing to the east, this part of Heath Road has a largely rural character and appearance with an extensive coppice area to the south of the site. The objection site, although unused, is in keeping with this

character, and I have no doubt that housing would be seen as an intrusive extension of the village into Heath Road. My concern is reinforced by the urbanising effect of the proposed access and sight lines which would lead to the loss of much of the existing hedge on the Heath Road frontage of the site.

4.333 Houses adjoin the site in Church Street, but the recreation ground opposite determines the open character and appearance of this part of the Street. Again, the undeveloped nature of the objection site is wholly in keeping with this character, and I found on my visits that houses on it would be unacceptably intrusive.

4.334 The site is within the area covered by ENV33. In Chapter 3 I have recommended modifications to this policy, but I have supported its principles in this location because of the scattered nature of development in the area, and the closeness of the villages to each other and to Maidstone. The Council will have to consider the form of ENV33 in the light of my recommendation, but it seems to me that housing on this site would lead to the coalescence of the village and the ribbon of houses on Heath Road to the east.

4.335 For all these reasons I conclude that housing on the site would harm the character and appearance of the area.

4.336 Finally on issue (c), I found in paragraph 4.238 that a further 940 dwellings are needed to meet Structure Plan requirements. I have also dealt with this Plan's general housing location strategy in paragraph 4.72, which covers the arguments made at the inquiry about this site and the location of new housing in the villages. However, I am satisfied that conflict with the aims of PPG13 and the reduction in the need to travel, and the harm which would be caused to the character and appearance of the area, override the need to provide additional dwellings. I therefore conclude that there is no justification for housing on this site.

RECOMMENDATION

4.337 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Peahen Farm, Boughton Monchelsea

Objection DH0625 - Greenfields (Maidstone) Ltd

Issue The allocation of the site for stationing static residential caravans.

Conclusions

4.338 Paragraph 29 of PPG3 recognises that residential mobile homes may have a part to play in providing low cost accommodation for small households, and advises that, where there is a demand, the local authority should take that into account in its forward planning for new housing.

Paragraph 30 of the PPG says that proposals for mobile homes, like all proposals, should be considered on their own merits.

4.339 I have seen no evidence of need for this type of accommodation in this part of the Borough. However, with this advice in mind, even if such a need could be shown, it seems to me that sites should be provided by considering proposals on their own merit against policies in the Plan, rather than by allocation. For this reason I do not support this objection, although I have not considered the merits of the site since that is a matter for development control, not local plan policy. In paragraph 4.1033E I have recommended that the Council should consider the need for a specific policy dealing with this type of accommodation, although it may be that existing policies for development in the countryside would be enough.

RECOMMENDATION

4.340 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Boughton Mount

Objection	DH0062 - Wards Construction (Medway) Ltd
Issues	<p>(a) Whether housing on the site would harm the character and appearance of the area; and if so</p> <p>(b) whether any harm which may be identified would be outweighed by the need to meet Structure Plan housing requirements, or any benefits claimed for the proposal.</p>

Conclusions

4.341 The objection site has an area of 48ha, of which 12ha are proposed for housing. The rest would remain in agricultural use safeguarded by a trust and with enhanced public access. The site is of the best and most versatile agricultural land quality, which PPG7 says should only be developed exceptionally if there is an overriding need. I deal with this under issue (b).

4.342 Dealing first with issue (a), the site is within the Oldborough Green Corridor defined under ENV34, and in Chapter 3 I recommend that this policy should remain for this area. I found that the area, whilst containing schools and other institutional uses, is generally open and prevents the coalescence of the urban development along the A274 and A229. On my visits, I found that the openness of that part of the objection site proposed for housing is important in determining the character and appearance of the wider area. Housing on it would be seriously at odds with its open character and appearance, which is not harmed by the other built uses because of the generally open nature of their sites. Moreover, looking eastwards from Boughton Lane, I

have no doubt that housing would clearly be seen to narrow the area, and in this way would contribute significantly to the coalescence of development along the two main roads.

4.343 I do not agree with the objectors that housing of this scale could be consistent with the aims of ENV34. The Oakwood Green corridor is cited in support of this argument, but in Chapter 3 I have recommended that it should be deleted, in part because of the amount of housing proposed. On this issue, therefore, I conclude that housing on the objection site would materially harm the character and appearance of the area.

4.344 Turning to issue (b), I found in paragraph 4.238 that a further 940 units are needed to meet the Structure Plan housing requirements. I accept the objectors' argument that this is different from the situation which faced my colleague who considered objections to the adopted Borough Local Plan. I also accept that it could represent an overriding need to justify the loss of the best and most versatile agricultural land. In this instance, however, I consider that the harmful effect of the proposed housing on the character and appearance of the area is not outweighed by housing need. No do the proposals for the rest of the objection site alter my view, since that land is already well protected by other policies in the Plan, and its use as agricultural land does not alter the harm done by housing on the rest of the site. I therefore conclude that housing is not justified on this site.

4.345 I share the Council's concerns about highway access, in particular the likely effect of improvement to Pested Bars Road on the rural character and appearance of area to the south. Whilst I accept that a technical solution could be possible, this reinforces my recommendation. I acknowledge that the site is well located to facilities in Maidstone, and that its development could comply in some ways with policy MK4 of the Structure Plan. None of this, however, alters my view that the harm to the area which housing would cause is unacceptable.

RECOMMENDATION

4.346 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Boughton Lane, Maidstone

Objection DH0105 - Charles Church Developments Ltd
DH0636 - Mrs C F Tring

Background

4.347 I have dealt with this objection on the basis of the proposal presented to the inquiry which is significantly different from the scheme which was submitted with objections to the

consultative draft of the Plan in 1995. The site has a total area of about 9.3ha, but housing would be restricted to about 3.4ha (100 units), whilst the remaining southerly part of the site would be kept open as either parkland or orchard. The objectors said that this change was in response to the Council's concerns about the effect of the earlier scheme on the ALLI to the south. At the inquiry the Council confirmed that this was not part of its case in dealing with the revised objection and, from what I saw on my visits to the area, I agree that the proposal would not harm the ALLI.

4.348 At the inquiry the Council also accepted, with some reservations about distance to bus routes, that the site is reasonably related to Maidstone's facilities, and is therefore in a broadly sustainable location. I accept this view. It is clear that the proposal could lead to the loss of the best and most versatile agricultural land, either to housing or a non-agricultural open use. However, in paragraph 4.238 I found the need for additional housing sites to meet Structure Plan requirements, and this can amount to an overriding need which PPG7 advises is necessary to justify the loss of such land. I return to this in dealing with issue (b).

Issues

4.349 Against this background the issues in this case are:

- (a) Whether housing on the site would harm the character and appearance of the area, or lead to the coalescence of the built-up areas along the A274 and A229; and if so
- (b) whether the need to meet the Structure Plan housing requirements, or any benefits claimed for the development, outweigh any harm which may be identified.

Conclusions

Issue (a)

4.350 The objection site is within the Oldborough Green Corridor defined by ENV34. I have considered objections to this policy in Chapter 3 where I agreed with many of the arguments made by these objectors to the principle of the policy. However, I supported this green corridor because it meets the Council's stated aim of the preventing coalescence of the built-up areas along the A274 and A229. I also considered that a separate policy was justified. My reasoning is set out more fully in Chapter 3, and I have no doubt that the objection site plays an important part in determining the open, rural character and appearance of the area which I describe there. I found on my visits that the urban edge to the west of the site is well defined, and that the site shares the open, rural character and appearance of the land to the north and east.

4.351 In these circumstances, I consider that housing on the northern part of the objection site would be an urban intrusion into an area with a largely rural character. Moreover, it would appreciably narrow the open area between the built development along the A274 and the A229,

and lead to their coalescence. I do not agree with the objectors that the hedge along Boughton Lane would screen the houses. Even with landscaping inside it, I have no doubt that housing would be apparent, and that it would be seen to join with the built form of Boughton Mount to create an intrusive urban feature in this open area.

4.352 Nor do I agree that Boughton Lane forms the boundary of the green corridor. Rather, as the Council argued, I consider that it is a rural lane running through it. I note the objectors' argument about Pested Bars Road, but I have considered this site on its own merits. The granting of planning permission on land to the east of Pested Bars Road is not a matter before me, and in Chapter 3 when dealing with objection DENV0496 I explain my reasoning in relation to other sites and this boundary of the green corridor. Certainly, there is no comparison between those cases which were before me and the present objection site.

4.353 For all these reasons I conclude that housing on the northern part of the objection site would materially harm the character and appearance of the area, and lead to the coalescence of the built-up areas along the A274 and A229.

Issue (b)

4.354 In paragraph 4.238 I found that there is a need for a further 940 units to meet the Structure Plan housing requirements. It is also clear from paragraph 4.700 that I have been unable to recommend enough sites to meet this need. Despite this, however, I have no doubt that the harm to the character and appearance of the area and to the aims of ENV34 outweighs this need. I therefore conclude that housing on the site is not justified.

4.355 I accept that, in the light of advice in paragraph 2.18 of PPG7, housing need could override the protection of the best and most versatile agricultural land. I also note the objectors' arguments about the difficulties of farming the land but, as elsewhere in this report when such arguments are made, I consider that this is more to do with management and ownership than the intrinsic value of the land. In any case it does not alter my conclusion in this case based on the harm which I have identified in issue (a).

4.356 I note the alternative uses suggested for the southern part of the site, but they do not overcome the harm caused by the housing, apart from preventing an impact on the ALLI to the south which I have acknowledged above.

Other Matters

4.357 It is clear from what I heard at the inquiry that there is no agreement between the parties about the means of highway access to the site. I have no doubt that a technically acceptable solution could be found, but I share the Council's concern about the two potential main accesses. The improvements needed to Boughton Lane, even with the mitigating landscape works described at the inquiry, would materially alter its present character and appearance as a country

lane, and reinforce my concern about the harm caused by the proposal. This change, it seems to me, also outweighs Mrs Tring's concern for road safety, although I acknowledge that the lane is narrow and winding and a long way below modern highway standards.

4.358 On the other hand, I am not convinced by the proposal for a main access from the west using Norrington Road and Eddington Close. Whilst it may be possible to widen Norrington Road within the highway boundary, I saw on my visit that there is considerable on-street parking which makes two-way traffic impossible at present. I have considered the concerns of local residents, and the objectors' responses, but I share the Council's concern about the effect of additional traffic on the residential amenities of people living in Eddington Close. Whilst my recommendation is based on my consideration of issue (a), these concerns about access reinforce my view that the site is not acceptable.

4.359 I note the Council's concern about archaeological matters, but in the light of the County Archaeologist's opinion I am satisfied that this could be dealt with through ENV17 and ENV17A as I have recommended that they be modified.

4.360 In Chapter 3 I recommend modifications to ENV33, including the need for a formal assessment and definition of the area to which it should apply, and I also recommend that the Oldborough Green corridor might be part of a new policy. I note the arguments by both parties about the application of ENV33 in this case, and it seems to me that the difficulties caused by the lack of definition in this policy are well illustrated here. In its present form I am not convinced that the proposal would lead to coalescence with Boughton Quarries, because the built-form of Boughton Mount intervenes, and because of the difference in levels between the areas. However, the work which I recommend would clarify this.

RECOMMENDATION

4.361 Do not modify the Plan in response to these objections.

H2 - Housing Land Allocations

Land at Plough Wents Road and Lested Lane, Chart Sutton

Objection	DH0305 - George Wimpey Plc
Issues	Whether housing on this site would:
	(a) be contrary to the aim of reducing the need to travel set out in PPG13; or
	(b) harm the character and appearance of the area; and if so

- (c) whether any harm which may be identified would be overridden by the need to meet Structure Plan housing requirements.

Conclusions

4.362 This site lies south of Plough Wents Road at the western corner of its junction with Lested Lane. It adjoins the larger site covered by DH0307 by the same objectors, but I have dealt with it separately since there is no indication that the sites should be considered together. The objection seeks an allocation under H2 for 15/20 dwellings.

4.363 Dealing with issue (a), Chart Sutton is a small village with a very limited range of local services: there is one shop, a village hall and no schools. In these circumstances, I have no doubt that people living on this site would have to travel to Maidstone and elsewhere for shopping, work and recreation. I note that there is a bus service, but in my view, most journeys are likely to be by car, and this would be wholly contrary to the aim set out in paragraph 1.7 of PPG13 of locating new development to reduce the need to travel, especially by car.

4.364 Paragraph 1.8 of the PPG sets out the policies which local planning authorities should adopt to meet this aim, which can include the strengthening of local centres in rural areas. However, to my mind Chart Sutton does not fall into this category since it does not offer the everyday range of community, shopping and employment opportunities referred to in this paragraph. I note the advice in PPG7 about the value of, and need for, new housing in rural areas, but this does not justify an allocation of this size which would be so contrary to the aims of PPG13. On this issue, therefore, I conclude that housing on this site would be contrary to the aim set out in PPG13 of reducing the need to travel, especially by car.

4.365 On issue (b), I found on my visits to the area that Plough Wents Road has a rural character and appearance despite the scatter of dwellings which fronts part it. The undeveloped nature of this site contributes significantly to this character, and I have no doubt that houses would be seen as an urban extension of the village into this rural area. Although the site is enclosed by a mature hedge, dwellings would be seen through it, especially in winter. No indication of access to the site is given in the objection, but any access from Plough Wents Road would add greatly to the urbanising effect of housing, by removing at least some of the hedge to create a new road with acceptable sight lines. I therefore conclude that housing on this site would materially harm the character and appearance of the area.

4.366 Finally turning to issue (c), I found in paragraph 4.238 that an additional 940 dwellings were needed to meet the Structure Plan requirements. It is also clear from paragraph 4.700 that I have been unable to recommend enough sites to meet this need. Despite this, however, I have no doubt that the serious harm which I have identified in the first two issues is overriding, and I conclude that housing is not justified on the objection site.

RECOMMENDATION**4.367 Do not modify the Plan in response to this objection.**

H2 - Housing Land Allocations: Peacock Farm, Chart Sutton

Objection DH0626 - Greenfields (Maidstone) Ltd

Issue The allocation of this site for stationing static residential caravans.

Conclusions

4.368 Paragraph 29 of PPG3 recognises that residential mobile homes may have a part to play in providing low cost accommodation for small households, and advises that, where there is a demand, the local authority should take that into account in its forward planning for new housing. Paragraph 30 of the PPG says that proposals for mobile homes, like all proposals, should be considered on their own merits.

4.369 I have seen no evidence of need for this type of accommodation in this part of the Borough. However, with this advice in mind, even if such a need could be shown, it seems to me that sites should be provided by considering proposals on their own merit against policies in the Plan, rather than by allocation. For this reason I do not support this objection, although I have not considered the merits of the site since that is a matter for development control, not local plan policy. In paragraph 4.1033E I have recommended that the Council should consider the need for a specific policy dealing with this type of accommodation, although it may be that existing policies for development in the countryside would be enough.

RECOMMENDATION**4.370 Do not modify the Plan in response to this objection.**

H2 - Housing Land Allocations:**Land South of Forstal Lane and north of Heath Road, Coxheath**

Objections DH0063 - Wards Construction (Medway) Ltd
DH0530 - Alan Firmin (Linton) Ltd

Issues Whether housing on these sites would:

- (a) be contrary to the aims of sustainable development and reducing the need to travel set out in PPG13; or

- (b) harm the character and appearance of the area; and if so
- (c) whether the need to meet the Structure Plan housing requirements, or any benefits which may arise from the development, override any harm which might be identified.

Conclusions

4.371 Although these objections were originally made separately I have dealt with them together in the way in which they were presented at the inquiry. The illustrative master plan prepared by the objectors shows an area of open space on the northern site, and a density on this site lower than that used by the Council in paragraph 4.32 of the Plan. Both these provisions significantly reduce the number of units on the site, yet I am not convinced that a change in either could be resisted at a later stage. I have heard no evidence of a clear need for the open space, nor have I seen any planning justification for the lower density. Nevertheless, I have dealt with these objections, and made my recommendation, on the basis of the master plan, although my concerns about future changes reinforce my conclusions on the effect of housing on the site.

4.372 Dealing with issue (a), I note that there is a range of shops and services in Coxheath although, as the Council argued, there are no local employment opportunities. In my view, therefore, despite the bus service which is available, most people living in the houses on these sites would travel by car to Maidstone and elsewhere for work, main shopping trips and recreation. I have no doubt that this would be contrary to the aims in paragraph 1.7 of PPG13 of influencing the location of development to reduce the need to travel, especially by car.

4.373 I also note the advice in paragraph 1.8 of PPG13 that, to meet these aims, local authorities should adopt policies, among other things, to strengthen local centres in rural area which offer a range of everyday community, shopping and employment opportunities. However, with its limited range of shops and lack of jobs, I do not consider that Coxheath could be said to fall into this category. It seems to me that this advice is a better guide to location strategy than the arguments made by the objector comparing growth in Coxheath with the Borough as a whole.

4.374 On the first issue I conclude that housing on this site would be contrary to the advice in PPG13 about sustainable development and locating new housing to reduce the need to travel.

4.375 Turning to issue (b), I found on my visits to the area that the eastern edge of Coxheath is very clearly defined from the rural area which abuts it, and of which the objection sites are undoubtedly part. I accept that this boundary is somewhat hard. However, the possibility of landscaping within the sites to soften this edge as the objectors propose does not alter my view that, when seen from Heath Road, housing on the site would be an intrusive urban extension into an area with a rural character and appearance. In addition, I found that Forstal Lane also has a rural character and appearance, particularly at its eastern end, and here again housing would be

an intrusive urban element at odds with its surroundings.

4.376 I note the broad highway proposals and the Council's concerns about them. At this stage, I see no reason to doubt that a technically acceptable solution could be found. However, the urbanising effect of accesses from Heath Road and Forstal Lane into the sites reinforces my concern about the harmful effect of the proposal on the character and appearance of these roads.

4.377 I conclude on the second issue therefore that houses on the site would materially harm the character and appearance of the locality when seen from Heath Road and Forstal Lane.

4.378 Finally dealing with issue (c), I found in paragraph 4.238 that an additional 940 dwellings are needed to meet the Structure Plan housing requirement. It is also clear from paragraph 4.700 that I have been unable to recommend enough sites to meet this need. However, I have no doubt that this does not override the serious harm which I have found both to the aims of PPG13 and the character and appearance of the area. Nor do I consider that the suggested open space and planting along the eastern edge of the site outweigh this harm. I therefore conclude that there is no justification for housing on this site.

RECOMMENDATION

4.379 Do not modify the Plan in response to these objections.

H2 - Housing Land Allocations: Junction of Heath Road and Dean Street, Coxheath, East Farleigh

Objections DH0101 - Kent Quality Homes Limited
DH0623 - Burwood Property Company Limited

Issues

- (a) The effect of housing on these sites on the character and appearance of the area.
- (b) Whether any harm which may be identified would be overridden by the need for additional housing to meet Structure Plan requirements.

Conclusions

4.380 The site of objection DH0101 lies within the larger area covered by DH0623, and both seek an allocation for housing under H2. The larger site has an area of about 7.7ha, which would yield nearly 200 units on the basis of 25 dwellings per hectare set out in paragraph 4.32 of the Plan. As confirmed at the inquiry I have dealt with DH0623 on the basis of the objectors' plan PR/TR.10, which is the same area shown in the Council's Statement (MB/PR.11, Map 3). In

addition to the original objections, and the material presented and statements made at the inquiry, I have taken into account further comments made by the Paris Group when dealing with both these objections.

4.381 On issue (a), I found that these sites have a rural character and appearance wholly in keeping with the undeveloped areas to the south and west. The western edge of Coxheath is very clearly defined on both sides of Heath Road, and I have no doubt that development of the larger site would be a major urban intrusion into the countryside setting of the village. Housing on the smaller site alone would be seen in Heath Road as isolated from the village, within a rural setting. I found that this part of Dean Street also has a rural character and appearance because of the open land to the west and, despite the houses to the north, I consider that housing on the objection site would be seen as an urban intrusion into this largely rural area.

4.382 In Chapter 3 I recommend modifications to ENV33, but accept its application in principle in this area. The Council will therefore have to consider the future form of this policy, but it seems to me that development on the larger site would contribute to the coalescence of Coxheath with houses in Dean Street. This reinforces my concerns about the effect of housing on both the objection sites, which I conclude would materially harm the character and appearance of the area.

4.383 On issue (b), I have found in paragraph 4.238 that a further 940 dwellings are needed to meet the Structure Plan housing requirements and in paragraph 4.700 I accept that I have been unable to recommend enough sites to meet that need. However, I do not consider that this overrides the clear harm I have found in the development of either of these sites to the character and appearance of the area. I therefore conclude that this shortfall does not justify housing on this site.

RECOMMENDATION

4.384 Do not modify the Plan in response to these objections.

H2 - Housing Land Allocations: Land at Heath Road, Coxheath

Objection DH0131 - St Augustines Estates Ltd

Issue The effect of housing on the character and appearance of the area.

Conclusions

4.385 This site lies roughly in the middle of the area covered by DH0623. In addition to the harm to the character and appearance of the area which I identified in dealing with that objection, development of this site alone would lead to houses on an isolated plot within an otherwise

undeveloped area. I conclude that this would materially harm the character and appearance of the area, even though the objection site is smaller than the area covered by DH0623. Moreover, I have no doubt that this harm outweighs the need to find additional housing land which I found in paragraph 4.238.

RECOMMENDATION

4.386 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Heath Road, Coxheath

Objections DH0549 - M J Older
DH0577 - Gleeson Homes

Issues Whether housing on this site would:

- (a) be contrary to the aims of sustainable development and of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether the need to meet the Structure Plan housing requirements overrides any harm which might be identified.

Conclusions

4.387 I have dealt with this objection on the basis of the reduced area shown on the plan presented by the objectors at the inquiry, and to which the Council responded (MB/PR.94).

4.388 I note the objectors' argument about the planning permission which was granted on this site for a petrol filling station in 1972, and that the Council disputes that this is an extant permission. However, this is not a matter for me in dealing with objections to the local plan since, as the Council argued, the objectors have a remedy through the submission of an application for a Certificate of Lawful Use. Following that, any future development could be resolved as a matter of development control, taking into account the lawful use of the site, and the policies in the Plan. I have therefore dealt with this objection only as one seeking an allocation for housing on an undeveloped site.

Issue (a)

4.389 I agree that Coxheath has a range of services and shops. On the other hand, as the Council points, out there are no significant local employers and to my mind the shops and other

services are at a village level only. For this reason it seems to me that most people living in the proposed houses would travel to Maidstone and elsewhere for work, main shopping trips and recreation. I accept that there is a bus service, but I have no doubt that cars would be used for many of these trips.

4.390 I also note the advice in paragraph 1.8 of PPG13 that, to meet the aim of reducing the need to travel, local planning authorities should adopt policies to strengthen local centres in rural areas which offer a range of everyday community, shopping and employment opportunities. However, to my mind, Coxheath does not comply with this advice since there are no employers and I saw that the range of shopping is limited. I conclude on this issue that the location of new houses here would be contrary to the advice in PPG13 about reducing the need to travel, especially by car.

Issue (b)

4.391 I found that on this edge of Coxheath there is a very clear distinction between the undeveloped, rural character and appearance of land to the west and the village itself. There is largely undeveloped land on both sides of Heath Road which to my mind creates a rural setting for Coxheath even if, as the objectors argue, this particular site is not covered by any landscape designation. In these circumstances, I consider that housing on the site would be an urban intrusion into the rural setting of the village.

4.392 I note the broad landscape proposals which were submitted at the inquiry. However, I am not convinced that the proposed planting and open space around the edge of the site would prevent the houses from being seen as an intrusion in the area, even after the time necessary for the planting to mature. In addition, I have no doubt that providing an acceptable highway access would create an urban character and appearance through the urban scale and appearance of the road itself, the views it would offer into the housing area and the effect of the visibility splays which would be necessary.

4.393 In Chapter 3 I recommend modifications to ENV33, but accept its application in principle to this area. The Council will therefore have to consider the future form of this policy, but it seems to me that development on this site would contribute to the coalescence of Coxheath with houses in Dean Street.

4.394 For all these reasons I conclude that housing on the site would materially harm the character and appearance of the area.

Issue (c)

4.395 I have found in paragraph 4.238 that a further 940 dwellings are needed to meet the Structure Plan housing requirements, and in paragraph 4.700 I accept that I have been unable to recommend enough sites to meet that need. However, I do not consider that this overrides the

clear harm I have found in this case to the aims of PPG13 or the character and appearance of the area. I therefore conclude that this shortfall does not justify housing on this site.

RECOMMENDATION

4.396 Do not modify the Plan in response to these objections.

H2 - Housing Land Allocations: Land at the Orchard Spot, Downswood

Objection DH0260 - J Murphy & Sons Ltd

Background

4.397 I have dealt in Chapter 3 with objection DENV0409 to ENV34 which seeks to exclude this site from the Len Valley Green Corridor. I recommended that it should be excluded because it is countryside fully protected by ENV29, and does not meet the purposes or criteria for green corridors. In paragraph 4.238 I found that there is a need for an additional 940 units to meet the Structure Plan housing requirements.

Issues

4.398 Against this background the issues in this case are:

- (a) whether housing on the site would harm the character and appearance of the area; and if so
- (b) whether the need for additional housing outweighs that harm.

Conclusions

4.399 On issue (a), the objection site lies on the side of a valley. It is partly sloping and mostly well covered by trees. From my site visits I have no doubt that it is an important part of the countryside setting both of Maidstone to the west and Otham to the east. I have no doubt, either, that housing would be a serious urban intrusion onto this rural area when seen from the following locations:

from across the valley to the north, and from the open space in the valley bottom, housing would be seen on the valley side, extending the existing housing onto a green and well treed area;

from the footpath which runs along the site's southern boundary, housing would be seen as a clear extension of the existing estate, into an area whose wholly rural character is

determined by the agricultural land to the south; and

from Green Hill looking westwards to Maidstone, housing would be seen to extend the town into its setting and to bring urban development closer to the scatter of dwellings.

4.400 None of these impacts would be mitigated by the proposed landscaping or the trees to be retained on the site shown on the Development Principles drawing submitted to the inquiry, because the sloping form of the land makes the site particularly visible. On this issue, therefore, I conclude that housing on the site would materially harm the character and appearance of the area.

4.401 Dealing with issue (b), I found in paragraph 4.238 that there is a need for an additional 940 units to meet Structure Plan requirements. Moreover, it is clear from paragraph 4.700 that I have been unable to recommend enough site to meet this need. Nevertheless, I have no doubt that the serious harm which I have identified outweighs this shortfall, and I conclude on this issue that housing on the site is not justified.

4.402 I turn now to other matters which were raised at the inquiry. In Chapter 3 I recommend that ENV33 should be modified and, after a formal assessment, should be applied to areas where extra protection is needed as advised in PPG7. The Council must respond to this recommendation in its own way. However, in this case, I found that the rural nature of the area between Maidstone and Green Hill is vital to the character and appearance of this part of the countryside setting of the town. There is clearly some pressure for development which would be unacceptable both in the countryside, contrary to ENV29, and for its contribution to the coalescence of Maidstone with the nearby settlement contrary to ENV33. I consider that the area therefore requires the extra protection of ENV33.

4.403 The Council raised concerns about the setting of the Orchard Spot, which is a listed building. The immediate setting is a car park to which there would be little difference, although planting around it could be an improvement. In its wider setting, however, the Orchard Spot is seen from the north against the open side of the valley, and this would be significantly changed if I were to support this objection. In these circumstances the setting would be harmed, and this reinforces my recommendation.

4.404 There is a geological SSSI along the western boundary of the site, but I see no reason why this should be harmed if development were to take place. Clearly, however, this makes no difference to my conclusions on the main issues

RECOMMENDATION

4.405 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at East Farleigh

Objection	DH0014 - Paynes Stores Ltd
Issues	Whether housing on this site would: <ul style="list-style-type: none">(a) be contrary to the aims of sustainable development and of reducing the need to travel set out in PPG13; or(b) harm the character and appearance of the area; and if so(c) whether either the need to meet the Structure Plan housing requirements, or any benefits arising from the proposal, override any harm which might be identified.

Conclusions

4.406 This objection proposes the allocation of sites for new village recreational facilities and both affordable and private housing on land on either side of Vicarage Lane. There would also be some changes to the nearby road junctions.

4.407 Dealing with issue (a), the objection site lies to the south and west of a small rural settlement which I saw on my visits has very limited local services, shops or job opportunities. In these circumstances, I have no doubt that people living in the new houses would travel to Maidstone and elsewhere for work, shopping and recreation. I consider that many of these journeys would be by car, wholly contrary to the aims set out in paragraph 1.7 of PPG13 of locating development to reduce the need to travel, especially by car. Moreover, East Farleigh is not the kind of rural centre referred to in paragraph 1.8 of the PPG which might be strengthened since it does not have an everyday range of facilities. On this issue, therefore I conclude that the proposal would not accord with the aims of PPG13.

4.408 On issue (b), I saw on my visits to the area that the objection sites are parts of orchards sloping up away from Lower Road. They have a wholly rural character and appearance in common with much of the surrounding land. They are, therefore, clearly part of the rural setting for East Farleigh. In this context, even with the extent of the proposed village green, I have no doubt that houses would be a significant urban intrusion into the countryside around East Farleigh. This impact would be made worse by the way in which the land rises from Lower Road, and I conclude that it would materially harm the character and appearance of the area.

4.409 Turning to issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, I have no doubt that this need does not outweigh the serious harm which I have found to the character and appearance of the area in this case. I therefore conclude that housing is not justified on this site.

Nor do I consider that this harm is outweighed by the benefits claimed for the proposal by the objectors such as the provision of recreation facilities and junction improvements.

RECOMMENDATION

4.410 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land South of Woodcock Lane, Grafty Green

Objection DH0518 - Mr J Collins

Issues Whether housing on this site would:

- (a) be contrary to the aim of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether the need to meet the Structure Plan housing requirements would override any harm which might be identified.

Conclusions

4.411 Dealing with issue (a), I note the advice in paragraph 1.7 of PPG13 that policies should influence the location of new development to reduce the need to travel, especially by car. Grafty Green has only one shop, a village hall and no schools. In these circumstances people living in the new houses would have to travel away from the village for work, shopping, recreation and to school and, with even the nearest small town nearly 5km way, I have no doubt that most of these journeys would be likely to be by car. I conclude, therefore, that the proposed housing would be contrary to the aims of PPG13, which in this case, given the distances, outweighs the advice in PPG7 about the value of new houses in villages to support the local services.

4.412 On issue (b), I found on my visits that the objection site has little relationship with the village, contrary to the objector's arguments. Rather, it shares the rural character and appearance of the farmland which adjoins to the north, south and east, and the site is in my view clearly part of Grafty Green's rural setting. This is apparent when approaching from the south, when it is seen in its rural context. It is also apparent when approaching from the north along Woodcock Lane from the village. I found here that there is a very clear distinction between the village and its setting, particularly on the southern side of the lane. In this context, I have no doubt that housing, even the limited numbers set out in the objection, would be seen as an urban intrusion into the countryside. On this issue, therefore I conclude that housing would materially harm the rural character and appearance of the area.

4.413 Turning to issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet this need. However I do not consider that this overrides the serious harm I have found in the first two issues, and I conclude that housing is not justified on this site.

RECOMMENDATION

4.414 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Mayfield Nursery, Ashford Road, Harrietsham

Objection	DH0018 - Kitewood Estates Ltd
Issues	<p>(a) Whether in principle Harrietsham is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13.</p> <p>(b) Whether housing on this site would harm the character and appearance of the area; and if so</p> <p>(c) whether the need to meet the Structure Plan housing requirements or other benefits claimed for the development override any harm which might be identified.</p>

Conclusions

4.415 Dealing with issue (a) my recommendation in paragraph 4.72 recognises that sites in small rural towns could meet sustainability objectives, and in principle it seems to me that Harrietsham is such a town. It has a range of everyday community and shopping opportunities and, as the objectors argued, it also has extensive local job opportunities. It could, therefore, be a rural centre as defined in paragraph 1.8 of PPG13 to be strengthened to meet the aim of reducing the need to travel. It also has a railway station with services to Maidstone and beyond, and therefore accords with advice in paragraph 3.2 of the PPG about the location of new housing when needs cannot be met in central locations in larger urban areas.

4.416 In principle, therefore, Harrietsham could be identified in the Plan as a small rural town subject to H28 and RS3(a) of the Structure Plan, and indeed it is shown in the adopted Borough Local Plan in this way. I have dealt with the Council's general argument about the need for time to allow settlements to absorb new population in paragraph 4.71. I also note the Parish Council's concern about housing needs, and the number of new households likely to be created in

Harrietsham as a result of existing planning permission and changes in the present housing stock. However, these matters do not alter my conclusion that in principle Harrietsham is a location for new housing which would accord with the aims of PPG13.

4.417 Turning to issue (b), the site is part of a larger open area between the A20 and the railway line, although open land would remain between its boundary and the railway. From my visits to the area I have no doubt that the site is part of Harrietsham's rural setting. Its openness is wholly in keeping with the rural character and appearance of the land to the south and east, whilst dwellings to the north are well screened and not prominent from the A20. In this context, housing on the site would be an intrusive urban feature extending significant built development south of the A20 into an area with a generally rural character and appearance. I conclude on this issue, therefore, that housing would be materially harmful to the character and appearance of Harrietsham.

4.418 On issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, this does not outweigh the serious harm to the character and appearance of the area which I have identified. Nor does the objectors' suggested contribution to educational facilities outweigh that harm. I therefore conclude that housing is not justified on this site.

4.419 Finally, turning to other matters, I note that there is no objection in this case from MAFF to the loss of agricultural land, and that the Council is satisfied that highway and noise considerations could be dealt with satisfactorily. None of this, however, alters my conclusions on the main issues.

RECOMMENDATION

4.420 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Hook Lane, Harrietsham

Objection	DH0044 - Mr Rust & Mrs Sampson
Issues	<p>(a) Whether in principle Harrietsham is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13.</p> <p>(b) Whether housing on this site would harm the character and appearance of the area; and if so</p> <p>(c) whether the need to meet the Structure Plan housing requirements</p>

or other benefits claimed for the development override any harm which might be identified.

Conclusions

4.421 I have dealt fully with issue (a) in considering the previous objection and concluded that Harrietsham is a location for new housing which would accord with the aims of PPG13.

4.422 Turning to issue (b), I found on my visits to the area that the undeveloped character of the objection site accords with the open land to the north when seen from West Street, and to the south when seen from the A20. The site is, therefore part of Harrietsham's countryside setting. However, I found that the site is visually separated from the North Downs SLA because of the change in levels between it and the land to the north, and the high mature hedge along West Street. For this reason I am not convinced that the site plays a major role in the SLA as the foreground to the AONB further north. Nevertheless, housing on the site would be seen to extend the built form of Harrietsham into its setting from the north, and when approaching along the A20 from the west.

4.423 On this issue, therefore, I conclude that housing on the site would lead to some harm to the character and appearance of the area, but that this is limited in the wider context of the SLA.

4.424 On issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, it is clear from paragraph 4.700 that I have been unable to recommend enough sites to meet this requirement, even with my recommendation that this site should be allocated. This indicates the great difficulty in finding enough land for housing in the Borough and to my mind it outweighs the limited harm which I have identified in the previous issue. I note that the allocation of this site for housing was the subject of objections to the adopted Borough Local Plan, when the Inspector recommended that the allocation should be deleted. However, there are two important changes in circumstances since then: first the need to meet Structure Plan housing requirements; and second, the confirmation that the line of the Channel Tunnel Rail Link does not affect the site. I also note the Parish Council's preference for this site over others, albeit to be developed after 2006. For all these reasons I conclude that housing is justified on this site, and I have recommended accordingly.

4.425 I have recommended a yield from the site of 70 units, reflecting the application of the Plan's standard density of 25dph. I have included the site in the 2001-2006 period because that seems more probable given the likely adoption date of the Plan. H20 will also apply, but I have not recommended a number because of my recommendation that the Plan should not seek a uniform quota of 25%. Given the number of units, I have recommended that Harrietsham be made the subject of H28, not H27 as now. I have not recommended any modification to the SLA boundary since, despite the limited role of the site, this notation can continue to wash over developed areas.

RECOMMENDATIONS

- 4.426 A Add the objection site to H2, with a yield of 70 units during the period 2001-2006 and modify the Proposals Map accordingly.**
- B Modify the Village Boundary to include the site.**
- C Add the site to H20 as I recommend that it be modified.**
- D Replace H27 with H28 as the policy to apply within the Village Boundary of Harrietsham.**
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H2 - Housing Land Allocations: Land at Harrietsham

Objection DH0064 - Wards Construction (Medway) Ltd

- Issues**
- (a) Whether housing on this site would harm the character and appearance of the area; and if so
 - (b) whether the need to meet the Structure Plan housing requirements overrides any harm which might be identified.

Conclusions

4.427 I have considered the issues raised by this objection against the background of my conclusion in paragraph 4.416 that, in principle, Harrietsham is a location for new housing which would accord with the aims of PPG13.

4.428 On issue (a), I found on my visits to the area that, seen from the A20, the site is open land screened by a mature hedge. Seen from here I do not accept the objectors' argument that it is a brownfield site. I also found that it is wholly in keeping with the rural character and appearance of the area, which is determined by the open land and mature hedges along both sides of the A20. From Marley Road, the site and its house are seen in the context of a scatter of dwellings in a generally rural setting. I have no doubt that, in both locations, housing on the site would be a serious urban intrusion into Harrietsham's countryside setting. On this issue, therefore I conclude that housing would materially harm the character and appearance of the area.

4.429 On issue (b), I found in paragraph 4.238 that there is a need for an additional 940 units to meet Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, to my mind this does not outweigh the serious harm which I have found in this case, and I conclude that housing is not

justified on this site.

RECOMMENDATION

4.430 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at *Newlands*, Marley Road, Harrietsham

Objection DH0641 - Mr J Crerar

- Issues**
- (a) Whether housing on this site would harm the character and appearance of the area; and if so
 - (b) whether the need to meet the Structure Plan housing requirements overrides any harm which might be identified.

Conclusions

4.431 I have considered the issues raised by this objection against the background of my conclusion in paragraph 4.416 that, in principle, Harrietsham is a location for new housing which would accord with the aims of PPG13.

4.432 Dealing with issue (a), I found on my visits that this land is part of a scatter of dwellings in an area with a rural character and appearance. This character is maintained in this case since the house is set behind an area of dense trees and undergrowth and is therefore not prominent in Marley Road. For this reason, I do not agree with the objector that the site is part of the built-up village settlement. Rather, I found a clear distinction between the scatter of dwellings in generally large plots of which this site is part, and the more densely developed part of the village which adjoins. In this context, I have no doubt that housing on the site would be an urban intrusion into Harrietsham's countryside setting, and I conclude on this issue that it would materially harm the character and appearance of the area.

4.433 On issue (b), I found in paragraph 4.238 that there is a need for an additional 940 units to meet Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, to my mind this does not outweigh the serious harm which I have found in this case, and I conclude that housing is not justified on this site.

RECOMMENDATION

4.434 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land between Millbank and Ulcombe Road, Headcorn

Objection	DH0018 - Kitewood Estates Ltd
Issues	<p>(a) Whether in principle Headcorn is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13.</p> <p>(b) Whether housing on this site would harm the character and appearance of the area; and if so</p> <p>(c) whether the need to meet the Structure Plan housing requirements or other benefits claimed for the development override any harm which might be identified.</p>

Conclusions

4.435 Revised proposals for this site were put to the inquiry: development of 20 houses in the south-eastern corner, and an additional 20 houses adjoining to the north-west if objection DH0576 for housing on land to the south is accepted. In paragraph 4.447, however, I have not supported this objection, and I have therefore dealt with the present objection as a proposal for 20 houses.

4.436 Dealing with issue (a), my recommendation in paragraph 4.72, recognises that sites in small rural towns could meet sustainability objectives, and in principle it seems to me Headcorn is such a town. It has a range of everyday community, shopping and employment opportunities and it could, therefore, be a rural centre defined in paragraph 1.8 of PPG13 to be strengthened to meet the aim of reducing the need to travel. It also has a station with services to Maidstone and beyond, and therefore accords with advice in paragraph 3.2 of the PPG about the location of new housing when needs cannot be met in central locations in larger urban areas.

4.437 Headcorn could, therefore, be considered for inclusion in the Plan as a small rural town subject to H28 and RS3(a) of the Structure Plan, and indeed it is shown in the adopted Borough Local Plan in this way. I have dealt with the Council's general argument about the continuation of this policy approach in paragraph 4.71 and I conclude that in principle Headcorn is a location for new housing which would accord with the aims of PPG13.

4.438 Turning to issue (b), the approach to Headcorn along Ulcombe Road is wholly rural and, as an area of farmland, the objection site contributes significantly to the area's character and appearance. The site is within the Low Weald SLA and I found that it shares the character and appearance of this wider area, with its surrounding hedges and agricultural use. In this context I

have no doubt that housing, even on the reduced basis and in the position now proposed, would be an urban intrusion into Headcorn’s countryside setting.

4.439 I accept that the existing roadside hedge could be retained, but housing would be seen through it. Moreover, the access would introduce an urban scale and appearance to the area both in itself, and through the views into the site which it would open up. I note the arguments made by both sides about the details of access and the need for changes to Ulcombe Road. Whilst there may be no objection in technical terms, any changes such as lighting, loss of verge and even the provision of a footway within the site, would add to the urbanising effect of the houses. For all these reasons I conclude on this issue that the 20 houses proposed would materially harm the character and appearance of the area, and of this part of the Low Weald SLA.

4.440 On issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirement. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. In view of my conclusion on issue (a) some of these units could be located in Headcorn if suitable sites are available. However, I have no doubt that in this instance housing need does not outweigh the serious harm which I have identified in the previous issue. I note the proposal to create an area of woodland within the site, but this does not convince me to support this objection because of the harmful impact of houses on the character and appearance of the area. I therefore conclude that housing is not justified on this site.

RECOMMENDATION

4.441 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Chantry Farm, Headcorn

Objection DH0550 - The Misses T & G Foreman

Issue The allocation of the site for housing.

Conclusions

4.442 This site lies within the village boundary and its future development should therefore be a matter for development control, considering any application against the policies which apply, rather than an allocation in this Plan. In this context, my recommendation in paragraph 4.948 should clarify the meaning of “minor development” which is included in H27 or H28 which apply to villages with boundaries.

RECOMMENDATION

4.443 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land off Kings Road, Headcorn

Objection	DH0576 - Bryant Homes Technical Services Ltd
Issues	<p>(a) Whether in principle Headcorn is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13.</p> <p>(b) Whether housing on this site would harm the character and appearance of the area; and if so</p> <p>(c) whether the need to meet the Structure Plan housing requirements or other benefits claimed for the development override any harm which might be identified.</p>

Conclusions

4.444 I have already dealt with the first issue in paragraphs 4.436 – 4.437 and I have considered this objection against the background of my conclusion there.

4.445 On issue (b), the objection site, like the whole of Headcorn, is within the Low Weald SLA. It is an area of farmland set behind houses which adjoin to the south and west. It is adjoined to the north by farmland, which is the subject of objection DH0018. I found on my visits to the area that, although it is largely screened by adjoining development, it is nonetheless part of the countryside setting of Headcorn, since it shares the rural character and appearance of the land to the north and the rest of the SLA beyond. In this context, I consider that housing on the site would be an urban intrusion into Headcorn's setting, at odds with the rural character and appearance of the SLA. I conclude on this issue, therefore, that the proposal would materially harm that character and appearance.

4.446 Turning to issue (c), I found in paragraph 4.238 that there is a need for 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. In view of my conclusion on issue (a), some of this need could be met in Headcorn if suitable sites are available. However, in this instance I have no doubt that the harm which I have identified in considering issue (b) outweighs housing need, and I conclude that housing is not justified on this site.

RECOMMENDATION

4.447 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land South of Broomfield Road, Kingswood

Objection DH0065 - Wards Construction (Medway) Ltd

Issues Whether housing on this site would:

- (a) be contrary to the aim of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether either the need to meet the Structure Plan housing requirements or any benefits from the proposal override any harm which might be identified.

Conclusions

4.448 Dealing with issue (a), my recommendation in paragraph 4.72 recognises that sites in small rural towns could meet sustainability objectives. As the objectors argue here, this would accord well with the emphasis in policy S6 of the Structure Plan on the contribution such sites could make both to the overall housing requirement, and by increasing the choice of location. However, I do not consider that Kingswood is a rural settlement which should make such a contribution.

4.449 The objectors recognise the lack of shopping and other facilities in the village. It could not, in my view, be defined as a local rural centre which should be strengthened as advised in paragraph 1.8 of PPG13, since it does not have a range of everyday community, shopping or employment opportunities. Indeed the objectors describe it as a dormitory of Maidstone. In these circumstances, people living in the houses would travel to Maidstone and elsewhere for work, shopping and recreation and, whilst I note the bus service, most of these journeys would be likely to be by car. This would be wholly contrary to the aim of paragraph 1.7 of PPG13 of locating development to reduce the need to travel, especially by car.

4.450 I note the advice in PPG7 about the benefits of village housing, but in this case they are outweighed to my mind by the heavy dependence on the car in a location such as Kingswood. On this issue, therefore, I conclude that housing on the objection site would be contrary to the aim of reducing the need to travel set out in PPG13.

4.451 On issue (b), I found on my visits to the area that the objection site is clearly part of Kingswood's countryside setting. It is part of a larger area of farmland, and there are extensive views across it to the countryside to the south and south-west. In this context, I have no doubt

that housing on the site would be a major urban extension of the village into its rural setting and I conclude that it would materially harm the character and appearance of the area.

4.452 Turning to issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, in this case, I consider that the serious harm which I have identified in the first two issues outweighs this need. I note that the site is not constrained by strategic landscape or nature conservation policies, and to that extent it could be said to comply with policy MK4 of the Structure Plan. However, because of the harm which I have identified, this does not alter my conclusion that housing is not justified on this site, particularly in the light of advice in paragraph 2.14 of PPG7 that the countryside should be protected for its own sake.

RECOMMENDATION

4.453 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Allcars Site, Leeds Road, Five Wents, Langley

Objection DH0021 - Allcars Garage

Issue The allocation of the site for housing.

Conclusions

4.454 This is a small, mainly open site in the countryside. It is on the edge of a cluster of buildings in various uses set around a cross roads. In this location, away from any town or village, an allocation for housing would be contrary to national and Structure Plan policies about the protection of the countryside and the location of new development to reduce the need to travel, especially by car. I note the objectors' arguments about the provision of affordable housing, but this should be considered under H30 as an exception to these policies, rather than as a justification for an allocation.

RECOMMENDATION

4.455 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Green Lane, Langley

Objection DH0620 - Howard Hutton & Associates

Issues	Whether housing on this site would: <ul style="list-style-type: none">(a) be contrary to the aim of reducing the need to travel set out in PG13; or(b) harm the character and appearance of the area; and if so(c) whether the need to meet the Structure Plan housing requirements, or any benefits from the proposal, override any harm which might be identified.
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Conclusions

4.456 I note the objector's general arguments about the Plan's housing location strategy in relation to villages. However, with my recommendation in paragraph 4.72 about the role of larger villages, I am satisfied that the Plan follows Government advice and Structure Plan policy about village housing. In Langley, for example, new housing would be possible under H27 and, as an exception for affordable housing, under H30.

4.457 At the inquiry the objector confirmed that the objection sought the allocation of the site for mixed development of residential, employment and community facilities, the precise mix to be the subject of a development brief.

4.458 Turning to issue (a), Langley is a small village with very limited facilities: it has one shop/Post Office, a village hall but no school. In these circumstances, people living in the proposed houses would have to travel to Maidstone and elsewhere to work, shop and for recreation as well as to school. I note the bus services available, but I have no doubt that most of these journeys would be by car, wholly contrary to the aim set out in paragraph 1.7 of PPG13 of locating development to reduce the need to travel, especially by car. I acknowledge the objector's argument about the variety of travel patterns possible for new residents. Nevertheless, it seems to me that, overall, a high level of dependency on the car is inevitable if houses are built in small villages as proposed here.

4.459 Dealing with issue (b), I found on my visits to the area that the site is seen from Leeds Road and Green Lane as part of the village's countryside setting since, as open former agricultural land, it shares the character and appearance of farmland to the south and west. Housing on the site would therefore be seen from both roads as an urban extension into the countryside around the village. Moreover, I have no doubt that the access from Leeds Road would add considerably to this intrusion by introducing an urban scale and form into the existing rural character of the area. I conclude on this issue, therefore, that the proposal would materially harm the rural character and appearance of the area.

4.460 On issue (c) I found in paragraph 4.238 that there is a need for an additional 940 units to

meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, in the light of my conclusions on the first two issues, and my view that the Plan's housing location strategy is acceptable with some modifications, I do not consider that meeting this housing need justifies the development of this site.

4.461 At the inquiry the objector argued that the form of development envisaged could bring benefits to the village. The proposed development would include a new village shop to be let at a nominal rent, housing designed for homeworking, and a "telecottage" to provide a local office resource for people working from home. Some of the houses could be limited in size to meet local needs for smaller housing, and some start-up business accommodation could be provided. However, I am not convinced from what I heard at the inquiry that there is evidence of need for any of these uses which justifies housing in the face of the serious harm which I have identified.

4.462 For all these reasons, I conclude that there are no overriding reasons to justify housing on this site.

RECOMMENDATION

4.463 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Rear of Old Ashford Road, Lenham

Objection	DH0058 - Tanyard Properties
Issues	<ul style="list-style-type: none"> (a) Whether in principle Lenham is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13. (b) Whether housing on this site would harm the character and appearance of the area; and if so (c) whether the need to meet the Structure Plan housing requirements or other benefits claimed for the development override any harm which might be identified.

Conclusions

4.464 Dealing with issue (a) my recommendation in paragraph 4.72 recognises that sites in small rural towns could meet sustainability objectives, and in principle it seems to me that Lenham is such a town. It has a range of everyday community and shopping opportunities and, as the objectors argue, it also has extensive local job opportunities. It could, therefore, be a rural

centre as defined in paragraph 1.8 of PPG13 to be strengthened to meet the aim of reducing the need to travel. In addition it has a railway station with services to Maidstone and beyond, and therefore accords with advice in paragraph 3.2 of the PPG about the location of new housing when needs cannot be met in central locations in larger urban areas.

4.465 In principle, therefore, I conclude that Lenham could be identified in the Plan as a small rural town subject to H28 and RS3(a) of the Structure Plan, and this is agreed by the Council. I have dealt with the Council's general argument about the need for time to allow villages to absorb the population arising from new housing paragraph 4.71, and for those reasons this does not alter my conclusion.

4.466 Turning to issue (b), the objection site is on the eastern side of Lenham and is part of a large farmed field. On my visits to the area I found when approaching the site from the east along the A20 and the Old Ashford Road, that the whole field shares the rural character and appearance of the farmland to the north which rises up to the North Downs. In this context I have no doubt that the field is an important part of Lenham's countryside setting. From closer to on the A20, the houses to the south of the objection site, and Grovelands to the west, are more apparent particularly in winter. However, I did not find that their impact was enough to distinguish the objection site from the rest of the field of which it is part. Similarly, looking westwards along the A20 the objection site can be seen through the trees on its western boundary to be very clearly part of Lenham's setting.

4.467 The site is within the North Downs SLA and the larger field of which it is part is prominent when seen from the North Downs Way. The objection site itself is partly screened by a very gappy hedge, but houses on it would be seen from the SLA to extend Lenham into its countryside setting. For all these reasons, I have no doubt that houses on the site would be an intrusive urban feature in the rural area around Lenham, and I conclude that they would materially harm the character and appearance of the area.

4.468 Finally on issue (c), I found in paragraph 4.238 that an additional 940 units were needed to meet the Structure Plan housing requirement. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, I have no doubt that this need does not outweigh the serious harm which I have found in dealing with issue (b), and I conclude that housing is not justified on this site.

4.469 This objection also seeks the inclusion of *Northland*, a house on the objection site, within the Village Boundary of Lenham. However, as an agricultural dwelling granted permission as an exception to countryside restraint policies, it seems to me that the future of this house should be dealt with as a matter of development control, against the Development Plan policies and Government advice which prevail at the time.

RECOMMENDATION

4.470 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Grove House, Lenham

Objections DH0082 - Hillreed Homes
DH0185 - Dr R Marson

- Issues**
- (a) Whether in principle Lenham is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13.
 - (b) Whether housing on this site would harm the character and appearance of the area; and if so
 - (c) whether the need to meet the Structure Plan housing requirements or other benefits claimed for the development override any harm which might be identified.

Conclusions

4.471 I have already dealt with issue (a) in paragraph 4.465, and concluded that, in principle, Lenham is a location for new housing which could accord with the aims of PPG13.

4.472 Turning to issue (b), I have visited the site in both summer and winter. I agree with the second objector that it is clearly defined, with housing on two sides and mature trees on the northern and eastern boundaries. In the winter, however, I have no doubt that houses would be clearly seen from the A20, when approaching the site from the east and when passing it directly. The trees, whilst defining the site and forming an important landscape feature, would not be an effective screen for a significant part of the year, particularly at the western end around the existing access where the frontage is much more open. Moreover, I found on my visits that the undeveloped nature of the site is in keeping with the open farmland to the east and the relative openness of the cemetery to the north. In this context houses would be seen as an urban intrusion, extending Lenham into its rural setting.

4.473 I accept that in the summer the trees on both sides of the A20 screen the site from the North Downs Way, but this does not alter my concerns about the effect of housing when seen from closer to. For all these reasons I conclude that houses on the site would materially harm the character and appearance of the area.

4.474 On issue (c), I found in paragraph 4.238 that there is a need for a further 940 units to meet the Structure Plan housing requirement. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, I have no doubt in this case

that the serious harm which I have identified in the second issue overrides housing need, and I conclude that housing is not justified on this site.

4.475 The second objector suggests that access to the site could be from the A20, although there is an alternative available from the south. This is not a matter which affects the principle of housing on the site which I have found unacceptable. However, even if a technically acceptable access is possible from the A20, I consider that it would add to the urbanising effect on the area, in itself, in its requirements for sight lines and by the views which it would open up into a housing site. None of these features is present with the existing field accesses and they reinforce my concerns about the impact of housing on the area.

4.476 I have dealt with this case on the basis of general housing on the site, since I can see no planning reason for restricting development to housing for the elderly, a possibility which the second objector suggests. However, the same concerns about the impact of buildings on the rural setting of Lenham would apply if development were restricted in this way.

RECOMMENDATION

4.477 Do not modify the Plan in response to these objections.

H2 - Housing Land Allocations: Land at Heath Road, Linton

Objections DH0135 - Westwood Estates Ltd
DH0286 - Westwood Estates Ltd

Issues Whether housing on this site would:

- (a) be contrary to the aims of sustainable development and of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether the need to meet the Structure Plan housing requirements, or any benefits from the proposal, override any harm which might be identified.

Conclusions

4.478 At the inquiry the objectors confirmed that this objection seeks the allocation under H2 of 10 dwellings grouped around new private drives using the existing accesses, and it is on this

basis that I have dealt with this case. It was also argued that the proposal should be considered as an exception to policies for housing in the countryside under policy RS5(iii) of the Structure Plan since the site is a redundant institutional complex. I do not agree. I saw on my visit that there are the derelict remains of buildings which were said to be damaged in the 1987 storm but which were disused for many years before that, and some areas of hardstanding. However, generally the site is well covered by trees, both mature and naturally regenerating, and its character and appearance is now primarily that of woodland, not of a complex of redundant buildings.

4.479 Dealing with issue (a), the site lies opposite a secondary school and is therefore well located in this one respect. However, it is some distance from the limited local facilities of Boughton Monchelsea, Coxheath and Loose, and I agree with the Council that it is not well related to the nearest primary school. In these circumstances, people living in the houses would travel to Maidstone and elsewhere for main shopping, work and recreation. I note the existence and frequency of bus services in the area, but it seems likely to me that many of these journeys would be by car. Given the distance to the local services I also consider that car journeys are likely for local shopping, for instance in Coxheath. All this would be contrary to the aim set out in paragraph 1.7 of PPG13 of locating development to reduce the need to travel, especially by car. I therefore conclude on this issue that housing on the site would not accord with the aims of PPG13.

4.480 Turning to issue (b), I found that the largely wooded character and appearance of the site is wholly in keeping with the area to the south and south-west of the site. Indeed, I agree with my colleague who considered objections at the inquiry into the adopted Borough Local Plan that the site merges with the character of the parkland on the adjoining estate. In a wider context, the woodland is also in character with the uses along the southern side of Heath Road, with its mix of scattered buildings and open or wooded sites. I have no doubt that 10 houses and two accesses, however they were landscaped, would have an urban character and appearance at odds with the more rural nature of the site and its surroundings. On this issue, therefore, I conclude that houses on the site would materially harm the character and appearance of the area.

4.481 Finally on issue (c), in paragraph 4.238 I found that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, in this case I have no doubt that the serious harm I have identified in the first two issues overrides housing need. I therefore conclude that housing on the site is not justified.

4.482 Since I heard this case at the inquiry the Council has granted the objectors a Certificate of Lawful Use or Development for the "Use of [this] site as a youth training and adventure centre by the Maidstone District Youth Association". As the objectors argue, this may be material when considering the planning merits of housing on the site, but I have no doubt that it is a matter for development control, not planning policy. Any application should be considered against the policies in the plan and other material considerations, which could include the Certificate. It therefore does not alter my recommendation. In their letter dated 26 April 1999 the objectors refer to a development of 5 houses on this site. However, I have dealt with the case on the basis

on which it was submitted to the inquiry for 10 houses.

RECOMMENDATION

4.483 Do not modify the Plan in response to these objections.

H2 - Housing Land Allocations: Vicarage Field, Linton

Objection DH0532 - Alan Firmin (Linton) Ltd

Issues Whether housing on this site would:

- (a) be contrary to the aims of sustainable development and of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether the need to meet the Structure Plan housing requirements, or any benefits from the proposal, override any harm which might be identified.

Conclusions

4.484 Dealing with issue (a), Linton is a settlement without any services or facilities and, in these circumstances, people living in the new houses would have to travel to Maidstone and elsewhere to work, shop and for recreation. I note that there is a bus service on the A229. However, it seems likely to me that most of these journeys would be made by car, wholly contrary to the aims set out in paragraph 1.7 of PPG13 of locating development to reduce the need to travel, especially by car. Moreover, Linton is not the kind of rural centre referred to in paragraph 1.8 of the PPG which might be strengthened since it does not have an everyday range of shopping or job opportunities. On this issue, therefore, I conclude that housing on the site would not accord with the aims of PPG13.

4.485 Turning to issue (b), part of the site lies within a Conservation Area, and I note the illustrative layout which shows houses only on the other part. Seen from the A229, Linton is a long, scattered village, with generally open rural land on the eastern side of the road. On my visits to the area I found that the undeveloped and rural character and appearance of the site contributes significantly to the open, scattered nature of the village. Clearly this contribution would be lost by the development of the site for housing and woodland. Moreover, I have no doubt that the access into the site from Linton Hill shown on the illustrative layout would introduce an unacceptably urban scale and character to this part of the Conservation Area in itself, by the need to ensure good visibility, and by the views into a housing site which it would

open up. None of this impact would be materially reduced by the suggested woodland, even when mature, since it would not reduce the scale or the openness of the access which is necessary to ensure road safety. Whilst I accept that, in time, the woodland could screen the houses, it does not alter my view on the harm to the character and appearance of this part of the Conservation Area caused by the proposal.

4.486 The objection site can also be seen from the public footpath which runs along its northern boundary. Looking north from this footpath there are glimpses through the hedge of extensive orchards on the hillside. The objection site, whilst physically separated from this area, is wholly in keeping with its character and appearance. From what I saw on my visits, I consider that houses on the site, which would be much closer to the footpath, would be an urban intrusion into the area in a way that the existing houses around the edges of the site are not. I do not consider that this would be overcome by low density or landscaping around the site, since it would still have an urban character in contrast its present rural nature.

4.487 I conclude on this issue that houses on the site would be materially harmful when seen from the A229 and the footpath to the north of the site.

4.488 In paragraph 4.238 I found that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. I note the history of discussions on this site which led to its being identified for housing in the consultative draft of this Plan, and the context for such village housing set in PPG3 and PPG7. I have also taken account of the objectors' argument about the suitability of the site for low density housing. In this case, however, I consider that the serious harm that I have found in the first two issues is not outweighed by general housing need. Moreover, despite the discussions which have taken place, I have seen no evidence to convince me that there would be a local benefit of the kind referred to in PPG3 and PPG7. I conclude, therefore, that housing on the site is not justified.

RECOMMENDATION

4.489 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Salts Farm, Loose

Objection	DH0061 - Wards Construction (Medway) Ltd
Issues	<p>(a) Whether housing on this site would be contrary to the aim of reducing the need to travel set out in PPG13.</p> <p>(b) The effect of development on this site on the character and appearance of their surroundings.</p>

- (c) Whether the need for additional housing land outweighs any harm which may be identified.

Conclusions

4.490 On issue (a), paragraph 1.7 of PPG13 advises that the aim of development plans should be to reduce the need to travel, especially by car, amongst other things by influencing the location of different types of development. Paragraph 1.8 gives further advice on the policies which should be adopted to further this aim, including policies to promote development in urban areas and to strengthen local centres in rural areas. I have no doubt, however, that Loose is not a local centre in this sense since it does not have, as the PPG advises, a range of everyday shopping or employment opportunities. In these circumstances, I consider that people living in houses on the site would travel by car for work, shopping and recreation which would be wholly contrary to the advice in PPG13 about the location of new housing.

4.491 I acknowledge that the site is not subject to strategic landscape or nature conservation designations as the objectors argued, and to that extent an allocation could comply with policy MK4 of the Structure Plan. However, policies RS2 and RS3 of the Structure Plan closely follow the advice in PPG13, and I have no doubt that this objection is in conflict with them for the same reasons. I therefore conclude that housing on this site would be wholly contrary to the aims of PPG13 about reducing the need to travel.

4.492 Turning to issue (b), the site is a large area of open, unfarmed agricultural land. Whilst there are houses on two sides, I found on my visit that it contributes greatly to the generally rural character and appearance of the area, which is determined by other agricultural land to the north and east. Although the proposal is for housing on less than half the site, I have no doubt that it would materially harm this rural character and be seen as an urban intrusion into the countryside setting of Loose and Boughton Monchelsea. This impact would not be lessened by the proposed open space, or indeed the suggested play area within the housing since, although open, they would have an urban rather than rural character.

4.493 In Chapter 3 I recommend that ENV33 should be modified. However, I have accepted that it should be applied to this area following a formal assessment, both of the area it should cover and the purpose it should fulfil, so that it could deal with consolidation as well as coalescence. The Council must respond to this recommendation in its own way, and I note the objectors' arguments. In this case, however, it seems to me that the greater harm would be to the consolidation of the ribbon of houses to the west and south of the site, and it is that which would harm the character and appearance of the area in the context of ENV33.

4.494 On this issue I therefore conclude that housing on the site would materially harm the character and appearance of the area.

4.495 Finally on issue (c), I found in paragraph 4.238 that there is a need for an additional 940

units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, I do not consider that this need outweighs the serious harm I have found in the first two issues, and I conclude that housing is not justified on this site.

4.496 I acknowledge local concern about the traffic generated by the proposal, but I note that the highway authority has no objections in principle. In any case this does not alter my view on the unacceptability of the objection site for other reasons.

4.497 The site is of largely grade 3b agricultural land quality, with about 24% grade 3a, which is the best and versatile land which PPG7 advises should be protected. In Chapter 3 I have recommended that ENV30 should be modified to reflect the PPG, rather than the Structure Plan which seeks to protect all agricultural land, unless more specific local reasons can be given for departing from national guidance. I agree with the Council that the present lack of a farming regime does not alter the intrinsic quality of the land, but in these circumstances agricultural land quality has not been a main issue in my recommendation.

RECOMMENDATION

4.498 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Sandling, Maidstone

Objection	DH0110 - Hillreed Homes
Issues	<p>(a) Whether housing on the site would:</p> <ul style="list-style-type: none"> (i) be contrary to the aim of reducing the need to travel set out in PPG13; (ii) materially harm the character and appearance of the area; or (iii) lead to the coalescence of settlements contrary to policy MK5 of the Structure Plan; and if so <p>(b) whether the need for additional housing land outweighs any harm which may be identified.</p>

Conclusions

4.499 This site has an area of about 6.2ha, and thus a capacity of 155 units if the Plan's

standard density of 25dph is applied. No access was shown in the evidence to the inquiry, but I accept the assurance given on behalf of the objectors that access is possible and that the site is therefore genuinely available.

4.500 Dealing with issue (a)(i), the site lies to the north of the M20 some way beyond the edge of Maidstone. The nearest local shopping centre and schools are all some distance south of the motorway, and I found that this major road crossing presents wholly unsympathetic surroundings for people on foot or bike. Jobs could be available at Aylesford, and the objectors also referred to the allocation in this Plan at Cobtree Forstal, although I have recommended that this should be deleted. Again, however, a major road would have to be crossed. I note the existence of bus services, and the proximity of the strategic cycle route, but it seems to me in these circumstances that most journeys from the site for work, shopping and recreation, would be by car. On this part of the issue, I conclude that this would be wholly contrary to the aim set out in paragraph 1.7 of PPG13 of locating new development to reduce the need to travel, especially by car.

4.501 Turning to issue (a)(ii), I accept that the site is screened from the north and east by existing dwellings. From the south, however, when seen from the footpath and cycleway, and the footbridge, I found that it has a rural character and appearance, since the houses around it are almost entirely screened by trees and hedges. Seen from here, housing on the site would be an intrusive urban feature into a rural area which has views of the North Downs beyond. For this reason, and despite the presence of the motorway junction to the south, I conclude that housing on the site would materially harm the character and appearance of the area.

4.502 Issue (a)(iii) deals with the Strategic Gap defined by policy MK5 of the Structure Plan and ENV32 of this Plan, the purpose of which is to prevent the coalescence of existing settlements. Clearly, housing on the site would not extend the built-up part of Maidstone towards the Medway Towns, since it lies south of existing development. Nevertheless, it would substantially consolidate an area of isolated housing which is within the Gap and is washed over by the ENV32 notation. It seems to me that consolidating such housing groups between towns can contribute to coalescence by reducing the openness of the space between them. I note the comparison which the objectors made with the allocation of land at Cobtree Forstal, but I have recommended that this should be deleted, partly on the grounds of its effect on the Gap. I therefore conclude that housing on the site would contribute to the coalescence of settlements contrary to policy MK5 of the Structure Plan.

4.503 Finally turning to issue (b), I have found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, in this case I have no doubt that the serious harm which I have identified in all three parts of the first issue overrides housing need. I therefore conclude that housing is not justified on this site.

4.504 I have dealt with the objectors' arguments about the concentration of housing at Parkwood in paragraphs 4.81 - 4.89. I also note the comparisons made with other sites, but I

have dealt with this objection on its own merits.

RECOMMENDATION

4.505 Do not modify the Plan in response to this objection.

Policy H2 - Housing Land Allocations: Bell Road, Maidstone

Objections DH0219 - Ms C Morgan
DH0221 - Ms C Morgan

Issue The need for a policy to secure the redevelopment of the “Y Blocks”.

Conclusions

4.506 These blocks are part of an existing residential area. If this is a planning matter, the future of the blocks should be resolved through the development control process by the application of policies, rather than through a specific policy in the Plan.

RECOMMENDATION

4.507 Do not modify the Plan in response to these objections.

Policy H2 - Housing Land Allocations: Land West of Royal Engineers Road, Maidstone

Objections DH0220 - Ms C Morgan
DH0320 - Ringbest Ltd

Issue The need to allocate the site for housing to provide a sustainable location close to the town centre.

Conclusions

4.508 This site is allocated under ED3 for high value manufacturing, but in Chapter 5 I recommend that this allocation should be deleted in principle. It is also allocated under R5 for bulky goods retailing, but in Chapter 7 I recommend that this allocation should also be deleted, again in principle, since the location of the site is wholly unsuitable for this use. In contrast, it seems to me that the allocation of the site for housing would meet many of the aims for the location of new development set out in paragraphs 1.7 and 1.8 of PPG13: the site is highly accessible by means other than the private car, and its location maintains and improves the choice of people to walk, cycle or use public transport.

4.509 It would, moreover, meet the aims for the location of housing in paragraph 3.3 of the PPG since it is a vacant site in a central location, and offers the opportunity for higher density housing near public transport facilities. In environmental terms I consider that the site is suitable for housing, since it is close to the ALLI and River Medway. I can see no reason why traffic and other noise should not be dealt with successfully. My recommendation here, therefore, reflects all this, and my findings in paragraph 4.238 about the need for additional units to meet Structure Plan housing requirements. My views are reinforced by my findings in paragraph 4.700 that even with this recommendation I have not been able to recommend enough sites to meet this requirement.

4.510 Since the Plan must be read as a whole I have usually recommended against the repetition of policies in criteria dealing, for example, with noise and landscaping when ENV6 and ENV7 can be applied. However, there may be a need for a site specific policy in this case to deal with trees and landscaping, and noise from traffic and adjoining commercial uses. There may also be a need to make specific reference to access to the site.

4.511 The application of the Plan's standard density produces a yield of about 38 units (25 x 1.54ha), although I would expect the yield to be higher in practice, recognising the site's central location. However, I have made no assumptions on this point, but accepted the standard density here for the purposes of the calculation as I have on other sites.

RECOMMENDATIONS

4.512 A Add this site to H2 with a yield of 40 units during 2001 – 2006 and modify the Proposals Map accordingly.

B Insert a new site specific policy:

“POLICY H? HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND TO THE WEST OF ROYAL ENGINEERS ROAD AS SHOWN ON THE PROPOSALS MAP PROVIDED THAT:

- (1) (trees and landscaping);**
- (2) (specific access provisions);**
- (3) (specific noise measures).”**

C Add new supporting text to:

justify and explain the provisions of the policy;

set out the density and yield expected from the site if greater than the standard

yield; and

refer to the other main policies which will be applied, for example ENV3 and ENV9.

H2 - Housing Land Allocations: Fant Farm, Gatland Lane, Maidstone

Objections DH0293 - Twigden Homes
DH0561 - Crofton Place Developments Ltd
DH0568 - The Trustees of the Warbleton Charity

Background

4.513 DH0561 and DH0568 cover the same smaller area which is included within the site of DH0293. I have considered them together since the cases made are similar and many of the arguments are essentially the same. The Council accepts that these sites are reasonably well related to a range of facilities needed for new housing, and I agree. However, I also agree that they are no better in this respect than other sites which have been allocated, and I share the Council's reservations about access to the railway station given the steep climb involved.

4.514 Development of these sites would lead to the loss of the best and most versatile agricultural land. However, in paragraph 4.238 I found the need for additional housing sites to meet the Structure Plan requirements, and this could amount to an overriding need to justify this loss as advised in PPG7. I also note that this accords with the views of MAFF submitted by the Council. I return to this in dealing with issue (b).

4.515 In Chapter 3 I recommend that the South-West Medway Green Corridor defined under ENV34 should be deleted, although I make it clear that this does not affect my view that the area it covers should be kept open since it is designated as an ALLI under ENV38. I consider this under issue (a).

4.516 I note the findings of Inspectors who considered objections to the earlier Town Map during the 1970s. However, I have dealt with this case on its own merits, in the light of current Government advice and Structure Plan policies, and I do not feel bound by recommendations made at least 20 years ago.

Issues

4.517 Against this background the issues in this case are:

- (a) whether housing on the sites would harm the character and appearance of the area; and if so

- (b) whether the need for additional housing to meet the Structure Plan requirements outweighs any harm which might be identified.

Conclusions

4.518 Dealing with issue (a), I found on my visits to the area that these sites share the open, rural character and appearance of the large area of orchards lying to the south and east which extend along the side of the Medway Valley. Their openness ensures that this section of Gatland Lane has a rural character, despite some housing on its northern side. Moreover, they are clearly seen from Lower Road on the opposite side of the valley as part of Maidstone's countryside setting. Their rural character can also be appreciated from the public footpaths which run through the area covered by DH0293, and from Farleigh Lane. For all these reasons I do not agree with the objectors that the sites are not a major component of the central character of the ALLI, or that the adjoining urban area dominates their landscape character. I therefore do not accept objections DENV0423, DENV0508 and DENV0510 which I have recorded in Chapter 3 that the area should be excluded from the ALLI.

4.519 In this context, I have no doubt that housing would be an intrusive urban feature into the town's countryside setting when seen from nearby and from Lower Road. I note the landscaping which is proposed in DH0293, but I do not consider that it would overcome the impact of new housing, and for this reason I do not agree that it would enhance any of the views of the site that I have described. Nor do I consider that the development of the smaller site covered by the other objections would significantly lessen the harmful impact of new housing. I therefore conclude that the proposals in these objections would materially harm the rural character and appearance of the area.

4.520 Turning to issue (b), in paragraph 4.238 I found a need for an additional 940 units to meet Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, in these cases I have no doubt that this does not outweigh the serious harm which I have found in issue (a). Although this housing need could override the loss of the best and most versatile agricultural land, such a loss reinforces my recommendation. In taking this view I have followed MAFF's approach and placed greater weight on the intrinsic quality of the land than on the problems of farming argued by the objectors. This seems to me to follow the advice in paragraph B7 of Annex B of PPG7 that land quality will normally be the most important factor.

4.521 I therefore conclude that housing on these sites is not justified.

RECOMMENDATION

4.522 Do not modify the Plan in response to these objections.

H2 - Housing Land Allocations: Trebor Bassett, St. Peter Street, Maidstone

Objection DH0294 - Trebor Bassett

Issue The allocation of the site for housing.

Conclusions

4.523 This site is covered by ED12(vii), where it is identified as an area of existing economic activity which paragraph 5.56 says should remain available for economic development. Paragraph 9.36 of the Plan, however, says that the Council's aspirations for a wider area including the site would include redevelopment for housing. The objection has been withdrawn on condition that this text remains in the Plan.

4.524 Given my finding that additional housing sites are needed to meet the Structure Plan requirements, and Government guidance on the use of brownfield sites, it is possible that this site could make a contribution. However, I agree with the view set out in paragraph 9.36 of the Plan that this is unlikely to be within the lifetime of the Plan given the complex land ownerships and other matters which would have to be resolved. I am concerned, though, that paragraphs 9.35 and 9.36 appear to be in conflict with ED12 and paragraph 5.56, and I have recommended accordingly.

RECOMMENDATIONS

4.525 A Do not modify the Plan in response to this objection.

B Clarify the Council's intentions for this site in relation to an apparent conflict between paragraphs 5.56 and 9.36 of the Plan.

H2 - Housing Land Allocations: Bridge Nursery, Maidstone

Objection DH0306 - George Wimpey Plc

Background

4.526 The objection site is part of a larger area owned by the objectors, not all of which is within the Borough. The objection seeks a housing allocation of 80 units on about 3ha immediately adjoining the existing urban edge. The remainder of the site, including the land outside the Borough, is proposed as open amenity land. H20 would apply to ensure the provision of affordable housing.

4.527 The site is within the North Medway Green Corridor which I have recommended in Chapter 3 should be deleted as a matter of principle, and I have therefore not dealt with this matter any further in considering this objection. The site is also within the Strategic Gap, and I deal with this in the second part of issue (a) below.

4.528 At the inquiry the objectors submitted evidence on the effect of railway noise and highway access and I share the Council's view that both matters could be resolved through the development control process. Since the site is on the edge of the town and has ready access to buses - both service routes and park and ride - I accept that it meets the principles for the location of new development set out in PPG13.

Issues

4.529 Against this background the issues in this case are:

- (a) Whether houses on the site would:
 - (i) materially harm the character and appearance of the area or
 - (ii) significantly extend the built-up area of Maidstone leading to a coalescence of settlements; and if so
- (b) whether the need for additional housing outweighs any harm which might be identified.

Conclusions

4.530 Dealing with issue (a)(i) I found on my visits to the area that the western edge of Maidstone adjoining this site is well defined by a line of trees, which marks a clear distinction between the town and the unused open land which adjoins. This distinction is reinforced by the mature hedge along the A20 frontage of the site and the open land to the south. Nevertheless, seen from the A20, the setting of the eastern part of the site on which houses are proposed is strongly influenced by the urban character of the edge of the town. Approaching the site from the west, the Travel Inn which adjoins the public house is prominent, as is the new furniture warehouse. There is a traffic light controlled junction giving access to the park and ride site and housing, both existing and proposed in this Plan. There are also signs on the roadside which add to the urban influence. I accept that there was an earlier building on the site of the furniture warehouse, but I have no doubt that this urban character has increased significantly since the appeal decision in 1988 to which the Council referred at the inquiry.

4.531 In this context, and with careful control of the roadside hedge and trees within the site along the western edge of the proposed housing, it seems to me that the impact of new housing on the area proposed in this objection would be limited. I acknowledge the present rural

character of the site but, as I have argued, it is clear that the setting of the eastern part of the site has become more urban when seen from the A20.

4.532 On this part of the issue, therefore, I conclude that, whilst housing on the objection site would be set beyond the existing urban boundary of the town, its harm to the character and appearance of the area would be limited for the reasons I have given.

4.533 Turning then to issue(a)(ii), the role of the Strategic Gap set out in the Structure Plan is to prevent the coalescence of settlements, in this case Maidstone and Ditton to the west. I have no doubt about the importance of this policy, particularly in this narrow part of the Gap, and I note the support the concept has received in earlier appeal decisions. In this case, however, it seems to me that the impact of houses on the objection site would be limited for two reasons.

4.534 First, the site is part of a narrow area between the edge of the town and a railway embankment which closes views to the west and therefore prevents any perceived effect of coalescence. Second, by restricting housing to the area proposed, development would not significantly extend the urban boundary beyond the line already proposed to the south and defined by existing buildings and proposed housing.

4.535 I looked at the site from Blue Bell Hill on the North Downs. The site can be seen, but I did not find it prominent at this distance because of its limited size and the screening provided by trees and hedges around it and on the railway embankment. Whilst its undeveloped nature is clearly part of Maidstone's countryside setting, I found that the impact of houses on the Gap would be limited in this view because they would not project as far as to the west as the furniture warehouse.

4.536 On this part of the issue, therefore, I conclude that, whilst housing as proposed in this objection would lie within the Gap, its effect on the coalescence of settlements would be limited.

4.537 Moving on to issue (b), I found in paragraph 4.238 a need for an additional 940 units to meet Structure Plan housing requirements. This is an important change in the circumstances which faced my colleagues who dealt with the 1988 appeal and objections to the adopted Local Plan, both of whom noted that no shortage existed at the time of their considerations. Moreover, it is clear from paragraph 4.700 that I have been unable to recommend enough sites to meet this requirement, even with my recommendation that this site should be allocated. This illustrates the great difficulty in finding enough land for housing in the Borough and to my mind it outweighs the limited harm which I have identified in the previous issue. I therefore conclude that this site should be allocated. I turn now to consider the form of the policies which the Plan should contain.

4.538 I have recommended a site specific policy, but one based on advice in CD46 rather than the form submitted by the objectors. It is clearly important that the existing hedge along the A20 frontage and trees around the western edge of the housing site should be retained and their future

secured. To my mind it is also important that they should be subject to coherent long-term management and control, rather than be sited within individual private gardens. The same applies to the trees along the eastern boundary of the site which mark the present urban edge, if they are within the objection site. This could be achieved through a planning obligation, and the policy's reasoned justification should identify the areas concerned, and set out the preferred mechanism, making it clear that the granting of planning permission is wholly dependent upon the satisfactory resolution of this issue within a landscape scheme.

4.539 As I have recommended elsewhere, cross references to other policies should be restricted to the text. There is no need to refer to the submission of a landscape scheme since that is covered by my recommended new policy ENV7A, and other powers which the Council has to require information to be submitted with planning applications. Rather, the emphasis in the text should be on what that landscape scheme must achieve. Similarly any archaeological requirements are met by ENV17 as I recommend that it should be modified. The reasoned justification should also set out the preferred mechanism for securing the amenity space.

4.540 In case there should be any doubt, my recommendation in this case is based solely on the housing area proposed in this objection and presented at the inquiry. In considering the case, I have found the restriction of the housing area to the eastern part of the larger site owned by the objectors, and within the line of trees, to be a significant factor in my findings on both parts of issue (a).

RECOMMENDATIONS

4.541 A Add the objection site to H2, with a yield of 80 dwellings in the period 2001-2006.

B Include within the urban boundary that part of the objection site allocated for housing.

C Exclude that part of the objection site allocated for housing from the Strategic Gap.

D Insert a new site specific policy:

“POLICY H? HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND AT BRIDGE NURSERY, MAIDSTONE AS SHOWN ON THE PROPOSALS MAP IF EXISTING TREES AND HEDGEROWS WITHIN AND AROUND THE BOUNDARIES OF THE SITE ARE RETAINED AS PART OF A LANDSCAPING SCHEME.”

E Add new supporting text as reasoned justification to include:

a description of the areas of trees and hedgerows which are to be retained

and the reasons for retaining them;

a statement of the purposes of a landscape scheme for the site;

the preferred mechanism for securing the future of the landscaped area, trees and hedgerows, and the adjoining open amenity area; and
a reference to other principal relevant policies.

F Add the site to H20 as I recommend that it be modified.

G Add the open space element of the objection site to ENV25 with additional text in paragraph 3.84.

H Modify the Proposals Map accordingly.

H2 - Housing Land Allocations: Sports Ground, London Road, Maidstone

Objection DH0314 - Trebor Bassett Ltd

Issue The allocation of the site for housing.

Conclusions

4.542 Outline planning permission has been granted for new housing and open space on this site. It seems to me, therefore, that the future of the site should continue to be determined by the application of the Plan's policies to it, rather than by making the site itself the subject of a specific policy.

RECOMMENDATION

4.543 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land East of Hermitage Lane, Maidstone

Objection DH0524 - Croudace Homes

Background

4.544 Almost all of this objection site lies to the south of a public footpath, KB47 the "Reservoir Path", and an area of about 17.54ha is proposed for housing. Within this area land could also be made available for a doctors' surgery and local shops. As part of the scheme, the objectors also propose that about 23ha of land to the north of the footpath, which is mostly

outside the Borough, should be laid out as an informal woodland park. Vehicular access to the housing site would be across this land, since the housing site itself has no frontage to Hermitage Lane. The amount of housing would depend on the need for, and location of, a primary school, and the assumed density. I return to this below, but at the inquiry the objectors suggested between about 380 and 520 units.

4.545 The objectors also seek the removal of the housing site from the Strategic Gap, which I deal with below, and from the Oakwood Green Corridor which I have already recommended should be deleted as a matter of principle, unrelated to the possible housing use. I have also recommended the deletion of the ALLI designation of the site in Chapter 3, again as a matter of principle and not related to this objection for housing. I have not considered either of these aspects further here.

4.546 At the inquiry the Council did not oppose the principle of housing on highway grounds, but raised a number of concerns including the impact of additional traffic on the A26/Fountain Lane junction. The Council also set out requirements aimed at making provision for journeys to and from the area other than by car. The objectors accepted these requirements and included them in a suggested basis for a site specific policy which was discussed at the inquiry. I return to them below.

4.547 The parties also agreed that the site would meet the advice in PPG13 about the location of new development. I note the objectors' comparative study of the location of several housing sites allocated in the Plan, but I share the Council's reservations about the way in which small changes in the assumptions can alter the results. In any case, in this report I have preferred to consider each case on its own merits, and I agree that, as an edge of town site, the site is broadly well located in the light of advice in the PPG. I have therefore not dealt with this any further. I note the Council's concerns about the integration of development on the site with the community of Allington. The objectors' access strategy plan shows existing and potential links from the site to Allington and housing on the Kent Garden Centre site. On this basis, and from a land-use perspective, I see no reason why over time a two-way flow of people should not develop between, for example, the woodland park, and shops and schools in Allington and on the site.

4.548 Although unused, the proposed housing site includes grades 2 and 3a agricultural land which is the best and most versatile land which PPG7 seeks to protect. It is also clear, however, that such land can be developed if there is an overriding need, and I deal with this in considering issue (b). I heard evidence about the nature conservation value of the land, and the role of the suggested woodland park. However, the site has no nature conservation designation, and this has not been a matter on which my recommendation in this case has turned.

Issues

4.549 Against this background, the issues in this case are:

-
- (a) Whether housing on the site would materially harm:
- (i) the character and appearance of the area;
 - (ii) the separation of Maidstone from the towns to the west; or
 - (iii) the archaeological interest of the site; and if so
- (b) whether the need for additional housing to meet the Structure Plan requirements, or other benefits claimed for the development, override any harm which may be found.

Conclusions

Issue (a)(i) Character and Appearance

4.550 In Chapter 3 I considered this site against the specific and exacting criteria for its inclusion in an ALLI and concluded that its landscape character was not so distinctive as to justify that designation. Here I consider the effect of housing on the area in more general terms. Clearly housing would wholly change the openness of the site which, in Chapter 3, I found to be its most noticeable characteristic. This would be apparent from the public footpaths which run around it, and would remove both open views across the site and, in some directions, views of the Downs across it.

4.551 In the wider context, when seen from Hermitage Lane for example, the change in levels at the Reservoir Footpath, and the knoll adjoining The Old Hermitage, would largely screen housing on the site itself. From here, however, the proposed access road across land to the north would have an urban impact on the present character and appearance of the area.

4.552 I have also looked at the site from Bluebell Hill on the North Downs. From here the site can be seen as a large green area as part of the town's countryside setting, and is more visible because of its rising nature. I have no doubt that housing on the site would be seen from here as a clear increase in Maidstone's built-up area.

4.553 I conclude on this part of the issue, therefore, that housing would harm the open character and appearance of this area when seen from close to; that it would not be prominent from Hermitage Lane, but that the proposed access road would be harmful to the rural character and appearance of this area; and that from the Downs, housing would be seen as an extension of the town's built-up area into its countryside setting.

Issue (b)(ii) Strategic Gap

4.554 I note the objectors' analysis of Gap policy against experience in Hampshire. However, I have considered this part of the objection on its own merits against the Kent Structure Plan, and

the circumstances in and around Maidstone. The purpose of the Strategic Gap in this area is set out in paragraph 3.106(c) of the Structure Plan, and is to separate the north-western edge of Maidstone from Aylesford and Ditton. From my site visits I have no doubt that the objection site is properly defined as part of the area which separates these settlements. I acknowledge the change of level along the Reservoir Footpath, but there is no physical boundary at this point and from Bluebell Hill the site is seen as part of the wider countryside between Maidstone and the towns to the west.

4.555 Nevertheless, it seems to me that there are reasons why the effect on the Gap of housing on the site would be limited. First, I saw on my visits that the change in level at the Reservoir Footpath would limit the perception of the effect of housing on the Gap. New housing would lie below the ridge at this point and would not generally be seen from Hermitage Lane. Second, from Bluebell Hill the site is seen as a green incursion into the town, so that houses on it, whilst visible, would not extend Maidstone into the Gap.

4.556 I note the Council's argument that housing would narrow the Gap, but its maximum width in this area of 1700m is achieved because the site is an incursion into the town: the more general width, as the Council's evidence also shows, is between 850m and 1000m at Kent Garden Centre. If, as proposed, housing is restricted to the area south of the Reservoir Footpath, the Gap would still be 1150m wide at the reservoir itself. On this issue, therefore, I conclude that the harm caused by housing to the separation of Maidstone and the towns to the west would be limited.

Issue (a)(iii) Archaeological Interest

4.557 An archaeological evaluation was carried out on behalf of the objectors after I heard this case at the inquiry. I have dealt with this part of the issue on the basis of the information I have received since (MBC/PR54.2 and MB/PR54.2) and subsequent letters dated 31 December 1998 and 8 January 1999 from the parties.

4.558 The objection site was divided into three fields for the evaluation. Field A lies to the south of the woodland and was found to contain significant remains. However, the County Council's advice to the Borough Council was that they were not important enough, in the light of advice in PPG16, to require their preservation *in situ*. Despite a later qualification that it would be "preferable" to preserve the remains *in situ*, I agree with the objectors that this is not enough to justify the Borough Council's argument that this field should not be developed. Indeed, the County Council suggests a possible condition to be imposed on any planning permission. In view of this I consider that ENV17 and ENV17A would ensure that the archaeological interest of this field would be properly dealt with in accordance with the advice in PPG16.

4.559 Field B is the area north of the woodland and the Borough Council accepts that its development would not be constrained by archaeological considerations. Field C is west of the Reservoir Footpath and has not been surveyed. However, it is not proposed for housing and I

have recommended that it should not be used as a school site for environmental reasons.

Issue (b) Housing need

4.560 In paragraph 4.238 I found the need for an additional 940 units to meet the Structure Plan housing requirements. This is a wholly different situation from that facing my colleague who considered objections to the adopted Local Plan and who rejected this site finding that there was no need for additional housing land. Moreover, it is clear from paragraph 4.700 that I have been unable to recommend enough sites to meet this requirement, even with my recommendation that this site should be allocated. I acknowledge the support for the Council from the Hermitage Environment and Leisure Project, but this illustrates the great difficulty in finding enough land for housing in the Borough. I have no doubt that this represents an overriding need referred to in PPG7 to justify the loss of the best and most versatile agricultural land. I also consider that this need overrides the limited harm I found to housing on the Strategic Gap. However, on this site it is more difficult, to my mind, to balance this need against the harm which I have found to the character and appearance of the area.

4.561 I have visited the site several times in both winter and summer, and in making this balance my recommendation has turned on three things. First, the limited effect of housing on the wider area when seen from Hermitage Lane as a result of the levels of the land. Second, the effect of existing development, both housing and the hospital, on the character of some of the existing footpaths in the area from which new housing would be seen: as a result the footpaths to the south and east of the site are not wholly rural. Third, I found that Hermitage Lane has an urban character since it has a clearly defined carriageway with kerbs, street lights, and a right turn facility to the nearby quarry. Moreover, I found that it is a busy road, with noise and movement of traffic having an urbanising influence on the character of the area. I have no doubt that all this would limit the urbanising effect of the proposed access to the site.

4.562 I have also considered the possible benefit of the proposed open parkland. Since the site is outside the Plan area it is not within my remit in considering objections to the Plan, and I cannot make any direct recommendations. Nevertheless, this does not prevent the Council and objectors reaching an agreement, and it seems to me to offer some benefit, in particular public access to an open area which is not, legally at least, available on the objection site. This would not have been enough on its own to affect my recommendation but it nevertheless reinforces it.

Modifications to the Plan

4.563 I have recommended an allocation under H2 of 380 units on the basis of 25dph on a site of about 15.5ha as suggested by the objectors at the inquiry. This assumes that, if a primary school is needed, it would be sited within the housing area since, to protect both the character and appearance of the area and the Strategic Gap, there should be no built development north of the Reservoir Footpath. I have reinforced this view with a specific recommendation. If a primary school is not needed the total yield would be greater, and at the inquiry the objectors suggested about 430 on a site of 17.54ha. However, at this stage I prefer to recommend a lower figure

which can be increased, since reducing a higher figure would require more housing land to be found. I can see no justification for raising the Plan's standard density of 25dph to 29dph as suggested by the objectors, particularly as paragraph 4.32 of the Plan recognises that density could change according to individual circumstances.

4.564 I have recommended a site specific policy and reasoned justification to set out the main requirements which must be met if planning permission is to be granted. As I have argued elsewhere in this report, the emphasis in the policy must be on the content of the requirements, rather than the process to attain them, since that is the subject of other powers or policies. The policy should also deal only with the matters specific to the site, allowing other policies in the Plan to work. For example, the provision of doctors' surgery or school through the appropriate CF policy; shops through R10; general bus provision through T3; and open space through H36 as I propose that it be modified. Cross references to these policies should be restricted to the reasoned justification, following the advice on page 17 of CD46.

4.565 The Plan should, however, set out fully the requirements for a landscaping scheme, the elements of which should be: the protection and future management of trees on the site; the purpose of any new landscaping; the relationship of the housing to the public footpaths around the site to ensure that they remain an attractive feature, not simply the space between garden fences; and the future treatment and management of the knoll adjoining The Old Hermitage. It seems to me that new landscaping will be important along the line of the Reservoir Footpath, in particular south-east of the reservoir where the objectors' access strategy plan shows the road link into the site.

4.566 The Council's transportation requirements arising from the development of this site can be made the subject of a planning obligation as the objectors suggest, in line with advice in paragraph B16, Annex B of Circular 1/97. They should also be included in the policy, although I have not dealt with them in detail here since they are not at issue, and some, such as a park and ride facility at Barming Station are outside the Plan area and thus beyond my remit. I note the Council's concern about the A26/Fountain Road junction. However, I do not consider that, on the figures the Council presented at the inquiry, an increase of 5% - 6% of traffic can justify not allocating this site. Nevertheless, this, and the general traffic implications of a site of this size, lead me to support strongly the Council's approach in seeking to improve the means of travel for people living on the site other than by car.

4.567 There may be a need for a site specific archaeological criterion, but only if the general policies in Chapter 3 would not cover the matters of interest. The housing site should be added to H20, although the number of units must reflect my recommendation in paragraph 4.854, and not be based on a uniform requirement applied throughout the Plan.

RECOMMENDATIONS

4.568 A Add the housing site to H2 with a yield of 380 units in the period 2001 - 2006

and modify the Proposals Map accordingly.

B Ensure that all built development remains south of the Reservoir Footpath.

C Insert a new site specific policy:

“POLICY H? HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND EAST OF HERMITAGE LANE, MAIDSTONE AS SHOWN ON THE PROPOSALS MAP IF:

- (1) (landscaping);**
- (2) (highway and transportation works);**
- (3) (archaeology, if not covered by ENV17 and ENV17A); and**
- (4) (the matters to be covered by a planning obligation).”**

D Include in the reasoned justification:

a description of the area of trees and hedgerows which are to be retained and the reasons for retaining them;

a statement of the purposes of a landscape scheme for the site, including the treatment of the public footpaths where appropriate;

the preferred mechanism for securing the future of the trees, hedgerows and any open space;

the off-site highway works and transportation requirements which are required and the reasons for them;

cross references to other significant policies, such as T3, R10 and CF policies if a school or surgery is to be provided, and H36 as I recommend that it be modified to ensure the provision of public open space; and

the role and matters to be covered by a planning obligation.

E Add the site to H20 as I recommend that it be modified.

F Delete the housing site from the Strategic Gap and include it within the boundary of the urban area.

H2 - Housing Land Allocations: Land between Springfield and River Medway

Objection DH0552 - Whatman Plc

Issue The allocation of the site for housing.

Conclusions

4.569 I have dealt with this case on the basis of the supplementary information in the letter dated 8 March 1999 from Town Planning Consultants on behalf of the objectors, and the Council's response of 1 April 1999. I have also taken into account the development brief for Springfield (CD48). In Chapter 3 I recommended that the North Medway Green Corridor should be deleted, but this does not alter my view that the area which it covers should be kept open by its designation as an ALLI under ENV38.

4.570 Part of this site is shown in CD48 for possible housing, and I note that an outline planning application has been made for 34 houses on the land. This is clearly a sensitive site, within an ALLI and adjoining Springfield, itself a sensitive site with potential for development which is recognised in the development brief. Moreover, there is a range of options for the site and the wider area covered by the brief. In all these circumstances, it seems to me that the future use of the objection site should continue to be determined in the context set by CD48 and the policies in the Plan, rather than by making it subject to a policy in its own right.

RECOMMENDATION

4.571 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Howland Road, Marden

Objection DH0303 - George Wimpey Plc

Issues

- (a) Whether in principle Marden is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13.
- (b) Whether housing on this site would harm the character and appearance of the area; and if so
- (c) whether the need to meet the Structure Plan housing requirements, or any benefits arising from the proposal itself, override any harm which might be identified.

Conclusions

4.572 This site has an area of 2.42ha and the objectors are seeking an allocation of 33 dwellings, against a yield of 60 if the Plan's standard density of 25dph were applied. However, an area of amenity space on the eastern edge of the site is also proposed, which the objectors agreed should be subject to a planning obligation and should be included in ENV25 as a proposed public open space. The objection also seeks the inclusion of the whole site within the Village Boundary, including the proposed open space, and the application of H28 to Marden. H20 would also apply to ensure the provision of affordable dwellings. The layout submitted to the inquiry shows access to the site at its eastern end off Howland Road, and a detailed drawing of the access was also submitted. At the inquiry the objectors said that alternatives were being considered, but were unable to give more details because of commercial sensitivity. I return to this below in considering issue (b).

4.573 Dealing with issue (a) my recommendation in paragraph 4.72 recognises that sites in small rural towns could meet sustainability objectives, and in principle it seems to me that Marden is such a town. It has a range of everyday community, shopping and employment opportunities and it could, therefore, be a rural centre defined in paragraph 1.8 of PPG13 to be strengthened to meet the aim of reducing the need to travel. It also has a station with services to Maidstone and beyond, and therefore accords with advice in paragraph 3.2 of the PPG about the location of new housing when needs cannot be met in central locations in larger urban areas.

4.574 Marden could, therefore, be considered for inclusion in the Plan as a small rural town subject to H28 and RS3(a) of the Structure Plan, and indeed it is shown in the adopted Borough Local Plan in this way. I have dealt with the Council's general argument about the need for time to allow settlements to absorb new population in paragraph 4.71, and nothing else that I heard at the inquiry alters my view about the suitability of Marden itself. I conclude on this issue that in principle Marden is a location for new housing which would accord with the aims of PPG13.

4.575 Turning to issue (b), I have seen the site in both summer and winter. It is an open, flat field apparently no longer in farm use. Standing at the western end of the public footpath which runs along its southern boundary and looking east, I found that its character and appearance were wholly in keeping with the agricultural land to the south and to the east beyond Howland Road. In this view there is a scatter of buildings around the edge of the site, but they are not enough to enclose it. Looking across the site from the east, I agree with the objectors that the edge of Marden created by houses in South Road is rather harsh, but from Howland Road at least, this is a distant view softened by the objection site itself and the hedge on its eastern boundary.

4.576 Approaching from the east, I found that the objection site and the hedge along the Howland Road frontage are an important part of Marden's countryside setting, wholly in keeping with the character and appearance of the surrounding rural area. Even with an alternative access, houses on the site would be seen as an urban extension into this setting. The proposed amenity space would not, to my mind, materially alter this impact, since it too would have an urban

character. The access illustrated at the inquiry would require the removal of the existing hedge, the realignment of the road and the creation of visibility splays. This would increase the urbanising effect of the proposals many times, and would be wholly at odds with the rural character and appearance of this section of Howland Road. The replanting of the hedge on a new line would not overcome this harm, even after it matured, because of the scale of the access and other road works.

4.577 Several of the buildings around the site are listed, and the urbanising effect of houses on the site would significantly alter their setting, reinforcing my concern about the effect of housing on the site. I conclude on this issue, therefore, that housing on this site would materially harm the character and appearance of the area. I have no doubt that the access illustrated at the inquiry would materially add to this harm, but the impact of housing itself, whichever access is proposed, is enough in my view to justify my recommendation.

4.578 Finally on issue(c), I found in paragraph 4.238 a need for an additional 940 units to meet Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. In this case, however, I have no doubt that the harm I have found in issue (b) outweighs this need, and my finding on issue (a). I accept that the proposed open space could be a benefit to set against this harm. However, I agree with the Council that it is poorly located on the edge of Marden for general use, and for this reason it does not override the serious harm to the character and appearance of the area which I have identified. I therefore conclude that housing on this site is not justified.

RECOMMENDATION

4.579 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Church Road, Otham

Objections DH0197 - Bryant Homes Technical Services Ltd.
DH0199 - Bryant Homes Technical Services Ltd
DH0207 - David Wilson Homes
DH0208 - David Wilson Homes

Background

4.580 The case for these objectors was presented jointly at the inquiry. The objection site has an area of 14.98ha. Housing is proposed on the western section of about 9.34ha and open space is proposed for the remainder. An allocation of 200 units is sought on the housing area.

4.581 At the inquiry it was agreed between the parties that an acceptable technical solution could be found to create a highway access to the site from Church Road, and I see no reason to

disagree. However, I return to the environmental implications of the access in considering issue (a). It was also agreed that the location of the site broadly met the aims in PPG13 for the location of new development, and again I agree.

4.582 From what I heard at the inquiry there is no doubt that the development of the objection site would lead to the loss of the best and most versatile agricultural land contrary to the advice in PPG7, although there was disagreement about the precise grading of the land. I return to this in dealing with issue (b).

Issues

4.583 Against this background the issues in this case are:

- (a) whether housing on the site would harm the character and appearance of the area; and if so
- (b) whether any harm which might be identified would be overridden by the need for additional housing to meet Structure Plan requirements.

Conclusions

4.584 Dealing with issue (a), I found on my visits that this area has a wholly rural character and appearance determined by the agricultural use of the objection site, the farmland to the east, and the winding, country lane character of Church Road itself. The houses to the west of the site are well screened by a line of mature trees, which forms a clearly defined edge to the town. Similarly housing to the north is screened by hedges or the drop in levels, so that I found here, contrary to the objectors' arguments, that the town impinges very little on the countryside. In this context, I have no doubt that houses, even restricted to the western side of the site as proposed, would be seen from the road and nearby public footpaths as an urban intrusion, extending beyond the edge of the town and into its countryside setting. The proposed open space would have an urban character very different from the agricultural character at present, and would not, therefore, mitigate the impact of housing to any noticeable extent.

4.585 Whilst I have accepted that a technically acceptable highway access solution could be found, I share the Council's concerns about its effect on the character and appearance of the area. Changes to Church Road approaching the site from the south would alter its present country lane character, which contributes greatly to the overall rural character and appearance of the area. Moreover, the realignment of the road along the site frontage, and the creation of an access, would introduce an urban scale and form, wholly at odds with the present character and appearance of the area.

4.586 I also share the Council's concern about the effect of the proposal on the setting of nearby listed buildings, in particular the church because it is close to the access and realignment

of Church Road. Although there are houses to the north, I found on my visits that the setting for the church is overwhelmingly rural, given the extent of farmland to its south and east. Even with the proposed open space this setting would be changed from rural to urban, and as a result would, in my view, be materially harmed. The setting of the other buildings would be harmed in a more general way by the broad change of character from rural to urban which the proposed housing and road proposals would bring.

4.587 I accept that the area is not covered by any specific landscape designation, but paragraph 2.14 of PPG7 still makes it clear that the countryside should be protected for its own sake. I have no doubt that this is an attractive area of countryside which should be protected in this way. For all these reasons I conclude on this issue that housing on the site would materially harm the character and appearance of the area.

4.588 Turning to issue (b), I found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirement. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, in this case I have no doubt that the very serious harm which I have identified in the first issue outweighs housing need.

4.589 This housing need could override the loss of the best and most versatile agricultural land, particularly where lower grade land may not be available as paragraph 2.18 of PPG7 makes clear. As the objectors pointed out such land has been allocated for housing in the Plan, and in some cases MAFF has withdrawn its earlier objections. I also note the problems of farming land on the edge of the town argued by the objectors. However, none of this can override my conclusions on the first issue, and indeed the loss of the best and most versatile agricultural land serves to reinforce my findings. In taking this view I have placed greater weight on the intrinsic quality of the land than on the problems of farming, since this seems to me to follow the advice in paragraph B7 of Annex B of PPG7 that land quality will normally be the most important factor.

4.590 For all these reasons I conclude that housing is not justified on this site.

4.591 I note the objectors' criticisms about aspects of the process which the Council followed in dealing with housing sites whilst preparing the Plan. However, I have considered this case on its own merits and nothing which I heard about the plan preparation process can alter my conclusions on the harm which I have found to the character and appearance of the area.

RECOMMENDATION

4.592 Do not modify the Plan in response to these objections.

H2 - Housing Land Allocations: Land at Old Sittingbourne Road, Penenden Heath**Objection** DH0123 - Prowting Projects Ltd**Background**

4.593 The objection land lies to the west of Old Sittingbourne Road and consists of two sites: site A to the south, which is proposed for housing and site B which adjoins it to the north-east and which is proposed to remain open. Both sites are within a larger area on either side of Old Sittingbourne Road which the objectors proposed for a prestige manufacturing park under objection DED0026. At the inquiry, however, the objectors said that this objection would not be pursued, although for completeness I record it in Chapter 5 when considering objections to ED1.

4.594 The site proposed for housing has an area of about 2.2ha, and an allocation under H2 for 55 units is sought, with 10 units for affordable housing under H20. Two areas of open space are proposed, and the objectors' views on them are set out in a letter and suggested site specific policy dated 27 January 1999. Site B would be kept as an open area, but not transferred to the Council for formal public access. On the other hand, a defined area of the adjoining Heath Wood would be transferred to the Council with a commuted sum for maintenance, as an extension of the large area of open space at Penenden Heath. I return to all these aspects below.

4.595 There was no disagreement between the parties at the inquiry about highway matters, or that the location of the site broadly met the aims of reducing the need to travel, especially by car, set out in PPG13. I agree with the parties on both these matters, and I have therefore not considered them further. At the inquiry the Council questioned the marketability of the site for housing because of the nearby overhead lines, and for this reason questioned whether the allocation could be implemented. However, no scientific or marketing evidence was presented to support this point and, since the objectors are a major volume housebuilder, I must accept their view that this would not affect the implementation of the scheme.

4.596 The objection site is a mix of grades 2 and 3a agricultural land, which according to advice in PPG7 is the best and most versatile and should be protected. It is also clear, however, that such land can be developed in a case of overriding need, and I return to this below in the light of my findings on housing need.

Issues

4.597 Against this background the issues in this case are:

- (a) whether housing on site A would harm the character and appearance of the area, bearing in mind its location within the North Downs SLA; or lead to the coalescence of settlements, contrary to policy MK5 of the Structure Plan; and if so

-
- (b) whether the need for additional housing to meet the Structure Plan Requirements outweighs any harm which may be found.

Conclusions

Issue (a)

4.598 Dealing with the first part of this issue, I found on my visits to the area that the existing edge of the built-up area of Maidstone is well defined with mature trees and hedges where it runs along the southern and western boundaries of site A. The houses which adjoin this part of the objection site are therefore well screened and, contrary to the objectors' arguments, I did not find that they influence the character of the site to any great degree. In this context, I have no doubt that houses on site A would be seen from the public footpath which runs along its northern boundary, and from further north on the access road to the park and ride site, as an extension of the town beyond its present boundary onto undeveloped land. However, I also have no doubt that the landscape implications of this are limited for two reasons.

4.599 First, despite these views, site A is otherwise well screened, particularly at its south-eastern corner, and it is not generally prominent in the landscape. Second, there are other features in the area which have a significantly urbanising effect in many of the views: the Stakis Hotel to the east; the overhead lines which run across both sites A and B; the park and ride car park, the activity which it generates and the wide area of road which gives access to it; and the M20 and other major roads. It seems to me that both these points are important in considering the role of the objection site as a whole in the SLA. This was described by my colleague who considered objections to the adopted Borough Local Plan as acting "as a sort of visual apron" to the North Downs AONB. However, I found that the screening at its south-eastern corner of the site restricts views of the site in this wider context, and that where such views are obtained, some or all of these urbanising features are prominent.

4.600 On this part of the issue, therefore, I conclude that, whilst housing on site A would be beyond the existing clear boundary of the town, any harm to the character and appearance of the area and the SLA would be limited for the reasons which I have given. In reaching this conclusion I have not been influenced by the present untidy appearance of the site since, as the Council argued, this is a result of choices made by the objectors, rather than any intrinsic landscape value it may have. Nor have I accepted the objectors' approach towards the criteria for defining SLAs since, again as the Council argued, they should be applied to wider areas than the objection site alone.

4.601 Turning to the second part of issue (a), the Structure Plan sets out the purpose of the Strategic Gap as to prevent the coalescence of existing settlements, in this case Maidstone and the Medway Towns to the north. As I have already found, houses on site A would be beyond the present clearly defined edge of the town and to that extent it could be argued that they would contribute to coalescence. However, I consider that this effect is limited since the northern

boundary of site A would align with the present development boundary, which itself lies much further north to the west of the site. In these circumstances, it seems to me that housing on this site would not “significantly extend the built-confines” of Maidstone contrary to policy MK5 of the Structure Plan. On this part of the issue, therefore, I conclude that the proposed houses would not lead to the coalescence of settlements.

Issue (b)

4.602 In paragraph 4.238 I found the need for a further 940 units to meet the Structure Plan housing requirements. As the Council accepted, this is a significant change in the circumstances which prevailed at the time of the inquiry into objections to the adopted Borough Local Plan, when no such shortage existed. Moreover, it is clear from paragraph 4.700 that I have been unable to recommend enough sites to meet this requirement, even with my recommendation that this site should be allocated. This illustrates the great difficulty in finding enough land for housing in the Borough and to my mind it outweighs the limited harm which I have identified in the previous issue. I am also satisfied that this housing need is an “overriding need” in the light of advice in PPG7 to justify the loss of the best and most versatile agricultural land. This is reinforced here, in my view, by the limited size of the area involved, and its separation by significant urban uses from other farmland. I have therefore concluded that site A should be allocated for housing, and I turn now to consider the modifications to the Plan which result.

Modifications to the Plan

4.603 I have recommended modifications to H2 as the objectors sought, although reference to H20 must take into account my recommendation in paragraph 4.485 about site specific, rather than uniform, requirements. I have also recommended a site specific policy, although in the form advised by CD46, rather than that submitted by the objectors. It is essential that both the policy and its reasoned justification set out clearly the landscape objectives for any scheme; that the major landscape elements which are to be retained are identified; that reasons are given for retaining them; and that the preferred way for securing their future is set out. The Plan should make it clear that these are matters on which granting planning permission depends.

4.604 The objectors described landscape objectives in evidence to the inquiry all of which I support. The objectives include: retaining, managing and supplementing hedges and trees on the site, in particular along the eastern and northern boundaries of site A; planting on the eastern edge of site A under the overhead lines; a 50m wooded buffer area along the northern boundary of site B, and tree planting elsewhere within this site. In addition, the Plan must ensure that a coherent and lasting management structure is found for the major elements of the landscape scheme, where necessary ensuring greater protection than is likely if they are located within individual gardens.

4.605 I have recommended that the development boundary, the SLA and the Strategic Gap should all be modified, and in doing so I note that the Structure Plan makes it clear that SLA and

Gap boundaries should be considered as part of the local plan process. In the light of my recommendations elsewhere, any cross references to other policies should be in the text, not the policy itself. It should be remembered that the Plan is to read as a whole, and any such references should be limited to policies which have a major influence on the site. Nor is there any need for a reference to the submission of a landscape scheme, since that can be required under other powers, including new policy ENV7A which I have recommended. Rather, both policy and text should concentrate on the objectives which the landscape scheme must meet if planning permission is to be granted.

Proposed Open Spaces

4.606 I turn now to the open spaces which the objectors propose, dealing first with site B. The main point at issue here is the Council's view that, because of earlier attempts to seek development on this site, it should be transferred to the Council as open space, against the objectors' argument that it should not, but rather remain as open space related to the housing on site A. Nor do the objectors propose in their letter of 27 January 1999 that site B should be included in ENV25 as a new public open space allocation.

4.607 I have not been asked in this objection to consider the effect of built development on this site. Nevertheless, I have no doubt that site B justifies its exclusion from the development boundary, and its inclusion in the SLA and Strategic Gap, in its own right, since it adjoins a significant area of woodland, and it lies north of the dense hedge which runs between sites A and B. It is also more open along its eastern boundary than site A.

4.608 There is no evidence that the site is needed to meet an open space deficiency in the wider area, although in principle it could be used to meet needs created by the development of site A. Indeed this would enable the best use to be made of both sites, maximising the housing contribution on site A, whilst ensuring the continued openness of site B. I have no evidence of what these needs might be and indeed in paragraph 4.1045 I have recommended major modifications to H36 and related proposed changes to clarify the way in which these needs are calculated and justified.

4.609 I acknowledge the Council view that the future of the site as open space would be most securely protected by a transfer of land, but this cannot be required by planning policy, since it is a management not a land-use planning matter. However, I have recommended that any part of the site identified to meet the open space needs of site A under a modified H36 should be included in ENV25. This area would be public open space, required to meet the provisions of a policy in the Plan, and it should be recognised as such. Any remaining area of site B would be the subject of ENV23, as I propose that it should be modified, and ENV29, ENV32 and ENV37 recognising its position outside the development boundary and within the Gap and SLA. If, as the Council perhaps fears, further attempts are made in the future to secure development on this land, any proposals would have to be considered under Section 54A of the Act in the light of development plan policies prevailing at the time.

4.610 Finally I turn to the proposed transfer to the Council of part of the adjoining woodland as an extension of the open space at Penenden Heath. This proposal is not in any way related to the open space needs of site A although, having seen the extent of informal use at present, I can accept the benefit of a formal transfer and coherent future management. Moreover, I have seen no evidence that such a transfer, and the formalising of the present use, would meet a general shortage of open space which would justify its inclusion in ENV25. In these circumstances, whilst I sympathise with the Council's intentions, I cannot recommend that this transfer of land, or its subsequent use, should be part of the site specific policy for site A or of ENV25. The woodland remains, of course, subject to other policies in the plan to secure its future, and it is open to the Council and the objectors to negotiate any transfer they wish.

RECOMMENDATIONS

4.611 A Add site A to H2, with a yield of 55 units during the period 2001- 2006.

B Insert a new site specific policy dealing with site A:

“POLICY H? HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND AT OLD SITTINGBOURNE ROAD, PENENDEN HEATH AS SHOWN ON THE PROPOSALS MAP IF, AS PART OF A LANDSCAPING SCHEME:

(1) EXISTING TREES AND HEDGES WITHIN AND ON THE BOUNDARIES OF THE SITE ARE RETAINED AND SUPPLEMENTED; AND

(2) A WOODED BUFFER AREA 50M WIDE IS PLANTED ALONG THE NORTHERN EDGE OF ...(define site B).”

C Include in the reasoned justification for this policy:

a statement of the objectives of the landscape scheme for the site, including the major landscape elements which are to be retained and why;

the preferred mechanism for securing the future of these elements; and

cross references to other policies with a major impact on the site.

D Add site A to H20 as I recommend that it be modified.

E Include site A within the urban boundary, and delete it from the SLA and Strategic Gap.

-
- F Retain site B outside the development boundary and within the SLA and Strategic Gap.**
 - G Modify ENV25 to include any land within site B identified as open space required as a result of the development of site A.**
 - H Make no other modifications in response to this objection.**
-

H2 - Housing Land Allocations: Land at Green Lane, Platts Heath

Objection DH0132 - Hillreed Homes Ltd

Issues Whether housing on this site would:

- (a) be contrary to the aim of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether the need to meet the Structure Plan housing requirements, or any other benefits from the proposal, would override any harm which might be identified.

Conclusions

4.612 Dealing with issue (a), Platts Heath has a pub, a village hall and primary school, but limited job opportunities, no shops, doctors' surgery or nursery school. In these circumstances people living in the new houses would have to travel away from the village for work, shopping, and recreation and I have no doubt that most of these journeys would be by car. I do not share the objectors' view that cycling to the nearest station at Lenham is very likely, particularly bearing in mind the narrowness of the surrounding lanes. This is contrary to the aim set out in paragraph 1.7 of PPG13 of influencing the location of new development to reduce the need to travel, especially by car. It is also contrary to policies in the Structure Plan and I conclude, therefore, that housing on the site would be contrary to the aims of PPG13.

4.613 Turning to issue (b), Platts Heath is a small village in a wholly rural setting. From my visits to the area, I have no doubt that the undeveloped nature of the objection site makes it an important part of the immediate rural surroundings of the village. As the Council argued, although the site itself is screened from Lenham Road by a hedge, houses would be seen over and through it as an urban intrusion into the countryside. Whilst access to the site is a matter for detailed design, it seems to me that the alternatives which were discussed at the inquiry,

particularly from Lenham Road, would significantly increase the impact of houses on the site. On this issue, therefore, I conclude that housing on the site would materially harm the character and appearance of the area.

4.614 Finally on issue (c), I found in paragraph 4.238 the need for an additional 940 units to meet Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. I also note the objectors' arguments for increasing the choice of housing available in the Borough. None of this, however, outweighs the serious harm which I have identified in the first two issues. I also note the possibility of a financial contribution to the primary school proposed on the adjoining site, and for which the Local Education Authority has no present plans. However, to meet the guidelines in Circular 1/97 such a contribution would be very limited and unlikely to bring forward the provision of the school. Even if it did, however, it would not convince me to support this objection in the face of the harm which I have identified. I conclude on this issue, therefore, that housing is not justified on this site.

RECOMMENDATION

4.615 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land between George Street and the Railway, Staplehurst

Objection	DH0037 - Vista Properties Ltd
Issues	<p>(a) Whether in principle Staplehurst is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13.</p> <p>(b) Whether housing on this site would harm the character and appearance of the area; and if so</p> <p>(c) whether the need to meet the Structure Plan housing requirements or other benefits claimed for the development override any harm which might be identified.</p>

Conclusions

4.616 Dealing with issue (a), my recommendation in paragraph 4.72 recognises that housing in small rural towns could accord with the principles of sustainable development, and in principle it seems to me that Staplehurst is such a town. It has a range of everyday community, shopping and employment opportunities and it could, therefore, be a rural centre defined in paragraph 1.8 of PPG13 to be strengthened to meet the aim of reducing the need to travel. It also has a station

with services to Maidstone and beyond, and therefore accords with advice in paragraph 3.2 of the PPG about the location of new housing when needs cannot be met in central locations in larger urban areas.

4.617 Staplehurst could, therefore, be considered for inclusion in the Plan as a small rural town subject to H28 and RS3(a) of the Structure Plan, and indeed it is shown in the adopted Borough Local Plan in this way. I have dealt with the Council's general argument about the time needed by settlements to absorb new population in paragraph 4.71, and I conclude that in principle Staplehurst is a location for new housing which would accord with the aims of PPG13.

4.618 Turning to issue (b), I found on my visits to the area that the objection site shares the open rural character and appearance of the land to the north, and that it is clearly seen in this context when crossing the railway line. This line is a very strong visual and physical boundary separating Staplehurst from its rural surroundings, and I have no doubt that houses on the objection site would be seen as an urban intrusion into the countryside. Whilst there is a scatter of houses fronting the A229 to the north, I found that, contrary to the objector's argument at the inquiry, it is a primarily rural area, particularly close to the objection site.

4.619 I note the earlier planning permissions on the site, but they are for wholly different uses with limited buildings and they do not persuade me that housing is acceptable. Moreover, as the Council pointed out, the Inspector who granted permission for the squash and health club buildings made it clear that his decision should not be seen as a precedent for other development on the site. On this issue, therefore I conclude that housing on the site would materially harm the rural character and appearance of the area.

4.620 Finally on issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, in this case I consider that the harm which I have found under issue (b) is so great that it cannot be outweighed by this housing need. I therefore conclude that housing is not justified on this site.

RECOMMENDATION

4.621 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Fishers Farm, Staplehurst

Objection	DH0188 - Staplehurst Properties Ltd
Issues	(a) Whether in principle Staplehurst is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13.

- (b) Whether housing on this site would harm the character and appearance of the area; and if so
- (c) whether the need to meet the Structure Plan housing requirements or other benefits claimed for the development override any harm which might be identified.

Conclusions

4.622 On issue (a), I concluded in dealing with the previous objection that Staplehurst is location for new housing which could accord with the aims of PPG13.

4.623 Turning to issue (b), the objection site is an extensive area of farmland on the eastern side of Staplehurst and, as the objectors point out, it is adjoined by housing on its western and part of its southern boundaries. However, I found on my visits that from the south in Headcorn Road, and the east in Pile Lane, the land is seen as part of Staplehurst's countryside setting. In this context, I have no doubt that housing would be an intrusive urban feature into an area with a rural character and appearance. I therefore conclude on this issue that housing would materially harm the character and appearance of the area.

4.624 Dealing with issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, in this case I consider that the serious harm which I have identified is not outweighed by this need. I therefore conclude that housing is not justified on this site.

RECOMMENDATION

4.625 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Oliver Road, Staplehurst

Objection DH0296 - George Wimpey Plc

- Issues**
- (a) Whether in principle Staplehurst is a location for new housing which would accord with the aims of sustainable development and of reducing the need to travel set out in PPG13.
 - (b) Whether housing on this site would harm the character and appearance of the area, or highway safety at the junction of the A229 and Marden Road; and if so

- (c) whether the need to meet the Structure Plan housing requirements or other benefits claimed for the development override any harm which might be identified.

Conclusions

Background

4.626 This original objection land consisted of two sites: a northerly area on which an allocation for 50 units was sought, and a southerly area which was to be made available as open amenity land. At the inquiry, however, the southerly area was withdrawn from the objection, and I have dealt with this case on that basis. I have also dealt with it on the basis of the plan submitted at the inquiry which shows the northern area as defined by the objectors' landscape architects and the illustrative layout submitted to the inquiry (MB/PR.70, plan PRC3), rather than the site plan submitted by the planning witness and the Council which shows a smaller northern area (MB/PR.69 plan JW1, and PR.69/70 plans 1 & 4). Plan PRC3 conforms to the northern area shown on the original objection.

Issue (a)

4.627 I concluded in paragraph 4.617 that Staplehurst is location for new housing which could accord with the aims of PPG13. I heard the Council's concerns about local perceptions of a link between new housing and the provision of a by-pass for Staplehurst. I can understand local concern that the by-pass is no longer to be built, but any direct link with new housing was removed by my colleague who considered objections to the adopted Borough Local Plan. It cannot therefore alter my view on this issue.

Issue (b)

4.628 On the first part of this issue, the objection site is a former orchard now very overgrown. It is adjoined on two sides by housing, and on the others by fields. On my visits to the area I found that it is part of the Staplehurst's countryside setting, and I agree with the Council that, with the adjoining fields, it is also part of a typical low weald landscape of small, enclosed fields.

4.629 There are three public footpaths close to the site: KM312 which runs along its eastern boundary; KM311 along its southern boundary; and KM302A which runs across the fields to the south. There is a fourth path, KM313, running along a ridge some way to the south. Houses on the site would be seen from all these paths, particularly in winter, but there are, nevertheless, reasons why their impact would be limited. First, when seen from close to. As the Council

acknowledged, the site is well enclosed, with dense mature hedges and trees along its southern and western boundaries with adjoining fields. This would limit the views of houses from the footpaths closest to the south, whilst part of KM312 already runs behind houses and its character is affected accordingly.

4.630 Second from further away when seen from KM313. From here I found that the site is well enclosed, in contrast to the open fields to the south. In addition, any views of houses through the trees and hedges would be in the context of buildings on the southern and the eastern side of Staplehurst which are prominent from this ridge. Existing houses can be glimpsed behind the objection site, and to my mind in this wider view houses on the site itself would not be seen as an intrusive extension of the town into the countryside.

4.631 The retention and future treatment of the existing hedges and trees is quite properly a matter which could be included in any policy allocating housing on the site. On this part of the issue, therefore, I conclude that, whilst housing would be an extension of Staplehurst into its countryside setting, its impact would be limited for the reasons I have given.

4.632 Turning to the second part of this issue, the abandonment of the Staplehurst By-pass led to the reduction in the size of the housing allocation north of Marden Road from 220 to 150 units. Traffic from that development requires the improvement of the Marden Road/A229 junction by the installation of traffic lights. The operation of these lights is to be monitored, and the developers have set aside money to address problems which may arise, such as “rat-running” through adjoining housing areas to avoid the junction. The Council argued that further housing should not be allocated until this monitoring was complete.

4.633 Agreed calculations of the capacity of the junction under various circumstances were submitted to the inquiry, and it was also agreed that the junction would reach its capacity in 2002, whether or not the houses proposed in this objection were built. With the houses, it was agreed that capacity would be reached in 2001, but the Council argued that the additional traffic would be harmful. However, the Council’s witness accepted at the inquiry that there was no measure of what that harm might be.

4.634 I acknowledge the limitations of the junction, brought about by lack of space for separate right turning movements, but it seems to me that that the effect of the additional 50 houses is limited, and does not in itself justify rejecting this site. I note the availability of money from the development of the larger site for works to meet problems which might arise, and that time for monitoring could be made available by placing the site in the second part of the Plan period. I note, too, the record of traffic accidents in the area, but it was clear from what I heard at the inquiry, that highway safety was not the Council’s major concern. For all these reasons I conclude on this part of the issue that there is no highway reason to prevent the allocation of this site.

Issue (c)

4.635 In paragraph 4.238 I found the need for an additional 940 units to meet the Structure Plan housing requirement. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. In this case it seems to me that this need outweighs the limited harm which I have found to the character and appearance of the area, and that this site should be allocated. I turn now, therefore to consider the form of the policies which the Plan should contain.

4.636 I have recommended a site specific policy, but one based on advice in CD46 rather than the form submitted by the objectors. It is clearly important that existing hedges and trees on and around the site should be retained, their existing rural character maintained and their future secured. To achieve this it is essential, as the Council recognised in its version of the policy, that these trees and hedges should be subject to coherent management and control, rather than be sited within individual private gardens. This could be achieved through a planning obligation, and the policy's reasoned justification should identify the areas concerned, and set out the preferred mechanism, making it clear that the granting of planning permission is wholly dependent upon the satisfactory resolution of this issue. As I have recommended elsewhere, cross references to other policies should be restricted to the text, and there is no need to refer to the submission of a landscape scheme since that is covered by my recommended new policy ENV7A and other powers which the Council has to require information to be submitted with planning applications.

RECOMMENDATIONS

4.637 A Add the revised objection site to H2, with a yield of 50 units during the period 2001-2006 and modify the Proposals Map accordingly.

B Insert a new site specific policy:

“POLICY H? HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND SOUTH OF OLIVER ROAD, STAPLEHURST AS SHOWN ON THE PROPOSALS MAP IF EXISTING TREES AND HEDGEROWS WITHIN AND AROUND THE BOUNDARIES OF THE SITE ARE RETAINED AS PART OF A LANDSCAPING SCHEME.

THE PROVISION AND FUTURE MANAGEMENT OF THE LANDSCAPED AREAS WILL BE THE SUBJECT OF PLANNING CONDITIONS OR A PLANNING OBLIGATION.”

C Include in the reasoned justification and supporting text for this policy:

a description of the areas of trees and hedgerows which are to be retained and the reasons for retaining them;

a statement of the purposes of a landscape scheme for the site;

the preferred mechanism for securing the future of the landscaped area, trees and hedgerows; and

a reference to CF2 and the other main policies which will be applied.

D Add the site to H20 as I recommend that it be modified.

E Modify the Village Boundary to include the revised objection site.

F Replace H27 with H28 as the policy to apply within the Village Boundary of Staplehurst.

H2 - Housing Land Allocations: Warmlake Farm Shop and Nursery, Sutton Valence

Objection DH0252 - Mr & Mrs M Ralph

- Issues**
- (a) Whether housing on this site would be contrary to the aim of reducing the need to travel set out in PPG13.
 - (b) The effect of housing on the character and appearance of the area.
 - (c) Whether the need for additional housing land outweighs any harm which may be identified.

Conclusions

4.638 On issue (a) the objection site is in a rural location some way north of even the limited local facilities and services of Sutton Valence. In these circumstances people living in houses on the site would have to travel to Maidstone and elsewhere for work, shopping and recreation. Although there may be a bus service on the A274 as the objectors argue, I have no doubt that most of these journeys would be by car and that this would be wholly contrary to the aims set out in paragraph 1.7 of PPG13 of reducing the need for such journeys by the location of new development.

4.639 On issue (b), the site is part of a scatter of houses and other uses along the A274, but I found on my visit that the area, nevertheless, has a rural character and appearance which would be materially harmed by housing on the site. Turning to issue (c) although I have found the need for an additional 940 units to meet the Structure Plan housing requirement, I have no doubt that the harm which I have found in the first two issues outweighs housing need in this case.

RECOMMENDATION

4.640 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at South Lane, Sutton Valence

Objection	DH0640 - The Court Planning Consultancy
Issues	<p>(a) Whether housing on this site would be contrary to the aim of reducing the need to travel set out in PPG13.</p> <p>(b) The effect of housing on the character and appearance of the area.</p> <p>(c) Whether the need for additional housing land outweighs any harm which may be identified.</p>

Conclusions

4.641 Dealing with issue (a), I saw on my visits that Sutton Valence has very limited local services, shops or job opportunities. In these circumstances, I have no doubt that people living in the new houses would travel to Maidstone and elsewhere for work, shopping and recreation. I consider that many of these journeys would be by car, wholly contrary to the aims set out in paragraph 1.7 of PPG13 of locating development to reduce the need to travel, especially by car. Moreover, Sutton Valence is not the kind of rural centre referred to in paragraph 1.8 of the PPG which might be strengthened since it does not have an everyday range of facilities. On this issue, therefore I conclude that the proposal would not accord with the aims of PPG13.

4.642 On issue (b), the site lies on the lower slopes of the Greensand Ridge with buildings in the village above it. Although there are various uses on the site, I found on my visits to the area that it is seen from South Lane as part of the rural setting of the village, and that its openness is an important foil to the built up part of the village above. In these circumstances, I have no doubt that housing would be seen as an urban intrusion into the countryside, which here lies within an SLA, since in Chapter 3 I did not support objection DENV0519 for the exclusion of this site. On this issue, therefore, I conclude that housing would materially harm the character and appearance of the area.

4.643 Turning to issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. In this case, however, I have no doubt that the serious harm which I have identified in the first two issues outweighs this housing need. I therefore conclude that housing is not justified on this site.

RECOMMENDATION

4.644 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land Adjoining Barham Court, Teston

Objection DH0548 - M J Older

- Issues**
- (a) Whether housing on this site would be contrary to the aim of reducing the need to travel set out in PPG13.
 - (b) The effect of housing on the character and appearance of the area.
 - (c) Whether the need for additional housing land outweighs any harm which may be identified.

Conclusions

4.645 At the inquiry it was confirmed that this proposal was for an allocation of the western part of the objections site for 6-8 houses.

4.646 Dealing with issue (a), I saw on my visits that Teston has very limited local services, shops or job opportunities. In these circumstances, I have no doubt that people living in the new houses would travel to Maidstone and elsewhere for work, shopping and recreation. I consider that many of these journeys would be by car despite the existence of a bus service, and that this would be wholly contrary to the aims set out in paragraph 1.7 of PPG13 of locating development to reduce the need to travel, especially by car. Moreover, Teston is not the kind of rural centre referred to in paragraph 1.8 of the PPG which might be strengthened since it does not have an everyday range of facilities. On this issue, therefore I conclude that the proposal would not accord with the aims of PPG13.

4.647 Turning to issue (b), the objection site is within the parkland attached to Barham Court. Whilst it adjoins the village, it is wholly separate from it and I found that it has its own distinctive character and appearance as part of the setting of Barham Court, which is a listed building. I saw on my visit that the area consists of woodland and the overgrown remains of walled gardens and an orangery. I have no doubt that houses, even the limited number proposed, would be entirely out of place in this context, and indeed incongruous amidst the former walled gardens. The possible restoration of the orangery does not persuade me that houses are acceptable on this site. Rather, I conclude that they would harm the character and appearance of the area and of this part of the setting of Barham Court.

4.648 Finally on issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700

that I have been unable to recommend enough sites to meet that need. I have no doubt in this case, however that the serious harm which I have found in the first two issues outweighs housing need. I therefore conclude that housing is not justified on this site.

4.649 I accept that the Invicta Works site in Teston is allocated for 18 houses in H2 with Proposed Change 75 (CD7, page 46). However, whilst acknowledging my conclusions on issue (a), I agree with the Council that this is not comparable with the objection site since it is an existing developed site within the Village Boundary. It therefore does not alter my recommendation.

RECOMMENDATION

4.650 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Hayle Mill, Tovil

Objection DH0080 - Mr S Green

Issue The allocation of the site for 35 units for development in 1995-2001.

Conclusions

4.651 This proposal is for the conversion of a Listed Building to housing rather than the office use for which it has planning permission. It seems to me that this should be dealt with through the development control process, rather than through a site specific policy. In this way the appropriate policies can be applied to ensure full consideration of first, the principle of the use under ENV51 and ENV51(A) as I have proposed that they be modified; and second, the details of development under other policies including those dealing with listed buildings, ENV11 and ENV12 as I have proposed that they be modified.

RECOMMENDATION

4.652 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Land at Hayle Place, Maidstone

Objection DH0112 - Fairclough Homes Ltd

Background

4.653 There are two parts to this site: the eastern part which is proposed for residential

development of 100 units; and the western part which is proposed as “a Country Park for low key informal recreation following enhancement and to be maintained through a management scheme.” (opening submissions on behalf of the objectors). At the inquiry the boundary between the two areas was amended, to exclude a belt of trees from the housing area, and include it in the recreational area. I support this amendment since it secures the future of these trees, without reducing the housing area. I have dealt with this case on the basis of the amended boundary.

4.654 In Chapter 3 I have dealt with related objections to the inclusion of the site in the Loose Valley Green Corridor (DENV0103) and the Loose Valley ALLI (DENV0104). I will not repeat my reasoning here, but I have recommended the deletion of the Green Corridor as a whole in principle, and the retention of the site in the ALLI.

Issues

4.655 Against this background the issues in this case are:

- (a) Whether the proposed housing would harm the character and appearance of the ALLI and the setting of Hayle Place, a listed building; and if so
- (b) whether the need for additional housing to meet the Structure Plan requirement, or any other benefit from the scheme, outweighs any harm which may be identified.

Conclusions

Issue (a)

4.656 In Chapter 3 I concluded that the whole of this site should remain within the ALLI. From what I saw on my visits, it also seems to me that housing on the eastern area would be beyond the present edge of the town, which is clearly defined to the north by mature trees and a change in levels. However, I also found that this part of the site has an urban fringe appearance, with a large and prominent apparently empty house; brick gateway walls; a generally unkempt appearance with dead parkland trees and other trees needing management and care. Moreover, I consider that there are several factors which would limit the impact of new housing.

4.657 First, this part of the site is enclosed by a belt of mature trees along its western boundary. In my view, this would significantly limit the effect of housing on the land immediately to the west, and I saw that the trees also prevent long views across the site and over the ALLI. This is in marked contrast to views across the Loose Valley from land to the south which I refer to in Chapter 3. Second, I found that this part of the site is not prominent when seen from the footpaths which run to the south. This is true in particular of KB33 which runs east - west through the ALLI, and which has a more rural character than KB33A which runs at the rear of

houses. From KB33 I found that there are glimpses of the roof of the existing house, but generally the site is screened by hedges and trees. Clearly housing development on the site would have more impact than the present single house, but I am satisfied that it would be limited by distance and by screening from hedges and trees along the path and on the intervening field.

4.658 Third, I acknowledge the Council's argument about the role of the area as a buffer between Tovil, Loose and south Maidstone. I have not accepted this function generally when considering objections to the Loose Valley Green Corridor in Chapter 3, since the western edge of the corridor adjoins open countryside for almost its entire length. Where there is a gap, for example between Loose and Maidstone, it could be covered by ENV33 as I have recommended that it be modified. I accept that the northern end of the defined green corridor lies between Tovil and Maidstone, but it seems to me that any possible appearance of coalescence would be significantly reduced by the trees along the western edge of the site. Finally, although I have seen no plans of the proposed development, it seems likely to me that the present setting of the eastern edge of the site will be affected to some extent by housing development on the adjoining land at Fountain Park under H10.

4.659 On the second part of the issue, I have no doubt that the proposed housing would significantly change the setting of Hayle Place. Dwellings would be seen from parts of the house and its drive in a wholly urban setting, in contrast to the present largely undeveloped character of the area. However, I consider that any harm would be limited by the present character and appearance of the eastern part of the site which I describe above, which retains little, if any, of its original parkland character and appearance.

4.660 For all these reasons, whilst I consider that housing on the site would affect the character and appearance of the ALLI and the setting of Hayle Place, I conclude that any harm would be limited.

Issue (b)

4.661 I concluded in paragraph 4.238 that there is a need for an additional 940 units to meet Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. This is a wholly different situation from that facing my colleagues who considered objections to the adopted Local Plan and the later appeal against the refusal of planning permission for housing on the site particularly since the Council accepts that the site is well located for local services and schools.

4.662 I accept that there is benefit in the other part of the proposal for the recreational use of the rest of the site. This would not have been enough on its own to persuade me to recommend the allocation of this site without the need for additional housing land, but secure future management and public use of this area is nevertheless a worthy aim. This part of the site should therefore be added to ENV25, and its development and management should be secured through a planning obligation linked to the housing development. I note that an obligation was completed

in 1991, but its use, or its replacement by a more up-to-date obligation, is a matter for agreement between the objectors and the Council.

4.663 For all these reasons I conclude that this site should be allocated for housing and informal recreation use, and I have recommended accordingly. For clarity this recommendation applies to the housing site with the western boundary amended at the inquiry to exclude the tree belt. I have recommended a site specific housing policy based on advice in CD46 for the eastern part of the site. As I have recommended elsewhere, all relevant policies in the Plan will apply and there is no need to repeat them in criteria, unless they add detail specific to this site. I have suggested that criteria may be needed for landscaping, what is to be achieved not the administrative means of achieving it; highway access; and the planning obligation.

RECOMMENDATIONS

4.664 A Add the eastern part of the objection site as amended at the inquiry to H2 with a yield of 100 units during the period 2001-2006, and modify the Proposals Map accordingly.

B Delete the eastern part of the site from the Loose Valley ALLI, and include it within the boundary of the urban area, and modify the Proposals Map accordingly.

C Add the rest of the site to ENV25, with additional text in paragraph 3.84, and modify the Proposals Map accordingly.

D Insert a new site specific policy:

“POLICY H? HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND AT HAYLE PLACE, MAIDSTONE AS SHOWN ON THE PROPOSALS MAP IF:

(1) (completion of planning obligation on land to the west);

(2) (any site specific landscape requirements);

(3) (any site specific highway requirements).”

E Include in the reasoned justification for this policy:

the essential need for the planning obligation and its purposes;

the objectives of any landscaping scheme for the site;

any site specific access requirements; and

references to other main policies which will be applied.

F Add the site to H20 as I recommend that it be modified.

H2 - Housing Land Allocations: Land West of Burial Ground Lane, Tovil

Objection DH0136 - Letley Group S.A.

Issue The allocation of this site for housing, subject to comprehensive development.

Conclusions

4.665 This objection is made on the basis that housing should be allowed on the site if its present commercial use should become redundant or surplus to requirements. This seems to me to be a matter wholly for development control not a planning policy, when matters such as the suitability of the site for housing, the need for commercial land, the benefits of development on brownfield sites and the effects on amenity can be taken into account along with the provisions of the Development Plan. In any case, given the present uses which I saw on my visit, even if housing is acceptable against these other considerations, I am not convinced that the site could be said to be genuinely available as required in PPG3.

RECOMMENDATION

4.666 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: New Housing Allocations in Tovil

Objection DH0268 - Tovil Parish Council

Issue The allocation of sites currently in commercial use for housing.

Conclusions

4.667 My recommendation here reflects my findings on the previous objection.

RECOMMENDATION

4.668 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Beaconsfield Road, Eccleston Road, Wharf Road, Tovil

Objection DH0254 - Kent County Council

Issue The addition of this site to H2 and thus the estimate of housing land available during the Plan period.

Conclusions

4.669 I have dealt with this site in detail when considering objections to H15. I fully support its development for housing, but I agree with the Council that the process should be comprehensive and carefully controlled. Moreover, I have no doubt that given the present varied ownerships and need to relocate uses, the site should not be included in H2 since it cannot be said to be genuinely available within the Plan period.

RECOMMENDATION

4.670 Do not modify the Plan in response to this objection.

H2 - Housing Land Allocations: Chapmans Place, Ulcombe

Objection DH0619 - Wallis Ltd

Issues

- (a) Whether housing on this site would be contrary to the aim of reducing the need to travel set out in PPG13.
- (b) The effect of housing on the character and appearance of the area.
- (c) Whether the need for additional housing land outweighs any harm which may be identified.

Conclusions

4.671 This site is a former builders' depot on the edge of the village. Planning permissions have been sought for housing in the past, and as part of this process it has become clear that the highway authority would not support more than 5 dwellings on the site because of access limitations. This objection therefore seeks an allocation for 5 dwellings and the inclusion of the site within the Village Boundary. The Council accepted at the inquiry that a scheme of 5 dwellings would fall within the definition of "minor development" under H27 and that this policy

could continue to apply to Ulcombe if I supported this objection.

4.672 Dealing with issue (a), I saw on my visits that Ulcombe has very limited local services, shops or job opportunities. In these circumstances, I have no doubt that people living in the new houses would travel to Maidstone and elsewhere for work, shopping and recreation. I have no doubt either that many of these journeys would be by car, and that this would be contrary to the aims set out in paragraph 1.7 of PPG13 of locating development to reduce the need to travel, especially by car.

4.673 In this case, however, I agree with the objectors that it is acceptable to compare the likely number of journeys from 5 dwellings with those arising from the use of the site as a builders' depot when assessing the proposal against the advice in PPG13. An estimate of 422 trips per week to the depot was submitted at the inquiry, compared with between 210 - 336 trips per week to 5 dwellings. In my view this level of reduction outweighs my initial finding, and leads me to conclude that a scheme for 5 dwellings on this site would accord with PPG13.

4.674 Turning to issue (b), I saw on my visit that the site is set back from the road, and that part of it lies behind existing houses. The site contains some buildings and hardstandings and this, with its lack of prominence, combine to persuade me that 5 dwellings would not have a material impact on the setting of the village. The site may be seen from the adjoining houses and their gardens, but to my mind that is a matter for detailed design, rather than principle. I note the Parish Council's concerns about storey heights, but again that is a matter for detailed design, to be considered when applying the policies of the Plan to any application which might be made. I therefore conclude that 5 dwellings on the site would not materially harm the character and appearance of the area.

4.675 Finally on issue (c), my finding about the need for additional houses to meet Structure Plan requirements reinforces my recommendation in this case, even for a scheme of 5 units.

RECOMMENDATIONS

- 4.676 A Add the objection site to H2, with a yield of 5 units during the period 2001 - 2006.**
- B Modify the Village Boundary to include the objection site.**
- C Retain H27 as the policy applying to Ulcombe.**

H2 - Housing Land Allocations: Blunden Lane, Yalding

Objection DH0119 - Banner Homes Ltd

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- | | |
|---------------|--|
| Issues | (a) Whether housing on this site would be contrary to the aim of reducing the need to travel set out in PPG13. |
| | (b) The effect of housing on the character and appearance of the area. |
| | (c) Whether the need for additional housing land outweighs any harm which may be identified. |

Conclusions

4.677 Dealing with issue (a) I found on my visits to the area that Yalding has a very limited range of services and facilities. In these circumstances most people living in houses on this site would have to travel to Maidstone and elsewhere for work, shopping and recreation. Moreover, I have no doubt that many of these journeys would be by car, despite the existence of a bus service, and because of the distance of the site from the railway station. It also seems likely to me that journeys to the nearest large employer, Zeneca, would be by car. In my view, therefore, housing on this site would not accord with the aim of reducing the need to travel, especially by car, set out in paragraph 1.7 of PPG13.

4.678 Nor do I consider that Yalding, with its limited facilities, is a rural centre which offers a range of everyday community, shopping and employment opportunities which could be strengthened in the light of advice in paragraph 1.8 of PPG13. I note the support for housing in rural areas in PPG7 which is referred to by the objectors, but paragraph 2.10 of this PPG follows closely the advice in PPG13, that the main focus of new development should be "... where employment, housing and other facilities can be provided close together." I do not consider that this is the case in Yalding.

4.679 I note the comparison made by the objectors between the population of Yalding and towns, such as Headcorn, Lenham and Marden, which have in the past been identified for more than minor development. Indeed in this report I have accepted that they are locations for new housing which could accord with PPG13. However, these towns have a significantly greater level of shops and other services and therefore cannot be compared to Yalding in this important respect. I note the Council's response to the objectors' arguments about the site allocated in Detling. Again, however, I do not find the sites comparable because of the great difference in their size and because the Detling site was developed land. I have dealt with the objectors' general arguments about the Plan's housing location strategy elsewhere, and on this issue I conclude that housing on this site would not accord with the aim of reducing the need to travel, especially by car, set out in PPG13.

4.680 Turning to issue (b), I found on my visits to the area that the site has the character and appearance of an area of unmanaged woodland, with very little evidence remaining of its former orchard use. Nevertheless, I found that it was part of Yalding's rural setting, wholly in character

with the agricultural land to the east and open land in use for grazing and a small orchard to the north. A public footpath runs along the northern edge of the site, and from it housing would be seen as an extension of the village into this setting. The trees on the site can also be glimpsed from the south between dwellings in Vicarage Road and, whilst not prominent, I consider that houses on the site would be seen from here to consolidate the existing ribbon of development.

4.681 Although I have acknowledged that the site has little orchard character remaining, my concerns for the local effect of houses are reinforced by the inclusion of the site in the Low Weald SLA with its broader concerns for the loss of residual orchards. Nor do I consider that the proposed landscape buffer on the eastern edge of the site would mitigate the impact of housing on the remaining area. On this issue, therefore, I conclude that housing would harm the character and appearance of the area.

4.682 Finally on issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, in this case I do not consider that this need outweighs the serious harm that I have found in considering the first two issues, and I therefore conclude that housing is not justified on this site.

RECOMMENDATION

4.683 Do not modify the Plan in response to this objection.

H2, H27 - Housing Land Allocations: Land South of Vicarage Road, Yalding

Objection DH0304 - George Wimpey Plc

Background

4.684 This site has an area of about 1.6ha and, using the Plan's standard density of 25dph, its development could yield 40 units. At the inquiry, however, the objectors confirmed that an allocation of 5 units in a spacious setting was sought, to take account of the setting of the site and access constraints. It was also confirmed that housing would be restricted to the western part, whilst the eastern part could provide amenity space possibly through a management agreement. This part of the site could remain outside the Village Boundary, since development was not proposed on it.

4.685 I note the Council's reservations about the number of units which could be accommodated, but I have dealt with this objection on the basis on which it was made, given this clarification of its nature by the objectors at the inquiry. Yalding could therefore remain the

subject of H27. This approach accords with my findings in paragraph 4.679 that Yalding would not accord with advice in PPG13 as a general location for new housing, and that it should not be the subject of H28.

Issues

4.686 Against this background the issues in this case are:

- (a) whether 5 houses on the site would harm the character and appearance of the area; and if so
- (b) whether the need for housing sites outweighs any harm which may be identified.

Conclusions

4.687 Dealing with issue (a), I have visited the site in both summer and winter, and seen the hedge along the road frontage to which the objectors referred at the inquiry. However, there is no hedge at the north-western corner of the site or along its frontage with the access road. As a result, approaching from the west along Vicarage Road there are views across the whole of that part the site proposed for housing. In these views the open and undeveloped nature of the site contributes to the rural character and appearance of the area, and to my mind, because of its openness, the site is clearly beyond the confines of the village. There are dwellings along the northern side of Vicarage Road, some within the Village Boundary, but in these long views I found their impact limited by the angle of the view and by hedges and other planting.

4.688 Passing the site directly, I acknowledge that the hedge would filter views, particularly during the summer. However, the western end of the site is open, and in winter I saw that there would be clear views through the hedge along the rest of the road frontage. The site is, therefore, not nearly as well contained as the objectors argued, and I do not agree that the scatter of dwellings, or the definition of the Village Boundary on the northern side of Vicarage Road, justifies the impact of new houses on the objection site. Nor do I consider that landscaping the site, which could be a policy requirement, would overcome my objections, since houses and their curtilages would bring an urban character and appearance where there is none at present.

4.689 Approaching from the east, long views are prevented by a sharp bend in the road, but in all other respects I have no doubt that five dwellings would be an intrusive extension of the village into its countryside setting. I also agree with the Council that the dwellings would significantly affect the setting of Warde's Moat, a Listed Building, by replacing the undeveloped nature of the approach to it from the west with a track fronted on one side by dwellings and their curtilages. For all these reasons, I conclude on this issue that five dwellings would materially harm the character and appearance of the area. The objection site is within the Low Weald SLA, and concern for landscape more widely in this area reinforces my concerns about the local impact of the dwellings.

4.690 Turning to issue (b), I found in paragraph 4.238 that there is a need for a further 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. However, in this case I have no doubt that the harm which I have identified in the first issue outweighs housing need, and I conclude that the provision of five dwellings on the site is not justified.

RECOMMENDATION

4.691 Do not modify the Plan in response to this objection.

H2, H27 - Housing Land Allocations: Land at Plough Wents Road, Chart Sutton

Objection DH0307 - George Wimpey Plc

Issues Whether housing on this site would:

- (a) be contrary to the aim of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether any harm which may be identified would be overridden by the need to meet Structure Plan housing requirements.

Conclusions

4.692 This site has an area of about 0.82ha, and the objection seeks an allocation under H2 for 25 units and the extension of the Village Boundary to include the site (MB/WS.69, paragraph 5.4). I have dealt with it on this basis although I note that the original objection sought an allocation for 50 units, which has also been the basis of the highway evidence submitted with a letter dated 23 March 1999, and the Council's response. The site lies to the west of the site covered by DH0305 by the same objectors, although I have considered it separately since there is no indication that the sites should be considered together.

4.693 On issue (a), I concluded in paragraph 4.364 that new housing at Chart Sutton would be contrary to the aim of reducing the need to travel, especially by car, which is set out in PPG13. Without repeating them, the same arguments apply in this case, and my conclusion is the same.

4.694 Turning to issue (b), I found on my visits to the area that Plough Wents Road has a rural character and appearance to which the undeveloped nature of this site contributes significantly. In this context, I have no doubt that housing on the site would be seen as an urban intrusion

wholly at odds with this character and appearance. I have no doubt either that the access illustrated in the evidence would add considerably to the urbanising effect with the junction itself, sight lines, right turn facility and the proposed footway. Moreover, I do not agree with the objectors that the houses to the south give the site the appearance of the urban fringe. Rather, although houses can be seen, I found that the open character of the site is wholly in keeping with the rural area to the north, and that it is part of the countryside setting of the village. For all these reasons I conclude that housing on the site would materially harm the character and appearance of the area.

4.695 Finally on issue (c), I found in paragraph 4.238 the need for an additional 940 units to meet the Structure Plan housing requirement. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet that need. In this case, however, I have no doubt that the serious harm which I have identified in the first two issues outweighs housing need. I therefore conclude that housing is not justified on this site.

RECOMMENDATION

4.696 Do not modify the Plan in response to this objection.

H2, H27, H28 - Housing Land Allocations: Invicta Works Teston

Objection DH0096 - Alfred Reader & Company Ltd

Proposed Changes 75 and 100

Issue The need to allocate this site for housing and consequently to make Teston the subject of H28 since the site is capable of more than minor development.

Conclusions

4.697 Under Proposed Change 75 this site has been included in H2 to provide 18 units in the first five years of the Plan. I support this change in the light of my findings on housing need and since the site is already developed and lies within the village. To my mind this overcomes the first part of this objection. Turning to the second part of the objection, I see no reason why the development of this site should not be considered under H27, since the Structure Plan recognises that what is considered minor development will depend on the context of the settlement. In this case, it seems to me that the availability of a developed site within the village is enough to justify a figure of 18 units, despite the guide figure of 5-10 in the Structure Plan.

RECOMMENDATION

4.698 Do not modify the Plan in response to this objection.

The next section of the report sets out my overall conclusions on housing land availability.

OVERALL CONCLUSIONS ON HOUSING LAND AVAILABILITY

4.699 If my recommendations are accepted 780 additional units should be allocated as follows:

Table 3: Recommended new housing allocations

Paragraph	Site	Units
4.426	Hook Lane, Harrietsham	70
4.512	Land west of Royal Engineers Road, Maidstone	40
4.541	Bridge Nursery, Maidstone	80
4.568	East of Hermitage Lane, Maidstone	380
4.611	Penenden Heath	55
4.637	Oliver Road, Staplehurst	50
4.664	Hayle Place, Maidstone	100
4.676	Chapmans Place, Ulcombe	5
Total		780

This figure can now be added to the figures in Table 2 to give the overall housing provision in the Borough on the basis of all my recommendations.

Table 4: Housing land provision 1991 - 2006

Housing land provision 1991 – 2006	MBC	Recommendation
Structure Plan Requirement	7400	7400
Completions 1991 – 1997	2406	2406
Large sites with planning permission	654	581
Small sites estimate	954	954
Windfall sites	356	334
Local Plan allocations	2823	2965 ¹
Total provision	7193	7240
Housing land provision	(207)	(160)

1. Figure from Table 2 plus recommended allocations from Table 3.

4.700 There is therefore a shortfall of 160 units which the Plan must make good. This may be possible, in part at least, through my recommendation for residential development at Maidstone East Station in Chapter 5, and any progress made on H15 and H15A.

RECOMMENDATIONS

4.701 A Delete H2 and replace it with:

POLICY H2 THE FOLLOWING SITES, AS DEFINED ON THE PROPOSALS MAP, ARE ALLOCATED FOR HOUSING DEVELOPMENT:

	Site	1997/01	2001/06
(i)	Kent Garden Centre	100	
(ii)	North of Sutton Road		266
(iv)	Pested Bars Road	150	90
(vi)	Fountain Park	100	
(vii)	Tovil Hill	33	
(viii)	Hockers Farm	13	

(x)	Station Road, Harrietsham	13	
(xi)	Union Street, Maidstone	16	
(xii)	Buckland Hill, Maidstone		22
(xiii)	Oakwood Hospital	232	272
(xiv)	East of Yeoman Way	81	
(xvi)	Castle Road, Allington	190	30
(xvii)	Marden Road, Staplehurst	100	50
(xviii)	Langley Park Farm West		325
(xix)	Invicta Works, Teston	18	
(xx)	Hart Street, Maidstone	84	
	Hook Lane, Harrietsham		70
	East of Hermitage Lane		380
	Bridge Nursery		80
	Penenden Heath		55
	Hayle Place, Maidstone		100
	Land West of Royal Engineers Road, Maidstone		40
	Oliver Road, Staplehurst		50
	Chapmans Place, Ulcombe		5
		1130	1835

B Meet the Structure Plan requirement by allocating sites for a further 160 units.

Paragraph 4.33 - Housing Land Allocations: Farleigh Hill

Objection DH0269 - Tovil Parish Council

Issue The need to identify the land occupied by Duncan's printing works for future residential purposes if the current use ceases.

Conclusions

4.702 The future of individual sites is essentially a matter for the development control process, when the Parish Council's concern about noise can be balanced against the need for industrial land in the Borough. There is to my mind a clear distinction between this process on individual sites, and setting the future for areas such as Lockmeadow and Beaconsfield Road, where a policy is needed to achieve change within a larger area of multiple ownership.

RECOMMENDATION
4.703 Do not modify the Plan in response to this objection.

H3 - Phasing of Housing Development

Objections DH0117 - Barton Willmore Planning Partnership
 DH0128 - The House Builders Federation
 DH0310 - George Wimpey Plc
 DH0541 - Wards Construction (Medway) Ltd
 DH0587 - Bryant Homes Technical Services Ltd
 DH0597 - David Wilson Homes

Issue The need for the policy.

Conclusions

4.704 In principle I support this policy which I consider is in line with advice in paragraphs 5.38 - 5.42 of PPG12. In practice, however, the policy will be of very limited value since the first part of the Plan period will be nearly over before the Plan is adopted. In these circumstances, the adequacy of land supply will be ensured by applying the advice about 5 year supply in paragraphs 45 - 49 of PPG3 to the total provision to 2006, rather than through a policy in the Plan itself. My recommendation to delete this policy is therefore made for these practical reasons only, not because I consider that the policy is unacceptable in principle.

RECOMMENDATION
4.705 Delete H3 and paragraphs 4.36 - 4.38.

Phasing of Housing Development
H4 - Early Release of Allocated Housing Sites

Objections DH0221 - Ms C Morgan
 DH0588 - Bryant Homes Technical Services Ltd
 DH0598 - David Wilson Homes

Issue The need for the policy.

Conclusions

4.706 I have recommended deleting this policy for the same practical reasons that I set out in dealing with H3. The policy can have no realistic effect during the short time between adopting the Plan and 2001. Again, however, I support it in principle, since PPG3 makes clear the importance of securing an adequate and continuous supply of housing land. I therefore do not agree with Ms Morgan's objection that the Council should not bring land forward from the second part of the plan period if that is necessary to maintain a 5 year supply.

RECOMMENDATION

4.707 Delete H4 and paragraphs 4.39 - 4.41.

H5 - Kent Garden Centre, London Road, Allington

Objections DH0152 - GOSE
 DH0166 - GOSE
 DH0240 - English Heritage
 DH0535 - Taywood Homes Ltd/Beazer Homes

Proposed Change 77

Issue The form and wording of the policy.

Conclusions

4.708 I support the proposed change because it up-dates the text and deletes criteria (4) and (5) which are not needed. I have also recommended that criteria (3) and (6) should be deleted since they are the subject of other policies in the Plan: ENV17, ENV17A and CF2 as I have proposed that they should be modified. A reference in the text is enough to avoid unnecessary duplication of policies contrary to the advice on page 17 of CD46. I am satisfied that this overcomes the objections to these criteria.

4.709 I have considered the need for this policy, and its form and wording, against advice in PPG12 and Circular 1/97. It seems to me that landscaping and the protection of the adjoining Strategic Gap are both matters which can properly be the subject of a more detailed policy. However, in criterion (1) the emphasis should be on what the landscaping should be seeking to achieve, not on the process of submission of a scheme. On criterion (2), I understand from what was said at the inquiry that a planning obligation has been agreed between the developers and the Council. To this extent the need for the criterion has passed, but it should remain for completeness.

4.710 Paragraph 4.46 of the Plan also says that the elevated southern section of the site should remain open. From what I saw on my visit I agree, but this should be the subject of the policy,

since it is important in determining whether or not planning permission is granted.

RECOMMENDATIONS

4.711 A Modify the text of the Plan in accordance with Proposed Change 77.

B Delete H5 and replace with:

“POLICY H5 HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND AT THE KENT GARDEN CENTRE, LONDON ROAD, ALLINGTON AS SHOWN ON THE PROPOSALS MAP IF:

- (1) (landscaping scheme);**
- (2) (transfer of land);**
- (3) (location of open space to retain an open area.)”**

Paragraphs 4.53 - 4.57 - Land North of Sutton Road, Maidstone/Otham

Objections DH0027 - Redrow Homes (South East) Ltd
 DH0578 - E J & P Uren
 DH0589 - Bryant Homes Technical Services Ltd
 DH0593 - Bryant Homes Technical Services Ltd
 DH0599 - David Wilson Homes
 DH0603 - David Wilson Homes
 DH0614 - Mr J I Lee

- Issues**
- (a) The way in which the Plan should specify the requirement for landscaping on the northern boundary of the site.
 - (b) Whether the Plan should require two access points into the site.
 - (c) The form and wording of the policy.

4.712 On issue (a), in dealing with objections to H2(ii) and the release of this site for housing, I concluded that the screening afforded by Bicknor Wood was essential to prevent an urban intrusion into the countryside to the north of the site. To achieve this, H6(2) requires landscaping along the northern boundary of the site, and the need for some form of landscaping is not disputed by the objectors. The points at issue are: the way in which the Plan should require that this landscaping be provided; and the need to specify a width at this stage, rather than leaving detailed design for the planning application stage.

4.713 Dealing with the first point, it seems to me that there are two principles upon which the policy should be based and which should be met before planning permission is granted for housing: first, there should be substantial screen planting along the northern and eastern boundaries of the site to protect the adjoining countryside; and second, this area of planting should be in the control of the developers so that its future, and future management, can be secured beyond doubt. This could be through a planning obligation or by its transfer to the Council. Whilst land ownership is not a matter for planning policies, this screen planting is of fundamental importance to my support to H2(ii), and I have no doubt that the site should not be developed without it, and without the certainty that it will remain.

4.714 From what I have seen on my visits, I am satisfied that Bicknor Wood, particularly with new planting, and the existing trees along the eastern boundary of the site could fulfil this role. I heard about the history of this wood, and its future existence now seems assured. However, my understanding is that it is not in the control of the developers of the site, and the wood cannot therefore be included in the allocation site, or be made the subject of planning obligation between the developers and the Council. It may be, of course, that this could change through negotiations between developers and landowners but, if it is not the case, screening must be provided within the site if the necessary security is to be assured. I have recommended a slight modification to the policy, to relate the completion of the landscaping to the occupation of the first dwelling on the site. This is more precise than the phrase “in advance of development” used in H6(2), although it retains the emphasis on the importance of landscaping.

4.715 I also agree with the Council that the width of this landscaping should be set out in the policy, since it is of fundamental importance to the allocation. For both reasons, therefore, I support the Council’s approach in H6(2), although the text must be modified to set out the most up-to-date position. I recognise that this may change as a result of negotiations, but the essential thing is that whatever the policy, it should meet the two principles which I have set out above. The text should also describe, and justify, the other major elements of a landscape scheme, including the future of Bicknor Hole and the need for a landscaped area along the Sutton Road frontage. Although not part of the objection, to my mind this must deal with the way in which new housing should relate to the Sutton Road frontage to avoid an unsightly vista of back garden fences along this important approach to Maidstone. As I have also recommended elsewhere, the text and policy should set out the purposes of the landscaping scheme rather than the process for its submission.

4.716 Turning to issue (b), there is no objection in principle from the County Council as highway authority to the construction of one access into this site, in the form of a roundabout at Bircholt Road. The Borough Council argued, however, that there were benefits in two access as set out in paragraph 5.58 of the Plan. It was argued that the disadvantage of one access was the long culs-de-sac which it produced on a site of this shape, with the resulting difficulties in controlling traffic speeds, and poorer access for buses. However, I would set against this the effect of an additional access in opening views into the site, which is in some ways contrary to the aim of the landscaping scheme for the southern edge which I discuss above. In addition, it

would be contrary to policies in the Structure Plan and this Plan which seek to limit the number of new accesses on roads such as the A274.

4.717 I consider that the principle of highway access on a site of this size should be set out in the policy, and not left to the development control stage. Balancing the factors which I set out above, and in the light of the highway authority's acceptance of it in principle, I conclude that one vehicular access should be provided.

4.718 Finally on issue (c), I have recommended a form of H6 which is consistent with my other recommendations in this report. In particular I have restricted cross referencing of policies to the text to meet advice on page 17 of CD46, since these policies apply throughout the Plan area, and the Plan is to be read as a whole. There is therefore no need for criteria (4) – (6) which are covered by ENV17 and ENV17A, ENV6 and CF2, all as I propose that they be modified. However, to avoid any doubt I support these requirements. The policy also reflects my support below for Proposed Changes 78 and 79.

RECOMMENDATIONS

4.719 A Delete H6 and replace it with:

“POLICY H6 HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND NORTH OF SUTTON ROAD AS SHOWN ON THE PROPOSALS MAP PROVIDED THAT:

- (1) (landscaping apart from H6(2);)**
- (2) as H6(2) subject to B below;**
- (3) VEHICULAR ACCESS IS FROM ONE JUNCTION ON SUTTON ROAD;**
- (4) THERE IS PEDESTRIAN AND CYCLE ACCESS TO GORE COURT ROAD.”**

B H6(2): delete “IN ADVANCE OF DEVELOPMENT” and replace it with: “... BEFORE THE OCCUPATION OF THE FIRST DWELLING ...

C Ensure in the supporting text that:

the purpose of the landscaping scheme, and the means to secure its future, is fully explained and justified;

the possible use of Bicknor Wood as screening is explained, and the circumstances in which it may be used are set out;

cross reference to the other main policies which will be applied.

Paragraph 4.55 - Land North of Sutton Road, Maidstone/Otham

Objections DH0590 - Bryant Homes Technical Services Ltd
DH0600 - David Wilson Homes

Proposed Change 78

Issue The need to clarify the reference to the role Bicknor Hole as open space in relation to this site.

Conclusions

4.720 I support this proposed change since it enables the future of Bicknor Hole to be considered separately from the open space provision within this site.

RECOMMENDATION

4.721 Modify the Plan in accordance with Proposed Change 78.

Paragraph 4.58 - Land North of Sutton Road, Maidstone/Otham

Objections DH0591 - Bryant Homes Technical Services Ltd
DH0601 - David Wilson Homes

Proposed Change 79

Issue The need to allow cycle access onto Gore Court Road as part of a highway scheme for this site.

Conclusions

4.722 I support this proposed change which would overcome these objections.

RECOMMENDATION

4.723 Modify the Plan in accordance with Proposed Change 79.

Paragraph 4.61 - Land North of Sutton Road, Maidstone/Otham

Objections DH0029 - Redrow Homes (South East) Ltd
 DH0592 - Bryant Homes Technical Services Ltd
 DH0602 - David Wilson Homes
 DH0614 - Mr J I Lee

Proposed Change 80

Issue The wording in relation to policy CF2 and developer contributions to the expansion of existing schools.

Conclusions

4.724 I do not support these objections since paragraph 4.61 of the Plan precisely reflects the wording of CF2 as I recommend that it be modified in Chapter 8. I acknowledge the objectors' concerns, but it is quite clear that CF2 would only require a contribution to be made if a need has been identified. I have recommended that H6(6) should be deleted as it simply repeats CF2. I support the proposed change since it would ensure a comprehensive review of primary school requirements. However, the Council will have to reconsider this paragraph in the light of my recommendation to delete the allocation at Furfield Quarry as I have recommended in dealing with that site.

RECOMMENDATION

4.725 Modify the Plan in accordance with Proposed Change 80 but make no other modifications in response to these objections and delete H6(6).

H6 - Land North of Sutton Road, Maidstone/Otham

Objections DH0153 - GOSE
 DH0167 - GOSE

Issue The form and wording of the policy.

Conclusions

4.726 I am satisfied that the modified form of H6 which I recommend meets these objections.

RECOMMENDATION

4.727 Do not modify the Plan in response to these objections.

H6 - Land North of Sutton Road, Maidstone/Otham

Objection DH0241 - English Heritage

Issue The way in which the Plan deals possible archaeological interest on the site.

Conclusions

4.728 In Chapter 3 I recommend a new policy ENV17A which would apply to sites where there is a reason to believe there may be archaeological remains, but which are not formally identified. This should be referred to in paragraph 4.59 of the Plan, and there is no reason to repeat it in the policy itself in accordance with advice on page 17 of CD46. Since this policy does not refer to a watching brief, the phrase should also be deleted.

RECOMMENDATION

4.729 Reword paragraph 4.59 to reflect the wording of ENV17A and delete H6(4).

H6 - Land North of Sutton Road, Maidstone/Otham

Objection DH0663 - N L Farrier

Issue The need to retain Bicknor Hole and to establish a footway and cycleway around it on the line of an informal footpath.

Conclusions

4.730 Bicknor Hole is to be retained and I agree with the Council that the route of footpaths is a matter for detailed design at the application stage, rather than for inclusion in the policy.

RECOMMENDATION

4.731 Do not modify the Plan in response to this objection.

Paragraph 4.66 and H7 - Furfield Quarry, Brishing Lane, Boughton Monchelsea

Objections DH0245 - English Heritage
 DH0242 - English Heritage
 DH0246 - English Heritage

Issue The way in which this policy deals with archaeology.

Conclusions

4.732 I have recommended that this policy should be deleted, and my recommendation here reflects that finding. Dealing with the detail of these objections, however, English Heritage argues that no planning permission should be granted before a full archaeological survey has been carried out. I do not agree. In Chapter 3 I have recommended a modified ENV17 and a new policy ENV17A which deal with the protection of sites of archaeological interest generally (and also overcome concerns about references to watching briefs). It seems to me that the first part of H7(4), and the text in paragraph 4.66, would give specific protection on this site. I would, however, have recommended the deletion of H7(4) from "...AND A FULL...", since that is an administrative matter: the important part is the clear statement of policy in the first phrase.

RECOMMENDATION

4.733 Do not modify the Plan in response to these objections.

H7 - Furfield Quarry, Brishing Lane, Boughton Monchelsea

Objection DH0023 - Boughton Monchelsea Parish Council

Issue The need for additional screen planting.

Conclusions

4.734 I have recommended that this policy should be deleted, and my recommendation here reflects that finding. The Parish Council argues first for a 10m screen along the Brishing Lane frontage. I have not agreed with the Council that this site is well related to the urban area, but I agree that this proposal would sever the site even more. Nor have I agreed with the Council that the proposed landscaping along the southern boundary of the site would overcome the harm the allocation would cause to the character and appearance of the area. However, I do not consider that the Parish Council's suggestion of a 40m wide planted belt along the southern boundary would overcome my concerns either, since the site would still be seen as an urban intrusion.

RECOMMENDATION**4.735 Do not modify the Plan in response to this objection.****H7 - Furfield Quarry, Boughton Monchelsea**

Objections DH0154 - GOSE
 DH0168 - GOSE

Issue The form and wording of the policy.

Conclusions

4.736 I have recommended that this policy should be deleted, and my recommendation here reflects that finding. However, I have no doubt that a suitable form of policy could be devised based on others that I have recommended elsewhere in this report, which are themselves based on examples in CD46.

RECOMMENDATION**4.737 Do not modify the Plan in response to these objections.****H8 - Pested Bars Road, Boughton Monchelsea****Objections**

DH0022 - Boughton Monchelsea Parish Council
 DH0155 - GOSE
 DH0169 - GOSE
 DH0225 - Ms C Morgan
 DH0226 - Ms C Morgan

DH0247 - English Heritage
 DH0248 - English Heritage
 DH0538 - McLean Homes
 DH0659 - Langley Parish Council

Issue The need to modify the wording.

Conclusions

4.738 Details of the development such as those raised by Ms Morgan or Boughton Monchelsea Parish Council, and concerns about the wider highway context raised by Langley Parish Council, are no longer before me since planning permission has been granted for housing on this site. However, some of these matters were always likely to have been relevant only to the planning

application, not to the Plan. The granting of planning permission has also overtaken objections to the policy's approach to the archaeological interest of the site.

4.739 In its present form, however, the wording of the H8 is clearly inconsistent with modifications which I have recommended to other site specific policies. Bearing in mind advice in CD46 and the need to allow the Plan to be read as a whole, my recommendation:

re-casts the body of the policy in response to GOSE's objections (CD46, page 16);

refers to the site specific landscaping requirements only, allowing the new policy ENV7A which I recommend in Chapter 3 to ensure the provision of general landscaping;

deletes administrative references from the policy;

allows archaeological matters to be dealt with directly by policies ENV17, as I have proposed that it be modified, and ENV17A; and
deletes cross references to other policies.

4.740 Generally I support paragraphs 4.69 - 4.75 as the reasoned justification for the policy's requirements, although minor modifications will be necessary following my recommendation, in particular reference to other policies such as ENV17.

RECOMMENDATIONS

4.741 A Delete H8 and (1) - (5) and replace with:

“POLICY H8 HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND AT PESTED BARS ROAD BOUGHTON MONCHELSEA IF:

(1) A DENSE LANDSCAPE BELT IS PROVIDED ALONG THE SOUTH-WEST BOUNDARY OF THE SITE;

(2) (site specific highway requirements);

(3) as (4)”

B Modify paragraphs 4.69 - 4.75 as necessary.

4.84 - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0262 - Mr R Clifford

Issue The need to indicate that a higher density would be acceptable.

Conclusions

4.742 I have already dealt with this matter when considering objection DH0261 to H2(v).

RECOMMENDATION

4.743 Do not modify the Plan in response to this objection.

4.85 - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0256 - Rochester Upon Medway City Council

Proposed Change 81

Issue The need to acknowledge Medway Council as a Highway Authority.

Conclusions

4.744 I support the proposed change as a factual correction, but my recommendation reflects my recommendation to delete H2(v), H9 and their supporting text.

RECOMMENDATION

4.745 Do not modify the Plan in response to this objection.

H9 - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0009 - Mrs D R Peachey

Issue The need to increase the residential allocation at *Charles Dickens Lodge*.

Conclusions

4.746 This site lies on the eastern edge of the policy area and is shown on the Westfield Sole Road Inset Map as partly residential and partly woodland. My recommendation here reflects my recommendation to delete the allocation. On this site, however, I support the Council in detail, since I have no doubt from what I saw on my visit that the woodland on the site should remain if housing were to take place in accordance with H9.

RECOMMENDATION

4.747 Do not modify the Plan in response to this objection.

H9 - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0042 - Tonbridge & Malling Borough Council

Issue The need for the allocation to contribute to the transport infra-structure of the southern Medway Towns.

Conclusions

4.748 My recommendation here reflects my earlier finding that this allocation should be deleted. However, I could not support this objection in principle in the absence of support for it from the highway authority.

RECOMMENDATION

4.749 Do not modify the Plan in response to this objection.

H9 - Westfield Sole Road, Lordswood, Boxley

Objections DH0156 - GOSE
DH0170 - GOSE

Issue The form and wording of the policy.

Conclusions

4.750 My recommendation here reflects my recommendation to delete this policy and the allocation under H2(v). However, I support these objections, although I have no doubt that they could be readily overcome if the form of policy which I recommend elsewhere in this report were adopted.

RECOMMENDATION

4.751 Do not modify the Plan in response to this objection.

H9 - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0239 - Bredhurst Parish Council

Issue The need to reduce motor traffic in Bredhurst.

Conclusions

4.752 I note the Parish Council's concerns about the amount of traffic passing through Bredhurst, now and if the houses in this allocation were built. I also note the suggestions for a new road and traffic calming measures. However, the role of the local plan in these matters is set out in paragraph 5.30 of PPG12, which says that new roads and improvements shown in the plan should be limited to those on which the highway authority propose to start work within about 10 years. It is clear from this that it is not generally the role of local plans to initiate new road proposals, and since there are no such proposals for Bredhurst, they cannot be included in this Plan. In relation to future concerns, I have recommended that this allocation should be deleted, although not on traffic grounds.

RECOMMENDATION

4.753 Do not modify the Plan in response to this objection.

H9 - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0243 - English Heritage

Issue The deletion of H9(4), and its reference to an archaeological watching brief.

Conclusions

4.754 My recommendation here reflects my recommendation to delete this policy and the allocation. However, I support this objection since archaeology is covered by another policy. This criterion is therefore both unnecessary repetition and contrary to advice in CD46 about cross references in policies. As I have recommended elsewhere a reference in the text would be enough.

RECOMMENDATION

4.755 Do not modify the Plan in response to this objection.

H9 - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0277 - G Freeland

Issue The need for greater detail in the policy.

Conclusions

4.756 My recommendation here reflects my recommendation to delete this policy and the allocation. However, I agree with the Council that the points raised by Mr Freeland are generally matters which would be resolved at the application stage, not as part of a local plan policy.

RECOMMENDATION

4.757 Do not modify the Plan in response to this objection.

H9 - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0542 - Wards Construction (Medway) Ltd

Issue The form and wording of the policy.

Conclusions

4.758 My recommendation here reflects my recommendation to delete this policy and the allocation. In the circumstances I have not dealt with the wording of this policy in detail, although I support the objection. As an indication of the approach I would take, I have recommended policies elsewhere in this report based on advice CD46 which would, as the objectors argue, set out criteria which must be met.

RECOMMENDATION

4.759 Do not modify the Plan in response to this objection.

H9(7) - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0264 - Mr R Clifford

Issue The deletion of H9(7) and the requirement to contribute to new school facilities nearby.

Conclusions

4.760 My recommendation here reflects my recommendation to delete this policy and the allocation. However, I agree with the criterion in principle which could comply with advice in Circular 1/97 provided any contribution were related to the development of the policy area. The existence of a criterion does not alter the fact that Council would still have to make a convincing case at the time of any application.

RECOMMENDATION

4.761 Do not modify the Plan in response to this objection.

H9 & Proposals Map - Land at Westfield Sole Road, Lordswood, Boxley

Objection DH0263 - Mr R Clifford

Issue The need to increase the residential allocation within *Marylands*.

Conclusions

4.762 My recommendation here reflects my recommendation to delete this policy and the allocation. However, from what I saw on my site visit, I support the Council's approach here.

RECOMMENDATION

4.763 Do not modify the Plan in response to this objection.

H10 - Fountain Park, Enterprise Road, Maidstone

Objections DH0157 - GOSE
DH0171 - GOSE

Issue The form and wording of the policy.

Conclusions

4.764 I have recommended in paragraph 4.771 that this policy should be deleted since its criteria are already covered by other policies in the Plan.

RECOMMENDATION

4.765 Do not modify the Plan in response to this objection.

H10 - Fountain Park, Enterprise Road, Maidstone

Objections DH0244 - English Heritage
DH0309 - George Wimpey Plc

Issue The need to delete the reference to an archaeological watching brief.

Additional Proposed Change 6**Conclusions**

4.766 This additional proposed change overcomes these objections and I support it for two reasons. In this case, specifically, because of the advice now available from the County Archaeologist that, as a former quarry, remains are unlikely to be recovered. However, I also support it in principle because archaeology is covered by policies ENV17 and ENV17A which apply throughout the Plan area and which should not be duplicated in individual policies. In this respect I support English Heritage's objection, but my recommendation here reflects my findings in paragraph 4.771 that H10 is unnecessary.

RECOMMENDATION

4.767 Do not modify the Plan in response to these objections or in accordance with Additional Proposed Change 6.

H10 - Fountain Park, Enterprise Road, Maidstone

Objection DH0309 - George Wimpey Plc

Proposed Change 75

Issues (a) The need for a criterion that H20 should not apply to this site.
(b) The need to delete the criterion that CF2 should apply to this site.

Conclusions

4.768 Dealing with issue (a), I recommend in paragraph 4.854 that H20 should be modified to remove the requirement for a uniform affordable housing contribution. One of the reasons for this is the different cost of development of housing sites, and in this case it would ensure that arguments such as the cost of developing in a former quarry are taken into account when

assessing the provision of affordable housing units. However, any assessment must be made at application stage, when detailed information is available, and there is no case for a general statement as part of a plan policy.

4.769 On issue (b), I have recommended elsewhere that cross references to policies should be in the reasoned justification not policies themselves to accord with advice in CD46. In this case CF2 applies throughout the Borough and a policy reference is therefore simply unnecessary duplication. My recommendation should not be seen as supporting the objection, rather I consider that the need for a contribution should be dealt with directly by applying CF2 at application stage.

4.770 For the same reason, and to be consistent although it is not part of the objection, there need be no criterion relating to contaminated land since that is the subject of new policy ENV58 which I recommend in Chapter 3. If this approach is taken I see no reason for H10 since the body of the policy is already contained in H2(vi), and I have recommended accordingly.

RECOMMENDATION

4.771 Delete H10 and its supporting text, and rely directly on ENV58 and CF2 rather than criteria.

H10 - Fountain Park, Enterprise Road, Maidstone

Objection DH0519 - Kent Chamber of Commerce & Industry

Issue The need to retain the allocation for employment uses.

Conclusions

4.772 This area is allocated for economic development in the adopted Local Plan, and I agree with the objectors that the proposed housing should not take place at the expense of job creating uses. However, policy ED2(a) of the Structure Plan allows poor quality or constrained sites to be replaced by better allocations and, from what I heard at various times in the inquiry, I am satisfied that this has happened in this case. (For example, see the Council's planning evidence to objections to ED2, paragraph 6.11, MBC/PR.119 etc).

RECOMMENDATION

4.773 Do not modify the Plan in response to this objection.

H10(3) - Fountain Park, Enterprise Road, Maidstone

Objection	DH0270 - Tovil Parish Council
Issue	The need to include Tovil Parish within the area for community provision under CF2.

Conclusions

4.774 I have already recommended that this criterion should be deleted, since CF2 applies to the site and cross reference to it is unnecessary and contrary to advice on page 17 of CD46. I agree with the Council, however, that when it is invoked it can only be to meet a need directly related to the development concerned.

RECOMMENDATION

4.775 Do not modify the Plan in response to this objection.

H11 - Hockers Farm, Detling

Objection	DH0158 - GOSE
Issue	The form and wording of the policy.

Conclusions

4.776 I have supported similar objections by GOSE earlier in this report. In addition, although it is not part of the objection, I must comment on this policy more generally since it appears to be directly contrary to Government advice.

4.777 First, I am not clear what the phrase “local needs housing” means, nor do I understand the way in which it would relate to other policies, particularly H20. However, the inclusion in H20(xiii) of 6 units in Additional Proposed Change 3 suggests that the units are affordable in the accepted sense. Paragraph 4.96 of the Plan refers to a need for affordable housing, but this is not necessarily the same as “local needs”. Second, as that paragraph recognises, it is contrary to advice in paragraph 2, Annex A of PPG3 to identify “rural exception” sites in the Plan. Whilst I sympathise with the Council’s intentions, in these circumstances there is no justification for the exception to this approach which the Plan seeks to make for this site in paragraph 4.96.

4.778 It seems to me that the Council’s intentions are supported by Annex A of PPG3, particularly as there is evidence of need from a local housing survey, and if the type of housing is clarified as “affordable”. However, to meet the advice in the PPG the Council will have to deal with the site solely through H30. If that part of H11 which the Council intends for “local needs” is in fact affordable housing, it should not be allocated on the Proposals Map and should not be

included within the village boundary. Although it is a small site, it should also not be included within the housing yield from H11. This appears to be the case already since the other part of the site is allocated as H2(viii).

4.779 To be consistent with other recommendations I would in any case have recommended significant modifications to the policy:

the deletion of the reference to ENV25(ix) since the Plan will be read as a whole; and the deletion of criteria (2) - (4) since they are also covered by other policies: ENV17 and ENV17A, new policy ENV58, and ENV6 respectively, all as I have recommended that they be modified.

Because of this, and because it is a small site, I see no need for H11 or the reasoned justification in paragraphs 4.95 - 4.101.

RECOMMENDATIONS

4.780 A Delete H11 and paragraphs 4.95 - 4.101.

B Ensure that, if any part of the site is to be developed with affordable housing under H30, it is not allocated and remains outside the village boundary.

H11 and Paragraph 4.99 - Hockers Farm, Hockers Lane, Detling

Objections DH0249 - English Heritage
DH0250 - English Heritage

Proposed Change 82

Issues

- (a) The need to clarify the procedure for determining any archaeological interest on the site.
- (b) The need to include a mitigation strategy in the policy to protect archaeological interest.

Conclusions

4.781 I have recommended that H11 and its supporting text should be deleted, and this recommendation reflects that. However, on issue (a) I support this proposed change, but I agree with the Council on issue (b) that ENV17 covers the matters of concern to English Heritage.

RECOMMENDATIONS

4.782 A Do not modify the Plan in response to these objections.

B Do not modify the Plan in accordance with Proposed Change 82.

H12 - Oakwood Hospital, Maidstone

Objections DH0159 - GOSE
 DH0172 - GOSE
 DH0076 - Kent County Council, Head of Kent Estate.

Proposed Changes 84 and 85

Issue The form and wording of the policy.

Conclusions

4.783 The County Council objection, which would be overcome by the proposed changes, seeks contributions to the provision of a new primary school, including an appropriate fully serviced site at no cost to the local education authority. As I have argued earlier this should be dealt with through CF9, not H12, but in this case there is no justification given for the more detailed requirements set out in the proposed changes. A doctors' surgery and community hall are also dealt with through other policies and do not need to be repeated in H12, although a reference in paragraph 4.104 is acceptable. However, there is no justification in the Plan for the requirement to provide shops, open space, or play equipment, or for the contribution towards the improvement of bus services.

4.784 All the requirements for this site should stem either from a broad policy in the Plan, for example T24 on highway requirements, or a specific policy such as CF7 or CF9. Unless there are site specific elements, for example the landscaping requirements in H14, none of these matters should be repeated in H12. If there are no general policies, contributions to bus services for example, they should not be included in a site specific policy.

RECOMMENDATIONS

4.785 A Delete H12 and paragraphs 4.102 - 4.104.

B Only replace it with a modified policy and text if there is a particular justification for the provision within the allocated area of:

a school site, as opposed to the provision made under CF9;

shops, open space and play equipment referred to in paragraph 4.104; and

contributions to bus service improvement, which should also be the subject of a general policy.

- C Do not modify the Plan in accordance with Proposed Changes 84 and 85 unless this justification is made.**

H13 - Land North of Marden Road, Staplehurst

Objections DH0017 - Mr D W G Sawyer
DH0278 - Mr M J E Blair

Issue The need to build the Staplehurst By-pass before housing development takes place.

Conclusions

4.786 The County Council as Highway Authority has accepted the construction of 150 dwellings on this site before the construction of the by-pass, and I have seen no evidence to convince me that this would be unacceptable.

RECOMMENDATION

4.787 Do not modify the Plan in response to these objections.

H13 - Land North of Marden Road, Staplehurst

Objection DH0655 - Staplehurst Parish Council

Proposed Change 86

Issue The need to delete the requirement for a doctors' surgery.

Conclusions

4.788 This objection is overcome by the proposed change and I support it.

RECOMMENDATION

4.789 Modify the Plan in accordance with Proposed Change 86.

H13 and Paragraph 4.107 - Land North of Marden Road, Staplehurst

Objection DH0077 - Head of Kent Estate Management

Issue The need for a contribution to the expansion of educational facilities.

Conclusions

4.790 I agree with the Council that if a planning obligation has already been prepared following negotiations to grant permission, this matter is no longer before me.

RECOMMENDATION

4.791 Do not modify the Plan in response to this objection.

H14 - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0024 - Boughton Monchelsea Parish Council

Issue The need for 40m wide strip of trees along the site's southern boundary.

Conclusions

4.792 I agree with the Council that the requirement for a 20m wide amenity strip in H14, as I have proposed it should be modified, and the provisions made under ENV25(x) will together protect the adjoining countryside.

RECOMMENDATION

4.793 Do not modify the Plan in response to this objection.

H14 - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0032 - The P W Chambers Will Trust

Issue The addition of Use Class B1(a) – offices – to the uses to be permitted.

Conclusions

4.794 In paragraph 4.798 I recommend that the housing and industrial elements of this site should be dealt with in separate policies. If I were to accept this objection the modification

would therefore be to ED5, although I have dealt with it here since it reflects the present policy wording. I agree with the Council that, given the good supply of sites more suitable for offices to meet Structure Plan requirements, this site should be reserved for manufacturing and related uses to ensure a range of provision across the District. The Council has already widened the uses which can be permitted over the limitation to Use Class B2 in policy E15 of the adopted Local Plan recognising the difficulties which have been experienced in developing the site. I do not consider, however, that these difficulties justify accepting office uses on the site.

RECOMMENDATION

4.795 Do not modify the Plan in response to this objection.

H14 - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0098 - Mr D Wilkinson

Issue The deletion of the industrial allocation.

Conclusions

4.796 I have dealt with this objection when considering objection DED0024 to ED5 in Chapter 5. My recommendation here reflects those findings.

RECOMMENDATION

4.797 Do not modify the Plan in response to this objection.

H14 - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0160 - GOSE

Additional Proposed Change 1

Issue The form and wording of the policy.

Conclusions

4.798 To be consistent with other recommendations, I must deal with this issue in some detail. As before I have relied on the advice on page 17 of CD46 about cross referencing in policies, and on page 15 about the relationship between policy and reasoned justification. In all there are 7 relevant policies and, bearing in mind that the Plan must be read as a whole, my recommendations are based on using them as follows:

H2 and ED5, replaced by ED1 as I recommend in Chapter 5, set out the primary uses, size and numbers.

H14 is the detailed site specific policy for housing and covers landscaping and other matters essential to the proper development of the site. There is no need to repeat the provisions of H2 or ED5, although the background should be set out in the text for clarity. However, since this is a mixed use policy with the whole site shown on the Proposals Map I have included the area for housing in H14.

H20 covers affordable housing.

ENV25(x) deals with the land adjoining to the south.

T5 deals with the Medway Light Railway requirements.

CF2 covers community contributions.

4.799 The Council has included all these apart from T5 but, following the advice in CD46, I have removed any reference between policies from H14, and restricted it to the text. The reasoned justification for H14 is very important in bringing together the strands of the Council's intentions reflected in the 7 policies which apply, but this will be muddled if they are also referred to in H14 itself. For clarity, each policy should be seen only to apply to its specific subject and area. As an example of the confusion caused, H14 refers to land to the south, not within the area shown for H14 on the Proposals Map, but covered by ENV25. I have also deleted justification from the policy itself.

4.800 Paragraph 4.113 of the Plan sets out the needs for landscaping but there must be full justification for the requirement of 20% of site area which is included in the policy but not the text. Similarly paragraph 4.116 discusses a "local recreational facility", but does not explain clearly what it is nor justify its provision. This paragraph also refers to the design of residential units to enable working from home, but this is not included in the policy. If it is the Council's intention to seek an element of this type of housing it should be included in the policy, with a full justification. At present I can find no other reference in the Plan to working from home, yet if the Council were to pursue the idea, possibly as far as appeal, it would be necessary to show evidence of need, and trace the policy back to the Plan's objectives. Any discussion of this should probably be in Chapter 5.

4.801 I note the additional proposed change, but I am not convinced that its reference to park and ride is clear enough to meet the advice on page 12 of CD46. If provision is to be made, it should be the subject of T17, even in the interim before the Medway Metro provision is made. This would be reasonably comparable in land ownership terms to the situation I heard about at both the Kent Garden Centre and Old Sittingbourne Road sites, and it would ensure a clear and

unambiguous planning policy. In addition, I have recommended in Chapter 5 that ED1 should set out the area of land for employment uses which would match the number of housing units set out in H2, and the Council may wish to consider further justification for ENV24(x).

RECOMMENDATIONS

4.802 A Delete H14 and replace it with:

“POLICY H14 HOUSING DEVELOPMENT WILL BE PERMITTED ON (add the area)HA WITHIN LAND AT LANGLEY PARK FARM WEST SHOWN ON THE PROPOSALS MAP IF:

- (1) A 10M WIDE AMENITY STRIP IS PROVIDED ON THE EASTERN BOUNDARY;**
- (2) A 20M WIDE AMENITY STRIP IS PROVIDED ON THE SOUTHERN BOUNDARY;**
- (3) (the total area of open space);**
- (4) (the “local recreational facility”); and**
- (5) (dwellings designed for working from home).”**

B Ensure that there is full justification in the text for (1) – (4), and justification for (5) elsewhere in the Plan; if there is not, the criteria should be deleted

C Ensure that the landscaping and other requirements in H14 are fully justified in the supporting text.

D Ensure that reference is made in the supporting text to the other relevant policies, but bearing in mind that the Plan is to be read as whole.

E Do not modify the Plan in accordance with Additional Proposed Change 1, but if a park and ride facility is to be sought, include it in T17, ensuring that it is fully justified in the relevant text.

F Consider the need for any further justification for ENV25(x).

H14 - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0660 - Langley Parish Council

Issue The need for the Leeds/Langley By-Pass and improvements to A274 before development takes place on this site.

Conclusions

4.803 The Parish Council has expressed this concern about the four housing sites proposed to the south-east of Maidstone, and I have dealt with the other three under H2(iii), H6 and H8. I have also considered the combined effect when dealing with objection DH0116 to the concentration of housing in the Parkwood area. As with the other sites, I do not consider that the additional traffic generated by this allocation is enough to justify its deletion, and I note that there is no objection from the County Council as highway authority.

RECOMMENDATION

4.804 Do not modify the Plan in response to this objection.

H14 and paragraph 4.113 - Langley Park Farm West, Boughton Monchelsea/Langley

Objection DH0138 - Chart Sutton Parish Council

Issue The need for woodland screening to the south.

Conclusions

4.805 I am satisfied that the Parish Council's concerns will be overcome by the provision of a 20m wide strip along the southern boundary of this site as part of H14, and the implementation of ENV25(x).

RECOMMENDATION

4.806 Do not modify the Plan in response to this objection.

H15 - Beaconsfield Road/Eccleston Road/Wharf Road, Tovil

Objection DH0034 - Fairlead Estates Ltd

Issue The inclusion of the Tovil Boatyard in the area covered by this policy.

Conclusions

4.807 Paragraph 5.38 of PPG13 says that “Authorities should consider the value of retaining boatyards used in connection with water-based recreation.” As a result this site is covered by T20 of this Plan which would not permit its redevelopment for other uses. I fully support T20, but I do not agree with the Council that the site should be excluded from the area covered by H15. Rather, it is my view that any incompatibility of housing and boatbuilding uses would be best overcome by including the site within H15, particularly as I have recommended below that a planning brief should be prepared. Including the site in this way does not alter the effect of T20 but, with all the other policies which apply to the site and the planning brief, it gives the Council the best chance of achieving high quality development on an important riverside site.

RECOMMENDATIONS

4.808 A Include the objection site within the area covered by H15.

B Ensure that the supporting text explains the effect of T20, and that the Council’s intentions for the objection site within the wider area are included in the planning brief which I recommend below.

H15 - Beaconsfield Road/Eccleston Road/Wharf Road, Tovil

Objections DH0069 - Meyer International
 CH0043 - British Telecommunications Plc
 CH0044 - English Heritage

Proposed Change 87

Issue The form and wording of the policy.

Conclusions

4.809 Although the first of these objections deals specifically with the need for the Plan to set out a clear mechanism to ensure an equitable distribution of highway costs and affordable housing, together they raise the wider issue of the form of the policy itself. I support the policy in principle for the reasons I give in dealing with the next objection, but I have several concerns about its content in relation to the supporting text, and the extent to which the text justifies some of the requirements. I have drawn on advice in CD46, on page 15 about the relationship between a policy and its reasoned justification, and on page 17 about cross referencing between policies.

4.810 The text should give more justification for the requirements to be met in developing the site, such as contaminated land and archaeological interest. Moreover, since most of the requirements are the subject of other policies they should not be cross-referenced in H15 itself, but in the text. There should also be a reference to three other policies: T20 to take account of

my previous recommendation; ENV9 since part of the site is included in the Riverside Zone of Special Townscape Importance; and new policy ENV56 to protect the floodplain, in response to objections from the Environment Agency. As I have recommended elsewhere, it is also important that the policy should not deal with administrative matters.

4.811 Given the complexity of land ownerships, phasing of the development seems inevitable and its implications must be dealt with in the policy, as the Council has done. In addition, I have recommended below that reference to compulsory purchase powers should be deleted from the policy. However, the Council's role in securing the development, including the use of CPO powers, will be vital and should be explained in the text. It is not necessary to include a policy reference to the requirements of the Environment Agency. All this is reflected in my recommended form of H15 below.

4.812 This still leaves the specific concerns of the first objection unresolved. Clearly, the distribution of the costs of development will be at the heart of the successful implementation of the policy. However, it is essentially a matter for implementation rather than a statement of policy in the Plan. The most effective way for the Council to deal with this is to prepare a development brief as these objectors suggest in their version of H15. The preparation of a brief would also enable the Council to deal in more detail with the implications of T20 and the boatyard, its related uses and their relationship with new housing; with ENV9, and its emphasis on design and the importance of the riverside; and with new policy ENV56 and the protection of the floodplain.

4.813 To comply with advice in paragraph 42 of PPG1, however, reference to a brief should be in the text not policy, and I have recommended accordingly. As the Council suggests, planning obligations could also be used to secure contributions, and they should be referred to in the text.

4.814 The first objectors' original representations included a suggestion that the site should be developed for mixed uses. This was not pursued in the later representations where a modified H15 solely for housing is suggested, and I have therefore not considered this part of the objection (MB/WS.12, paragraph 5.3).

RECOMMENDATIONS

4.815 A Delete H15 and replace it with:

"POLICY H15 HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND AT BEACONSFIELD ROAD, ECCLESTON ROAD AND WHARF ROAD, TOVIL AS SHOWN ON THE PROPOSALS MAP PROVIDED THAT ANY PHASING WHICH MAY BE NECESSARY DOES NOT PREJUDICE:

(1) THE PROVISION OF ANY OFF-SITE HIGHWAY WORKS WHICH MAY BE REQUIRED;

- (2) **THE RESIDENTIAL AMENITIES OF PEOPLE LIVING ON THE SITE BEFORE DEVELOPMENT IS COMPLETE;**
- (3) **THE PROVISION OF AFFORDABLE HOUSING.”**

B Include in the supporting text:

the Council’s intention to prepare a development brief to implement the policy, with particular reference to the need to share development costs between the sites within the policy area, and the implications of T20, ENV9 and new policy ENV56;

the Council’s role in implementing the policy, including the use of CPO powers and planning obligations;

a full justification for the requirements to be met in developing this site; and

reference to the other main policies which apply.

C Do not modify the Plan in accordance with Proposed Change 87.

H15 - Beaconsfield Road/Eccleston Road/Wharf Road, Tovil

Objection DH0191 - Ready Mixed Concrete (SE) Ltd

Issue The deletion of the policy.

Conclusions

4.816 I agree with the Council that this area is not a good location for industrial uses. Access to it is poor from the strategic road network and local access is on roads largely fronted by houses. There are also houses close to parts of the site. I acknowledge the value of their site to the objectors, but it is clear from what I heard at the inquiry that much of the area is already available for housing, and more may become so, subject to the availability of alternative sites.

4.817 I can appreciate the objectors’ concern that an alternative site will not be easy to find, but I do not agree that H15 is contrary to Government policy. Rather, I agree with the Council that the re-use of land within the built-up area is fully supported by policies for sustainable development.

4.818 H15 allows for phased development, and I can see no reason in principle why this should

not enable new housing to be built whilst the objectors' future is resolved. Much will depend on the implementation of the policy, and I have recommended that a development brief should be prepared to set this out in more detail.

RECOMMENDATION

4.819 Do not modify the Plan in response to this objection.

H15 - Beaconsfield Road/Eccleston Road/Wharf Road, Tovil

Objections	DH0228 - Ms C Morgan DH0617 - KEF Audio (UK) Limited DH0644 - Cartem Limited
Issue	The need to delete reference to compulsory purchase powers.

Conclusions

4.820 Compulsory purchase powers are available to local authorities under specific legislation and I do not accept that their proper use is authoritarian or undemocratic as Ms Morgan argues. Given the complexity of land ownership in this area, it seems only prudent to me that the Council should state its position on the use of compulsory purchase, and I support the reference in the text. It should also be referred to in the development brief which I have recommended should be prepared. However, I agree with the other objectors that it should not be included in the policy, since it is separate legislation and to do so would be contrary to advice in CD45 and CD46. I have already recommended that H15 be rewritten, and this recommendation reinforces that view.

RECOMMENDATION

4.821 Delete the final section of H15: "THE BOROUGH COUNCIL WILL ... WITHIN THE PLAN PERIOD"

H15 - Beaconsfield Road/Eccleston Road/Wharf Road, Tovil

Objection	DH0350 - Environment Agency
Issue	The need to protect the floodplain in any future development.

Conclusions

4.822 The Environment Agency's requirements can be dealt with through new policy ENV56 which I have recommended in Chapter 3, and which would protect floodplains generally. There

is therefore no need for a further policy reference here, but the matter should be dealt with in the text and in the development brief which I have recommended should be prepared.

RECOMMENDATION

4.823 Do not modify the Plan in response to this objection.

H15 - Beaconsfield Road/Eccleston Road/Wharf Road, Tovil

Objection DH0521 - Kent Chamber of Commerce & Industry

Issue The need to retain this area for employment uses.

Conclusions

4.824 This area is allocated for economic development in the adopted Local Plan, and I agree with the objectors that the proposed housing should not take place at the expense of job creating uses. However, policy ED2(a) of the Structure Plan allows poor quality or constrained sites to be replaced by better allocations and, from what I heard at various times in the inquiry, I am satisfied that this has happened in this case. (For example, see the Council's planning evidence to objections to ED2, paragraph 6.11, MBC/PR.119 etc.) This is not clear from the text supporting H15, and I have recommended accordingly.

RECOMMENDATION

4.825 Modify paragraphs 4.119 - 4.122 to make it clear that the previous economic development allocation of this area has been replaced by other allocations in this Plan.

Proposed New Policy H15A - Land at Lockmeadow, Hart Street

Objection CH0045 - English Heritage

Proposed Change 88

Issue The form and wording of the policy.

Conclusions

4.826 Although this objection relates solely to the archaeological reference in H15A, to be

consistent I must deal more widely with it as I did with H15. In fact, exactly the same criticisms apply here and, without repeating them, my recommendation is based on the arguments in paragraphs 4.809 – 4.815. The objection would be overcome if my recommendations are followed. In response to an objection from The Environment Agency to H20(xiii), I have also included a reference to the provisions of new policy ENV56

4.827 In addition H15A differs significantly from H15 since it applies within an area proposed for mixed development, also covered by ED10 which would allow Class B1 Business uses. There is also a reference to leisure uses in paragraph 4.123a of the proposed change, although the Plan does not indicate the Council's likely attitude to proposals for any other such uses. I have dealt with this in Chapter 5 in considering an objection to ED10, since the Plan places policies for mixed use schemes together there. However, my recommendation here should be read in conjunction with my concern that the policies should indicate the amount of, or at least the priority to be given to, each use. There should also be a cross reference in the text to ENV3 to protect the residential amenities of future residents within the overall scheme, not simply during its phased implementation.

RECOMMENDATIONS

4.828 A Delete H15A and, subject to my recommendation in Chapter 5 when dealing with objections to ED10, replace it with:

“POLICY H15A HOUSING DEVELOPMENT WILL BE PERMITTED ON LAND AT LOCKMEADOW, HART STREET, MAIDSTONE AS SHOWN ON THE PROPOSALS MAP PROVIDED THAT ANY PHASING WHICH MAY BE NECESSARY DOES NOT PREJUDICE:

- (1) THE PROVISION OF ANY OFF-SITE HIGHWAY WORKS WHICH MAY BE REQUIRED;**
- (2) THE RESIDENTIAL AMENITIES OF PEOPLE LIVING ON THE SITE BEFORE DEVELOPMENT IS COMPLETE;**
- (3) THE PROVISION OF AFFORDABLE HOUSING.”**

B Up-date the text in accordance with Proposed Change 88, but ensure that:

there is a reference to phasing;

all requirements are fully justified;

all policy cross references are made in the text not the policy and include ENV3, ENV9 and new policy ENV56; and

reference to compulsory purchase powers is in the text not the policy.

Proposed New Policy H15A and New Paragraph 4.123

Lockmeadow, Hart Street, Maidstone

Objection DH0271 - Tovil Parish Council

Issue The need for high quality development.

Conclusions

4.829 I am satisfied that the sensitive application to this scheme of the following policies will ensure a high quality of development, within the land-use planning terms to which the Plan is restricted: ENV3, ENV9 and ED10 as I have recommended that they be modified. I have dealt with affordable housing on this site in considering objection DH0274 to H20(xiii), but in principle I see no planning reason against it.

RECOMMENDATIONS

4.830 Do not modify the Plan in response to this objection.

H16 - Change of Use from Housing

Objection DH0146 - GOSE

Proposed Change 89

Issue The form and wording of the policy.

Conclusions

4.831 I agree with the deletion of “normally” under this proposed change, and this would overcome the objection. However, I see no need for the second part of the policy, in either its original form or as it is proposed to be changed, since it adds nothing the first part. If units can be replaced on site there is no loss and the policy does not bite. If units cannot be replaced, permission could be given if the provisos in the first part of the policy applied, or be refused if they did not. The second part of the policy does not help in either of these circumstances. Moreover, with the phrase “... Council will expect that ...” it is not worded as a policy.

RECOMMENDATIONS

4.832 A H16:

Delete: “NORMALLY” from line 1; and

“WHERE PRACTICAL ... ON SITE” from lines 5 and 6.

B Do not modify the Plan in accordance with Proposed Change 89.

H17 - Housing in the Town Centre

Objection DH0147 - GOSE

Proposed Change 90

Issue The need for the policy.

Conclusions

4.833 This objection would be overcome by the proposed change and I support it. However, I see no reason for the policy, which simply applies H16 to the town centre. Moreover, the second part is a statement of aims not of planning policy and should be deleted. It seems to me that the wish to enhance the town centre as a place to live could be added to paragraph 9.13 of the Plan where the aims and objectives for the Town Centre are set out.

RECOMMENDATIONS

4.834 A Delete H17.

B Place paragraph 4.125 immediately before H16.

C Add the objective of housing in the town centre to paragraph 9.13.

H19 - Backland or Tandem Development

Objection DH0097 - Bearsted Parish Council

Issue The need for a criterion to prevent an increase in density.

Conclusions

4.835 The Parish Council’s concern is that a rise in density would harm the amenities of people living in neighbouring houses. Criteria (1) and (3) already cover two of the most common problems of tandem development - loss of privacy and noise and disturbance from the access. Paragraph 4.127 also recognises that proposals can present a cramped appearance and although this is not included in the policy, it would be covered by ENV3 as it is proposed to be modified. Taken together I am satisfied that these policies are enough to enable the Council to deal with tandem development without the need for a further criterion.

RECOMMENDATION

4.836 Do not modify the Plan in response to this objection.

H19 - Backland or Tandem Development

Objection DH0148 - GOSE

Proposed Change 92

Issue The need to delete “normally” from the policy.

Conclusions

4.837 I agree with the proposed change which overcomes this objection and removes ambiguity from the policy.

RECOMMENDATION

4.838 Modify the Plan in accordance with Proposed Change 92.

H19 - Backland or Tandem Development

Objection DH0316 - Bearsted Amenity Society

Issue The need for a policy to prevent unacceptable density increases when small sites are redeveloped.

Conclusions

4.839 This objection is aimed more at “town cramming” rather than tandem development, and I agree with the Council that the application of ENV3 as it is proposed to be modified is sufficient

to deal with the Society's concerns.

RECOMMENDATION

4.840 Do not modify the Plan in response to this objection.

H19 - Backland or Tandem Development

Objection DH0631 - Garden of England Retirement Villages

Issue The need for an additional criterion to make provision for bungalows for the elderly.

Conclusions

4.841 I have seen no evidence that there is specific need for bungalows for the elderly, but in any case making provision for a specific type of housing would be contrary to Government guidance about the role of the development plan and housing mix in paragraph 6 of PPG3.

RECOMMENDATION

4.842 Do not modify the Plan in response to this objection.

Paragraph 4.129 - Affordable Housing

Objection DH0272 - Tovil Parish Council

Issue The need for a reference to lower densities where appropriate.

Conclusions

4.843 This section of the Plan deals with affordable housing whilst density is a matter to be considered on all housing sites under other policies, for example ENV3 as I have recommended that it be modified. In any case the reference to the Structure Plan in this paragraph includes the provision of a range of housing.

RECOMMENDATION

4.844 Do not modify the Plan in response to this objection.

Paragraph 4.133 - Affordable Housing

Objection CH0061 - Tovil Parish Council

Issue Whether there is a need for 25% affordable housing in Tovil.

Conclusions

4.845 I have recommended that the 25% provision of affordable housing should be deleted because, contrary to Government guidance, it is a uniform quota, and does not take account of the variation in site and market conditions which apply. I have seen no evidence to support the Parish Council's claim that Tovil does not need 25% affordable housing, but the reconsideration of the figures in H20 which I recommend will enable the Borough Council to take this argument into account on a site-by-site basis.

RECOMMENDATION

4.846 Do not modify the Plan in response to this objection, but see my recommendations in paragraph 4.854.

H20 - Affordable Housing: Land between George Street and Railway, Staplehurst

Objection DH0038 - Vista Properties Ltd

Issue The provision of affordable housing on this site.

Conclusions

4.847 In paragraph 4.621 I recommend that this site should not be allocated for housing under H2. My recommendation here reflects those findings.

RECOMMENDATION

4.848 Do not modify the Plan in response to this objection.

H20 - Affordable Housing

Objections

DH0046 - British Telecommunications PLC
DH0030 - Redrow Homes (South East) Limited

DH0108 - Charles Church Developments Ltd
DH0164 - GOSE

DH0202 - Bryant Homes Technical Services Ltd
DH0211 - David Wilson Homes
DH0311 - George Wimpey Plc
DH0534 - Taywood Homes Ltd/Beazer Homes
DH0544 - Wards Construction (Medway) Ltd
DH0583 - Railtrack Property
DH0594 - Bryant Homes Technical Services Ltd

DH0604 - David Wilson Homes
DH0615 - Mr J I Lee
DH0618 - KEF Audio (UK) Limited
DH0645 - Cartem Limited
CH0004 - GOSE
CH0037 - Railtrack Property

Proposed Change 93

Additional Proposed Change 3

Issue Whether the policy conforms to Government guidance.

Conclusions

4.849 I note the argument of many of the objectors that this policy is too prescriptive. However, it seems to me that, with the proposed changes, it meets the detailed advice in paragraph 9 of Circular 6/98 in many respects. Most important, the Council is able to demonstrate a lack of affordable housing following a housing needs survey. Then paragraph 4.128 of the plan defines affordable housing to include both low-cost market and subsidised housing, in accordance with paragraph 9(a) of the Circular. Paragraph 4.130 indicates the number of affordable homes which are needed in the Borough, whilst the policy sets indicative targets for sites, both of which are in accordance with paragraph 9(b) of the Circular. H20(2) is supported in principle by paragraph 13 of the Circular, although I deal with the 25% figure below. H20(3) closely reflects the advice in paragraph 9(c) of the Circular, although again I deal with this below. Finally, with the Additional Proposed Change, the policy would apply to the size of site set out in the Circular.

4.850 There are three ways, however, in which the advice in the Circular is not followed. First, the Plan should indicate the Council's intention to negotiate with developers to achieve affordable housing, in accordance with paragraph 9(b) of Circular 6/98. Second, the supporting text should deal with the means of securing affordable housing, in the light of advice in paragraphs 15 - 24 of the Circular, particularly paragraph 18.

4.851 Third, and most important, there is no support for the Council's decision to seek a uniform 25% of affordable housing on the identified or unidentified sites. Whilst I note the Council's argument about this figure in relation to the size of need in the Borough, this approach is directly in conflict with paragraph 39 of PPG3. It is clear from this advice that uniform quotas are unacceptable because of the varying market or site conditions which can apply, and which must be taken into account in determining the number of affordable units which a site should provide. The advice on page 11 of CD46 emphasises that policies should reflect Government guidelines unless there are clear local circumstances to the contrary. I have seen no such circumstances in this case beyond the need for affordable housing, and there is no evidence

before me to show that this is worse than other parts of the country. Moreover, the argument against a uniform quota arises because of differences on a site-by-site basis, and it is difficult to see how a general case could be made in these circumstances.

4.852 I have made recommendations to overcome these problems based on the advice on pages 78 and 79 of CD46. Although H20(3) is supported in principle in Circular 6/98, footnote 6 on page 3 says that the matters which it covers are also relevant to the provision of general market housing. For this reason I have recommended that the Council should add to the Plan separate policies for each of the topics in H20(3) which should also set out criteria to ensure that proposals are acceptable.

4.853 It will also be necessary to modify H20(1) to reflect my recommendations to delete some H2 allocations and add others. In passing I can see no logic in including affordable units from development at Beaconsfield Road if the rest of the development cannot be included in land availability figures, although I support the provision of affordable housing on this site in principle. Provision at Hart Street shown as H20(xv) on Additional Proposed Change 3 is acceptable in principle, however, since I have agreed that 84 units should be included in the overall housing provision figure.

RECOMMENDATIONS

- 4.854 A Delete H20 and replace it with a policy based on 5.6.2 on page 79 of CD46, incorporating the size criteria in Additional Proposed Change 3.**
- B Delete any reference to 25% from the supporting text, and rewrite as reasoned justification to the policy recommended above.**
- C Delete from H20(1) in Additional Proposed Change 3:**
- (iii) Furfield Quarry; (v) Westfield Sole Road; and (xii) Beaconsfield Road.**
- D Add to H20(1) sites at:**
- Hook Lane, Harrietsham; Oliver Road, Staplehurst; and in Maidstone, land east of Hermitage Lane, Bridge Nursery, Old Sittingbourne Road, Hayle Place and west of Royal Engineers Road.**
- E Reconsider the figures in H20(1) on the basis of the market and site conditions which apply to each site, and include these figures in the new policy.**
- F Replace H20(3) with separate policies with criteria against which applications would be considered.**

-
- G Include in the supporting text justification for the means of securing affordable housing, set out in 5.6.2 of CD46.**
-

H20 - Affordable Housing

Objection DH0178 - CPRE

Issue Whether affordable housing provision will increase housing numbers.

Conclusions

4.855 I am satisfied that affordable housing provided under H20 will be part of the overall provision for the Borough. As the Council argues, however, provision under H30 in rural areas would be in addition to this figure in accordance with advice in paragraph 2, Annex A of PPG3. However, this will be made an exception to normal housing policies, and is likely to be very small.

RECOMMENDATION

4.856 Do not modify the Plan in response to this objection.

H20 - Affordable Housing

Objection DH0190 - McCarthy & Stone (Developments)

Issue The application of this policy to sheltered housing.

Conclusions

4.857 It is clear from footnote 2 on page 1 of Circular 6/98 that affordable housing policies apply in principle to sheltered housing. I note the objectors' concerns about the practical difficulties which this causes, but it is also clear that policies in the development plan should reflect Government guidance, see for example the advice on page 11 of CD46. To my mind this also overrides the principle of the objectors' argument at the inquiry that, because sheltered housing is already meeting a recognised housing need, the additional provision of affordable housing is inequitable.

4.858 In paragraph 4.854 I recommend modifications to H20, to remove the uniform quota of 25% and replace it with an assessment for each site based on site and market considerations.

This approach will apply to unidentified sites, and will be applied to any future sheltered housing site to which the policy applies. I have no doubt that this is fully in accordance with Government guidance and, despite the argument that there may be conflict with the emphasis on small households in policy H3 of the Structure Plan, I heard nothing at the inquiry to convince me that there are local circumstances to indicate that this guidance should not be followed in the Borough.

RECOMMENDATION

4.859 Do not modify the Plan in response to this objection.

H20(ii) - Affordable Housing: North of Sutton Road

Objection DH0030 - Redrow Homes (South East) Ltd

Issue The need for greater flexibility in the wording of the policy to reflect Government guidance.

Conclusions

4.860 I have dealt with this case as an objection to H20 since it is that policy which it seeks to modify.

RECOMMENDATION

4.861 See my recommendation in paragraph 4.854.

H20(iii) Affordable Housing: Furfield Quarry

Objection DH0229 - Ms C Morgan

Issue The deletion of this policy.

Conclusions

4.862 In paragraph 4.153 I have recommended that this site should be deleted from H2 and, as a result, that this policy should also be deleted.

RECOMMENDATION

4.863 Do not modify the Plan in response to this objection, but see my recommendation to delete H20(iii) in paragraph 4.153.

H20(v) - Affordable Housing: Westfield Sole Road

Objection DH0230 - Ms C Morgan

Issue The deletion of this policy.

Conclusions

4.864 In paragraph 4.183 I have recommended that this site should be deleted from H2 and, as a result, from this policy as well.

RECOMMENDATION

4.865 Do not modify the Plan in response to this objection, but see my recommendation to delete H20(v) in paragraph 4.183.

H20(ix) - Affordable Housing: Castle Road, Allington

Objection DH0231 - Ms C Morgan

Issue The deletion of this policy.

Conclusions

4.866 In paragraph 4.218 I did not accept Ms Morgan's argument that this site should be deleted from H2 since a substantial amount of development has already taken place. For the same reason I do not accept this objection.

RECOMMENDATION

4.867 Do not modify the Plan in response to this objection.

H20(xii) - Affordable Housing: Beaconsfield Road/Eccleston Road/Wharf Road

Objection DH0035 - Fairlead Estates Ltd

Issue The inclusion of Tovil Boatyard within the area covered by this policy.

Conclusions

4.868 I have recommended that the Boatyard should be included within the area covered by H15 in paragraph 4.808. The site will therefore be subject to H20(xii).

RECOMMENDATION

4.869 Do not modify the Plan in response to this objection, but see my recommendation in paragraph 4.808.

H20(xii) - Affordable Housing: Beaconsfield Road/Eccleston Road/Wharf Road

Objection DH0070 - Meyer International

Proposed Change 87

Issue The need to ensure that the burden of providing affordable housing should not fall on one land owner within this site.

Conclusions

4.870 I agree with this objection, and have dealt with it in considering H15.

RECOMMENDATION

4.871 Do not modify the Plan in response to this objection, but see paragraph 4.815.

H20(xii) - Affordable Housing: Beaconsfield Road/Eccleston Road/Wharf Road

Objection DH0273 - Tovil Parish Council

Issue The reduction in affordable housing from 40 to 16 units.

Conclusions

4.872 I have seen no evidence to support this reduction, but in paragraph 4.854 I recommend that the Council reconsider the number of units for each site covered by this policy to ensure that it meets Government guidelines by taking site and market conditions into account.

RECOMMENDATION

4.873 Do not modify the Plan in response to this objection.

H20(xii) - Affordable Housing: Beaconsfield Road/Eccleston Road/Wharf Road

Objection DH0351 - Environment Agency

Issue The need to ensure that no houses are built within the floodplain.

Conclusions

4.874 I have dealt with this in paragraph 4.812 when considering objections to H15.

RECOMMENDATION**4.875 Do not modify the Plan in response to this objection.**

H20(xiii) - Affordable Housing: Lockmeadow

Objection DH0274 - Tovil Parish Council

Issue The need to delete this part of the policy.

Conclusions

4.876 I am satisfied that high quality development can be achieved for this area through the application of policies H15A, ENV9 and ED10. I see no conflict in principle with the provision of affordable housing and quality, particularly as I have recommended in paragraph 4.854 that the Council should consider the number of affordable units on the basis of site and market conditions.

RECOMMENDATION**4.877 Do not modify the Plan in response to this objection.**

H20(xiii) - Affordable Housing: Lockmeadow

Objection DH0352 - Environment Agency

Issue The need to exclude from the site land within the floodplain.

Conclusions

4.878 I have dealt with this objection in considering new policy H15A for this area.

RECOMMENDATION

4.879 Do not modify the Plan in response to this objection, but see paragraph 4.828.

H20(2) - Affordable Housing

Objection DH0275 - Tovil Parish Council

Issue The need to reduce the provision within Tovil from 25% to 10%.

Conclusions

4.880 I have dealt with this objection in paragraph 4.846.

RECOMMENDATION

4.881 Do not modify the Plan in response to this objection.

H21 - Provision for Small Households**Objections**

DH0020 - Harrietsham Parish Council
 DH0028 - Redrow Homes (South East) Ltd
 DH0109 - Charles Church Developments Ltd
 DH0129 - The House Builders Federation
 DH0165 - GOSE
 DH0203 - Bryant Homes Technical Services Ltd
 DH0212 - David Wilson Homes
 DH0232 - Ms C Morgan
 DH0276 - Tovil Parish Council
 DH0312 - George Wimpey Plc
 DH0536 - Taywood Homes Ltd/Beazer Homes

DH0545 - Wards Construction (Medway) Ltd
 DH0567 - Crofton Place Developments Ltd
 DH0574 - The Trustees of the Warbleton Charity
 DH0584 - Railtrack Property
 DH0595 - Bryant Homes Technical Services Ltd
 DH0605 - David Wilson Homes
 DH0616 - Mr J I Lee
 DH0648 - South Thames Regional Office of the 93
 Executive

Proposed Changes 94 and 96

Issue Whether the policy is justified by Government guidance.

Conclusions

4.882 I acknowledge the provisions of policy H7(i) of the Structure Plan but neither it, nor any Government guidance, support the level of detail and prescription in this policy. Indeed, I note the advice in paragraph 6 of PPG3 that that local planning authorities "... should regulate the mix of house types only where there are specific planning reasons for such control, and in doing so they should take into account marketing considerations.". I therefore support the proposed changes which, by deleting H21 and paragraph 4.135, overcome these objections.

4.883 It follows that I do not support Ms Morgan's objection which would retain the policy but with different size criteria.

RECOMMENDATION

4.884 Modify the Plan in accordance with Proposed Changes 94 and 96.

H22 - Mobility Housing

Objections DH0233 - Ms C Morgan
DH0560 - Disabled Persons Liaison Committee

Issue The need for a planning policy to ensure the provision of housing capable of meeting special needs, including those of disabled people.

Conclusions

4.885 These objectors differ on the detail of the re-wording of this policy, but the essential issue is the role of the Plan in meeting special housing needs. As the Council pointed out at the inquiry, Government guidance is clear from paragraph 7 of PPPG3:

"Developers should already be considering whether the internal design of housing, and access to it, can meet the needs of the disabled, whether as residents or visitors. To the extent that regulation is justified the Government looks to the Building Regulations and not the planning system to impose it. where there is clear evidence of local needs, a local planning authority could include in a local plan a policy indicating that it would seek to negotiate elements of housing, accessible to the disabled, on suitable sites. [suitable sites] would normally be located close to shops and public transport, and be in

an area of level ground. The Plan should not seek to impose detailed standards.”

4.886 The relevant part of the Building Regulations, Part M, does not yet apply to housing, but on 9 March 1998 the Government announced its intention to extend the provisions to new housing. These circumstances combine to limit the role of the Plan. Certainly, there is no support in Government guidance for the detailed levels of provision sought by these objectors, and indeed a policy can only be considered where there is evidence of a local need which I have not seen, and which is not expressed in paragraph 4.136 of the Plan. There is also a limitation placed on the location of suitable sites. To be effective, any policy in the Plan, even one which seeks to negotiate, must be robust enough to stand up to the test of a planning appeal. At that stage the support of Government guidance, and clear evidence of need, will be essential even to the Council’s decision to refuse permission and face an appeal. In this context, I note the Council’s lack of success in implementing a similar policy in the adopted Plan.

4.887 My recommendations on these objections do not indicate a lack of sympathy to the cases which have been made, but rather reflect the circumstances which I have discussed and the limits which they place on the role of local plans in this matter. I have also recommended the use of the phrase “disabled people” which the objectors prefer to “the disabled”.

RECOMMENDATIONS

4.888 A Delete paragraph 4.136 and H22, and replace them with a policy and reasoned justification more closely based on advice in paragraph 7 of PPG3, in particular applying it where:

there is clear evidence of local need, which should itself be defined and justified in the text; and

on suitably located sites, again defined in the text.

B Replace any reference to “the disabled” with “disabled people.”

H22 - Mobility Housing

Objections DH0634 - Garden of England Retirement Villages

Issue The need for criteria dealing with details of door width and the strength of bathroom ceilings.

Conclusions

4.889 Whilst these may be sensible practical requirements, they are clearly detailed matters of construction which have no place in a planning policy.

RECOMMENDATION**4.890 Do not modify the Plan in response to this objection.**

H23 - Sheltered Accommodation

Objection DH0142 - GOSE

Proposed Change 97

Issue The wording of the policy.

Conclusions

4.891 The proposed change overcomes this objection and I support it since H23 in its original form was not worded as a planning policy.

RECOMMENDATION**4.892 Modify the Plan in accordance with Proposed Change 97.**

H23 - Sheltered Accommodation

Objection DH0632 - Garden of England Retirement Villages

Issue Whether additional criteria should be added (a) to allow sheltered housing close to a village boundary or ribbon development; and (b) to give a policy preference to local elderly people.

Conclusions

4.893 I agree with the Council that (a) is unacceptable since it would allow housing in areas where housing would not normally be permitted. There is no general justification for making exceptions to planning policies for sheltered housing. I also agree with the Council that (b) would impose an unacceptable occupancy restriction which would be contrary to Government guidance, for example in paragraph 40 of PPG3. If there is a local case for exceptions in rural areas, proposals can be considered under the advice in Annex A of the PPG and H30 of the Local Plan.

RECOMMENDATION**4.894 Do not modify the Plan in response to this objection.**

H24 - Nursing Homes

Objection DH0633 - Garden of England Retirement Villages

Issue The need for an additional criterion to give sympathetic consideration to schemes combining a nursing home and bungalows on the same site.

Conclusions

4.895 Dealing first with practical matters, H24 sets out the criteria against which the Council will consider proposals for nursing homes. The objectors' proposal is not such a criterion and to my mind would require a new policy. However, there is no evidence to support a general stance of sympathetic consideration to combining a nursing home and bungalows. Rather, I have no doubt that this type of development, like many others, should be considered on its own merits against the policies of the Plan when applications are made.

RECOMMENDATION**4.896 Do not modify the Plan in response to this objection.**

H26 - Multiple Occupation

Objections DH0143 - GOSE
CH0001 - GOSE

Proposed Change 99**Proposed Further Change 8**

Issue The form and wording of the policy.

Conclusions

4.897 Even with the proposed further change the wording of this policy is unacceptable since "will seek to ensure" is not a clear statement of planning policy. However, policy 5.5.1 on page 77 of CD46 provides a good example of the form the policy might take, and I have recommended accordingly.

RECOMMENDATIONS

- 4.898 A Delete H26 and replace it with a policy based on policy 5.5.1 on page 77 of CD46, with the necessary supporting text also discussed in CD46.**
- B Do not modify the Plan in accordance with either Proposed Change 99 or Proposed Further Change 8.**
-

H27 - Rural Settlements: Boughton Monchelsea

Objection DH0338 - Countryside Residential Plc

Issue The removal of Boughton Monchelsea from H27 so that it is no longer restricted to minor development.

Conclusions

4.899 In paragraph 4.303 when dealing with a related objection, I concluded that Boughton Monchelsea was not a settlement where new housing would meet the aim set out in PPG13 of reducing the need to travel especially by car. My recommendation here reflects that finding.

RECOMMENDATION

4.900 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Boughton Monchelsea

Objection DH0339 - Countryside Residential Plc

Issue The revision of the Village Boundary to include land south of Haste Hill.

Conclusions

4.901 In paragraph 4.312 I concluded that this land should not be allocated for housing, and my recommendation here reflects that finding.

RECOMMENDATION

4.902 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Boughton Monchelsea

Objection DH0341 - Countryside Residential Plc

Issue The inclusion of the site of Cornwallis School within the Village Boundary.

Conclusions

4.903 I found on my visits to the area that the school buildings on this site are clearly separated from the defined built-up area by playing fields. This gap is narrower to the north where the objectors suggest that the boundary should be drawn. However, this area still has a wholly different character and appearance from the adjoining residential area, reflecting its institutional use set amidst playing fields. I therefore do not agree that the site is related in this sense to Boughton Monchelsea as the objectors argue, and I have recommended accordingly.

RECOMMENDATION

4.904 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Boughton Monchelsea

Objection DH0580 - T Cook

Issue The deletion of the village from H27 to allow modest expansion.

Conclusions

4.905 In paragraph 4.331, when dealing with a related objection, I concluded that Boughton Monchelsea is not a settlement where new housing would meet the aim of PPG13 of reducing the need to travel especially by car. My recommendation here reflects those these findings.

RECOMMENDATION

4.906 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Chart Sutton

A Land south of Plough Wents Road**B Land between Plough Wents Road and Warmlake Road**

Objection	DH0551 - Mr K Whibley
Issues	<ul style="list-style-type: none"> (a) Whether Chart Sutton has a role to play in the Plan's housing location strategy by increasing the choice of location. (b) Whether housing on these sites would: <ul style="list-style-type: none"> (i) be contrary to the aim of reducing the need to travel set out in PPG13; or (ii) harm the character and appearance of the area. (c) Whether any harm which may be identified would be overridden by the need to meet Structure Plan housing requirements.

Conclusions

4.907 These sites lie at either end of Chart Sutton, and together they have a capacity of 120 units. The objector confirmed at the inquiry that they can be considered separately or together. If I support this objection it was also agreed that H20 would apply to ensure the provision of affordable housing and that Chart Sutton would be subject to H28, rather than H27.

4.908 On issue (a), I have considered the Plan's housing location strategy in detail in paragraphs 4.67 –4.72. Recognising the emphasis on housing choice in both national and Structure Plan policies, I have recommended that the potential of the small rural towns should be acknowledged. However, I support the Plan's approach to the smaller villages such as Chart Sutton because of conflict with the aims of PPG13 which I consider in the next issue. I therefore conclude that Chart Sutton's role in the housing location strategy is correctly defined in the Plan by the application of H27.

4.909 Turning to the first part of issue (b), I have concluded in paragraph 4.364 that new housing at Chart Sutton would be contrary to the aim of reducing the need to travel, especially by car, which is set out in PPG13. Without repeating them, exactly the same arguments apply in this case, and my conclusion is the same.

4.910 Dealing with the second part of issue (b), site A is a flat open field which I found on my visits to the area to be part of Chart Sutton's rural setting since it shares the undeveloped character and appearance of the land around it, rather than the more built-up character of the village. I have no doubt that housing on this site would be seen to extend the village into its

setting. Similarly, site B is part of the village setting since it too shares the rural character and appearance of the surrounding fields. Again, housing here would be seen as an urban extension into the rural setting of the village. I therefore conclude that housing on either site would materially harm the character and appearance of the area.

4.911 Finally on issue (c), I found in paragraph 4.238 that there is a need for a further 940 units to meet the Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet his need. However, I have no doubt that the harm which I have found in considering the other issues outweighs housing need in this case. I therefore conclude that housing is not justified on either or both of these sites.

RECOMMENDATION

4.912 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Marshalls Cottage, Amber Lane Chart Sutton

Objection DH0557 - Berkeley Homes (Kent) Ltd

Issue The redefinition of the Village Boundary to follow the boundary of the houses recently built on this site.

Conclusions

4.913 Village boundaries are defined in the Plan to distinguish between the areas to which different policies apply, in this case H27 which limits development within villages, and ENV29 which seeks to protect the countryside. The boundary, therefore, should define areas with similar characteristics, rather than necessarily follow property boundaries. I saw on my visit that the back gardens of the recent houses, whilst clearly within a residential curtilage, have an open character and appearance in common with the open field which adjoins to the north. In this case, therefore, I consider that the boundary is correctly drawn since, as the Council argues, it distinguishes between the built-up part of the village and its open, undeveloped setting.

4.914 The defined Village Boundary runs very close to the rear elevation of the houses and, as an alternative, the objectors seek a minor revision of the boundary to include some of the back garden. This boundary was shown on the Deposit Draft version of the adopted Borough Local Plan, and the Council says that it was amended to the present line when improved mapping became possible. The objectors point out that there is no physical boundary on the proposed line but, since it is already part of the adopted Local Plan, I can see no reason to recommend a modification now.

4.915 I note the consideration given to this site by my colleague at the previous local plan

inquiry, but I have dealt with this matter on the basis of the objection before me and the circumstances which now prevail.

RECOMMENDATION

4.916 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Detling

Objection	DH0036 - Temple Estates Ltd
Issue	The extension of the Village Boundary to the south up to the line of the Channel Tunnel Rail Link (CTRL).

Conclusions

4.917 The objectors argue that the narrow area of land which will remain between the present Village Boundary and the CTRL will be blighted and should be included within the boundary to allow small scale residential development. I found that this part of the Village Boundary is strongly defined by a mature hedge which clearly distinguishes Detling from its countryside setting. Even with the M20 further to the south, housing in this area would be seen as a clear and intrusive extension of the village into the countryside which, I note, is within the North Downs AONB and SLA. This setting may well change with the construction of the CTRL. However, I agree with the Council that any proposals for this area should be considered in the light of that change, and by the application then of policies in the Plan, rather than by the extension of the Boundary into the present countryside setting of the village.

RECOMMENDATION

4.918 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Headcorn

Objection	DH0007 - Mr P & Mrs J Smith
Issue	The inclusion of <i>The Barn</i> , Millbank within the village boundary.

Conclusions

4.919 Village boundaries are defined in the Plan to distinguish between the areas to which different policies apply, in this case H27 which limits development within villages, and ENV29

which seeks to protect the countryside.

4.920 On my visit I found that, although it is clearly a residential curtilage, the objection site has little in common with the houses to the south which are within the village boundary. A large part of the site is open garden, and even the buildings, a converted barn and a later garage, have a rural character and appearance. To this extent I agree with the Council that they have more in common with the surrounding countryside than with the village, and I have recommended accordingly. I note the findings of a colleague who determined an appeal on the site. However, I have dealt with this case as a matter of policy, and not, as he was bound to do, as the consideration of a particular proposal.

RECOMMENDATION

4.921 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Headcorn

Objection DH0039 - C Foreman & Sons (Holdings) Ltd

Issue Whether land at the rear of *The Foreman's Centre* should be included within the village boundary and be allocated for car parking.

Conclusions

4.922 The objection site is part of a larger area of open land which lies between the rear boundaries of properties fronting High Street and the railway line. From my visits to the area it seems to me that the site is part of the countryside setting of Headcorn and, although not prominent, it can be seen as such from the open land to the west. The site, therefore, has more in common with the surrounding countryside than the built form of the village, and in my view it should remain outside the village boundary.

4.923 I note that in 1991 the Council was prepared to grant planning permission for affordable housing on the site. However, this could still be achieved under policy H30 which allows for such housing as an exception to the strict control of development in the countryside, and does not require the site to be within a village boundary. Moreover, it seems to me that the use of the land for parking is a matter for development control, applying the policies in the Plan to any application which might be made.

RECOMMENDATION

4.924 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Land on the Western Side of Kingswood

Objection DH0008 - Venture Property Services Ltd

Issues Whether housing on this land would:

- (a) be contrary to the aim of reducing the need to travel set out in PPG13; or
- (b) harm the character and appearance of the area; and if so
- (c) whether either the need to meet the Structure Plan housing requirements or any benefits from the proposal override any harm which might be identified.

Conclusions

4.925 This objection is seeking an allocation of land for housing under H2, and the consequent changes to the text and H27 and H28. From what I heard at the inquiry, I am not convinced that the whole of this site is genuinely available as defined in PPG3, but I have dealt with the objection on the basis on which it has been made. I can see no planning justification to support the objectors' suggested density of 15dph, and I therefore prefer the Plan's standard approach of 25dph. On this basis, the land could have a capacity of about 100 dwellings.

4.926 Dealing with issue (a), I have concluded in paragraph 4.450 that the location of housing in Kingswood would be contrary to the aim in PPG13 of reducing the need to travel, especially by car. Without repeating them, exactly the same arguments apply here. In addition, I am not convinced by the present objectors' arguments about the need to complete the unfinished nature of the village. I acknowledge the advice in PPG7 about the benefits of new housing in villages, but in this instance I have no doubt that they are outweighed by the aims of PPG13. Similarly, I consider that these aims outweigh the benefit argued for this proposal by the objectors that the land is not in agricultural use. On this issue, therefore, I conclude that housing on this site would be contrary to the aim in PPG13 of reducing the need to travel, especially by car.

4.927 Turning to issue (b), the objection land consists of back gardens and a scatter of dwellings on relatively large sites. These houses front a narrow country lane, and I found on my visits to the site that the area has a rural character and appearance in marked contrast to the built-up part of the village. I have no doubt that new housing, even at the lower density suggested by the objectors, would bring an urban character to the area, wholly at odds with its present character, and extending the village into its more rural surroundings. I agree with the Council that the apparent lack of use of some of the area does not justify its development.

4.928 I note the argument that the development boundary to this part of Kingswood is arbitrary since it does not follow a defined boundary, unlike the objectors' suggested use of the edge of the adjoining woodland. However, the purpose of the boundary is to distinguish areas to which different policies apply, in this case H27 and development within the village, and ENV29 and the protection of the countryside. Since the objection land has more in common with the character of the adjoining countryside than the village I have no doubt that it should be subject to the same policy.

4.929 On this issue, therefore, I conclude that housing on this site would materially harm the character and appearance of the area.

4.930 Turning finally to issue (c), I found in paragraph 4.238 that there is a need for an additional 940 units to meet Structure Plan housing requirements. Moreover, I accept in paragraph 4.700 that I have been unable to recommend enough sites to meet his need. In this case, however, I have no doubt that this does not override the serious harm that I have found in considering the first two issues. I therefore conclude that housing is not justified on this site.

RECOMMENDATION

4.931 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Leeds

Objection DH0547 - Hollingbourne Property Service

Issue The revision of the Village Boundary to include land at The Square.

Conclusions

4.932 Village boundaries are defined in the Plan to distinguish between the areas to which different policies apply, in this case H27 which limits development within villages, and ENV29 which seeks to protect the countryside. It is therefore important that the boundary should define land with similar characteristics, rather than necessarily follow property boundaries. In this case, I found on my site visit that the objection land, whilst clearly within a residential curtilage, shares the openness of the adjoining farmland in contrast to the buildings on the rest of the objectors' land which are rightly included within the Village Boundary. For the same reason I support the definition of the boundary on the recent housing site which adjoins, and which includes the houses within the boundary, but excludes their gardens. Since these gardens are open, I do not accept objectors' argument that these houses have changed the circumstances of the site since the adoption of the previous Local Plan.

RECOMMENDATION

4.933 Do not modify the Plan in response to this objection.

H27 - Rural Settlements: Lenham

Objection DH0186 - Dr R Marson

Issue The inclusion of land at Grove House within the Village Boundary.

Conclusions

4.934 This recommendation reflects my findings in paragraph 4.477 that this site is part of Lenham's rural setting and should not, therefore, be allocated for housing.

RECOMMENDATION**4.935 Do not modify the Plan in response to this objection.**

H27 - Rural Settlements: Sutton Valence

Objection DH0555 - Mr R M R Ashby

Issue The revision of the Village Boundary to include land at Manor Farm.

Conclusions

4.936 Village boundaries are defined in the Plan to distinguish between the areas to which different policies apply, H27 which limits development within villages, and ENV29 which seeks to protect the countryside. It is therefore important that the boundary should define land with similar characteristics, rather than necessarily follow property boundaries. In this case, I found on my visits to the area that the objection land, which is largely open, has a wholly rural character and appearance in keeping with the farmland to the west, and in marked contrast to the built-up part of the village, including Manor Farm buildings, to the south and east. It seems to me therefore that the Village Boundary has been correctly defined in this area.

4.937 I disagree with the objectors that the application of ENV13 to the site, which is within a Conservation Area, indicates that further development might take place. I have recommended that this policy should be modified for other reasons, but in any case the Plan must be read as a whole, and it is clear that ENV29 would apply to restrict development and protect the countryside. ENV13, or its successor, would only apply where development is acceptable in the light of other policies such as H27, if the site is within the village boundary, or ENV29 if not.

RECOMMENDATION**4.938 Do not modify the Plan in response to this objection.**

H27 - Rural Settlements: Yalding

Objection DH0120 - Banner Homes Ltd

Issue The need to delete Yalding from this policy, because of its size and the range of services available.

Conclusions

4.939 I have dealt with a related objection for housing on a site off Blunden Lane, Yalding in paragraph 4.683. This recommendation reflects my findings that Yalding does not have enough shops or other services to accord with advice in PPG13 about the location of new development. For the same reasons, I consider that the village should remain the subject of H27.

RECOMMENDATION**4.940 Do not modify the Plan in response to this objection.**

H27 - Rural Settlements: Yalding

Objection DH0121 - Banner Homes Ltd

Issue The inclusion of land off Blunden Lane within the Village Boundary.

Conclusions

4.941 This recommendation reflects my findings in paragraph 4.683 that this site should not be allocated for housing.

RECOMMENDATION**4.942 Do not modify the Plan in response to this objection.**

H27 - Rural Settlements

Objection DH0635 - Garden of England Retirement Villages

Issue	The need to make provision for housing for the elderly as an exception to the minor development allowed under this policy.
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Conclusions

4.943 There is no support in Government guidance for a general exception to be made to the normal restraint policies in the countryside for dwellings for people of retirement age. Moreover, there is no evidence that any such needs in Maidstone will not be met within the urban areas, and by the application of normal housing policies. I agree with the Council that any exceptions which are justified in the countryside can be made under H30.

RECOMMENDATION

4.944 Do not modify the Plan in response to this objection.

H27 and paragraphs 4.143 - 4.145 - Rural Settlements: Hollingbourne

Objection	DH0347 - Henry Starnes Properties Ltd
Issues	<p>(a) The definition of a Village Boundary for Hollingbourne and its inclusion under H27.</p> <p>(b) The inclusion of buildings at Manor Farm within the village boundary.</p> <p>(c) The need to clarify the definition of “minor development” in H27 and paragraph 4.145.</p>

Conclusions

4.945 Dealing with issue (a), the purpose of the defined village boundaries is to distinguish areas where different policies apply: H27 and ENV29 with their different approaches to development. In the light of the objectors’ comments on the range of facilities available in Hollingbourne it is important to recognise that the boundary is a policy device based on a view of the effect of new development, and not a means of defining villages on social or other measures.

4.946 From what I saw on my visits to the area I support the Council’s approach in this case. Hollingbourne is a scattered village, whose parts are separated by open areas. I agree with the objectors that several boundaries, rather than one, could be drawn. However, the village is within the AONB and SLA and, despite its closeness to the M20, it has an isolated and wholly rural character. In these circumstances it seems to me that it should be subject to the stricter

control of ENV29 and I do not support this part of the objection.

4.947 On issue (b), even if a boundary for the village were drawn, I have no doubt that these buildings should not be within it. They are an isolated group of farm buildings, with agricultural land on two sides, the church on the third, and a significant area of open land separating them from the nearest buildings in the village. They are therefore part of Hollinbourne’s countryside setting, but not part of the village. I therefore do not support this part of the objection.

4.948 Turning to issue (c), the objectors argue that the definition of “minor development” in paragraph 4.145 should include redevelopment since it is included in paragraph 12.5 of the Structure Plan which is referred to later in the same paragraph. I agree, and it seems to me that this objection can be overcome, and the Plan made clearer, by the substitution of “include” for “considered to be” in the first line of paragraph 4.145.

RECOMMENDATIONS

4.949 A Paragraph 4.145:

Delete “considered to be” and replace it with “include”.

B Make no other modifications in response to this objection.

H28 - Rural Settlements with the Potential for New Residential Development in Excess of Minor Development

Objection DH0122 - Banner Homes Ltd

Issue The need to include Yalding as a settlement to be subject to this policy.

Conclusions

4.950 My recommendation here reflects my findings in paragraph 4.683 that Yalding is not a location for new housing which would accord with the advice in PPG13 about the need to reduce travel, especially by car. For the same reasons, I consider that it should be subject only to minor development permitted under H27.

RECOMMENDATION

4.951 Do not modify the Plan in response to this objection.

H28 - Rural Settlements with the Potential for New Residential Development in Excess of

Minor Development

Objection	DH0189 - Staplehurst Properties Ltd
Issue	The need to amend the Village Boundary to include land at Fishers Farm.

Conclusions

4.952 In paragraph 4.625 I concluded that this land should not be allocated for housing under H2, and my recommendation here reflects that finding.

RECOMMENDATION

4.953 Do not modify the Plan in response to this objection.

H28 - Rural Settlements with the Potential for New Residential Development in Excess of Minor Development

Objection	DH0340 - Countryside Residential Plc
Issue	The inclusion of Boughton Monchelsea under H28.

Conclusions

4.954 My recommendation here reflects my finding in paragraph 4.303 that Boughton Monchelsea is not a settlement where new housing would accord with the aim of reducing the need to travel, especially by car, set out in PPG13.

RECOMMENDATION

4.955 Do not modify the Plan in response to this objection.

H28 - Rural Settlements with the Potential for New Residential Development in Excess of Minor Development

Objection	DH0517 - Mr J Collins
Issue	The inclusion of Grafty Green under H28 to allow the development of land in Woodcock Lane.

Conclusions

4.956 My recommendation here reflects my findings in paragraph 4.414 when dealing with a related objection that Grafty Green is not a village where new housing would accord with the aim, set out in PPG13, of reducing the need to travel, especially by car. My recommendation here reflects those findings.

RECOMMENDATION

4.957 Do not modify the Plan in response to this objection.

H28 - Rural Settlements with the Potential for New Residential Development in Excess of Minor Development

Objection DH0581 - T Cook

Issue The inclusion of the village in H28 to allow modest expansion.

Conclusions

4.958 My recommendation here reflects my finding in paragraph 4.906 that Boughton Monchelsea should continue to be considered under H27.

RECOMMENDATION

4.959 Do not modify the Plan in response to this objection.

H28 - Rural Settlements with the Potential for New Residential Development in Excess of Minor Development

Objection DH0642 - Mr J Crerar

Issue The need to apply this policy to Harrietsham.

Conclusions

4.960 This objection deals with the same site as DH0643 below, and I have dealt here with the principles and below with the site specific argument. I have already recommended that policy H28 should apply to Harrietsham in paragraph 4.426 for the reasons given in that part of my report.

RECOMMENDATION

4.961 Do not modify the Plan in response to this objection.

H28 - Rural Settlements with the Potential for New Residential Development in Excess of Minor Development

Objection DH0643 - Mr J Crerar

Issue The inclusion of land at *Newlands* Marley Road, Harrietsham within the Village Boundary.

Conclusions

4.962 My recommendation here reflects my findings on a related objection in paragraph 4.434. I am satisfied from what I saw on my site visits that the Village Boundary is correctly drawn in this area to distinguish between the built-up part of the village and the scatter of dwellings, including the objection site, which front Marley Road.

4.963 The objector also seeks clarification in the Proposals Map key of which policies apply to Harrietsham. However, I found no difficulty in this respect, since H27 and the boundary notation are included in the key to the Proposals Map.

RECOMMENDATION

4.964 Do not modify the Plan in response to this objection.

H29 - Rural Settlements of Conservation Importance

Objections DH0149 - GOSE
DH0214 - Mr V & Mrs E A Price
DH0348 - Henry Starnes Properties Ltd

Proposed Change 102

Issues

- (a) The need for the policy to allow the redevelopment of existing developed land for housing. (DH0348 only)
- (b) Whether the H29 properly reflects advice in PPG7.
- (c) The form and wording of the policy. (DH0149, DH0348 only)

Conclusions

4.965 As I made clear at the inquiry, I have dealt with DH0214 purely as an objection in principle to H29. Although the material presented at the inquiry referred to a specific site, I have therefore not considered that site in any way in making my recommendation in this case.

4.966 Dealing with issue (a), Government guidance on new house building and other development in the open countryside is set out very clearly in paragraph 3.21 of PPG7 and includes the following: “Sensitive infilling of small gaps within small groups of houses or minor extensions to groups may also be acceptable though much would depend on the character of the surroundings and the number of such groups in the area.” The quote from PPG7 in paragraph 4.149 of the Plan is from the earlier version of the PPG which has been cancelled, but the advice is very similar.

4.967 I can find no support here, or elsewhere, for a policy of general approval for the type of redevelopment sought in this objection. On the contrary, such a policy could lead to scattered pockets of new development throughout the countryside, which would be wholly contrary to advice in PPG13 about the location of development. It could also lead to harm to the rural character of the countryside, and to my mind any benefits claimed for the re-use of developed land are heavily outweighed by these considerations.

4.968 Turning to issue (b), the Council argued that it was justified in not applying the advice in PPG7 about minor extensions to small groups of houses in H29 because of the high quality of the Borough’s landscape, its location immediately beyond the Green Belt, and because it is highly populated outside those areas covered by special landscape designations. At the inquiry, the Council accepted that this required more explanation and justification in paragraph 4.149.

4.969 From what I have heard at the inquiry, and seen on my visits to the Borough, I do not consider that there is any justification for the Council’s approach. To my mind the situation in Maidstone is not materially different from many other parts of the country, where there is pressure for development in the countryside, and where that countryside is of high landscape value. The way to deal with this is not to leave out one aspect of national guidance from the Plan, since that pre-judges proposals in a general, but undefined way. Rather, those proposals should be considered on their own merits against policies in the Plan which contain criteria reflecting, for example, the importance of landscape. Specific harm must then be shown against those criteria to justify the refusal of planning permission. Such an approach would also be more flexible, as the second objectors argued, since there may be sites where development is acceptable.

4.970 H29 also departs from the advice in PPG7 by setting the limit contained in policy RS2 of the Structure Plan on the number of dwellings which constitute infilling. Since that wording is in the Structure Plan there is, of course, no need to repeat it. I have supported the proposed change below which would remove the word “usually” from this phrase since it is ambiguous. It seems

to me, however, that this advice would be better included in the supporting text rather than the policy itself, since much will depend on individual circumstances, as paragraph 3.21 of the PPG acknowledges.

4.971 Turning to issue (c), I support the proposed change in principle, which overcomes GOSE's objection. I agree with the third objectors that the words "will need to satisfy" are not a statement of planning policy, and would be contrary to the advice on page 12 of CD46 that a policy should indicate clearly when planning permission will be granted or not. I also agree with these objectors that the protection of agricultural land should apply only to the best and most versatile, as I have recommended in Chapter 3 when considering objections to ENV30.

4.972 I have further reservation about the wording of the policy. The final section deals with matters which are the subject of other policies, T24 and ENV29(8) on access, or which are not planning matters at all: drainage, and in particular mains drainage. Similarly, the criteria duplicate other policies which will apply: loss of agricultural land, ENV30; harm to the countryside or rural amenity, ENV29(5) and (6). I do not understand H29(2).

4.973 My recommendations take all these matters into account, and I consider that the negative form of wording is justified in this case.

RECOMMENDATIONS

4.974 A Delete H29 and paragraph 4.149 and replace them with:

"POLICY H29 OUTSIDE THE DEFINED URBAN AREAS AND VILLAGE BOUNDARIES PLANNING PERMISSION FOR INFILLING, THAT IS THE FILLING OF A SMALL GAP IN AN OTHERWISE BUILT-UP FRONTAGE, OR FOR MINOR EXTENSIONS OF SMALL GROUPS OF HOUSES, WILL NOT BE GRANTED IF PROPOSALS WOULD EXTEND RURAL SETTLEMENTS INTO THE OPEN COUNTRYSIDE."

B Paragraph 4.149:

refer to the other policies which would be applied to proposals to be considered under H29;

include guidance on the likely number of units which might constitute infilling, as set out in policy RS2 of the Structure Plan; and

up-date the quotation from PPG7.

H29 - Rural Settlements of Conservation Importance

Objection	DH0630 - Garden of England Retirement Villages
Issue	The need to make provision for retirement villages on agricultural land outside the defined urban area as an exception to policies.

Conclusions

4.975 There is no support in Government guidance for a general exception to be made to the normal restraint policies in the countryside for dwellings for people of retirement age. Moreover, there is no evidence that any such needs in Maidstone will not be met within the urban areas, and by the application of normal housing policies. I agree with the Council that any exceptions which are justified in the countryside can be made under H30.

RECOMMENDATION

4.976 Do not modify the Plan in response to this objection.

H30 - Local Needs Housing in Rural Areas

Objection	DH0099 - Mr F G Wilson
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Proposed Changes 103 and 104

Issues	(a) The need to ensure that surveys are up-to-date.
	(b) The need to delete H30(E) since taking a job elsewhere in the Borough is not a justification for making local housing provision in a village.

Conclusions

4.977 I agree with both of these proposed changes which overcome the objection. On issue (a) the Council is right to propose a text change rather than an addition to the policy. Details of the survey are administrative and should not be included in the policy itself as the advice on page 16 of CD46 points out.

RECOMMENDATION

4.978 Modify the Plan in accordance with Proposed Change 103, and Proposed Change

104 as it relates to H30(E).

H30 - Local Needs Housing in Rural Areas

Objection DH0144 - GOSE

Proposed Change 104

Issue The form and wording of the policy.

Conclusions

4.979 I support the proposed change which overcomes this objection since “will permit” which it substitutes for “give favourable consideration to” is a clear statement of planning policy. The second part of the policy, however, consists of definitions and should be set out in the supporting text, in accordance with advice on pages 78 - 80 of CD46.

RECOMMENDATIONS

4.980 A Modify the Plan in accordance with Proposed Change 104 as it relates to the preamble to H30.

B Move from H30 to its supporting text:

“LOCAL NEEDS HOUSING ... TO FIND SUITABLE HOUSING.”

H30 - Local Needs Housing in Rural Areas

Objection DH0173 - Mr R C Tucker

Issues Whether Maidstone Borough is a suitable area to apply a rural exceptions policy for affordable housing.

Conclusions

4.981 In principle I am satisfied that H30 follows the advice in Annex A of PPG3 which allows exceptions to be made for affordable housing in rural areas. From my visits throughout the Borough I am also satisfied that there are rural areas and villages to which this policy might be applied. I therefore do not accept this objection.

RECOMMENDATION

4.982 Do not modify the Plan in response to this objection.

H30 - Local Needs Housing in Rural Areas**Objection** DH0180 - CPRE

- Issues**
- (a) The need to meet affordable housing targets within the urban area.
 - (b) Whether the policy is too open to abuse.
 - (c) Whether the environmental criteria in H30(6) are strong enough.

Conclusions

4.983 On issue (a), I have already accepted in principle that this policy closely reflects the advice in Annex A of PPG3. This includes the advice in paragraph 2 of the Annex that the release of such sites is an exception to normal policies which is the approach taken in paragraph 4.150 of the Plan. Paragraph 4.150 also quite rightly makes it clear that provision of affordable housing will be achieved primarily within the urban area through H20 and, in the final sentence, that any releases from H30 will be additional to the housing land provision made in the Plan. Both of these matters are of concern to the objectors, and I am satisfied that the Plan deals with them fully. Moreover, there is strong emphasis in the policy and supporting text on the identification of need to justify a release of land, and this again reflects the advice in PPG3.

4.984 On issue (b), I note the objectors' concerns about the abuse of the criteria and definitions which would be applied in implementing the policy. However, they are closely based on advice in PPG3 and I see no reason why, with careful application to individual schemes, the policy should lead to the abuses which are feared.

4.985 Turning to issue (c), I am satisfied that H30(6), with other policies in the Plan, will provide enough protection for the environment when individual schemes are considered.

RECOMMENDATION

4.986 Do not modify the Plan in response to this objection.

Paragraphs 4.152 - 4.155 - Change of Use of Agricultural Land to Domestic Garden Land

Objections DH0181 - CPRE
DH0342 - BSF Planning Consultants

Proposed Change 105

Issue The need for a policy.

Conclusions

4.987 I agree with both objectors that there should be a policy for which these paragraphs are the reasoned justification. However, I have reservations about the wording of H30A. First, it does not follow the advice on page 12 of CD46 and indicate whether planning permission will be granted or not. In my recommendation I use a negative form of words, which is justified in this case by the first sentence of paragraph 4.154 of the Plan. There is advice on this is on page 14 of CD46, and I do not agree with the second objector that the text “favours such extensions”.

4.988 Second, I have simplified the wording of the criteria. Paragraphs 4.153 - 4.155 explain the Council’s concerns more fully, but there are essentially two points - harm to the rural appearance of the countryside and harm to its agricultural importance. Paragraph 4.154 also refers to “small” extensions, although no indication of what that means is given in the text or H30A. Unless the Council can set a limit and justify it in general terms at this stage, it seems to me that this is best left to the application of the two criteria to individual proposals.

RECOMMENDATIONS

4.989 A Do not modify the Plan in accordance with Proposed Change 105.

B Insert after paragraph 4.155:

“POLICY H30A PLANNING PERMISSION WILL NOT BE GRANTED FOR THE CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC GARDEN IF THERE WOULD BE :

- (1) HARM TO THE CHARACTER AND APPEARANCE OF THE COUNTRYSIDE; AND**
- (2) LOSS OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND.”**

C Delete “small” from line 3 of paragraph 4.154.

H31 - Rebuilding and Extending Dwellings in the Countryside

Objections DH0056 - Lenham Parish Council
 DH0322 - Dr F Simpson

DH0343 - BSF Planning Consultants

Proposed Changes 106 and 107

Issue Whether there is a need to state a scale for the proposed replacement dwelling.

Conclusions

4.990 Proposed Change 106, by deleting the reference to a 50% limitation on the increase in scale of the replacement dwelling, overcomes some of the objection to this policy. However, I am not convinced by the way in which Proposed Change 107 would limit the scale of any replacement dwelling, in particular its reference to the original dwelling. I deal with this proposed change and extensions to dwellings below, but for replacement dwellings I do not accept that the size of the original dwelling has any relevance. The main concern about replacement dwellings should be their environmental impact compared to the dwelling that exists at the time of the application, and the policy should set out criteria accordingly. Scale is therefore important, and to my mind the examples on page 76 of CD46 set out these criteria in a simple, yet comprehensive way, without the need for the matters covered by Proposed Change 107. I have recommended accordingly.

4.991 I agree with Proposed Change 106 only as far as the deletion of paragraph 4.159 is concerned, since that is a social not a planning matter. I deal with this in more detail below. Moreover, I have seen no evidence to justify limiting the size of replacement dwellings on these grounds. As a result of my recommendation, Proposed Change 107 would not apply to H31, since the connection is made through Proposed Change 106 which I do not accept. However, to avoid doubt, criterion g of Proposed Change 107 on page 67 of CD7 should not be applied to H31 as I recommend that it should be modified. This is for the same reasons that I support the deletion of paragraph 4.159, and to that extent I support the argument made at the inquiry by the third objector.

RECOMMENDATIONS

4.992 A Delete H31 and paragraphs 4.158 and 4.159 and replace them with a policy based on examples 5.4.3 and 5.4.4 on page 76 of CD46 with appropriate supporting text.

B Do no modify the Plan in accordance with Proposed Change 106.

H31 - Rebuilding and Extending Dwellings in the Countryside

Objection DH0234 - Ms C Morgan

Issue The need for a criterion on energy saving.

Conclusions

4.993 I have considered the limitations on energy saving and planning policy when considering objection DENV0346 to the proposed new policy ENV59 in Chapter 3. My recommendation here reflects these findings.

RECOMMENDATION

4.994 Do not modify the Plan in response to this objection.

H32 - Rebuilding and Extending Dwellings in the Countryside

Objections DH0057 - Lenham Parish Council
 DH0323 - Dr F Simpson
 DH0344 - BSF Planning Consultants

Proposed Change 107

Issues Whether there should be a stated limit on the scale of extensions.

Conclusions

4.995 The proposed change overcomes part of these objections by deleting the reference to a 50% increase in the size of the dwelling to be extended. However, objections remain, and it seems to me that in dealing with them it is helpful to bear in mind the way that this policy would work at an appeal, when it is put to its ultimate test.

4.996 With this proposed change, the Plan puts forward two reasons for the policy: environmental and social, that is to maintain a diversity of accommodation. If an environmental case cannot be made against a proposal by the application of the criteria in H32, for example its impact on its surroundings, it seems unlikely to me that the Council could successfully require the extension to be modest in size in any event as Proposed Change 107 would suggest. On the other hand, if an environmental case can be made, the Plan can rely on the criteria and there is no need to state a general size limit. I have no doubt that this approach would conform to the Structure Plan since, whilst policy RS5 uses the word “modest”, paragraph 12.17 recognises that its definition will depend on the circumstances of each case.

4.997 I agree with the Council that cumulative impact is a proper matter for consideration under H32, since it flows from national and Structure Plan policies to protect the countryside for

its own sake. However, any impact must be shown to apply in individual cases, and it does not justify a general statement on the scale of extensions. For this reason, I have recommended that cumulative effect should be part of a criterion.

4.998 I turn now to consider the social need claimed for the policy. The need to maintain diversity of accommodation set out in criterion g of Proposed Change 107 is not explained or justified in the text, and it is impossible for a reader to see how this part of the policy would be applied to an individual application. This part of the proposed change is therefore unacceptably imprecise. At the inquiry, the Council argued that this criterion was "... more of a visual and practical consideration." (MBC/PR31, paragraph 4.3.1). I accept that dwellings of different sizes contribute to the character of the countryside, but all environmental issues should be dealt with by environmental criteria, and this argument adds to the confusion over how this part of the policy would be applied.

4.999 The Council also argued that the "practical consideration" was the need to ensure a range of house sizes to meet the needs of the rural population. In wholly practical terms, however, I do not see how the Council could justify the refusal of permission of an extension on this basis at appeal because it is not a land-use planning matter. The planning system cannot control the occupancy of private dwellings, and the Council could not show that a house, whether extended or not, would be occupied by a member of the rural population, whatever that is. This part of the proposed change is therefore fatally flawed, even before matters of evidence of the need for diversity, its proper level and the impact of a proposal on that level are considered. I have recommended deleting this requirement accordingly.

4.1000 I will deal briefly with other objections to Proposed Change 107 since I have not recommended it. I agree with the Council's definition of the "original dwelling house", but with the third objectors' argument that most of the additional criteria are unnecessary duplicates of the existing H32.

RECOMMENDATIONS

4.1001 A Do not modify the Plan in accordance with Proposed Change 107, except as it applies to H32(1).

B H32:

Delete: "FOR PROPOSALS RESULTING ... CONSIDERED ACCEPTABLE"

insert in (4):

"INDIVIDUALLY OR CUMULATIVELY" between "WHICH" and "IS"

H32 - Rebuilding and Extending Dwellings in the Countryside

Objection DH0235 - Ms C Morgan

Issue The need for a criterion on energy saving.

Conclusions

4.1002 I have considered the limitations on energy saving and planning policy in Chapter 3 when considering objections to the proposed new policy ENV59. My recommendation here reflects these findings.

RECOMMENDATION

4.1003 Do not modify the Plan in response to this objection.

H33 - Changing the Use of Buildings in the Countryside to Residential

Objections DH0047 - British Telecommunications PLC
DH0251 - English Heritage
DH0336 - Rural Development Commission

Proposed Change 108

Issue Whether the policy should apply only to buildings of particular character.

Conclusions

4.1004 In Chapter 3 I recommended that this policy should be deleted and be replaced in that chapter by new policy ENV51(A) based on policy 10.2.2 on page 120 of CD46. Here I consider the detailed wording of H33 and whether there should be any resulting modifications to ENV51(A).

4.1005 The example in CD46 on which I based ENV51(A) does not seek to distinguish rural buildings by their character, and there is no support in PPG7 for the approach taken in H33. In its response to the first objector, the Council rightly points to the priority which the PPG gives to commercial re-use, and also argues that, in the light of advice about the strict control of housing in the countryside, it would be contrary to sustainability principles to encourage the conversion of farm buildings to residential use.

4.1006 I agree with both these arguments, and I accept that they are broadly based on Government guidance. However, I do not agree with the approach taken in H33 since, as the Council explains, it seeks to use the character of the building as a surrogate for the economic and sustainability arguments which must be used to support the priority between commercial and residential re-use. Nor do I consider that the character of the building should be a criterion in its own right, since there is no support for that in PPG7. I note the views of my colleague who considered this matter at the previous local plan inquiry. However, I have dealt with these objections in the light of current circumstances, which include a revised version of PPG7 not available at that time.

4.1007 Turning to DH0251, it follows from this that I do not support Proposed Change 108. However, I consider that the second part of the objection is met by the clear statement of priority between residential and other uses, and in criterion (a) of policy 10.2.2 in CD46.

4.1008 In response to the third objector, the approach which I recommend would allow the re-use of rural buildings for residential purposes wholly in accord with the advice in PPG7. To my mind the modifications which I have recommended overcome the Commission's concern about the limiting effect of the policy on the availability of rural buildings for commercial re-use.

4.1009 I have also recommended that a form of H33(3) should be added to ENV51(A) since it is necessary to ensure reasonable living conditions for future residents.

RECOMMENDATIONS

4.1010 A Do not include the character of rural buildings as a criterion for re-use.

B Add to ENV51(A) in Chapter 3:

“(J) THE RESIDENTIAL AMENITY OF FUTURE RESIDENTS WOULD NOT BE HARMED BY THE PROXIMITY OF FARM BUILDINGS OR USES;”

C Do not modify the Plan in accordance with Proposed Change 108.

H34 - Agricultural Dwellings

Objection DH0161 - GOSE

Proposed Change 110

Issue The form and wording of the policy.

Conclusions

4.1011 This objection, which I support, is directed at the wording of that part of the policy which deals with the siting of agricultural dwellings. However, the proposed change is not acceptable since it would replace “will require” with “will seek to ensure”, which is not a statement of planning policy, contrary to advice in CD46. Moreover, whilst I agree with the addition of a reference to the size of the dwelling in the proposed change, I consider that the wording is unnecessarily weak. To my mind there is enough support in paragraphs I11 and I13 of Annex I of PPG7 to make both location and size the subject of criteria which must be met before planning permission is granted. This is the approach taken in policy 10.3.1 on page 122 of CD46, and I have recommended accordingly.

4.1012 Taking the approach in CD46 has other advantages because: it limits the dwelling occupancy to a *full-time* worker which stems from paragraph I5, Annex I of PPG7 but which is not in H34; the financial case is set out more fully; and policy 10.4.1 on page 123 sets out the policy towards temporary dwellings more fully. In addition, the application of the policy outside development boundaries to a holding in the countryside is made explicit and any doubt, such as that raised in paragraph 4.1018 below, is overcome. It is also important in the text to say that it is the needs of the holding that must be met, not the needs of the individual concerned, as paragraph I5, Annex I of the PPG makes clear. Finally the size of the dwelling in relation to the holding is included, which meets part of Proposed Change 110.

4.1013 The final phrase of H34 reflects the advice in paragraph I19, Annex I of PPG7 about applying occupancy conditions to existing dwellings on the holding, and is not covered by the example in CD46. Whilst there is clear support for the Council in taking this approach it is not in my view a matter for a policy for the following reason.

4.1014 The tone of the advice in this part of the PPG is very different from that in paragraph I17. For example paragraph I19 says that the Council “... should be aware of ...”, and “This should help to protect ...”, which contrasts strongly with the earlier advice that “... planning permission should be made subject to an occupancy condition.” This reflects the difference between the circumstances in which an occupancy condition would be imposed: in the first instance it lies at the heart of the approval which would not be given without it; in the second, it is a matter which might be considered, but is not necessarily central to the decision even when there is another dwelling to which the condition could be applied. Retaining this part of the policy therefore leads to ambiguity which the words “where appropriate” make worse rather than better. I have therefore recommended that this part of H34 should be dealt with only in the text.

RECOMMENDATIONS

4.1015 A Delete H34 and do not modify the Plan in accordance with Proposed Change 110.

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- B Replace H34 with a policy based on 10.3.1 on page 122 of CD46.**
 - C Add a new policy and justification based on 10.4.1 on page 123 of CD46.**
 - D Add to paragraph 4.162:**

“... government advice. Moreover, as PPG7 makes clear, it is the needs of the holding, not the preferences of the individuals concerned, which will determine whether a dwelling is essential or not.”
 - E Deal with the application of occupancy conditions to other dwellings on the holding in the supporting text only.**
-

H34 - Agricultural Dwellings

Objections DH0182 - CPRE
 CH0062 - CPRE

Proposed Change 110

Issue The need for an additional criterion relating to design.

Conclusions

4.1016 Dealing with the original objection I agree with the Council that ENV3, as I have recommended that it be modified, covers design matters without the need for a separate criterion to this policy. The proposed change deals with the size of the dwelling in relation to the holding, and this is also taken into account in my recommendation in paragraph 4.1015. The consideration of size follows directly from advice in paragraph I11, Annex I of PPG7, and it should remain separate from matters of design which will be dealt with by ENV3.

RECOMMENDATION

4.1017 Do not modify the Plan in response to these objections.

H34 - Agricultural Dwellings

Objection DH0193 - NFU South East Region

Issue The need to apply occupancy conditions only where appropriate.

Conclusions

4.1018 The NFU argues that an occupancy condition would be applied to all dwellings approved under H34 contrary to advice in PPG7. The advice in paragraph I17, Annex I of the PPG makes it clear that such a condition should be applied to “... isolated residential development in the countryside, ...”, and it seems to me to be the purpose of the policy to deal with such cases. I therefore do not accept the objectors’ argument that the criterion should be qualified with “where appropriate”. However, if there is any doubt, it would be dispelled by my recommended use of policy 10.3.1 in CD46 as a basis for the policy since it refers to dwellings “outside defined settlement boundaries” in its preamble, and specifically to a “holding in the countryside” in the section dealing with occupancy conditions.

RECOMMENDATION

4.1019 **Do not modify the Plan in response to this objection, but note my recommendation in paragraph 4.1015 about the use of policy 10.3.1 in CD46.**

H34 - Agricultural Dwellings

Objection DH0236 - Ms C Morgan

Issue The need for a criterion referring to the objectives of Agenda 21.

Conclusions

4.1020 I agree with the Council that this is not an appropriate topic for a criterion attached to a local plan policy.

RECOMMENDATION

4.1021 **Do not modify the Plan in response to this objection.**

H34 - Agricultural Dwellings

Objection DH0237 - Ms C Morgan

Issue The need for a criterion requiring minimised energy consumption.

Conclusions

4.1022 I have dealt with the limitations on energy conservation in planning legislation in Chapter 3 when considering objections to proposed new policy ENV59. In these circumstances I do not accept this objection.

RECOMMENDATION

4.1023 Do not modify the Plan in response to this objection.

H35 - Stationing of Residential Caravans and Mobile Homes in the Countryside

Objection DH0002 - Mr T Lee, The Romany Guild

Issue The need to delete criteria (1)(A), (1)(D), (5) and (9).

Conclusions

4.1024 I take it that Criteria (1)(A) - (D) are aimed at the provision of gypsy sites although the policy is not specific on this point. Criteria (B) and (C) arise from the definition of gypsies in paragraphs 2 and 3 of Circular 18/94, and have not given rise to objection, although in passing I would comment that the word “strong” in criterion (C) is unnecessary. The Circular does not support it, and the extent to which any applicant complied with this criterion will be a matter of fact and degree to be determined in each individual case.

4.1025 I agree with the objector that there is no support in the appropriate Circulars for criterion (1)(A), and indeed it runs counter to the advice in paragraph 22 of Circular 1/94 that proposals should continue to be determined solely in relation to land-use factors. In addition, paragraph 21 of the Circular clearly envisages that gypsies without local connections will make applications. From the Council’s response, I am not convinced that the circumstances in the Borough justify such a major departure from national guidance. I have, therefore, recommended that this criterion should be deleted, since it is not justified in itself. Moreover, I do not accept the Council’s argument that criterion (3) could be used to approve an application where there is an exceptional need, even if the earlier criteria are not met. This criterion adds considerable uncertainty to the policy with its reference to undefined exceptional need, and its intention would be better served by relying directly on the flexibility afforded by Section 54A of the Act.

4.1026 I have also recommended that criterion (1)(D) should be deleted. The definition of a gypsy in Circular 18/94 links work and travelling, as the Council argues, but I am not clear what this criterion is intended to achieve. Criteria (1)(B) and (C) could be fulfilled by someone not working on the residential site, and there is no support in the definition in the Circulars for the idea that a gypsy must live and work at the same place.

4.1027 Turning to criterion (5), I support the objector’s additional wording, since I do not agree

with the Council that the ability to screen a site can be read into the present wording. On criterion (9), the cumulative effect of individual proposals can often be a material planning consideration. Provided that it is clear that the policy relates solely to land-use matters, as it does in this case, I do not agree with the objector that it discriminates against Romanies.

4.1028 I have made further wider-ranging recommendations about the wording of this policy in considering the next objections, but this recommendation responds solely to the specific points made in this objection.

RECOMMENDATION

4.1029 H35:

Delete criteria (1)(A) and (D), and(3); and

“STRONG” from criterion(1)(C).

Insert after “NATURAL FEATURES” in criterion (5):

“..., OR CAPABLE OF BEING SO SCREENED: ...”

H35 - Residential Caravans and Mobile Homes in the Countryside

Objections DH0145 - GOSE
DH0150 - GOSE
DH0162 - GOSE
DH0664 - GOSE
CH0002 - GOSE

Proposed Change 111

Proposed Further Change 9

Issue The form and wording of the policy.

Conclusions

4.1030 I support all these objections, but I do not accept all the proposed changes since wording such as “will seek to ensure” in the proposed further change is not a clear statement of planning policy. In addition I have other reservations about H35:

- (a) The first sentence is not a statement of policy, but should be set out in the supporting text.

-
- (b) Paragraph 4.170 discusses the needs of travelling showpeople, and says that H35 sets out criteria. Since the policy also deals with the needs of gypsies, although not expressly, it is not clear which parts apply to the different groups. This is important because of the different guidance from the Circulars which applies to these groups.
 - (c) With the proposed change, the policy towards sites in the Green Belt, AONBs etc. is unacceptably restrictive. I acknowledge the guidance in paragraph 13 of Circular 1/94, but this wording goes against the approach set out in Section 54A, and the flexibility that it allows through the consideration of other material considerations.
 - (d) There is no guidance in the supporting text about what might constitute a case to satisfy the Council on the application of personal planning conditions which is referred to in the last paragraph of the policy. This makes this part of the policy unacceptably imprecise.
 - (e) Most of the criteria are the subject of other policies, or repetitive in themselves and, as elsewhere in this report, I consider that the those policies should be applied directly. For example, ENV3 and ENV29 cover criteria (4), (7), (8) and (11), and T24 covers criterion (10). I am not convinced that there is any material difference between (5) and (6).

4.1031 My recommended form of H35 deals with these concerns, and takes into account my recommendation on the previous objection. The policy and its text deal only with gypsies. I do not have enough information to recommend whether a policy is needed for other groups, such as travelling showpeople, or for the siting of mobile homes in general. The Council should consider this in the light of its knowledge of the likely number of applications and the effectiveness of other policies in controlling development in the countryside.

4.1032 The approach to be taken towards applications in the Green Belt, AONBs etc. should be discussed in the supporting text by reference to Circular 1/94. However, the criteria in H35, with other policies which apply in these areas, are enough to refuse permission if harm can be justified without the “blanket” refusal imposed by the proposed change. Similarly, the text should discuss the imposition of a personal condition, and set out circumstances when this may not be required.

RECOMMENDATIONS

4.1033 A Delete H35, and do not modify the Plan in accordance with Proposed Change 111 and Proposed Further Change 9 except as set out below.

B Replace it with:

“POLICY H35 PLANNING PERMISSION WILL NOT BE GIVEN FOR

GYPSY SITES UNLESS:

- (1) **THE RESIDENT HAS A NOMADIC WAY OF LIFE, AND TRAVELS FOR THE PURPOSE OF MAKING A LIVELIHOOD.”**
 - (2) **(criterion (5) with my recommendation in paragraph 4.1029);**
 - (3) **(criterion H35(9)).”**
- C Modify paragraphs 4.164 - 4.170 and the sub-heading to clarify the purpose of the policy and to ensure full reasoned justification for it.**
- D Include a reference in the text to the other main policies which will be applied.**
- E Consider the need for a separate policy, or policies, dealing with sites for other groups, or for caravans and mobile homes in the countryside generally.**

H35 - Stationing of Residential Caravans and Mobile Homes in the Countryside

Objection DH0183 - CPRE

Issue The need to place a time limit on all sites.

Conclusions

4.1034 I agree with the Council that there is no support for this approach in Government guidance, which would be contrary to the advice in paragraph 24 of Circular 1/94 that planning permission should generally be given for an indefinite period.

RECOMMENDATION

4.1035 Do not modify the Plan in response to this objection.

H35 - Stationing of Residential Caravans and Mobile Homes in the Countryside

Objection DH0628 - Greenfields (Kent) Ltd

Issue The need for a policy to allow the provision of mobile homes for those not covered by H35.

Conclusions

4.1036 There is no support for this type of policy in Government guidance, and I agree with the Council that it would be wholly contrary to the countryside protection policies in the Plan.

RECOMMENDATION

4.1037 Do not modify the Plan in response to this objection.

H36 - Provision of Public Open Space, Recreation Facilities and Children's Play Areas at New Residential Developments

Objections

DH0071 - Meyer International	DH0546 - Wards Construction (Medway) Ltd
DH0118 - Barton Willmore Planning Partnership	CH0003 - GOSE
DH0130 - The House Builders Federation	CH0027 - McCarthy & Stone (Developments)
DH0151 - GOSE	CH0036 - House Builders Federation
DH0163 - GOSE	CH0039 - David Wilson Homes
DH0194 - Peugeot Motor Company Plc	CH0041 - Bryant Homes Technical Services Ltd
DH0204 - Bryant Homes Technical Services Ltd	CH0042 - Bryant Homes Technical Services Ltd
DH0213 - David Wilson Homes	CH0056 - Boxley Parish Council
DH0313 - George Wimpey Plc	CH0059 - Redrow Homes (South East) Ltd
DH0315 - Trebor Bassett Ltd	CH0060 - Marchland Estates Limited

Proposed Change 112

Proposed Further Change 10

Issue The form and wording of the policy.

Conclusions

4.1038 I note the proposed changes, but I still have major reservations about the policy, reflecting many of the original objections and objections to the proposed changes. I am not at all clear what the Council is seeking, and this lack of clarity alone justifies deleting the policy and proposed changes in their present form. It seems to me that the policy and text in Proposed Change 112 confuse two matters which would be better dealt with separately: (i) the on-site provision of generally small-scale play facilities to meet the need created directly by an individual proposal; and (ii) the contribution to open space more widely from new housing development. Since this part of the policy relates very closely to ENV25, it may be that it should be dealt with in Chapter 3 as an open space issue, rather than here as a housing issue.

4.1039 Dealing with (i) the justification for the standards is inadequate and confusing in both the proposed changes and in the Council's response to the objections. The Council refers in the text of Proposed Change 112 to the NPFA standards which are an accepted basis for this type of

provision. In the proposed policy, however, on-site open space and play areas are related to 10% of the site area, a figure for which no justification is given. In the absence of such justification I share the objectors' concerns about this figure which appears arbitrary.

4.1040 This part of the policy could be put right quite simply by using policy 9.1.6 on page 111 of CD46 as an example, incorporating accepted national standards such as the NPFA, or local standards which are fully justified in the Plan. Following the advice on page 112 of CD46 criteria (1) - (4) should be set out in SPG, as they are too detailed to be included in a policy.

4.1041 Turning to (ii), I find that the problems are more difficult to resolve. The proposed changes do not make clear the link, if any, between policy ENV25 and the Council's capital programme and its own intention to make good deficiencies, and the provision that housing schemes will be expected to make. There is no justification for any of the size limits set, nor any indication of the way in which deficiencies are to be determined, or justification of any standards which may be used in doing so. All these matters must be resolved and included in the policy, supporting text or SPG if the Plan is to achieve what the Council wishes when it is put to the test at appeal.

4.1042 It seems to me that the following matters must be given greater consideration:

- (a) the standards which are to be applied and their justification;
- (b) the justification of the size limits referred to in the policy;
- (c) the role of the policy in relation to ENV25 and the Council's own programme;
- (d) the analysis of the present situation to justify arguments about deficiencies, and the present analysis set out in H36(3) in the light of Boxley Parish Council's objection; and
- (e) the mechanism for achieving commuted payments.

4.1043 On the assumption that in many cases the mechanism would be a planning obligation, the following advice in Annex B of the Circular 1/97 is particularly relevant: paragraph B2, the need to be relevant to planning and directly related to the proposed development; paragraph B12, developers not to resolve existing deficiencies; and paragraph B14, cost of maintenance normally borne by the body in whom the asset is to be vested.

4.1044 Proposed Change 112 includes a new policy H36A. However, it is not written as a planning policy, as the words "will seek to ensure" indicate, although the Council may wish to consider its use as an objective in relation to my recommendations about ENV1 and H1. The provision of landscaping is a separate matter and is covered by my recommendation for a new policy ENV7A in Chapter 3 .

RECOMMENDATIONS

- 4.1045 A Delete H36 and paragraphs 4.171 - 4.176.**
- B Do not modify the Plan in accordance with Proposed Change 112 and Proposed Further Change 10.**
- C Insert a new policy H36 based on the form of policy 9.1.6 on page 111 of CD46, using accepted national, or fully justified local standards.**
- D Reconsider the broader policy in the light of paragraphs 4.1041 – 4.1043.**
- E Re-state H36A as an open space objective, but not a policy.**
-

H36 - Provision of Public Open Space, Recreation Facilities and Children's Play Areas at New Residential Developments

Objection DH0184 - CPRE

Issue The need for the policy to require more detail on the location and suitability of areas of open space.

Conclusions

4.1046 I agree with the Council that this objection seeks information appropriate at the planning application stage.

RECOMMENDATION

4.1047 Do not modify the Plan in response to this objection.

New Policy H37: Waste Recycling Facilities

Objection DH0238 - Ms C Morgan

Issue The need for a policy to ensure that recycling and composting arrangements are made for each residential development.

Conclusions

4.1048 I agree with the Council that this is not a land-use matter to be included in the Plan.

RECOMMENDATION

4.1049 Do not modify the Plan in response to this objection.

MEMBERS OF THE GREEN WEDGE ASSOCIATION: SEE DH0453

DH0354 Mrs P.I Baker, 2 Allington Way	DH0403 S Hammond, 66 Allington Way
DH0355 D.R. & C.A. Watts, 3 Allington Way	DH0404 P Hutchinson, 107 Allington Way
DH0356 Mr & Mrs J.W. Collison, 4 Allington Way	DH0405 J Hutchinson, 107 Allington Way
DH0357 Mr S M Gooderham, 17 Allington Way	DH0406 K Tompsett, 18 Nursery Avenue
DH0358 Mrs J Blake, 21 Allington Way	DH0407 Mrs Eldridge, 20 Nursery Avenue
DH0359 R F Blake, 21 Allington Way	DH0408 P Rubie-Todd, 21 Nursery Avenue
DH0360 Mr G Phillips, 24 Allington Way	DH0409 A Helmore, 23 Nursery Avenue
DH0361 Mrs J M Bolton, 27 Allington Way	DH0410 Mr N Shaw, 1 Old Trafford Close
DH0362 Mr D Bolton, 27 Allington Way	DH0411 P Bishop, 3 Old Trafford Close
DH0363 Mr D H Smith, 31 Allington Way	DH0412 I Bishop, 3 Old Trafford Close
DH0364 Miss B E Lumley, 35 Allington Way	DH0413 Julie Wooler, 4 Old Trafford Close
DH0365 Ms C Higgs, 38 Allington Way	DH0414 Mr J Wooler, 4 Old Trafford Close
DH0366 Mr R Higgs, 38 Allington Way	DH0415 Mr B P Lampard, 6 Old Trafford Close
DH0367 Mrs E Giles, 35 Allington Way	DH0416 Mrs V J Lampard, 6 Old Trafford Close
DH0368 Mr D Giles, 39a Allington Way	DH0417 V Parker, 7 Old Trafford Close
DH0369 Ms S Beckett, 39 Allington Way	DH0418 W N Parker, 7 Old Trafford Close
DH0370 Mr R Waghorne, 41 Allington Way	DH0419 D Pezzato, 8 Old Trafford Close
DH0371 Mrs Waghorne, 41 Allington Way	DH0420 M Pezzato, 8 Old Trafford Close
DH0372 Mr D R Briddock, 35 Allington Way	DH0421 Mr K P Anthony, 9 Old Trafford Close
DH0373 Ms J Stannard, 43 Allington Way	DH0422 Miss C Anthony, 9 Old Trafford Close
DH0374 Mr D F Stannard, 43 Allington Way	DH0423 W R Chillott, 11 Old Trafford Close
DH0375 Mr R Deadman, 45 Allington Way	DH0424 J Chillott, 11 Old Trafford Close
DH0376 Mr M Deadman, 45 Allington Way	DH0425 J Hammond, 66 Allington Way
DH0377 R Askins, 46 Allington Way	DH0426 Mr T Murrell, 67 Allington Way
DH0378 Mrs S M Blakemore, 47 Allington Way	DH0427 Mrs M Murrell, 67 Allington Way
DH0379 Mrs B Blakemore, 47 Allington Way	DH0428 A K J Eiffert, 68 Allington Way
DH0380 Mr A W Blakemore, 47 Allington Way	DH0429 L Rowe, 69 Allington Way
DH0381 Mrs J L M Pitt, 50 Allington Way	DH0430 Mrs F M Rogers, 70 Allington Way
DH0382 Mr A R Pitt, 50 Allington Way	DH0431 Mr A R Rogers, 70 Allington Way
DH0383 Mrs H Warne, 51 Allington Way	DH0432 Karen Mair, 71 Allington Way
DH0384 Mr J Warne, 51 Allington Way	DH0433 Mr I A Mair, 71 Allington Way
DH0385 Mrs D Smith, 52 Allington Way	DH0434 E E J Whittington, 73 Allington Way
DH0386 Mr J W Smith, 52 Allington Way	DH0435 S R Whittington, 73 Allington Way
DH0387 Mrs P Seath, 53 Allington Way	DH0436 Mr R B Whittington, 73 Allington Way
DH0388 Mr M Seath, 53 Allington Way	DH0437 Julie Harris, 74 Allington Way
DH0389 Mr P C Noel, 54 Allington Way	DH0438 Mr P Harris, 74 Allington Way
DH0390 P Robus, 55 Allington Way	DH0439 Mr I Bremerkamp, 75 Allington Way
DH0391 L R Sparks, 56 Allington Way	DH0440 Mrs V J Smoothy, 76 Allington Way
DH0392 Mr & Mrs T Hormsey, 58 Allington Way	DH0441 Mr R Smoothy, 76 Allington Way
DH0393 W G Norman, 59 Allington Way	DH0442 C Smoothy, 76 Allington Way
DH0394 Mr & Mrs R Pathak, 60 Allington Way	DH0443 Mr A Huke, 77 Allington Way
DH0395 Mrs R Sawyer, 61 Allington Way	DH0444 B Bills, 78 Allington Way
DH0396 Mr R Sawyer, 61 Allington Way	DH0445 P Bills, 78 Allington Way
DH0397 Miss J A Barrett, 62 Allington Way	DH0446 Mr & Mrs D Clark, 79 Allington Way
DH0398 J J Barrett, 62 Allington Way	DH0447 Mr G Graham, 80 Allington Way
DH0399 M G Munday, 63 Allington Way	DH0448 Mr C Graham, 80 Allington Way
DH0400 W F Munday, 63 Allington Way	DH0449 Mrs J M Graham, 80 Allington Way
DH0401 Ms P McLabe, 64 Allington Way	DH0450 Mrs S Saunders, 82 Allington Way
DH0402 A McCourt, 65 Allington Way	DH0451 Mr M J Saunders, 82 Allington Way

DH0452 Mrs M C Hope, 84 Allington Way	DH0503 Mrs J Eyles, 115 Allington Way
DH0453 Mr E A Hope, 84 Allington Way	DH0504 Mr S R Eyles, 115 Allington Way
DH0454 Mr G P Crouch, 85 Allington Way	DH0505 Tracy Davis, Allington Way
DH0455 Mrs B Crouch, 85 Allington Way	DH0506 Mr & Mrs R Mallard & Mrs Swainson, 341 London Road
DH0456 Mr A Cooper, 86 Allington Way	DH0507 Mr J Sawyer, 64 Halstead Walk
DH0457 Mrs A Cooper, 86 Allington Way	DH0508 Mr M B & Mrs A C Lavery, 2 Trenton Close
DH0458 Mr D Cooper, 86 Allington Way	DH0509 D F Wakeman, 4 Trenton Close
DH0459 Miss N Cooper, 86 Allington Way	DH0510 R C Dickens, 6 Trenton Close
DH0460 C Nicholls, 87 Allington Way	DH0511 Ms M Taylor, 1 Nursery Avenue
DH0461 H Crafter, 87 Allington Way	DH0512 Mr G Knight, 3 Nursery Avenue
DH0462 Mrs E Lawson, 88 Allington Way	DH0513 Mrs C M Hoff, 13 Nursery Avenue
DH0463 Mrs M Das, 89 Allington Way	DH0514 Mr J D Mitchell, 14 Nursery Avenue
DH0464 Mrs M A Checkley, 90 Allington Way	DH0515 Ms L S Jaycock, 16 Nursery Avenue
DH0465 Mr A Checkley, 90 Allington Way	DH0516 Mr & Mrs D Jaycock, 16 Nursery Avenue
DH0466 Mrs G Pile, 91 Allington Way	
DH0467 Mrs L Wilsher, 92 Allington Way	
DH0468 Mr T Wilsher, 92 Allington Way	
DH0469 A Coffey, 93 Allington Way	
DH0470 P Coffey, 93 Allington Way	
DH0471 Mrs D Pritchard, 94 Allington Way	Total: 163
DH0472 Mr A Pritchard, 94 Allington Way	
DH0473 Mrs V Buckle, 95 Allington Way	
DH0474 Mr W Buckle, 95 Allington Way	
DH0475 Mr D Buckle, 95 Allington Way	
DH0476 N Buckle, 95 Allington Way	
DH0477 K & R A Lewis, 17 Nursery Avenue	
DH0478 Mr R Terry, 96 Allington Way	
DH0479 Mrs R Terry, 96 Allington Way	
DH0480 D Farrington, 97 Allington Way	
DH0481 Mrs C Talbot, 98 Allington Way	
DH0482 Mr S Talbot, 98 Allington Way	
DH0483 D Mill, 99 Allington Way	
DH0484 N Taylor, 100 Allington Way	
DH0485 Mrs B Taylor, 100 Allington Way	
DH0486 Mrs P J Bristow, 101 Allington Way	
DH0487 C J Bristow, 101 Allington Way	
DH0488 Mrs A Farthing, 102 Allington Way	
DH0489 Mr A Farthing, 102 Allington Way	
DH0490 Mr Burrows, 103 Allington Way	
DH0491 Mr P Franklin, 104 Allington Way	
DH0492 Mrs L Franklin, 104 Allington Way	
DH0493 A J Bearman, 105 Allington Way	
DH0494 K Malhotra, 106 Allington Way	
DH0495 Mr S C Malhotra, 106 Allington Way	
DH0496 P Malhotra, 106 Allington Way	
DH0497 Mrs P Bone, 108 Allington Way	
DH0498 N C McUlloch, 4 Hockers Lane	
DH0499 Mr D Boxall, 109 Allington Way	
DH0500 C G Ball, 111 Allington Way	
DH0501 Mr R Cork, 113 Allington Way	
DH0502 Mrs J Cork, 113 Allington Way	

CHAPTER 5 ECONOMIC DEVELOPMENT AND TOURISM

In this part of the chapter I have dealt first with objections to the strategy and amount of floorspace; then with objections to the wording of ED1; and finally with site specific objections. The sequence still follows the Plan, but is different from that in Council's report of 18 November 1997.

Objections to strategy and the amount of floorspace

Paragraphs 5.16 and 5.29 - Local Context

Objection DED0059 - CPRE

Issue Whether, in the context of the Mid-Kent Planning Area, there is a need for additional land for high value manufacturing.

Conclusions

5.1 I have dealt with this argument in paragraphs 5.39 – 5.47 when considering objections to the allocation of land for high value manufacturing at Cobtree Forstal. My recommendation here reflects those findings which accept the need for an allocation in principle, but not the site.

RECOMMENDATIONS

5.2 A Paragraph 5.16:

Do not modify the Plan in response to this objection.

B Paragraph 5.29:

See my recommendation in paragraph 5.58.

ED1 - Aims and Objectives (Economic Development)

Objection DED0027 - The House Builders Federation (HBF)

Issue Whether enough land has been allocated for economic development.

Conclusions

5.3 The HBF is concerned to ensure that there is a correct balance between housing and

commercial land in the Plan, particularly in the light of proposals to re-use commercial sites in Maidstone for housing. I have dealt with this point in Chapter 4 when considering proposals for housing under H15, and concluded that it does not lead to an unacceptable loss of land for employment. I deal with various aspects of land allocation below, but in the broad terms in which it is expressed I do not accept this objection.

RECOMMENDATION

5.4 Do not modify the Plan in response to this objection.

ED1 - Aims and Objectives (Economic Development)

Objection DED0127 - Maidstone & Mid Kent Chamber of Commerce

Issue Whether enough land is allocated for manufacturing and distribution.

Conclusions

5.5 There is no evidence in this objection to support the claim that not enough land has been allocated for these uses, and on the basis of other evidence presented at the inquiry I am satisfied that the Structure Plan requirements are met. The objectors are also concerned that the sites are scattered and that new allocations should take advantage of motorway junctions. I agree with the Council that the Plan is bound to reflect the existing scatter of sites. However, to the extent that this concern is valid, my recommendation in paragraph 5.35 to allocate land near Junction 7 of the M20 should help to overcome it.

RECOMMENDATION

5.6 Do not modify the Plan in response to this objection.

Objections to Policy Wording

ED1 - Aims and Objectives (Economic Development)

Objections DED0033 - GOSE
DED0043 - GOSE

Proposed Change 113

Additional Proposed Change 4

Issue The form and wording of the policy.

Conclusions

5.7 I have dealt with these objections in detail to be consistent with my approach to the aims and objectives sections of earlier chapters. In this case, paragraphs 5.22 and 5.23 fit well into the diagram on page 39 of CD45, although 5.22 would be improved to my mind with a reference to the Strategic Objectives on which it is based. However, ED1 is not necessary since the first paragraph is merely a repeat of the first objective, and the second paragraph can be replaced more effectively by following my recommendation F below. Moreover, I am concerned about the structure of the early part of the chapter which I find is unclear and unnecessarily repetitious. In my view, the equivalent section of Chapter 4, setting out first housing land requirement and then the sites which are to meet that requirement, is a good model for Chapter 5 and this has been the basis of my approach.

5.8 I accept that the Structure Plan does not give a floorspace figure for 2006, the end date of the Plan. However, a County Council witness at the inquiry presented such a figure in evidence about the allocation under ED2 at Cobtree Forstal. I can see no reason, therefore, why an agreed figure could not be included in the reasoned justification (See Tables 1 and 2, MB/PR.120). The next step is to set out the location, area and use restrictions of all sites which will go to meet this need. At present this information is scattered amongst several policies including ED5 and ED12. For its clarity, I commend the example given in policies 4.1.1 - 4.1.4 on pages 62 and 63 of CD46, and it is open to the Council to decide whether the requirements should be given by site area or floorspace, depending on the availability of the information.

5.9 Once sites are listed in this way, site specific policies are only needed if they add necessary detail to the Plan. This limitation has been behind my recommendations below to delete some of them, and to modify others to ensure that they contain criteria as a basis for development briefs. The new form of ED1 should also include the contribution to meeting land requirements made by the sites which are subject to specific policies, for example ED11, ED15 and ED16. Set out in this way the Plan will make it absolutely clear how much land is required, and how that requirement is to be met.

5.10 I also recommend that the Council considers policies 4.1.5 - 4.1.8 in CD46. The aims of these policies are often set out in the Plan, for example the last part of ED12 reflects 4.1.5. However, it seems to me that the Plan would be clearer, and thus stronger, if these policies were set out in full as shown in CD46.

RECOMMENDATIONS

- 5.11 A Add to the reasoned justification a floorspace or land requirement figure for 2006 agreed with the County Council.**
- B Retain paragraphs 5.22 and 5.23, but clarify the use of the words “aim” and “objective”, and relate them directly to the Strategic Objectives.**

- C Delete ED1 and replace it with a policy, or policies, based on examples 4.1.1 – 4.1.4 in CD46, to include all sites, existing and proposed, which aim to meet the Structure Plan floorspace/land requirement.**
- D As a consequence of C, delete ED5 and ED12, and include the sites in the modified form of ED1.**
- E Justify in the text the use restrictions on the sites in the modified ED1.**
- F Consider the use of policies 4.1.5 – 4.1.8 from CD46 to replace and expand elements of the policies recommended to be deleted, and to incorporate Additional Proposed Change 4.**
- G Do not modify the Plan in accordance with Proposed Change 113.**

ED1 - Aims and Objectives (Economic Development)

Objection DED0072 - Ms C Morgan

Issue The need for the policy to allow for small business proposals which could reduce energy consumption or the need to travel.

Conclusions

5.12 I agree with the Council that the scale of proposal which is of concern to Ms Morgan could be dealt with on its own merits in the light of policies in the Plan. There is therefore no need for a specific policy.

RECOMMENDATION

5.13 Do not modify the Plan in response to this objection.

Objections to Specific Sites

Paragraph 5.17 and ED1 – Local Context: Unigate Dairy Site, Headcorn

Objection DED0136 - Spinnaker Properties Ltd

Issue The allocation of this site for uses within Classes B1, B2, B8 and as a car showroom.

Conclusions

5.14 I note the reference to the future of rural employment in Headcorn in paragraph 5.17 of the Plan. However, I agree with the Council that the future of this site should be determined through the development control process, in the light of policies which prevail at the time, rather than by making it the subject of a specific policy.

RECOMMENDATION

5.15 Do not modify the Plan in response to this objection.

Paragraphs 5.17, 5.82 and ED1 - Aims and Objectives (Economic Development)

Land South of Headcorn Station

Objection DED0094 - P.A. Edwards

- Issues**
- (a) Whether there is a need for the proposed uses.
 - (b) Whether Headcorn is a location for the proposed uses which would meet the objectives of sustainable development.
 - (c) The effect of the proposed uses on the character and appearance of the area.

Conclusions

5.16 This land lies immediately south of the railway line and has an area of about 25ha, about 10ha of which are proposed for development. At the inquiry it was confirmed that the proposed uses would be office, industry (Classes B1 and B2), business, showrooms and retail. The site is within the Low Weald SLA, and I have dealt with objection DENV0410 to exclude it in Chapter 3. The site is bounded on the south by the River Beult SSSI, and to the east by the River Sherway SNCI. An illustrative layout was submitted showing the developed area, road access from the A274, footpaths and cycleways and a wildlife area to be under the control of the Kent Wildlife Trust.

5.17 It was accepted at the inquiry that the previous local plan which the objector said had included an allocation in Headcorn for employment on land liable to flood, was an informal plan which had never been adopted by the Council. I have therefore attached very little weight to any allocation which it might have made.

5.18 Turning to issue (a), I acknowledge the reference in paragraph 5.17 of the Plan to an allocation in Headcorn "... in the longer term ... supporting rural employment." This

reference is to advice in CD37 *Maidstone Local Economy*. However, the discussion in paragraph 6.29 of the CD from which this advice stems, is clearly in the context of a modest demand for accommodation in the rural areas. Although there is no more detailed definition of scale, there is also discussion of one site, the Unigate Dairies site to which the objector also referred. Against this background I do not consider that the development of about 10ha for the wide range of uses proposed can in any way be considered modest. Moreover, beyond a reference to this advice, no evidence of need for development at this scale and of these uses has been put forward on behalf the objector.

5.19 I conclude on this issue, therefore, that there is no need for the scale and type of uses proposed, and that they are not supported by paragraph 5.17 of the Plan nor the advice on which it was based.

5.20 Dealing with issue (b), I acknowledge that the location of the land close to Headcorn railway station has some benefits as a sustainable location. I have no doubt, however, that any such benefit is readily outweighed by two other aspects of sustainability. First the scale of the proposal is far beyond what might be needed to meet the needs of a rural area, leading to the need for travel, both to work and to supply the uses on the site. Despite the closeness of the railway, I have no doubt that this would involve considerable road usage, and the location is not therefore sustainable in broad terms. Second the impact on the surrounding area which I identify in the next issue renders the proposal wholly unsustainable environmentally. On this issue, therefore, I conclude that the proposal would not meet the objectives of sustainable development.

5.21 Turning to issue (c), I found on my visits to the area that the railway line is a clear and defensible boundary to the southern edge of Headcorn. It separates the village from the rural area to the south which forms Headcorn's countryside setting, and of which the objection land is part. In this context, I have no doubt that the proposed development would be seen as a major urban intrusion into the countryside, materially harming the rural character and appearance of the area. In Chapter 3 I did not support this objector's view that the land should be taken out of the Low Weald SLA, and development would also harm the landscape of the area which this designation, and policy ENV4 of the Structure Plan, seek to protect.

5.22 I note the form of development which was illustrated at the inquiry, and the proposal for a wildlife area related to the SSSI and SNCI. This does not persuade me to support this objection, however, since it does not outweigh the harm I have found in all three issues, particularly as the wildlife area could be achieved without the development. On this issue, therefore, I conclude that the proposal would materially harm the character and appearance of the area, and the important landscape of the Low Weald.

5.23 I have made two additional typographical recommendations which are outside the scope of the objection but which I hope the Council finds helpful. First, I note that there are no reference numbers for the SSSIs on the Proposals Map, although Appendix 4 of the Plan refers to them. In contrast, there are numbers for the SNCIs on the Maps. Second "River Beult" is mis-spelled in Appendix 4.

RECOMMENDATIONS

5.24 A Do not modify the Plan in response to this objection.

B Number SSSIs on the Proposals Map as shown on Appendix 4 of the Plan.

C Delete “Beault” from item 6 of Appendix 4 of the Plan and replace it with “Beult”.

ED1 - Aims and Objectives (Economic Development): Land Near Junction 7 of M20

Objection DED0026 - Prowting Projects Ltd

Issue The allocation of land for employment purposes.

Conclusions

5.25 At the inquiry when dealing with a related objection (DH0123), the objectors confirmed that they did not wish to pursue this objection. I have therefore not considered it, and as a result recommend no modifications to the Plan.

RECOMMENDATION

5.26 Do not modify the Plan in response to this objection.

ED1 - Aims and Objectives (Economic Development)

Land Adjacent to the Stakis Hotel

Objection DED0122 - Chestergate Estates Ltd

Background

5.27 Although expressed as an objection to ED1, DED0122 seeks the allocation of land to the north and west of the Stakis Hotel for high value manufacturing as well as, or instead of, the allocation made at Cobtree Forstal under ED2 (Mr Hicken’s Proof PR.122, paragraph 1.9 and Appendix A.). The site has an area for development of about 4.5ha, in addition to the 2.75ha of the park and ride car park. The objectors estimated that the gross floor space would range from 10000 – 13000 sq m.

5.28 At the inquiry the Council accepted the qualitative need for the uses proposed, although I heard arguments about need generally in dealing with objections to ED2. I have

dealt with this case on the basis of my conclusions in paragraph 5.46 that an allocation of the size proposed here could be made within Structure Plan policy ED2(a) because the Council is proposing to delete 12ha of land formerly allocated for Class B2 uses. I deal below with the role of the Plan in limiting the uses to those proposed in the objectors' suggested policy. The Council also accepted that that the objection site would meet the objectives of sustainable development because of its access to park and ride, service bus routes and residential areas. No objection was made to highway access in principle and, in the absence of an objection from MAFF, it was accepted that the loss of agricultural land would not be an overriding reason for rejecting the proposal.

5.29 At the inquiry I heard arguments comparing the objection site with that allocated under ED2 at Cobtree Forstal. However, in paragraph 5.58 I recommend that this site should be deleted, and in doing so I concluded that there are no matters which could override the harm which I identified and which led to my recommendation. In dealing with this case, therefore, I have considered the objection site solely on its own merits.

Issue

5.30 In Chapter 3 I recommend that the site should be deleted from both the Strategic Gap (DENV0490) and the North Downs SLA (DENV0491). Against this background, and with my conclusions on need and the agreement at the inquiry on other matters, the only outstanding issue to my mind is the effect of the proposal on the character and appearance of the area.

Conclusions

5.31 I found on my visits that the character and appearance of area around the site is very strongly influenced by the urban nature of the Stakis Hotel, the M20 and other major roads, the park and ride facility and, to a lesser extent, the buildings at Newnham Court Farm. It was this urban influence which I describe in more detail in Chapter 3 which led to my recommendation to delete the objection site from the SLA. It also persuades me that, with the right safeguards on landscaping and uses, a development of the type proposed would not materially harm the character and appearance of the area. I therefore conclude that this objection should be supported and I turn to consider the modifications to the Plan which are necessary as a result.

5.32 I have recommended a new policy, broadly based on advice in CD46. One criterion should set out the requirements of a landscaping scheme, which should be fully justified in the text. There is no need for a reference to design, highway or public transport requirements since they are covered by other policies, and cross-references within policies is contrary to the advice in CD46. Reference should be made in the text, however, to the main policies which will be applied. From what I heard at the inquiry, it appears that the replacement of the park and ride facility by the objectors is part of the Council's 10-year lease of the present site. However, replacement serves a valid planning purpose and I have, therefore, retained it as a second policy criterion.

5.33 The objection seeks an allocation for specific uses, reflecting ED2 at Cobtree Forstal and the allocation of this site in the Consultative Draft of this Plan. The objectors' suggested policy, like ED2, also uses the undefined phrase "high value manufacturing". Advice in PPG4 paragraphs 7 and 30 is generally against such restrictions, and I also doubt that a policy of this type could be used successfully to control development. In this respect I note that before the allocation was deleted from the Plan, it was the Council's intention to control the development of this site through a planning obligation.

5.34 I have accepted the principle of an allocation for B2 uses on the basis of the reduction of former allocations. Nevertheless, there are special reasons here which I consider justify the further controls possible with a planning obligation, despite my reservations about elements of the Council's approach which I set out in paragraph 5.47. First, there is an opportunity for industries - electronics, communications and specialist engineering - not represented in the Borough and which could take particular advantage of the location next to the M20. Second, although it may need further refinement, I am inclined to share the Council's vision of such a site as the "gateway" to the town. This requires uses which will provide attractive buildings in a well landscaped setting, which is not necessarily associated with all Class B2 uses. Without these controls, therefore, a significant opportunity could be lost, and a prominent site could be developed in a less satisfactory way.

RECOMMENDATIONS

5.35 A **Insert new policy and modify the Proposals Map accordingly:**

"POLICY ED? DEVELOPMENT WITHIN USE CLASS B2 WILL BE PERMITTED ON LAND ADJOINING THE STAKIS HOTEL, OLD SITTINGBOURNE ROAD AS DEFINED ON THE PROPOSALS MAP PROVIDED:

- (1) (the uses and their control through a planning obligation);**
- (2) (landscaping scheme);**
- (3) (replacement park and ride)."**

B Set out in the reasoned justification:

the uses, the reasons for their limitation and the means of controlling them;

the purpose of the landscaping scheme; and

any requirements for replacing the park and ride facility.

C Include the site within the boundary of the urban area.

ED1 - Aims and Objectives (Economic Development)**Land Adjacent to the Stakis Hotel**

Objection	DED0123 – Stakis plc
Issue	The development of the site for Class A3 use within the employment allocation covered by objection DED0122.

Conclusions

5.36 This is a small site at the junction of the A249 and Bearsted Road, immediately east of the hotel. It is very similar to the site which is subject to objections DENV0004/5, and I have already recommended that it should be deleted from the Strategic Gap and North Downs SLA. It adjoins the area covered by the previous objection, and in all these circumstances it would be entirely consistent if the site were included in the urban boundary and developed as part of this larger area. However, I do not consider that the Plan should make a specific allocation for A3 uses, since detailed matters of layout and the location of uses within the site should be left to the development control process, considering applications against the light of policies which prevail at the time.

RECOMMENDATION

5.37 Include the site within the urban area and the area covered by the new policy recommended in paragraph 5.35 but make no other modifications in response to this objection.

The rest of this chapter broadly follows the sequence of the Council's report of 18 November 1997.

ED2 - Cobtree Forstal, Forstal Road**Objections**

DED0005 - Boxley Parish Council	DED0060 - CPRE
DED0008 - Mr W Betteridge	DED0088 - Kent County Council
DED0011 - Tonbridge & Malling BC	DED0105 – Dr F Simpson, Member Kent CC
DED0020 - Mr E J Leigh	DED0125 - Mid Kent Water Plc
DED0021 - Mrs J S Taylor	DED0140 - Aylesford Parish Council
DED0023 - Mr D Jones	DED0147 - E J Mackelden & Sons (Bobbing) Ltd
DED0058 - Mr R C Tucker	

Issues (a) Whether there is a need for the uses proposed in this allocation which

can be met on the site but not elsewhere.

- (b) Whether the limitation on the uses proposed can be achieved.
- (c) The effect of the proposal on:
 - (i) the character and appearance of the area, bearing in mind the site's location within the North Downs SLA; and
 - (ii) the Strategic Gap.

Conclusions

5.38 I have already recommended in Chapter 3 when considering objections DENV0025 and DENV0404 that this site should be included within the Strategic Gap. I will not repeat my reasoning, but here I consider the effect of the proposed development on the Gap. The site has an area of about 10ha, and it was suggested at the inquiry that, allowing for landscaping and other constraints, the floorspace was likely to be between 25000 sq m and 31000 sq m.

Issue (a) Need

5.39 The need for an allocation for high value manufacturing was identified in a report commissioned by the Borough Council and prepared by PIEDA plc (CD37). Paragraph 5.14 of the report recognises the "potential" in Maidstone for a site to take advantage of motorway links and the access they provide to the M25. Paragraph 6.35 of the report considers that the road access to the major allocation for Class B2 uses at Parkwood is "inferior", and points to a "requirement" for a site with good access to motorways. Paragraph 7.31 identifies "... a significant gap in the provision of a prestige location for ..." high value manufacturing firms in the electronics, communications and specialist engineering sectors, whose requirements would be a good quality environment and access to the motorway and primary road network.

5.40 At the inquiry I also heard the findings of a more recent report prepared by KEDA for the Borough Council (CD41). It is the view of this study that the Borough's economy is over-dependent on the public service and retail sectors, both of which are facing challenges where, at worst, employment could reduce. In contrast, the current B2 allocations do not provide sites suitable for the "high tech." sector which has a vigorous growth pattern. It was argued that the firms in the fields of computer software, biotechnology, multi-media production and electronics "... hold the key for the future of both the national and local economy ..." and are essential for a balanced economy (KEDA, MBC/PR.119, paragraphs 5.7 and 5.9).

5.41 Against this background, I have considered first the broad need for land for Class B2 uses, and then the more specific need identified in these studies and in ED2. On general need, policy ED2(a) of the Structure Plan allows the replacement of poor sites with better allocations of more marketable and well-located sites. The Borough Council argued at the

inquiry that this allocation was part of that process, pointing to the reduction of 12ha of previous allocations at Fountain Park and Parkwood, and a further 7ha in the longer term at Beaconsfield Road, Tovil. This should be compared with the 10ha of this allocation.

5.42 In principle I support the provision of the best located sites. However, the allocation must be considered in the light of two further arguments raised at the inquiry by the County Council: land supply against the provision made in policy ED1 of the Structure Plan; and the provision of policy MK1 that the release of “fresh land” for economic development in the Maidstone/Malling area would not normally be permitted.

5.43 On land supply the County Council produced figures for the Borough alone at 2006 which show a substantial shortfall of land without the allocation (MB/PR.120, Table 1). However, the Structure Plan provision is made for the wider Maidstone/Malling area, and here the figures show a small shortfall for B2/B8 uses, but a small surplus for all employment land (MB/PR.120, Table 2). However, I have two reservations about the use of these figures in this case. First, provision in the wider area is made up largely by the allocation at Kings Hill. Since this is for B1 uses, and is some distance from Maidstone, in principle it is not a good alternative to any new sites identified under Structure Plan policy ED2(a) as improved B2 allocations.

5.44 Second, whilst I note that policy ED1(b)(i) of the Structure Plan requires floor space provision in this area to remain within the guidelines, the County Council’s figures for 2006 with this site show a surplus of 9% for B2/B8 uses and 16% for all employment land. Given the many variables involved in producing these figures, and the changing market conditions against which sites will be considered, I am not convinced that a surplus of this size could be argued to be harmful. Indeed, in answer to a question from me, the County Council witness at the inquiry said that tolerance within these figures was not a major concern, compared, for example, with housing land supply.

5.45 Turning then to the release of fresh land, the County Council argued that there are two reasons for this aspect of policy MK1: to retain a balance between housing and employment, and to ensure that provision is made without harming environmental protection policies, but rather ensuring the re-use of derelict sites or the use of sites in the urban area. In the light of my findings on housing land in Chapter 4 I fully support the first reason, although it seems to me that it can be overcome in this case if existing allocations are reduced, as Structure Plan policy ED2(a) allows. I also support the second reason, although this will depend on the site allocated, and does not go to the principle of an allocation.

5.46 All this leads me to conclude in general terms that it is a good strategy for the Plan to reduce the amount of poor, or poorly located, land allocated for B2 uses, and to seek to replace it with better sites in more accessible locations. Indeed, I have already supported this approach in Chapter 4 in relation to the provision of housing on such sites. Moreover, on the basis of the scale of reduction, about 12ha, and the size of this allocation, about 10ha, it seems to me that this strategy can be achieved in principle within Structure Plan policies.

5.47 Turning to the more specific need which ED2 addresses, however, I am less

convinced. It was accepted on behalf of the Borough Council at the inquiry that there is no information on firms of the type thought suitable who might relocate to a site in Maidstone. Nor, from what I heard, am I convinced that the Council, or its advisors, have a very clear picture of what these firms are or, apart from taking the opportunity of a site on the M20, why they would move to Maidstone. On the other hand, I can see why the development of a highly visible site with, for example electronics industries in a well landscaped setting, would be attractive to the Council both for the jobs it might provide and the image it would project of the Borough. Clearly more work is needed to refine the Council's approach but, given my conclusion on the need to replace earlier allocations, I do not see this uncertainty as a reason to reject the aims of ED2.

Issue (b) Role of the Local Plan

5.48 I have two major reservations about the ability of the Local Plan to provide the uses proposed in ED2. First, as the Council recognised at the inquiry, the uses set out in the policy cannot be controlled through planning powers because of permitted development rights, and Government advice in PPG4 about restricting them. Moreover, changes of use within Class B1 are not development and do not need permission. In this case, however, the Council argued that the use limitations could be ensured through its powers as land-owner, and I accept that this would be possible and that it would be a benefit of developing this site. That benefit would be limited, however, since the Council could control the uses through a planning obligation, as I discuss in paragraph 5.34.

5.49 Second, the Council has been advised that skills training will be needed to meet the requirements of the type of firms which might be attracted to a site allocated under ED2, and this clearly requires time and a corporate strategy involving several outside bodies (CD41, page 38). It was also accepted that in the absence of a skilled local workforce, jobs would be filled by people living elsewhere. Setting the right context for ED2 will be difficult and will require time – 3 to 5 years according to the Council's advisors. However, as with the previous issue, I do not see that as a reason to reject the aims of ED2 at this stage, as long as any provision is made within the Structure Plan guidelines.

Issue (c)(i) Effect on the SLA

5.50 On my visits to the area, I found that the site is prominent when seen from Forstal Road to the north, the M20 to the south and the River Medway towpath to the south and west. In all these views I found that the open, undeveloped nature of the site contributes significantly to the rural character and appearance of its surroundings. This character is reinforced by the size and undeveloped nature of Cobtree Manor Park, the extent and density of tree planting along the Park's Forstal Road frontage, and the more distant views towards the Downs. The M20 has some impact in terms of noise and moving traffic, but it is not enough to impose a serious urban influence in the site. Similarly the effect of the commercial uses which adjoin to the west is limited by planting along that boundary. Moreover, I found that the site was important as the foreground to the North Downs, and for this reason fully justifies its inclusion in the SLA, a designation not proposed to be changed by the Council.

5.51 In this context, I have no doubt that the development proposed would materially harm the rural character and appearance of the area, and the particular landscape importance of the SLA. I do not consider that this could be overcome by landscaping on the site, which itself would have a wholly different character from the undeveloped rural nature of the site at present.

Issue (c)(ii) Effect on the Strategic Gap

5.52 In Chapter 3 I recommend that this site should be included in the Gap. I have no doubt that, by reducing the space between Maidstone and Aylesford from 300m to 200m, this proposal would add materially to the coalescence of the two towns contrary to policy MK5 of the Structure Plan. The openness of this area is particularly experienced from Forstal Road, and buildings on the site would be prominent and be clearly seen to extend Aylesford into adjoining open land.

5.53 I conclude on both parts of this issue, therefore, that the proposal would be materially harmful and it is this conclusion which has led to my recommendation to delete the site.

Overall conclusions

5.54 I heard of several other matters of concern to the objectors at the inquiry: on drainage and flooding, I am satisfied that a technically acceptable proposal could be achieved; I note the wish for an expansion of the adjoining museum, but this does not appear to be supported by the Museum itself; I note that there is no objection from the highway authority on traffic generation, and that none of the site has been identified for its nature conservation interest under policies in Chapter 3.

5.55 I support in principle the exchange of poor sites allocated for B2 uses, and in this context I see no reason why an allocation of this size should not be made within Structure Plan policies. There are problems to be overcome in setting the aims of the policy into a corporate strategy, for example for skills training. However, provided that the Structure Plan requirements are met I do not see these matters as reasons to reject ED2.

5.56 In market terms I see no reason to dispute the acceptability of the site, but I am not convinced that it has any material advantage over other sites adjoining the M20. Since the Council has an ownership interest, however, I accept that the uses could be controlled here in ways not necessarily available on other sites.

5.57 Whatever my conclusions on all these issues, however, my recommendation reflects my firm conviction that development would materially harm the character and appearance of the area, the SLA and the separation of Maidstone from Aylesford contrary to policy MK5 of the Structure Plan. I have no doubt that this harm outweighs any general benefit of meeting a need for better sites for manufacturing uses, or the specific benefit in this case of site ownership by the Council.

RECOMMENDATION**5.58 Delete ED2 and paragraphs 5.28 – 5.30.**

ED2 - Cobtree Forstal, Forstal Road**Objection** DED0055 - GOSE**Proposed Change 114****Issue** The form and wording of the policy.**Conclusions**

5.59 My recommendation here reflects my recommendation in paragraph 5.58 to delete this policy.

RECOMMENDATION**5.60 Do not modify the Plan in response to this objection, or in accordance with Proposed Change 114.**

ED2 - Cobtree Forstal, Forstal Road**Objection** DED0086 - The Cobtree Charity Trust Ltd**Issue** The inclusion of uses within Class B8.**Conclusions**

5.61 My recommendation here reflects my recommendation in paragraph 5.58 to delete this policy.

RECOMMENDATION**5.62 Do not modify the Plan in response to this objection.**

Paragraph 5.33 - Land West of Royal Engineers Road**Objections** DED0103 - Ringbest Ltd
DED0144 - Berisford Plc

Issue The need to allocate this site only for high value manufacturing.

Conclusions

5.63 This site is allocated under both ED3 and R5. Given the guidance on page 12 of CD46 that policies should be clear and unambiguous, this duplication alone would have led me to recommend deleting one or other of these policies. I have considered objections to R5 in Chapter 7 and recommended that the site should not be allocated for bulky goods retailing. However, in Chapter 4 I have recommended, when considering objections DH0220 and DH0320, that the site should be allocated for housing. Here I consider the use of the site for high value manufacturing in principle.

5.64 In paragraph 5.35 I recommend that an area of land adjoining the M20 should be allocated for high value manufacturing. I have seen no evidence that there is a need for more land for this use. Moreover, when considering objections to ED2 and the allocation at Cobtree Forstal, the Council argued very strongly that it was essential that such sites should be clearly seen from the motorway. This was partly to ensure good accessibility, but also, and important to the Council's case, to enable the site to act as a "gateway" to Maidstone showing in a high profile way the modern industries for which the town caters. I accept that this site has good road and other communications, but it clearly does not meet this criterion which, from what I heard at the inquiry, underpins the Council's approach towards high value manufacturing. I therefore do not consider that the site meets a principal aim which the Council has set of the uses proposed in ED3 and I have recommended accordingly.

RECOMMENDATION

5.65 Delete ED3 and paragraphs 5.31 - 5.33.

Paragraphs 5.31 - 5.33 and ED3 - Land West of Royal Engineers Road

Objection DED0073 - Ms C Morgan

Issue The deletion of this allocation and its replacement with an allocation for high density housing.

Conclusions

5.66 I have recommended in paragraph 5.65 that this allocation should be deleted, and in Chapter 4, when dealing with DH0220 from Ms Morgan, that the site should be allocated for housing.

RECOMMENDATION

5.67 Do not modify the Plan in response to this objection.

ED3 - Land West of Royal Engineers Road

Objection DED0129 - Kent County Council & Whatman Plc

Issue The need to correct the Town Centre Inset Map.

Conclusions

5.68 The Council accepts that there is a typographical error on the Inset Map which shows this site subject to ED23 not ED3. However, I have recommended that this policy should be deleted, and my recommendation here reflects that finding

RECOMMENDATION**5.69 Do not modify the Plan in response to this objection.**

ED4 - St. Michaels Close, Near Aylesford

Objection DED0070 - Kent Wildlife Trust

Proposed Change 115

Issue The need to minimise the impact of development on the semi-improved chalk grassland which the proposed landscaping is intended to enhance.

Conclusions

5.70 I support this proposed change since it makes clear the importance of protecting the adjoining open area. The change overcomes this objection.

RECOMMENDATION**5.71 Modify the Plan in accordance with Proposed Change 115.**

ED5(i) - Retained Economic Development Allocations

Tovil Green

Objections DED0030 - South Maidstone Traffic Action Group
DED0090 - Tovil Parish Council

Issue The deletion of this allocation and its development for housing.

Conclusions

5.72 From my visits to the area, I share the Council's view that the past uses of this site, and the commercial uses which now adjoin it on three sides, make this site unsuitable for housing. Nevertheless, I have some sympathy with the objectors' concerns for the effects of commercial vehicles on adjoining roads, and this led in part to my support in Chapter 4 for H15 and housing in the Beaconsfield Road area. There is no detailed evidence on this matter, but it seems to me that the changes to housing of former industrial areas and sites will help to limit at least the growth in commercial vehicles. In these circumstances, and given the nature of this site and its surroundings, I do not support these objections.

5.73 However, I see no need for this policy since the site can be listed under ED1 as I recommend that it be modified, and ED5(i) is simply unnecessary repetition.

RECOMMENDATIONS

5.74 A Retain the site within ED1 as I recommend that it be modified.

B Delete ED5(i) and the supporting text.

ED5(ii) - Retained Economic Development Allocations**West of Lodge Road, Staplehurst**

Objection DED0003 - Veremead Group Ltd

Proposed Change 116

Issue The inclusion of this site under ED12 since it has planning permission.

Conclusions

5.75 The proposed change overcomes this objection by moving this site from ED5 to ED12 reflecting the grant of planning permission. I support the proposed change in principle since it is purely factual. However, I have recommended that the site should be included in the new ED1 for the reasons that I give in paragraph 5.8.

RECOMMENDATIONS

- 5.76 A Retain the site within ED1 as I recommend that it be modified.**
- B Delete ED5(ii) and the supporting text.**
- C Do not modify the Plan in accordance with Proposed Change 116.**
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ED5(ii) - Retained Economic Development Allocations**West of Lodge Road, Staplehurst**

Objections DED0007 - Mr D W G Sawyer
DED0133 - Linton Parish Council

Issue The deletion of this allocation.

Conclusions

5.77 I have included Mr Sawyer's objection here since, although it was made to ED7, it is to the principle of development not the detail with which that policy deals. I note the concerns of both objectors about traffic generation, but planning permission has been granted on the site and the principle of its use is therefore no longer before me.

RECOMMENDATION

- 5.78 Do not modify the Plan in response to these objections.**
-

ED5(iii) - Retained Economic Development Allocations**West of Pattenden Lane, Marden**

Objection DED0006 - Mr D W G Sawyer

Issue The deletion of this allocation.

Conclusions

5.79 Mr Sawyer argues that this allocation should be deleted because of the number of vacant units on the site, and the limited capacity of the surrounding rural roads. The allocation is for the lifetime of the Plan, and should not be unduly influenced by vacancies at

one point during that time. I acknowledge the limitations of the surrounding roads, but I do not consider that traffic generated from this small site would be so great as to justify its deletion. I therefore do not support this objection in principle, but my recommendation reflects my findings in paragraph 5.8 about the way in which the Plan should set out the land allocations for economic development.

RECOMMENDATIONS

5.80 A Retain the site within ED1 as I recommend that it be modified.

B Delete ED5(iii) and its supporting text.

ED5(iv) - Retained Economic Development Allocations

Langley Park Farm West

Objection DED0022 - John Mills Esq.

Issue The need to retain all this site for employment uses.

Conclusions

5.81 Earlier in this chapter when dealing with ED2 and the allocation at Cobtree Forstall, I agreed in principle with the Plan's approach of replacing poorly located industrial allocations. Parkwood is not well related to the motorway network or railways, and I therefore support the reduction the industrial area to allow better sites to be allocated. This is particularly important in the light of my findings in Chapter 4 about the need for additional housing units to meet Structure Plan requirements. In contrast, I do not accept the objector's argument about the need for the allocation to create jobs for the nearby housing allocations, since I have recommended the deletion of H2 (iii), and not accepted this objection for the extension of H2(ii).

RECOMMENDATION

5.82 Do not modify the Plan in response to this objection.

ED5(iv) - Retained Economic Development Allocations

Langley Park Farm West

Objection DED0024 - Mr D Wilkinson

Issue Deletion of this allocation.

Conclusions

5.83 Mr Wilkinson seeks the deletion of this allocation, and the restriction of development at Langley Park Farm West to housing, because of the effects of increased traffic, with attendant problems of noise and air pollution. The allocation is for 6ha, compared to 14ha in the adopted Local Plan and a residential allocation has been added. Whilst the level of traffic will not be lower overall because of this change, there will be a reduction in the number of heavy goods vehicles. On pollution I am satisfied from what I heard at the inquiry that the increase in traffic would be substantially below the level at which harm could occur since flows on the A274 would have to more than double before there need be concern about meeting statutory air quality objectives. On noise, whilst no detailed evidence was given, any increase in traffic from the industrial element of this site would be a small proportion of the total existing traffic and any increase in noise would not therefore be enough to justify deleting the allocation.

5.84 On the general level of traffic increase, I note that there is no objection from the County Council as Highway Authority, and I accept that the site has reasonable access by public transport, with the possibility of long-term access from the Medway Metro. I also note Mr Wilkinson's concerns about additional traffic attracted to this section of the A274 when the Leeds/Langley By-pass is built. However, figures presented by the Council at the inquiry do not suggest an unacceptable increase as a result. Mr Wilkinson also suggested relocating the industrial allocation to Cobtree Forstal, but in paragraph 5.58 I recommend the deletion of the allocation there because of the effect on the Strategic Gap and SLA. For all these reasons, I do not accept this objection.

RECOMMENDATION

5.85 Do not modify the Plan in response to this objection, but retain ED5(iv) within ED1 as I recommend that it be modified.

ED5(iv) - Retained Economic Development Allocations

Langley Park Farm West

Objection DED0099 - George Wimpey Plc

Issue The need to delete the employment allocation to allow the site to be developed entirely for housing.

Conclusions

5.86 I have dealt with this argument in Chapter 4 in considering DH0300.

RECOMMENDATION

5.87 Do not modify the Plan in response to this objection.

ED5(iv) - Retained Economic Development Allocations

Langley Park Farm West

Objection DED0135 - Mr R M R Ashby

Issue The need to extend the allocation to the east to include the Golf Driving Range.

Conclusions

5.88 I have dealt with this argument in Chapter 4 when considering DH0556.

RECOMMENDATION

5.89 Do not modify the Plan in response to this objection.

ED5(v) - Retained Economic Development Allocations

Tenacre Park, Harrietsham

Objection DED0092 - Mr & Mrs J P Holland

Issue The deletion of this allocation.

Conclusions

5.90 Since this site has planning permission the principle of its use is not before me. I also agree with the Council that, in the way the Plan is prepared, the site should be included under ED12. However, my recommendation here reflects my findings in paragraph 5.8 about that policy and ED1 as I have recommended that it should be modified.

RECOMMENDATIONS

5.91 A Retain the allocation but include it under ED1.

B Delete ED5(v).

ED6 - Tovil Green

Objections	DED0031 - South Maidstone Traffic Action Group DED0091 - Tovil Parish Council
Issue	The deletion of the policy.

Conclusions

5.92 In paragraph 5.74 I recommend that this allocation should be retained, and I do not therefore support the intention behind these objections. However, I see no need for ED6. The highway works and public transport provision which it seeks can be achieved by the application of other polices, and it is both unnecessarily repetitious and contrary to the advice on page 17 of CD46 to refer to them in ED6.

RECOMMENDATION**5.93 Delete ED6 and paragraph 5.38.**

ED7 - West of Lodge Road, Staplehurst

Objection	DED0134 - Linton Parish Council
Issue	The deletion of the policy.

Conclusions

5.94 In paragraph 5.76 I recommend that this allocation should be retained, and I do not therefore support the intention behind these objections. However, I see no need for ED7. The highway works and public transport provision which it seeks can be achieved by the application of other polices, and it is both unnecessarily repetitious and contrary to the advice on page 17 of CD46 to refer to them in ED7.

RECOMMENDATION**5.95 Delete ED7 and paragraph 5.39.**

ED8 - West of Pattenden Lane, Marden

Objection	DED0044 - GOSE
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Proposed Change 118

Issue The form and wording of the policy.

Conclusions

5.96 This objection seeks the removal of “normally” from the policy, and is overcome by the proposed change. However, this policy adds nothing which could not be included in the modified form of ED1 which I recommend in paragraph 5.11, and I therefore recommend that in its present form it should be deleted, as I have other similar policies. Paragraph 5.41 sets out an alternative form of development and, to have any impact I consider that this must be in the form of a policy. I have recommended accordingly.

RECOMMENDATIONS

5.97 A Delete ED8 and replace it with:

“POLICY ED8 DEVELOPMENT FOR CLASS B8 USES OF LAND WEST OF PATTENDEN LANE, MARDEN AS SHOWN ON THE PROPOSALS MAP WILL BE PERMITTED IF:

- (1) (reduction of heavy goods vehicles);
- (2) (highway safety); and
- (3) (site specific environmental requirements).”

B Justify the requirements in the text.

C Add the site area and the restriction of uses to ED1 as I recommended that it be modified

D Do not modify the Plan in response to this objection or Proposed Change 118.

ED8 - West of Pattenden Lane, Marden

Objection DED0118 - Alan Firmin (Linton) Ltd

Issue The need to extend the allocation.

Conclusions

5.98 This objection seeks to add land along the northern boundary and at the north-west corner of the allocation under ED8. It was argued that this would improve servicing and access within the site to the most northerly of the units on the Pattenden Lane frontage. The site is adjoined to the north by houses, and a tree belt would be provided within the site on part of the land concerned. Given the limited size of the area involved; the specific need which is to be met; the limitations on part of the land to provide the tree belt; and the local nature of concerns about the effect on neighbours, it seems to me that this is not a case for the Local Plan. Rather, the whole matter should be considered within the development control process, when the concerns about the impact on neighbours can be fully considered, and if permission is given, controls can be exercised by the detailed form of the application itself and any conditions which might be applied.

RECOMMENDATION

5.99 Do not modify the Plan in response to this objection.

ED8 - West of Pattenden Lane, Marden

Objection DED0119 - Alan Firmin (Linton) Ltd

Proposed Change 124

Issue The location of Class B8 uses on employment sites.

Conclusions

5.100 I have tried in my recommendations to simplify this chapter, and to reduce unnecessary repetition of policies. In principle, the Council's approach of one policy dealing with Class B8 uses which is set out in this proposed change is in line with this and I support it. In practice, as paragraphs 5.157 – 5.159 show I have severe reservations about ED12A in detail, some of which are reflected in this objection. It is concerned, as I am, with the lack of justification and consistency within the proposed change. As my recommendation on ED12A makes clear, the Council must either justify its approach or not seek to control Class B8 uses within the combined B2/B8 category adopted by the Structure Plan. To an extent, therefore I share the views of this objector, but I rely on my recommendation in paragraph 5.159 to deal with this case. I do not, however, accept the modifications which are sought, first because they reflect the existing form of the Chapter, and second because they contain cross references in the policies which is contrary to the advice in CD46.

RECOMMENDATION

5.101 Do not modify the Plan in response to this objection.

ED9 - Tenacre Park, Harrietsham

Objection	DED0056 - GOSE
Issue	The form and wording of the policy.

Conclusions

5.102 GOSE argues that the wording “must not” in this policy is too prescriptive and therefore contrary to Government guidance. I agree, although an alternative form is not difficult to envisage. I am not clear, however, exactly what this part of the policy means. Presumably it does not relate to the CTRL itself, but to the landscaping and bunding which are referred to in paragraph 5.44 of the Plan. Nor is it clear from the Plan why this land is related to, or in any way threatened by, the area to be allocated. As a noise and landscape buffer I would expect its future to have been secured in other ways. If this is so, it seems to me that the best way to resolve this is for the allocation to exclude any land associated with the CTRL. If this is not possible, then both the policy and its supporting text should be much clearer. I have tried in my recommendation to cover both eventualities.

RECOMMENDATIONS

5.103 A Define the allocation to exclude any land associated with the CTRL and delete any reference to it from the policy and text; or

B Delete ED9 and replace it with:

“POLICY ED9 PLANNING PERMISSION WILL BE GRANTED FOR CLASS B1 USES ON APPROXIMATELY 0.8HA OF LAND BETWEEN ASHFORD ROAD AND THE M20 AT HARRIETSHAM AS SHOWN ON THE PROPOSALS MAP, PROVIDED THAT [describe precisely the area of concern] IS NOT MATERIALLY HARMED.”

C Explain fully in the supporting text the relationship between the allocation and the adjoining land, and what the policy is seeking to protect.

ED9 - Tenacre Park, Harrietsham

Objection	DED0093 - Mr & Mrs J P Holland
Issue	The deletion of this policy.

Conclusions

5.104 In paragraph 5.91 I recommended that this allocation should be retained, and my recommendation here reflects that finding.

RECOMMENDATION

5.105 Do not modify the Plan in response to this objection.

5.45 - Mixed Use Schemes

Objection DED0145 - Berisford Plc

Issue The need to identify St Peter's Wharf for mixed use redevelopment.

Conclusions

5.106 It may well be that this site is suitable for mixed use redevelopment, and this perhaps is indicated by the granting of permission in 1992 and later discussions with the Council officers. However, it is not comparable in size or complexity of ownership with the other sites formally identified in the Plan, and I am satisfied that its future should be a matter for development control, determining applications against the policies which prevail at the time, and other material considerations.

RECOMMENDATION

5.107 Do not modify the Plan in response to this objection.

ED10 – Mixed Use Schemes: Lockmeadow

Objection DED0085 - English Heritage

Issue The form and wording of the policy.

Conclusions

5.108 Although this objection deals specifically with the need for a bus transport interchange, to be consistent with my approach elsewhere in this report, I must deal first with the policy more widely. I have already dealt briefly with my concerns in Chapter 4 when considering objections to H15A, and here I consider the way in which the policy should set out the Council's intentions for a mixed use scheme.

5.109 The major problem, it seems to me, is that there is no indication of the extent of, or priority to be given to, the different uses. On business use this is compounded by my concern

set out in paragraph 5.9 that the Plan does not indicate the contribution the site would make to meeting Structure Plan requirements. On the other hand, my findings in Chapter 4 about the need for additional housing; the need for further housing beyond the Plan period to meet the Structure Plan requirement up to 2011; and Government advice about the location of new housing, all suggest a high priority for housing on the site. I can make no specific recommendation on this point, but the Plan must address it if the policy is to give the clarity to developers, landowners and the public which advice in PPG12 requires. There should also be an indication of the future approach towards leisure uses, which are mentioned in paragraph 4.123a of Proposed Change 88, and hotel development provided for in ED25(ii).

5.110 Turning now to other matters in the policy, ENV9 sets out the criteria which must be met by development within the Riverside Zone of Special Townscape Importance. There is therefore no need to repeat the criteria here, or to make a cross-reference in the policy to ENV9, which would also be contrary to the advice in CD46. Criterion (1) is therefore not necessary, although I have retained (2) since that is site specific. The matters covered in criteria (3) are also dealt with by other policies, and again a cross-reference in the policy is contrary to the advice in CD46.

5.111 Against the background set by ENV9, this policy should set out any specific matters relating to commercial development, in the same way that H15A sets out specific matters for housing development. It seems to me that the uses which will be permitted is the one specific element which should be included in this policy and I have recommended accordingly. There must, however, be full justification for this limitation in the text, as well as references to other important policies. In addition there should also be a cross-reference to ENV3 to ensure permanent protection for residential amenities, as I have recommended for H15A.

5.112 Turning to the objection itself, I have no evidence to show the need for a public transport interchange or coach parking area beyond the provision which the Council has already made. Broadly, the public transport needs created by development will be addressed by other policies and do not need to be repeated here. I therefore do not support this objection.

RECOMMENDATIONS

5.113 A Set out in the text the Council's approach to the extent of, and priority to be given to, the uses acceptable within this area, including leisure uses. Reflect this approach in H15A for housing, in ED10 for business uses, and in the relevant reasoned justification.

B Delete ED10 and, subject to A above, replace it with:

“POLICY ED10 PLANNING PERMISSION WILL BE GRANTED FOR USES WITHIN CLASS B1 WITHIN THE LOCKMEADOW AREA SHOWN ON THE PROPOSALS MAP SUBJECT TO:

(1) (ED10(2))”

B Include in the text

full justification for the limitation to Class B1;

a reference to other important policies: ENV3, ENV9, ENV56, H15A and ED25(ii), in addition to those in paragraph 5.49; and

replace “Architectural” with “Townscape” in line 2, paragraph 5.48.

C Do not modify the Plan in response to this objection.

ED10 – Mixed Use Schemes: Lockmeadow

Objection DED0109 - Environment Agency

Issue The need to exclude from this site land within the river floodplain.

Conclusions

5.114 ENV56, as I have recommended that it be modified, gives protection to river floodplains in general. There is, therefore, no need to exclude such land from the site, since that policy will apply to any development in Lockmeadow. It is an important consideration, however, and there should be a cross-reference in the text, as I have recommended for the text supporting H15A dealing with housing in this area.

RECOMMENDATIONS

5.115 A Refer to ENV56 in the supporting text.

B Make no other modifications in response to this objection.

Paragraph 5.53 and ED11 - Maidstone East Station

Objections DED0143 - Railtrack Property
DED0034 – GOSE

Proposed Change 121

Issues (a) The uses to be included in this allocation. (DED0143)

- (b) The form and wording of the policy. (DED0034)

Conclusions

5.116 I have dealt with these issues together for convenience, since they reflect my broad concerns about different aspects of this policy which I can set out most easily in one recommendation.

5.117 On issue (a) Railtrack seeks to add non-food retail to the uses acceptable on this site, without the present limitation on scale and the association of such uses to the transport interchange and station concourse. In Chapter 7 I have recommended modifications to R5 to allocate part of the site for bulky goods retailing. In the same chapter I also conclude that the allocation of the Fremlin Centre under R3 meets the Borough's need for core comparison shopping. In these circumstances I am not convinced that there is any justification for additional shopping on this site, other than in association with the other uses. I therefore do not accept this objection.

5.118 I have, however, two other concerns which are not part of the objection, although I must deal with them to be consistent with other recommendations in this report. First, there is no justification in the Plan for the provision of offices, and I refer to this in general terms in paragraph 5.9. I have no doubt that offices would be appropriate in townscape and locational terms, but the need for them must also be seen to be justified against Structure Plan requirements. This is particularly so in view of my second concern: the low-key reference to residential use.

5.119 I accept that when the Plan was written the Council thought that enough housing land was available. My conclusions in Chapter 4 show that this is not the case, and indeed I have been unable to recommend enough sites in that chapter to meet the Structure Plan requirement. Moreover, housing on the site would clearly meet the advice in PPG13 about the benefits of a central location, with opportunities for travel other than by car, and the use of an already developed site. In these circumstances, it seems to me that the Plan should set out a much firmer requirement for housing.

5.120 It is difficult for me to recommend exactly how this should be done in this policy, since I do not know from the information before me whether offices are needed, or would simply be "appropriate" as paragraph 5.53 of the Plan says. However, given this description, and the extensive allocations elsewhere in the Plan, I have assumed for the purposes of my recommendation that offices on the site are not needed to meet the Structure Plan requirement, and I have given priority to housing. There will, therefore, need to be a cross-reference to Chapter 4.

5.121 On issue (b), the form of this policy which I recommend above overcomes the second objection which I support. In my recommendation, as elsewhere in this report, I have limited cross-references to other policies and the planning brief to the text, to meet the advice in

CD46 and paragraph 42 of PPG1. In addition I see no need to repeat the provisions of R5 for this site: a reference in the text would be enough to make clear the Plan's approach to the site as a whole.

RECOMMENDATIONS

5.122 A Delete ED11 and replace it with:

“POLICY ED11 IN CONSIDERING THE DEVELOPMENT OF LAND AT MAIDSTONE EAST RAILWAY STATION SHOWN ON THE PROPOSALS MAP PRIORITY WILL BE GIVEN TO THE FOLLOWING USES:

- (1) TRANSPORT INTERCHANGE AND STATION CONCOURSE WITH ASSOCIATED SMALL SCALE RETAIL UNITS; AND**
- (2) RESIDENTIAL.**

IN ADDITION, WHEN THESE NEEDS HAVE BEEN MET, THE FOLLOWING USES WILL ALSO BE ACCEPTABLE: OFFICES, HOTEL, RESTAURANTS OR LEISURE USES.

CAR PARKING PROVISION WILL BE MADE FOR ALL NEW USES AND BETWEEN 400 - 600 SPACES WILL BE RETAINED FOR THE RAILWAY STATION.”

B Set out in the supporting text:

justification for the uses, the needs they will meet and their priority;

reference to the other main policies which will be applied, including R5;

the role and provisions of the development brief; and

an estimate of the likely number of housing units and a cross reference to Chapter 4 and the amount of housing land available.

C Make no other modifications in response to these objections, and do not modify the Plan in accordance with Proposed Change 121.

ED11 - Maidstone East Railway Station

Objection DED0029 - Maidstone Friends of the Earth

- Issues**
- (a) The need for an improved interchange between buses and trains.
 - (b) The need to reduce car parking provision on the site.

Conclusions

5.123 I am satisfied that issue (a) is dealt with by the reference to an interchange in paragraph 5.53 of the Plan, reinforced by its inclusion in the modified policy. On issue (b), I agree with the Council that reducing parking on the site would be likely to reduce the number of train users, and I therefore do not support this part of the objection.

5.124 I have dealt with the objectors' suggestion of a new station at Allington in Chapter 6. Specific parking charges and a change in the station's name are not land-use planning matters.

RECOMMENDATION

5.125 Do not modify the Plan in response to this objection.

Paragraph 5.56 and ED12

Existing Areas of Economic Activity or with Planning Consent

- Objections**
- DED0083 - Unilever Superannuation Fund
 - DED0084 - Unilever Superannuation Fund
 - DED0139 - Safeway Stores Plc
 - CED0036 – Unilever Superannuation Fund

Proposed Change 122

- Issue** The need for greater flexibility in this policy and its supporting text.

Conclusions

5.126 The objectors argue that the restriction on the change of use on the sites covered by ED12 and referred to in paragraph 5.56 should be relaxed where it can be shown that there is enough land to meet employment needs in the Borough. However, I agree with the Council that these sites are an important part of the employment land provision, and that the main aim of this policy should be to retain them. As the Council points out, it remains possible to argue for a change of use on the grounds that there is enough land, since that could be a material consideration to indicate a decision other than in accordance with the Development Plan. For this reason I do not support CED0036 to the proposed change since the word "normally" adds ambiguity to the policy, not flexibility which is provided by Section 54A of the Act.

RECOMMENDATION

5.127 Do not modify the Plan in response to these objections.

ED12 - Existing Areas of Economic Activity or with Planning Consent

Objection DED0045 - GOSE

Proposed Change 122

Issue The wording of the policy.

Conclusions

5.128 I support this proposed change since “normally” adds ambiguity to the policy. However, this has already been taken into account in my recommendation in paragraph 5.11.

RECOMMENDATION

5.129 Do not modify the Plan in response to this objection.

ED12 - Existing Areas of Economic Activity or with Planning Consent

Objection DED0126 - Kent Estate Management

Additional Proposed Change 10

Issue The allocation of this site for Class B1(a) office use.

Conclusions

5.130 This site was allocated for office use in the adopted Local Plan. The proposed change overcomes this objection by reinstating this use and deleting its allocation for an hotel under ED25(i) in this Plan. I accept this in principle but not the way the Council proposes to do it. As I have found with other site specific policies, the proposed new ED9 is unnecessary since it repeats the provisions of other policies in the Plan. It also makes a reference to a development brief contrary to advice in PPG1, and cross-references to other policies contrary to advice in CD46. I see no reason why this site should not be added to the modified ED1. The brief and the application of other policies can then control its development.

RECOMMENDATIONS

- 5.131 A Delete ED25(i), and include the site in ED1 as it is recommended to be modified for Class B1(a) office use and modify the Proposals Map.**
- B Make no other modifications in response to this objection or Additional Proposed Change 10.**
-

ED12 - Existing Areas of Economic Activity or with Planning Consent

Unigate Dairy, Headcorn

Objection DED0137 - Spinnaker Properties Ltd

Issue The allocation of this site for uses within Classes B1, B2 and B8.

Conclusions

5.132 I have dealt with this objection in paragraph 5.14.

RECOMMENDATION

5.133 Do not modify the Plan in response to this objection.

ED12(vi) - Existing Areas of Economic Activity or with Planning Consent - Tovil

Objection DED0002 - Mr A C Tomlin Dip.Arch RIBA

Issue The need to redefine the boundary.

Conclusions

5.134 I have dealt with this case when considering objection DENV0006 to ENV25(iv).

RECOMMENDATION

5.135 Do not modify the Plan in response to this objection.

ED12 (vi) - Existing Areas of Economic Activity or with Planning Consent - Tovil

Objection DED0028 - Letley Group S.A.

Issue The need to reallocate this site for housing.

Conclusions

5.136 I have dealt with this objection in Chapter 4 when considering DH0136 to H2.

RECOMMENDATION

5.137 Do not modify the Plan in response to this objection.

ED12(vi) - Existing Areas of Economic Activity or with Planning Consent - Tovil

Objection DED0032 - South Maidstone Traffic Action Group

Issue The need to limit the uses on the site to those within Class B1.

Conclusions

5.138 I have acknowledged the concerns the Action Group have for traffic generation in this area when dealing with other objections. However, the Use Classes Order defines B1 uses as those which can be "... carried out in any residential area ..." and from my visits, I do not consider that this can apply to the surroundings of this site. I cannot, therefore, support this objection.

RECOMMENDATION

5.139 Do not modify the Plan in response to this objection.

ED12(vii) - Existing Areas of Economic Activity or with Planning Consent**St. Peter Street, Maidstone**

Objection DED0138 - Mr G Thomas

Issue The need to take more advantage of the riverside in this area.

Conclusions

5.140 I agree with Mr Thomas that the river is a major asset to the town. It seems to me, however, that the improvement of St Peter Street, and the establishment of a variety of uses taking advantage of the river, are matters for the development control process, rather than an allocation in the Plan. The area is within the Riverside Zone of Special Townscape Importance, and all proposals would be subject to ENV9, with its emphasis on the riverside, design and landscaping.

RECOMMENDATION

5.141 Do not modify the Plan in response to this objection.

ED12(viii) - Existing Areas of Economic Activity or with Planning Consent**Station Road, Staplehurst**

Objection DED0004 - Veremead Group Ltd

Proposed Change 116

Issue The need to update the area shown with planning permission.

Conclusions

5.142 I have already supported this objection in principle in my recommendation in paragraph 5.76. There is therefore no need for further modifications.

RECOMMENDATION

5.143 Do not modify the Plan in response to this objection.

ED12(ix) - Existing Areas of Economic Activity or with Planning Consent**Pattenden Lane, Marden**

Objection DED0121 - Alan Firmin (Linton) Ltd

Proposed Change 123

Issue The need to up-date the area shown with planning permission.

Conclusions

5.144 I support this proposed change as a minor up-dating of the Proposals Map.

RECOMMENDATION

5.145 Modify the Plan in accordance with Proposed Change 123.

ED12(x) - Existing Areas of Economic Activity or with Planning Consent**Turkey Mill Court, Maidstone**

Objection	DED0098 - Clokes Chartered Surveyors
Issue	The definition of the western boundary of this allocation.

Conclusions

5.146 The western boundary of this allocation was defined in a development brief in 1993, and the Council accepts that it could be brought up-to-date to reflect a more recent planning permission. However, the Council argues that any boundary should include only buildings and car parks, and that associated landscaping should be excluded from the allocation. I agree with the Council that the area to the west of the site is attractive open land with a rural character. To protect this character it is very important to my mind that the developed area should not spread beyond its present boundaries. I therefore support the Council in agreeing to an up-dating of the boundary, but limiting it to the agreed area of buildings and car parking. I have not recommended a specific boundary since there may be amendments to the agreed scheme which are not before me but which could be used when the Proposals Map is updated.

RECOMMENDATION

5.147 Modify the western boundary of this allocation to include only the agreed area of built development and car parking.

ED12(xv) - Existing Areas of Economic Activity or with Planning Consent**College Road, Maidstone**

Objection	DED0074 - Ms C Morgan
Issue	The need to maintain the mixed uses in this area.

Conclusions

5.148 I agree with the Council that the mixed uses in College Road can be maintained by the application of other policies in the Plan, and that there is no need to modify this policy which applies to the area already mostly in business use.

RECOMMENDATION

5.149 Do not modify the Plan in response to this objection.

ED12(xviii) - Existing Areas of Economic Activity or with Planning Consent**Sessions House Square, Maidstone****Objection** DED0075 - Ms C Morgan**Issue** The deletion of this allocation to allow for hotel development.**Conclusions**

5.150 I have dealt with this objection in my recommendation in paragraph 5.241.

RECOMMENDATION**5.151 Do not modify the Plan in response to this objection.**

ED12(xxi) - Existing Areas of Economic Activity or with Planning Consent**Lenham Triangle, Lenham****Objection** DED0076 - Ms C Morgan**Issue** The need for a reference in the policy to H16.**Conclusions**

5.152 H16 applies throughout the Plan area, and there is no need to refer to it in any other policy. Indeed to do so would be contrary to the advice on page 17 of CD46.

RECOMMENDATION**5.153 Do not modify the Plan in response to this objection.**

ED12(xxi) and paragraph 5.5 - Existing Areas of Economic Activity or with Planning Consent**Lenham Triangle, Lenham****Objection** DED0115 - Cosworth Developments (SE) Ltd

Issue The need to allocate this site for either hotel or residential/workshop.

Conclusions

5.154 The objectors argue that the present allocation is unrealistic and will not be implemented. I accept that the site is in a sensitive location, but I am not convinced that an allocation of any sort is needed in the Plan given its limited size. This is particularly so as ED12 simply identifies the site, and does not set out any criteria for its development. Rather, when any proposals are made, the future of this site should be considered against the policies in the Plan, including the need for commercial land, the provision of hotels and the protection of the SLA. Since the site has planning permission it can be retained as part of the Plan's contribution to meeting the Structure Plan requirement by following my recommendation in paragraph 5.11.

RECOMMENDATIONS

- 5.155 A Delete ED12(xxi) and deal with any future proposals for the site against the policies in the Plan.**
- B Include the site in ED1 as I recommend that it be modified to recognise the planning permission.**
- C Do not modify the Plan in response to this objection.**

ED12A - Storage and Distribution Uses

Objections DED0120 - Alan Firmin (Linton) Ltd
 CED0031 - D W G Sawyer
 CED0033 - South Maidstone Traffic Action Group
 CED0034 - Linton Parish Council
 CED0038 - Alan Firmin (Linton) Ltd

Proposed Change 124

Issue The form and wording of the policy.

Conclusions

5.156 The first objector seeks a reference to B8 uses in this policy, and the Council adopted the proposed change in response. The main concern of the other three objectors is the traffic

generation of Class B8 storage and distribution uses. This concern is reflected in the proposed policy and I share it. However, the matter is already covered by T24 and there is therefore no need to repeat it in the policy itself, although it should be referred to in the text. Similarly the effect of development on its surroundings is also covered by other policies - ENV3 and ENV29 - and does not need to be repeated since all these policies apply throughout the Plan area.

5.157 I acknowledge the very similar policy in the adopted Borough Local Plan, but I am concerned about the inadequate reasoned justification for the limitations in the policy. I will deal first with scale. There is no definition of “modest extensions” but, in any case, scale is best dealt with by the application of policies to a proposal rather than by a generalised, and unclear, pre-judgement of this sort. If a proposal would generate too much traffic or harm the amenities of people living nearby it can be refused under the appropriate policies whatever its scale.

5.158 The other justification appears to be the concern for the smaller number of jobs created by B8 uses. This leads the Council to seek to limit the amount of B8 use within the overall Structure Plan provision of combined B2 and B8 uses to maximise the number of jobs within the total allocation. The justification in the Plan should be brief, but it is also necessary to consider the efficacy of the policy when it is put to the final test of an appeal. In this light the reasoned justification must support the policy by showing:

- (a) that there is in fact a materially lower employment density in B8 uses;
- (b) that if this is unchecked, there could be significantly fewer jobs created within the provision made by Structure Plan policy ED1; and
- (c) the reasons for limiting Class B8 uses to extensions or new building supporting existing businesses, and within the existing areas but not allocated new sites.

I have no doubt that unless these matters can be dealt with convincingly on a general basis in the Plan the policy will never be effective at appeal on individual cases, and my recommendation reflects this view.

RECOMMENDATION

5.159 Justify ED12A in the way set out in paragraph 5.158 or do not modify the Plan in accordance with Proposed Change 124, and do not seek to limit Class B8 uses within the combined B2/B8 category used in the Structure Plan.

ED13 - Provision for Small Business Uses

Objection DED0035 - GOSE

Proposed Change 125

Issue The form and wording of the policy.

Conclusions

5.160 I support the proposed change since the new wording “will permit” is a statement of planning policy. However, I have other concerns. The first sentence is an expectation not a policy, and in this form could be included as an aim in paragraph 5.23 of the Plan. More widely, I cannot see that in its present form the policy is likely to lead to the provision of starter units as the Council hopes. It seems to me that there are two ways in which such units will be provided: directly by the Council, which is clearly not a matter for me in this Plan; or by a policy which requires the provision, and is backed by enough evidence of need to be supported on appeal if necessary. I do not know if this evidence exists, although there is a reference to a survey in paragraph 5.57 of the Plan. Moreover, in its present form the policy does not give clear guidance to developers on whether or not starter units will be required for a planning permission to be granted.

5.161 I sympathise with the Council’s intentions, but my recommendation reflects my view that a policy must be clear for the public and developers, and that it must be capable of achieving what it sets out to achieve.

RECOMMENDATIONS

5.162 A Delete ED13 and paragraph 5.57 and do not replace it; or:

B Include lines 1 and 2 of ED13 in paragraph 5.23 as an aim;

delete ED13 and replace it with a policy requiring the provision of starter units on a basis which can be justified by survey evidence; and

include justification for this policy in a re-written paragraph 5.57.

ED15 - Zeneca Works, Yalding

Objections DED0036 - GOSE
 DED0046 – GOSE
 DED0110 - Environment Agency
 DED0131 – Zeneca Agrochemicals
 CED0004 - GOSE
 CED0035 - Zeneca Agrochemicals Ltd

Proposed Change 126
Proposed Further Change 11

Issue The form and wording of the policy.

Conclusions

5.163 From what I heard at the inquiry there does not appear to be a great difference between the parties on the planning merits of this policy, but rather the way they are expressed in the Plan. In particular there is a dispute about the way the site is identified. The objectors want the site to be identified as it is in the adopted Plan, to ensure greater flexibility by considering development within a larger area and over a longer period. The Council, with the proposed further change, want to limit the area identified, and to rely for further development on a reference in the policy to proposals which extend the built curtilage.

5.164 From my visits to the area I share the Council's concern about the constraints to the development of this site: to the south is attractive rural countryside, identified as an ALLI, and there is also a scatter of houses close to the southern boundary. Within the site there is an extensive area of woodland planting which, as it matures, will become increasingly important, both as a screen for the buildings on the site, and a landscape feature in its own right. I have no doubt, however, that the wider site area should be included in the policy, and in my recommendation I set out criteria to protect these vital and site specific features.

5.165 It seems to me that this approach is more in line with advice in CD46 about clear, unambiguous policy wording. It also ensures the flexibility to deal with changes in the objectors' plans, but continues to apply the most important criteria, protecting the ALLI, residential amenities and the landscaped area within the site. In this way, too, a distinction is maintained between the time-scale and broad policy approach of the Plan, and any development brief which should operate at a more detailed level within it. In its present form, particularly with the further proposed change, I share the objectors' concerns that the development brief, with its now very short life, has replaced the proper role of the Plan.

5.166 On the detailed wording of the policy, I share GOSE's concerns and, as in other similar policies, where the criteria are covered by other policies they should not be repeated. In contrast, it is essential to set out the criteria which I recommend since they are specific to this site. Policy references to the development brief and consultations with the Environment Agency are contrary to advice in CD46 and should be limited to the text.

5.167 CED0035 is concerned about the loss of flexibility if "normally" is deleted, and proposes an addition to the policy that "other uses will be permitted on their merits". However, this would be ambiguous, and I have no doubt that the necessary flexibility is supplied by the reference to material considerations in Section 54A of the Act. Recommendation C reflects my views in paragraph 5.9 that the contribution of sites such as this should be included in ED1.

RECOMMENDATIONS

5.168 A Delete ED15, and replace it with:

“POLICY ED15 DEVELOPMENT FOR USES WITHIN CLASS B2 AND B8 WILL BE PERMITTED AT THE ZENECA WORKS, HAMPSTEAD LANE, YALDING AS SHOWN ON THE PROPOSALS MAP, IF:

- (1) THE LANDSCAPED ZONE AT THE SOUTHERN END OF THE SITE IS RETAINED AND NOT HARMED;**
- (2) THE CHARACTER AND APPEARANCE OF THE AREA TO THE SOUTH AND SOUTH-EAST IS NOT HARMED;**
- (3) THE RESIDENTIAL AMENITIES OF PEOPLE LIVING NEARBY ARE NOT HARMED.”**

B Modify the Proposals Map and identify the site as it is in the adopted Local Plan.

C Add to ED1 as I recommend that it be modified the areas of existing and new development, and the uses to which they are restricted.

D Add to the reasoned justification:

a description of the landscaped area;

a justification for the criteria;

reference to the Environment Agency, and the Council’s approach to development in the flood plain;

a reference to the development brief; and

a reference to the other main policies which will be applied.

E Make no other modifications in response to these objections, or in accordance with the proposed changes.

ED16 - Detling Airfield Industrial Estate

Objections	DED0018 - Lambert & Foster CED0003 - Lambert & Foster
Issue	The need for greater flexibility in the uses possible at Maidstone Auction Market.

Conclusions

5.169 This objection seeks greater flexibility in two ways: a broadening of the present restriction to the sale of agricultural goods, with a restricted number of sales for non-agricultural goods; and the ability to provide small scale associated services on market days, for example, hairdresser, bank or agricultural machinery dealers. In effect the objection seeks to vary the existing planning permission, and I agree with the Council that this should be done through the development control process, not through a Local Plan policy. There is, after all, no policy at present, and applications would be considered against the policies which apply at the time and other material considerations such as those set out in the objection.

5.170 To allow for the flexibility to accommodate small allied businesses, these objections also seek to include the Market within Detling Airfield. I have dealt with this in detail in considering objection DED0148 below.

RECOMMENDATION

5.171 Do not modify the Plan in response to these objections.

ED16 - Detling Airfield Industrial Estate

Objections	DED0037 - GOSE DED0047 – GOSE
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Proposed Change 127

Issue	The form and wording of the policy.
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Conclusions

5.172 I support both these objections in principle and they are overcome by the proposed change. The word “normally” introduces ambiguity, and I deal below in paragraph 5.179 with the words “open storage”. My recommendation here, however, reflects my recommendation in paragraph 5.185 to modify this policy and its supporting text.

RECOMMENDATION

5.173 Do not modify the Plan in response to these objections, but see my recommendation in paragraph 5.185.

ED16 - Detling Airfield Industrial Estate

Objections DED0148 - E J Mackelden & Sons (Bobbing) Ltd
CED0041 - E J Mackelden & Sons (Bobbing) Ltd

- Issues**
- (a) The addition to the policy area of:
 - (i) land on the eastern edge of the airfield, the objectors' Area 1; and
 - (ii) land on the western edge, the objectors' Area 2.
 - (b) The inclusion of the Auction Market within the policy area.
 - (c) The replacement by this site of the allocation under ED2 at Cobtree Forstal.
 - (d) The need to retain the words "open storage" within the description of acceptable uses.
 - (e) The approach of the policy to comprehensive redevelopment.

Conclusions

5.174 On issue (a)(i), this site is open, flat agricultural land and I found that this character and appearance make it clearly part of the rural area around the airfield. I accept that the impact of development on the site on the wider AONB would be limited as the objectors argue. From close to, however, I have no doubt that it would be seen as intrusive built development into the countryside around the airfield. The existence of the Auction Market opposite does not alter my view since, as I set out below, I found the character and appearance of that site to be more rural than urban. The tree planting which has taken place is recent, but even mature planting on this site would be in keeping with the rural landscape of the area, and would not in itself justify additional built development.

5.175 On issue (a)(ii), this site is open and unused, and I found that it shares the rural character and appearance of the land to the north, despite its closeness to the buildings on the airfield. In these circumstances I consider that development on it would be an intrusion into the countryside around the airfield. I note the planning history of both these sites, and the Council's approach in granting permission for the market, but I have considered this objection on its own merits.

5.176 I am not convinced that the presence of an hourly bus service makes these sites sustainable locations. In any case, I have no doubt that the impact of development on its surroundings is contrary to the sustainable objective of protecting the countryside and the natural beauty of the AONB. My views are unchanged by the suggested limitation of floorspace on the sites, or the argument about the local economy, since there is no evidence that jobs could be limited in such a way as to benefit the rural area. For all these reasons I do not support this part of the objection.

5.177 Dealing with issue (b), I found on my visits that the market site has a broadly rural character and appearance. I agree with the Council that the buildings have an agricultural appearance, and this is emphasised to my mind by the presence of animal pens. Moreover, a significant part of the site is open, and does not share the more intensively developed character and appearance of the industrial development on the airfield. The planning permission for the market is not, as the objectors argued, tantamount to an industrial permission, either in fact because it is not worded in that way, or in essence because of the difference in its character and appearance. I therefore conclude that there is no justification for adding the market site to the area covered by this policy.

5.178 Turning to issue (c), I have dealt with the provision of a site for high value manufacturing earlier in this chapter. In brief, I have rejected the allocation at Cobtree Forstal because of its impact on the SLA and Strategic Gap, but broadly supported the intention of the policy, and recommended an allocation on land adjoining the Stakis Hotel. In supporting the aims of the policy I have placed weight on the concept of the site as a “gateway” to Maidstone, with good access to, and visible from, the M20. This objection site does not share these characteristics, and for this reason alone I do not accept this part of the objection. I deal below in issue (e) with the Plan’s approach to redevelopment, but I conclude that the site does not have the special characteristics of accessibility and visibility to make it suitable for allocation under ED2.

5.179 On issue (d), Proposed Change 127 proposes to delete the words “open storage” in response to an objection from GOSE. The Explanatory Note to the Use Classes Order 1987 says that Class B8 uses “... extend additionally to the use of open land ...”. In these circumstances, I see no need to repeat the words in the policy. If the Council refuse permission for open storage, it would have to justify its decision on the harm caused by the open storage concerned, not the principle of the use which is acceptable within the policy. I acknowledge the objectors’ concerns based on the present importance of open storage, but in policy terms I do not accept that their position is in any way weakened by the deletion of these words. I therefore do not support this part of the objection.

5.180 On issue (e), the objectors’ seek clarification of parts of ED16 and the associated text, and link the policy’s approach to redevelopment for office use to issue (c) and their arguments for its redevelopment for high value manufacturing. I have some sympathy with the Council’s wish to provide an opportunity for comprehensive redevelopment which could lead to improvements within AONB. However, I also agree with the objectors that at present

there is considerable uncertainty about what would be required of the landowners. Moreover, I find it impossible to reconcile the wording of this part of ED16 - "THE COUNCIL WILL GIVE CONSIDERATION ON THEIR MERITS ..." - with the advice in CD46 that policies should be clear, concise and unambiguous, and indicate clearly when planning permission will be granted or not (CD46, page 12). In addition, it sets a test for development in the AONB which is different from that in ENV36 as I recommend that it be modified, that development should conserve the natural beauty of the area. Since this test is based on statute and PPG7 it must be applied in preference to the one set in this policy.

5.181 For all these reasons I find this part of the policy unacceptable and I have recommended a form based on example 4.2.3 on page 67 of CD46. Moreover, since the Plan must be read as a whole, there is no need to repeat the provisions of other policies. I would stress the footnote to 4.2.3, that the examples of possible benefits should be set out in the reasoned justification, since this will help to clarify what the Council is seeking.

5.182 I have, however, some reservations about this approach. First, it may be that land-ownership and tenure problems would prevent redevelopment taking place. Second, I am not wholly convinced that redevelopment for office use would bring the improvement and enhancement that the Council expect. Moreover, the point at issue here is the improvement not necessarily the use, and it would be difficult for the Council to justify refusing permission for a non-office use which brought about that improvement. Third, despite the Council's misgivings about the Airfield, it may be that its value to the Borough's economy is in its present form, meeting a particular, perhaps niche market, which is not met elsewhere. In contrast, there is planned space for offices, for example at Kings Hill. These points go beyond the objection, but I have recommended that the Council reconsider the redevelopment approach in their light.

5.183 To be consistent with my approach elsewhere in this report, I have also considered the wording of ED16 in detail, although it goes beyond the objection. The site, its uses and the extent of the new development area should all be included in the new form of ED1 which I recommend in paragraph 5.11. Reference in the policy to the development brief is contrary to the advice in paragraph 42 of PPG1. In their present, general form three of the criteria are covered by other policies: (1) by ENV29 and ENV36; (3) by T24; and (4) by ENV16 and need not be repeated in this form.

5.184 At the same time I am concerned that the matters referred to in paragraph 5.68 – for example open areas, trees, internal road network – appear to have been included in the Development Brief without a clear basis for them in the policy. In my view any matter upon which planning permission depends must be seen to stem directly from the policy, and criteria in ED16 should therefore be site specific rather than general. I share the Council's concern about these matters, and failure to meet these requirements could rightly lead to the refusal of planning permission. The Council's position in these circumstances would be considerably improved if it could be seen that the requirements stem from the policy, and are justified in the text. My recommendation takes all these matters into account. It should also overcome objections to some of the description of the site in the existing text by the need to justify those

comments and the policy to overcome them.

RECOMMENDATIONS

5.185 A Delete ED16 and paragraphs 5.67 – 5.73, and replace them with:

“POLICY ED 16 DEVELOPMENT WITHIN DETLING AIRFIELD INDUSTRIAL ESTATE AS DEFINED ON THE PROPOSALS MAP WILL NOT BE PERMITTED UNLESS THE FOLLOWING CRITERIA ARE MET:

- (1) (new structural landscaping);**
- (2) (retention of open areas);**
- (3) (protection of trees); and**
- (4) (changes to the internal road network)”.**

Add other criteria if necessary as a basis for the Development Brief.

B Justify these requirement in the text and refer to other policies which will be applies, for example ENV36, and the Development Brief.

C Add the site, with the agreed additional development area and use restrictions in ED16, to ED1 as I recommend that it be modified.

D Consider the approach to redevelopment in the light of my comments in paragraph 5.182, and if it is to be retained:

E Add a new policy based on example 4.2.3 on page 67 of CD46 to deal with redevelopment, and add to the text to justify this policy:

a justification for the limitation to Class B1 uses;

a description of the purposes of the landscaping scheme;

examples of possible benefits of the scheme which are sought;

information about the highway access; and

references to the other main policies which will apply, for example ENV36.

F Make no other modifications in response to these objections.

ED17 - Brake Bros. Food Service Site, Lenham Heath

Objection DED0048 - GOSE

Proposed Change 128

Issue The form and wording of the policy.

Conclusions

5.186 I support this proposed change in principle since it removes the ambiguity introduced by “normally”. However, my recommendation is made for the same reasons as my recommendation for modifying ED16: the criteria are mostly too general and covered by other policies, whilst there is a need for site specific criteria in the policy as the basis for the greater detail in the Development Brief. The uses should be set out and justified in the modified form of ED1, and this should include an explanation of the “certain criteria” referred to in paragraph 5.75. The Development Brief should be referred to only in the text.

RECOMMENDATIONS

5.187 A Delete ED17 and replace it with:

“POLICY ED 17 DEVELOPMENT WITHIN THE BRAKE BROS FOODSERVICE LTD SITE AT ROSE LANE, LENHAM, AS SHOWN ON THE PROPOSALS MAP, WILL NOT BE PERMITTED UNLESS THE FOLLOWING CRITERIA ARE MET:

- (1) (ED17(1));**
- (2) (site specific landscaping).”**

Add other criteria if necessary as a basis for the Development Brief.

- B Include in the text justification for the criteria and reference to the Development Brief and other policies which will be applied.**
- C Include the allocation and justify the use restrictions in ED1 as I recommend that it be modified, noting my comment in paragraph 5.9.**
- D Do not modify the Plan in accordance with Proposed Change 128.**

ED18 - Lenham Storage Site, Lenham

Objection DED0049 - GOSE

Proposed Change 129

Issue The form and wording of the policy.

Conclusions

5.188 This recommendation is made for exactly the same reasons as the previous recommendation. It is particularly important that the “aesthetic criteria” referred to in paragraph 5.78 are seen to flow directly from the specific criteria in the policy, rather than the broad wording of criterion (1) which is a repeat of other policies in the Plan. The references to demolition and freight interchange should be justified and explained in the text.

RECOMMENDATIONS

5.189 A Delete ED18 and replace it with:

“POLICY ED18 DEVELOPMENT AT THE LENHAM STORAGE COMPANY SITE, HAM LANE, LENHAM AS SHOWN ON THE PROPOSALS MAP WILL NOT BE PERMITTED UNLESS THE FOLLOWING CRITERIA ARE MET:

- (1) (the basis of the aesthetic criteria);**
- (2) (site specific landscape requirements)**

(add other criteria if necessary as a basis for the development brief)

THE COUNCIL WILL NOT OPPOSE THE DEMOLITION OF HOUSES WITHIN THE SITE. A DEDICATED ROAD/RAIL FREIGHT INTERCHANGE WILL BE ACCEPTABLE”

- B In the text justify the criteria, and refer to the Development Brief and other policies which will be applied.**
- C Include the allocation and justify the use restrictions in ED1 as I recommend that it be modified, noting my comment in paragraph 5.9.**
- D Do not modify the Plan in accordance with Proposed Change 129.**

ED19 - Marley Works, Lenham

Objection DED0009 - Harrietsham Parish Council

- Issues**
- (a) The need for control over the area covered by ED19(i) to prevent future changes to industrial use.
 - (b) The need for control over light and noise from the site.

Conclusions

5.190 I have dealt with this case on the basis of the original objection and the Parish Council's letters of 6 April 1998 and 15 May 1998. On issue (a), it is clear from ED19(i) and ED19(4) that it is the Borough Council's intention to retain the area on the west side of the works for car parking. I am satisfied that the form of ED19 which I recommend below will ensure that this intention is clearly supported by the Plan. On issue (b), light and noise pollution are covered by other policies in the plan - ENV6 and ENV55 – and, as I have recommended elsewhere, there is no need to repeat them in a site specific policy since the Plan must be read as a whole. I note the Parish Council's additional comment that the land to the west of the site is in Harrietsham, and I see no reason why that should not be made clear in the supporting text.

RECOMMENDATIONS

- 5.191 **A Include full justification for ED19(i) in the supporting text to ED19 as I recommend that it be modified.**
- B Do not add references to ENV6 and ENV55 in the policy, but refer to all main policies which will be applied in the text.**
- C Add to the text that the area to the west of the site is within Harrietsham.**

ED19 - Marley Works, Lenham

Objection DED0050 - GOSE

Proposed Change 130

Issue The form and wording of the policy.

Conclusions

5.192 I support the proposed change which overcomes the objection since “normally” introduces ambiguity to the policy. My recommendation here, however, reflects my recommendation in paragraph 2.202 to modify ED19.

RECOMMENDATION**5.193 Do not modify the Plan in response to this objection.**

ED19 - Marley Works, Lenham

Objection	DED0130 - Marley Properties Ltd
Issues	Whether the allocation of the sites of <i>Paradi</i> and <i>Narkunda</i> would: <ul style="list-style-type: none">(a) lead to the loss of houses contrary to H16 of the Plan;(b) harm the character and appearance of Dickley Lane; or(c) harm the residential amenities of people living at <i>Keilen Lodge</i>; and if so(d) whether there are benefits arising from the proposal which would outweigh any harm identified.

Conclusions

5.194 I heard at the inquiry that the inclusion of this site within the policy area was to ensure that access to the proposed White Gates Car park could be improved. Nevertheless, the objectors were seeking a general allocation of the site. I was told that there is no detailed design for the proposal, but that it was the current preference to retain the existing main access from Dickley Lane.

5.195 On issue (a), this proposal would involve the loss of two dwellings, contrary to H16 which I have supported in Chapter 4. I attach very little weight to the fact that one is empty and clearly in poor condition since allowing houses to become derelict would be too easy a way to avoid H16. Rather, my findings in Chapter 4 about housing numbers support a policy which seeks to avoid the loss of houses, since even small numbers can contribute to a cumulative effect. I return to this below in considering the potential benefits of the proposal.

5.196 On issue (b), I found that the frontage hedge and trees of the objection site contribute significantly to the character and appearance of this part of the Lane, and clearly distinguish the difference between the more rural area to the west, and the urban impact of the Works. I have no doubt that the loss of any significant part of this hedge would materially harm the character and appearance of the area.

5.197 On issue (c), the proposed allocation would bring the site significantly closer to the western boundary of the garden of one house, *Keilen Lodge*. However it is a very large site

and, in principle, I see no reason why the residential amenities of people living there should not be protected.

5.198 On issue (d), I saw on my visit that the existing access within the site which is proposed to be used for a new car park of 940 cars is very poor. The roadway is narrow, and there are three right angle bends. Some improvement could be made by altering working practices and reducing open storage, but the road would still operate as a major internal route between buildings on the site, and any improvement would therefore be limited. I can therefore well understand why the objectors are seeking to improve the access, and there would be great benefit to the company and people working there if that improvement were made.

5.199 In summary, I agree with the Council that the loss of the houses cannot be justified simply because the site adjoins a large and important industrial site. However, in this case it seems to me that the access improvements are enough to outweigh the loss of the dwellings. I have no doubt that the character and appearance of the Dickley Lane frontage of the site should be retained, and I am satisfied that the residential amenities of people living in *Keilen Lodge* could be protected. Drawing these points together, I am not prepared to recommend simply the general allocation of this site, since too much depends on its use as an improved access, rather than as an extension to the works. I am also concerned that so much hangs on the detailed design, to protect the Lane and the people living nearby.

5.200 To my mind, all this argues not for a local plan allocation, but for the development control process. A planning permission can take these detailed matters into account, and control them through conditions, in a way not possible through a local plan policy and its criteria.

5.201 Although it is not part of the objection, to be consistent with my approach to other similar policies, my recommendation deals with the wording of ED19. Criteria (1) – (3) are too general and covered by other policies. They should not be repeated in this form, but should be replaced by site specific requirements as a basis for the more detailed criteria set out in the Development Brief. For the same reason the restriction on the use of the new car park area should be justified in the text. I have recommended that the new development area, and the uses to which it would be restricted, should be included and justified in the modified ED1. The reference to the Brief in the policy is contrary to advice in PPG1.

RECOMMENDATIONS

5.202 A Delete ED19 and replace it with:

“POLICY ED19 DEVELOPMENT AT THE MARLEY WORKS, LENHAM AS SHOWN ON THE PROPOSALS MAP WILL NOT BE PERMITTED UNLESS THE FOLLOWING CRITERIA ARE MET:

(1) (site specific landscape requirements);

- (2) **THE PROPOSED DEVELOPMENT AREA TO THE WEST OF THE SITE WILL BE USED ONLY FOR CAR PARKING AND THIS LIMITATION WILL BE THE SUBJECT OF A PLANNING CONDITION OR PLANNING OBLIGATION”.**

Add other criteria if necessary as a basis for the Development Brief.

- B In the text justify the criteria, and refer to the Development Brief and other policies which will be applied.**
- C Add the existing and proposed industrial areas, and the uses to which they will be restricted, to ED1 as I recommend that it be modified.**

ED19 - Marley Works, Lenham

Objection CED0042 - Marley Properties Limited

Issue The need for flexibility in the policy.

Conclusions

5.203 The objectors argue that the removal of “normally” from the policy removes the necessary flexibility to consider the other uses which may be necessary to allow for the varying needs of the existing business. I do not support this objection since it is right that the uses should be stated clearly as part of the Plan’s provision for Class B1 and B2 uses. “Normally” would introduce ambiguity, and the flexibility sought by the objectors is provided by Section 54A of the Act, and the material considerations which can be taken into account in addition to the provisions of the Development Plan.

RECOMMENDATION

5.204 Do not modify the Plan in response to this objection.

ED20 – The Rural Economy: Changes of Use to Economic Development

Objections DED0014 - MAFF
DED0051 – GOSE

Proposed Change 131

Issue The form and wording of the policy.

Conclusions

5.205 I agree with both these objections that “normally” should be deleted, since it adds ambiguity to the policy. To that extent I support the proposed change. However, to be consistent with my recommendations on ENV51 and H33 I must consider the wording of this policy more fully. When dealing with ENV51, I recommended that ED20 should be deleted, and that policies for the conversion of rural buildings to both housing and commercial uses should be included together in Chapter 3.

5.206 The main reason for this was to emphasise the different approach taken towards housing and commercial uses. However, I find that my view is reinforced by the wording of ED20 since it adds nothing to the Plan. The criteria under ED20(3) are covered already, either within the example I recommend from CD46 or by other policies in the Plan. For example, ENV29 covers criteria (A) and (F). This part of the policy is therefore unacceptably repetitious. I do not find the meaning of ED20(1) at all clear, but in any case the acceptability of a use will be determined by the application of criteria. There is no support in PPG7 for the phrase “small scale” in ED20(2), but again the acceptability of the scale should be determined by the application of criteria.

5.207 In recommending the deletion of this policy and its supporting text, I am not unsympathetic to the Council’s concerns. However, I have no doubt that they can be fully met by the application of the policy which I recommend in Chapter 3 and other policies in the Plan.

RECOMMENDATIONS

5.208 A Delete ED20 and its supporting text.

B Do not modify the Plan in accordance with Proposed Change 131.

ED20 - The Rural Economy: Changes of Use to Economic Development

Objection DED0069 - NFU South East Region

Issue The need to include tourism within the policy.

Conclusions

5.209 ED26 refers specifically to tourist uses, and I agree with the Council that, as the Plan is written, there is no need for a reference in ED20. Clearly, I have not accepted this part of the Plan in its present form but, in my recommendation in Chapter 3, tourism is seen as a commercial use and treated in the same way.

RECOMMENDATION

5.210 Do not modify the Plan in response to this objection.

ED20 - The Rural Economy: Changes of Use to Economic Development

Objection DED0071 - Kent Wildlife Trust

Issue The need to include a specific reference to bats and protected species.

Conclusions

5.211 I have no doubt that nature conservation matters are covered by ENV42 and ENV43, and that it is not necessary to repeat them in this policy.

RECOMMENDATION

5.212 Do not modify the Plan in response to this objection.

ED20 - The Rural Economy: Changes of Use to Economic Development

Objection DED0077 - Ms C Morgan

Issue The need for a criterion relating to sustainability objectives.

Conclusions

5.213 I agree with the Council that sustainability is at the heart of the Plan, and indeed PPG7 makes it clear that one of the important features of converting rural buildings is the reduction in the demand for new buildings. This is clearly a sustainable objective in itself. The sustainability of conversion proposals will be assessed by the application of other criteria and policies, for example on highway matters, visual impact, and the effect on trees and wildlife.

RECOMMENDATION

5.214 Do not modify the Plan in response to this objection.

ED20 - The Rural Economy: Changes of Use to Economic Development

Objection DED0107 - Henry Starnes Properties Ltd

Issues Whether the Plan adequately reflects Government advice and Structure Plan policy on (a) the provision of new buildings for business use within or on the edge of villages; or (b) the extension of existing rural businesses or buildings suitable to conversion to such use.

Conclusions

5.215 Dealing with issue (a), the objectors argued that the Plan does not reflect paragraph 3.10 of PPG7 and policy RS4 of the Structure Plan in their approach to business development in or in the edge of villages. The Plan is indeed silent on this matter, but that in itself is not necessarily unacceptable since the advice on page 12 of CD46 is that local plans should not repeat or mimic structure plan policy. RS4 would permit small scale business development in and adjoining villages and is part of the Development Plan referred to in Section 54A of the Act. However, it is clear from what I heard at the inquiry that the Council does not accept that this policy or national guidance should be followed in the Borough. It was argued that there are many villages close together in the rural part of the Borough, and that development of the type envisaged in RS4 would lead to their coalescence.

5.216 I accept the Council's argument that PPG7 is permissive in its advice on this matter. I also accept that in part of the Borough the settlements are close together and that coalescence would harm them and the countryside around them. However, there are policies which are designed to protect these areas, for example ENV33 and ENV29. In my view the proper approach is to consider proposals against these and other policies, rather than impose what the objectors referred to as a "blanket ban" on the basis of a generalised concern. I have no doubt that if the Council has made a strong case on the harm of an individual scheme in this way, the policies of the Plan will be far stronger when put to the test of an appeal.

5.217 With this in mind, I have recommended the examples on pages 66 and 67 of CD46 as the basis of a new policy for this Plan. Turning to issue (b), this objection would be overcome by this recommendation, since all these examples are capable of dealing with extensions. The Council argued that the objection would be overcome by Proposed Change 60 and Additional Proposed Change 4 which would add a reference to extensions in ENV51 and ED1. I have dealt with objections to these policies in Chapter 3 and earlier in this chapter, and recommended that they should both be deleted in their present form. The intention of both changes, however, is welcome and is incorporated in the examples which I recommend.

RECOMMENDATIONS

5.218 A Add a new policy to the Plan based on examples 4.2.1 and 4.2.2 on pages 66 and 67 of CD46.

B Make no other modifications in response to this objection.

ED21 - Open Storage of Private Caravans

Objection DED0062 - CPRE

Issue The need for an additional criterion to ensure public safety.

Conclusions

5.219 I agree with the Council that this is not a land-use planning matter, and I therefore do not support this objection. Although they are not the subject of objection, to be consistent with my approach elsewhere in this report my recommendation also deals with the other criteria. Those which I recommend should be deleted cover matters dealt with by other policies in the Plan – (3) by T24; (4) by ENV3; (6) by ENV7 as I recommend that it be modified; and (8) by ENV30. The inclusion of these criteria in this policy is therefore contrary to the advice on page 18 of CD46 about the repetition of standard criteria.

RECOMMENDATIONS

5.220 A Do not modify the Plan in response to this objection.

B Since they repeat the provisions of other policies delete ED21(3), (4), (6) and (8), and make any cross-references in the text.

ED22 - Storage of Caravans in Redundant Agricultural Buildings

Objection DED0015 - MAFF

Proposed Change 132

Issue Whether the policy reflects the advice in PPG7 about the re-use of rural buildings.

Conclusions

5.221 I agree with the objectors that the inclusion of “redundant” in this policy is wholly contrary to the advice in paragraph G2, Annex G of PPG7. To that extent, I therefore support its deletion in the proposed change. It seems to me, however, that the new criterion (3) in the proposed change is no more acceptable, since it would require a test of redundancy if it is to be invoked. Moreover, I can see considerable difficulty in practice in determining whether a

new building might be needed when dealing with an application for the re-use of an old one.

5.222 In any case, I see no need for ED22. Caravan storage is a commercial use covered by ENV51 which I recommend in Chapter 3 should be modified in accordance with policy 10.2.1 in CD46. In detail, ED22(1) is dealt with by 10.2.1(b); ED22(2) by 10.2.1(d), and the final section dealing with a permanent dwelling or building is covered by ENV29.

RECOMMENDATIONS

5.223 A Delete ED22.

B Refer to ENV51 in the text as the policy for the re-use of buildings

C Do not modify the Plan in accordance with Proposed Change 132.

ED23 - Aims and Objectives: Tourism

Objection DED0038 - GOSE

Issue The form and wording of the policy.

Conclusions

5.224 ED23 is a statement of objectives, not a planning policy and, as I have recommended elsewhere in this report, it should be set out in the Plan accordingly. In its present form it is wholly contrary to advice in both CD45 and CD46 about the form and content of policies, but as a statement of objectives it relates well to the diagram on page 39 of CD45. My recommendation is consistent with recommendations about ENV1 and H1 and, without repeating them in detail, is made for the same reasons.

RECOMMENDATION

5.225 Rewrite ED23 as objectives and relate them to the Strategic Objectives.

ED23 - Aims and Objectives: Tourism

Objection DED0063 - CPRE

Issue The need for a more restrictive approach to hotel development.

Conclusions

5.226 I agree with the Council that ED24 deals with new hotel development, and I am satisfied that ED23(5) is worded acceptably for a tourism objective.

RECOMMENDATION

5.227 Do not modify the Plan in response to this objection.

ED24 - Serviced and Self-Catering Tourist Accommodation

Objection	DED0064 - CPRE
Issue	The need for a different policy emphasis in dealing with large hotels.

Conclusions

5.228 I agree with the Council that scale is a matter for the development control process, and that there is no need at the policy stage to differentiate between large or small hotels. However, I consider that the Plan should be clearer in its approach to tourist accommodation in towns, villages and the countryside. ED24, although it is under a general heading, deals only with development in towns and villages. ED26 deals only with conversions in the countryside, and the only indication of a broader policy approach is in the first sentence of paragraph 5.90. This leaves no apparent policy towards a new hotel in the countryside, beyond the general application of other policies.

5.229 Without any indication of the Council's approach I can make no specific recommendation, but one possibility is illustrated in examples 9.3.2 and 9.3.3 on pages 115 and 116 of CD46. It may be that this goes beyond the Council's intentions, but the Plan must give clearer guidance than at present.

5.230 Elsewhere in this report I have recommended that criteria which are covered by other policies in the Plan should be deleted to avoid repetition. The criteria in ED24 are in this category, but here I have taken the advice on page 18 of CD46 and recommended a criteria based approach. However, the reference to lesser standards in paragraph 5.91, the requirements of criterion (3), and the provisions more generally of T24 should be clarified in the text. Moreover, I am not convinced that tourist accommodation, rather than any other development in towns or villages, must be screened in accordance with criterion (2), rather than simply landscaped. I have recommended policy 9.3.2 on page 115 of CD46 for the succinct way in which it sets out the criteria.

5.231 Objections DED0052/3 by GOSE to the wording of the final section of ED26 and ED28 dealing with holiday occupancy conditions applies equally here, since the word "usually" is included in ENV24. I accept the objection, and Proposed Change 134 which overcomes it in paragraph 5.259. The proposed change has led to the conditional withdrawal

of the objection, although I note that “usually” occurs twice, and would be deleted only once. However, my concerns are wider.

5.232 Advice on occupancy conditions is given in Annex C of PPG21, which draws a distinction between seasonal and holiday restrictions. The use of a holiday occupancy condition in this case is clearly supported by paragraph 3 of Annex A, since the reasons for it - lesser standards of access, parking and private amenity space - are closely reflected in paragraph 5.91 of the Plan. However, the suggested form of the condition with occupancy limited to 10 months of the year is clearly a seasonal one, which the advice in PPG21 would limit to accommodation not suitable for year round occupation. I can understand the Council’s concerns about enforcement but, given the advice in paragraphs 4 and 5 of Annex A of the PPG, I see no reason why a holiday occupancy condition should not be enforceable.

5.233 The policy gives no clear direction about when an occupancy condition would be imposed and, given the circumstances set out in paragraph 5.91, it is difficult to see how it could be made clearer. For this reason, and because the Council does not need a policy to impose conditions, I have recommended that this part of the policy should not be replaced. Rather, the text of the Plan should be relied on to set out, both the form of the condition and when it would be applied.

RECOMMENDATIONS

- 5.234 A Delete ED24 and replace it with a policy more closely based on 9.3.2 on page 115 of CD46.**
- B Do not replace the final section of ED24, but expand paragraph 5.91 if necessary to set out the use of holiday occupancy conditions, in the form advised in Annex A of PPG21.**
- C Clarify in the text the application of criterion (3) and T24 to self-catering accommodation, and other areas where different standards might apply.**
- D If it is to be retained, justify the requirement to screen accommodation, as opposed to landscaping the site.**
- E Add a policy, and justification, to deal with new accommodation in the countryside.**

ED24 - Serviced and Self-Catering Tourist Accommodation

Objection DED0097 - P.A. Edwards

Issue The Weald of Kent Golf Club as a location for tourist accommodation.

Conclusions

5.235 ED24 as I recommend that it be modified is a criteria based policy and it would be inappropriate to refer to any specific location. In any case, as the Council points out, it applies only in the urban areas. If my recommendation E above is accepted, a policy for new tourist accommodation in the countryside would be added to the Plan, although it too would be criteria based, not site specific. Any proposals on this site would then be considered against this, and any other relevant policies.

RECOMMENDATION

5.236 Do not modify the Plan in response to this objection.

ED24 - Serviced and Self-Catering Tourist Accommodation**Land at Abbey Court, Sandling**

Objection DED0117 - Sample Surveys Ltd

Issue The allocation of this site for an hotel.

Conclusions

5.237 In Chapter 3, when considering objection DENV0489 to ENV32, I concluded that this site should remain within the Strategic Gap. In itself, this need not preclude the use of this site as an hotel, as the Council recognised at the inquiry. However, it seems to me that the matters which need to be considered in making such a decision, - the impact of any proposal on the Gap or on the character and appearance of the area, the effect of the present buildings, their history and any outstanding planning permissions, - are all better dealt with at the development control stage, rather than in considering a local plan policy. It is not the purpose of the Plan to make allocations for all sites, and I do not support the objection on this principle rather than on any consideration of planning merits. I have no doubt that that should be left to the development control process, taking into account the policies which prevail at the time and other material considerations.

RECOMMENDATION

5.238 Do not modify the Plan in response to this objection.

ED25 - Town Centre Hotel Sites

Objection DED0039 - GOSE

Proposed Change 133

Issue The form and wording of the policy.

Conclusions

5.239 I support the proposed change since the new wording "...will permit the development of..." is a clear statement of planning policy. However, the final section referring to other policies and development briefs, is contrary to the advice on page 17 of CD46.

RECOMMENDATIONS

5.240 A Modify the Plan in accordance with Proposed Change 133.

B Delete "DEVELOPMENT ON ... THESE SITES", and make any additional references in paragraph 5.92 if necessary.

ED25 - Town Centre Hotel Sites

Objection DED0079 - Ms C Morgan

Issue The need to include an additional site in Sessions House Square.

Conclusions

5.241 I agree with the Council that this site should remain in use for offices since it is modern accommodation well related both to the motorway and public transport.

RECOMMENDATION

5.242 Do not modify the Plan in response to this objection.

ED25 - Town Centre Hotel Sites

Objection DED0146 - Berisford Plc

Issue The need to identify St Peter's Wharf as a site for an hotel if the allocated sites do not come forward.

Conclusions

5.243 This objection seeks a "fallback opportunity" for an allocation, which I consider to be

an unacceptable approach and contrary to advice about the certainty which the development plan should provide. If the allocations under ED25 do not come forward, it is for the objectors to argue the merits of this site through the development control process.

RECOMMENDATION

5.244 Do not modify the Plan in response to this objection.

ED25(i) - Town Centre Hotel Sites: Stacey Street (South Side)

Objection DED0078 - Ms C Morgan

Issue The reallocation of this site as a car park.

Conclusions

5.245 I agree with the Council that this site is prominent on the approach to the town, and that a car park would be an unattractive long-term use. I therefore do not support this objection.

RECOMMENDATION

5.246 Do not modify the Plan in response to this objection.

ED25(ii) - Town Centre Hotel Sites: Lockmeadow

Objection DED0111 - Environment Agency

Issue The need to prevent the intensification of development in the flood plain.

Conclusions

5.247 I have dealt with this objection in considering the wider development of Lockmeadow under both H15A and ED10. I see no need for any further modification since the Plan will be read as a whole.

RECOMMENDATION

5.248 Do not modify the Plan in response to this objection.

ED26 - Rural Tourist Accommodation

Objections DED0013 - British Telecommunications PLC
DED0052 – GOSE

Proposed Change 134

Issue The form and wording of the policy.

Conclusions

5.249 I have dealt with the need for a policy towards new accommodation in the countryside in paragraphs 5.228 and 5.229. Here, I consider this policy in the form in which it is written to deal only with conversions. As a matter of detailed wording, subject to the comments in paragraph about GOSE’s objection, I support both these objections, and the proposed change which overcomes them. However, it is apparent from my recommendation to delete this policy when dealing with ENV51 in Chapter 3 that I have reservations about it as a matter of principle which I have already explained.

5.250 I am also concerned that there should be no repetition between policies, and criterion (1) is adequately dealt with by my recommended use of policy 10.2.1 in CD46. I accept, however, that tourist uses are different from other commercial uses and my recommendation here reflects this with an additional criterion based on ED26(4) and the proposed change. Criterion (2), however, seems to me to be overly detailed, particularly with its reference to outdoor amenity space, and I am satisfied that the occupants of any accommodation would be protected by my recommended criterion (J). In addition, criterion (3) is not acceptable since it refers to matters controlled by other legislation contrary to the advice on page 10 of CD46. I have also recommended the inclusion of “tourism” in the body of the policy for completeness.

5.251 I have dealt with holiday occupancy conditions in paragraphs 5.231 - 5.233. The same considerations apply here and are reflected in my recommendation. In this case I accept that there may be occasion to use both holiday and seasonal occupancy conditions, as set out in out in paragraph 5.94 of the Plan. However, the advice in Annex A of PPG21 should still be followed to ensure the appropriate condition is applied in each case.

RECOMMENDATIONS

5.252 A Delete ED26 and its supporting text.

B Add to policy 10.2.1 in CD46 which I recommend should replace ENV51:

“TOURIST” in line 3 of the body of the policy, and after criterion (h):

“IN ADDITION IN THE CASE OF A TOURIST USE:

(J) THE AMENITY OF FUTURE OCCUPANTS WOULD NOT BE HARMED BY THE PROXIMITY OF FARM USES OR BUILDINGS.”

C Add to the text the discussion in paragraph 5.94 and 5.95 of the Plan, explaining the different circumstances in which a holiday or seasonal occupancy condition would be imposed following the advice in PPG21.

D Do not modify the Plan in accordance with Proposed Change 134.

ED26 - Rural Tourist Accommodation

Objection DED0065 – CPRE

Issue The need to apply the criteria from ED20 to this policy.

Conclusions

5.253 The effect of the previous recommendation, and my recommendation on ENV51 in Chapter 3, will be to apply the same criteria to all conversions of rural buildings, with an additional criterion for tourist uses. I consider that this meets this objection.

RECOMMENDATION

5.254 Do not modify the Plan in response to this objection.

ED26 - Rural Tourist Accommodation

Objection DED0080 - Ms C Morgan

Issue The need for detailed local sustainability criteria.

Conclusions

5.255 I agree with the Council that the level of detail suggested in this objection, for example the use of photovoltaic cells to supplement electricity supply, is not appropriate for inclusion in the Development Plan.

RECOMMENDATION

5.256 Do not modify the Plan in response to this objection.

ED26(4) - Rural Tourist Accommodation

Objection DED0016 - MAFF

Proposed Change 134

Issue The need to ensure that the wording of the criterion is not unduly restrictive.

Conclusions

5.257 MAFF accepted the wording set out in this proposed change and, although I have not followed it precisely, I am satisfied that my recommended form of ED26(4) would not be unduly restrictive.

RECOMMENDATION

5.258 Do not modify the Plan in response to this objection nor in accordance with Proposed Change 134.

ED28 - Holiday Caravan and Camping Sites

Objection DED0053 - GOSE

Proposed Change 136

Issue The need to delete “usually” from the final part of the policy to avoid uncertainty.

Conclusions

5.259 I have dealt with occupancy conditions in some detail in paragraphs 5.231 - 5.233, but as a matter of detailed wording I agree with this objection which is overcome by the proposed change. Again, I note that “usually” appears twice in the policy, but would only be deleted once. However, I have recommended that this part of the policy should be deleted for the reasons I give in paragraph 5.233. In this case paragraph 5.99 should be expanded to make clear whether the conditions would be holiday or seasonal as discussed in Annex A of PPG21.

RECOMMENDATIONS

- 5.260 A Delete “A HOLIDAY OCCUPANCY CALENDAR YEAR”.**
- B Clarify in paragraph 5.99 the circumstances in which holiday or seasonal occupancy conditions described in PPG21 would be applied, and why.**
- C Do not modify the Plan in response to this objection.**
-

ED28 - Holiday Caravan and Camping Sites

Objections DED0100 - South East England Tourist Board
DED0017 - MAFF

Proposed Change 136

Issue The need to delete ED28(1) which is unduly restrictive.

Conclusions

5.261 I support this proposed change which overcomes these objections, since I agree with the Council that the AONB and SLAs can be protected by other policies in the Plan.

RECOMMENDATION

5.262 Modify the Plan in accordance with Proposed Change 136.

ED28 - Holiday Caravan and Camping Sites

Objection DED0112 - Environment Agency

Proposed Change 135

Issue The need for a text reference to sewage disposal.

Conclusions

5.263 I support this proposed change which overcomes this objection.

RECOMMENDATION

5.264 Modify the Plan in accordance with Proposed Change 135.

ED29 - Conference Hall/Exhibition Centre**Objection** DED0040 - GOSE**Proposed Change 137****Issue** The form and wording of the policy.**Conclusions**

5.265 I support this proposed change which overcomes this objection since the new wording “will permit” is a clear statement of planning policy. Although it is not part of the objection, I am not convinced that the final phrase of the policy is clear enough. If the conference centre must be part of an hotel, the policy should say so, and this should be justified in the supporting text. On the other hand, if this is not a requirement, the final phrase simply adds uncertainty in two ways: first by referring to it at all; and second by the use of the wholly undefined words “high quality”. I have therefore recommended that this part of the policy should be deleted, and made a similar modification to the supporting text. There is a typographical error in the third line of the policy: “(POLICY T13)”.

RECOMMENDATIONS**5.266 A Modify the Plan in accordance with Proposed Change 137.****B Delete: ...“(POLICY T13) ... QUALITY ACCOMMODATION.”;****C Delete paragraph 5.105, and replace it with:****“Given the need for additional overnight accommodation, there is clearly scope to combine conference and hotel facilities.”**

ED30 - Tourist Attractions**Objections** DED0041 - GOSE
DED0054 - GOSE
CED0005 - GOSE**Proposed Change 138****Proposed Further Change 12**

Issue The form and wording of the policy.

Conclusions

5.267 I support the proposed change which overcomes the first of these objections since it removes the ambiguity of the words “in principle”. However, I see no need to list criteria in the policy, since they are all covered by other policies in the Plan: (1), (2) and (5) by ENV3 or ENV29; (3) by ENV7 as I recommend that it be modified: and (6) by ENV6 as I recommend that it be modified. Moreover, I am not convinced that there is any material difference between (1) and (5). A brief reference to these other policies can be made in the text.

RECOMMENDATIONS

5.268 A Modify the Plan in accordance with Proposed Change 138.

B Delete the second part of the policy “FURTHER DEVELOPMENT ... BOROUGH COUNCIL.”

C Do not modify the Plan in accordance with Proposed Further Change 12.

ED30(ii) - Tourist Attractions: Leeds Castle

Objection DED0081 - Ms C Morgan

Issue The need to exclude Leeds Castle to protect its beauty and tranquillity.

Conclusions

5.269 I agree with the Council that the application of policies in the Plan in place of criteria (1) – (6) of this policy would provide protection for all the sites which are included.

RECOMMENDATION

5.270 Do not modify the Plan in response to this objection.

ED31 - Museum of Kent Life, Cobtree

Objection DED0066 - CPRE

Issue The need for a separate policy for this site.

Conclusions

5.271 Given its sensitive location in relation to the AONB, I support the Council's approach of a separate policy for this site. It follows that there should be a criterion relating to the AONB but, as with the previous policy, I see no need for the other criteria which simply duplicate other policies in the Plan. There is also a small typographical error, since the policy which is numbered E31, not ED31.

RECOMMENDATIONS

5.272 A Delete ED31(2) – (6) and, subject to my recommendation in paragraph 5.276, incorporate (1) into the body of the policy.

B Do not modify the Plan in response to this objection.

ED31 - Museum of Kent Life, Cobtree

Objection DED0141 - Aylesford Parish Council

Issue The unsuitability of the site for industrial development.

Conclusions

5.273 This site is not proposed for industrial development.

RECOMMENDATION

5.274 Do not modify the Plan in response to this objection.

ED31(1) - Museum of Kent Life, Cobtree

Objection DED0057 - GOSE

Proposed Change 139

Issue The wording of the criterion.

Conclusions

5.275 I support this objection and the proposed change since the original is too prescriptive.

RECOMMENDATION

5.276 Modify the Plan in accordance with Proposed Change 139.

ED32 - New Tourist Attractions

Objection DED0101 - South East England Tourist Board

Issue The need for a more flexible approach to the location of proposals in relation to access other than by car.

Conclusions

5.277 Given the general advice in PPG13 I support this aspect of the policy, and I agree with the Council that such proposals can be considered as exceptions under the flexibility provided by Section 54A of the Act. However, to be consistent with my approach elsewhere I have considered the policy more widely, although this goes beyond the objection.

5.278 The reference to diversifying and improving the range and quality of attractions is an objective not a planning policy and should therefore be included in ED23 as I recommend that it be modified. In relation to the criteria, and the extent to which they repeat the provisions of other policies in the Plan, I have again taken the advice on page 18 of CD46. As a result I recommend the use of 9.3.1 on page 115 of CD46 for the succinct way in which it is written.

RECOMMENDATIONS

5.279 A Delete ED32 and replace it with a policy based on 9.3.1, page 115 of CD46.

B Add diversification to the objectives set out in the modified ED23.

C Do not modify the Plan in response to this objection.

Paragraphs 5.120 & 5.121 - Cycle Touring and Walking/Rambling

Objection DED0067 - CPRE

Issue The need for policies relating to these activities.

Conclusions

5.280 I agree that there is nothing in these paragraphs which could form the basis of land-use planning policies, and I therefore do not support this objection. However, I see no need for purely descriptive paragraphs given the advice in paragraphs 7.11 and 7.12 of PPG12.

RECOMMENDATION**5.281 Delete paragraphs 5.120 and 5.121.**

Paragraph 5.126 - Water-Based Tourism

Objection DED0113 - Environment Agency

Proposed Change 140

Issue The need to make clear in this paragraph that the consent of the Environment Agency is needed for works on the river.

Conclusions

5.282 I support this proposed change which overcomes this objection with information.

RECOMMENDATION**5.283 Modify the Plan in accordance with Proposed Change 140.**

ED33 - Use of River Medway for Recreation

Objection DED0025 - English Sports Council S.E.

Proposed Change 141

Issue The need to include the use of the river for sport within this policy.

Conclusions

5.284 Whilst I can appreciate the river's potential for recreation, I am not convinced that this policy relates to any activities for which planning permission may be necessary, particularly activities on the river itself. Neither am I convinced that a policy for recreation should be included in a section of the Plan dealing with tourism. My concerns on both counts are reinforced by the limited reference to recreation in the supporting text. Whilst I have no objection to the proposed change, it should only be included in a land-use policy.

RECOMMENDATION

5.285 Delete ED33 and replace it with a new policy with reasoned justification after paragraph 3.80 in Chapter 3 if there are land-use planning matters related to the use of the river and its banks for recreation or sport.

ED33 - Use of River Medway for Recreation

Objection DED0042 - GOSE

Proposed Change 141

Issue The wording of the policy.

Conclusions

5.286 Subject to my recommendation in paragraph 5.285 I support this proposed change since the new wording “will permit” is a statement of planning policy.

RECOMMENDATION

5.287 Modify the Plan in accordance with Proposed Change 140, subject to my recommendation in paragraph 5.285.

ED33 - Use of River Medway for Recreation

Objection DED0068 - CPRE

Issue The need to resist the development of natural parts of the river bank.

Conclusions

5.288 I agree with the Council that the policy as written, with other policies in the Plan, would protect the natural parts of the river. As a result, I see no need to make the modifications suggested by the objectors if this policy is retained in the Plan in accordance with my recommendation in paragraph 5.285.

RECOMMENDATION

5.289 Do not modify the Plan in response to this objection.

New Policy - Home Based and Tele-Working

Objection DED0001 - Orange Personal Communications

Issue The need for a policy to encourage home-based and tele-working.

Conclusions

5.290 As the Council argues, this type of working often does not require planning permission, and a policy would therefore have no impact. I acknowledge the objectors' argument that this type of working is sustainable, but in these circumstances encouragement for it could be appropriate as part of the Council's corporate approach to sustainable development, but it should not be included in this Plan.

RECOMMENDATION

5.291 Do not modify the Plan in response to this objection.

New Policy - Waste Reduction

Objection DED0082 - Ms C Morgan

Issue The need for a policy relating to industrial and commercial waste.

Conclusions

5.292 I agree with the Council that these matters are the subject of other legislation and should therefore not be included in the Plan.

RECOMMENDATION

5.293 Do not modify the Plan in response to this objection.

New Policy – Land at Junction 6 of the M20

Objection DED0087 - The Cobtree Charity Trust Ltd

Issue The need to allocate this land for use as a breakdown recovery depot.

Conclusions

5.294 The original objection sought an allocation of B1 and B8 uses on this site but this aspect was withdrawn in a letter dated 3 September 1998 on behalf of the objectors. As the

objectors now accept, it is clearly not the purpose of the Plan to determine the future of every site through an allocation, particularly one as specific as the depot use sought here. In this case, the limited size of the site, its location adjoining a motorway and within the Strategic Gap and SLA, and its history, all combine to convince me that its future should be determined through the development control process, applying policies which apply at the time.

RECOMMENDATION

5.295 Do not modify the Plan in response to this objection.

New Policy - The Barracks Site Royal Engineer's Road, Maidstone

Objection DED0104 - Ringbest Ltd

Issue The allocation of this site for hotel development.

Conclusions

5.296 In Chapter 4, when considering objections DH0220 and DH0320, I recommend that this site should be allocated for housing, recognising its central location and the need for additional units to meet the Structure Plan housing requirements. I have no doubt that this need outweighs any benefit that an hotel on this site may bring, particularly in the light of the allocations made under ED25 for hotels elsewhere in the town centre.

RECOMMENDATION

5.297 Do not modify the Plan in response to this objection.

New Policy - Castle View Farm, Maidstone

Objection DED0108 - Palmscourt Ltd

Issue The allocation of the site for (a) an hotel; (b) mixed uses of offices, road-side services and housing; or (c) housing alone.

Conclusions

5.298 In Chapter 3 I considered related objections to the exclusion of this site from the urban area under ENV29 (DENV0457), and from the Strategic Gap under ENV32 (DENV0458). I did not accept either. The site is also in the North Downs SLA, although the objectors' did not argue that it should be excluded.

5.299 Dealing with (a), this site is allocated for an hotel in the adopted Local Plan, as part of a policy which recognised Allington's importance for tourism. As the Council pointed out at the inquiry, this policy has not been carried forward into this Plan. It was also argued that the need for an hotel in the area has been met, in part at least, by development adjoining the Malta Inn. There is a planning permission for an hotel on the objection site, and the objectors argued that the site should therefore also be allocated. I disagree. It is not the purpose of the Local Plan to reflect planning permissions with allocations, and to do so could undermine the purpose of the need to renew permissions, particularly given the longer lifetime of a local plan. Seen in this light, the planning merits of, and need for, a hotel on this site seems to me to be a matter for development control if a renewed permission is sought.

5.300 Dealing next with one aspect of (b) and (c) together, the objectors argued that the planning permission for the hotel established the acceptability of built development on the site. The site is therefore not "fresh land" as defined in the Structure Plan. This is true, but I do not agree that the permission for a hotel establishes a principle for any form of built development. It is clear that the hotel was part of a wider policy of encouraging tourism, which could justify development outside the urban area. In addition, hotels by their nature can be sited in such areas without appearing out of place or isolated from other built development. I have therefore dealt with the next two issues entirely on their own planning merits.

5.301 Turning to (b), I found the site to clearly separated from the edge of Maidstone, and I have no doubt that the uses sought would be seen as an extension of the town into its countryside setting. I do not agree that the site is a good location for housing or offices for the reasons I give below. In Chapter 3 I recommend that the site should remain in the Strategic Gap. I have no doubt that the development sought in this part of the objection would contribute to the coalescence of Maidstone and the Medway Towns contrary to policy MK5 of the Structure Plan which set this as one of the purposes of the Gap. I therefore do not support this part of the objection.

5.302 Finally on (c), I find that these arguments about the Gap and the effect of built development beyond the urban area apply equally to housing on its own. I do not consider that the objectors' arguments about the comparability of built form are valid, since I have found that there were special reasons to justify an hotel which do not apply on this case. Moreover, as the Council argued, the effect of housing would be wholly different, and I have no doubt that the much wider spread over the site, the need to reshape the land-form, and the accompanying domestic paraphernalia, would harm the landscape character of the SLA. In addition, I note that the objectors' comparison relies on a density of 9 dwellings per hectare, compared with the Plan's 25 dwellings per hectare adopted to establish the yield from housing sites. I also agree with the Council that the site is not well located for shops, work or schools, and public transport is limited. I therefore do not find that housing on the site would be acceptable, and I do not support this part of the objection.

RECOMMENDATION

5.303 Do not modify the Plan in response to this objection.

New Policy - Change of Use of Rural Buildings from Employment to Residential

Objection DED0116 - Mr M D Noar

Issue The need for a policy to prevent the loss of rural employment sites.

Conclusions

5.304 Applications for this change of use are likely to be dealt with under policy ENV51A which I recommend in Chapter 3. The main purpose of my recommendations on this policy and ENV51 is to emphasise the different priority to be given to changes for commercial and residential uses. In the circumstances, I do not consider that an additional policy is needed.

RECOMMENDATION**5.305 Do not modify the Plan in response to this objection.**

New Policy - Alan Firmin's Site, Redwall Lane, Linton

Objections DED0128 - Maidstone & Mid Kent Chamber of Commerce
DED0132 - Linton Parish Council

Issue The need for a policy for this site.

Conclusions

5.306 Both objectors argue that there should be a separate policy for this site, in line with the Plan's approach to other industrial sites in the countryside, in particular Brake Bros in Lenham Heath which is of a similar size. In my recommendations on ED15 – ED19, however, I have sought to ensure that any separate policies contain only material which is specific to the site in question, and do not repeat policies or criteria which are covered elsewhere in the Plan. Against this background, and given the small size of the site compared to the others, I have no doubt that its future can be dealt with satisfactorily through other policies in the Plan.

RECOMMENDATION**5.307 Do not modify the Plan in response to these objections.**

CHAPTER 6 TRANSPORTATION
T1 - Integrated Transport Strategy

Objections	DT0012 - Mr D W G Sawyer
	DT0030 - Maidstone Friends of the Earth
	DT0057 - Council for the Protection of Rural England
	DT0077 - Ms C Morgan
	DT0099 - Natwest Group
	DT0102 - Historic Buildings & Monuments Commission
	DT0103 - Historic Buildings & Monuments Commission
	DT0104 - Historic Buildings & Monuments Commission
	DT0123 - Dr F Simpson
	DT0125 - Rural Development Commission
	CT0022 - Mr W G Sawyer

Proposed Changes 142-144

- | | | |
|---------------|-----|--|
| Issues | (a) | whether the provisions of Chapter 6 of the local plan are consistent with national and regional planning guidance as to transport planning and sustainability. |
| | (b) | whether the general approach to allocation and distribution of short and long stay parking is consistent with PPGs 6, 12 and 13. |
| | (c) | whether and to what extent detailed highway and traffic management proposals ought to be specified in a statutory land use plan. |
| | (d) | whether T1(1-6) might properly be regarded as an expression of land use planning policy or as a statement of transportation goals and objectives. |

Conclusions

6.1 HBMC objection DT0102 is not sustained since MBLP Chapter 6 appears to reflect the policy content set out in PPG 13 (Transport) and in the adopted Kent Structure Plan. The situation will clearly need to be kept under review since PPG 13 is due for early revision. However, no *strategically significant* road construction is now proposed for the Town Centre Inset Map area. Accordingly, supply and demand for road space will have to be managed by a combination of fiscal measures and planning policies (as and when the former have statutory force). Objection DT0103 is not sustained because Chapter 6 policies appear to constitute a “balanced approach” to land use and transport planning. An incremental approach has been adopted to the diversification of modal choice, as witness the extensive

pedestrian areas and successful park and ride proposals, the subject of explicit policy guidance in the local plan. Objections DT0030 and DT0077 cannot be supported because the Council cannot make a unilateral decision to abandon all road-building schemes; this is a matter within the purview of the KCC, who have greatly reduced the new works programme. Objection DT0057 is dealt with elsewhere (see T13-15 and R5(B)).

6.2 Objection DT0012 is not sustained because PC144 provides for no increase in operational parking and an element of short-stay parking provision is consistent with overall parking restraint within the defined town centre area. Policy T1 of the local plan is concerned with a gradual, rather than an abrupt, change from wider to more restricted access by private cars. This shift is evidenced by policy restrictions on long-term (eg all-day) parking provision and a progressive introduction of bus priority lanes on the major radial roads. The combination of Policies T2 and T3 on the one hand and Policies T13 and T14 on the other will have the effect of influencing modal choice in favour of public transport and the more economical use of road space.

6.3 Objection CT0022 is essentially directed against the probable cumulative effects of providing off-street parking in Central Maidstone. It is certainly true that the additional major retail redevelopment proposals (ie R2 and R4) will add to the short-stay parking capacity. However, the evidence at the inquiry pointed to the commercial requirement of major retailing development to provide adequate on-site parking for customers. This is quite consistent with the overall land use and longer-term transport strategy which aims at traffic restraint. The objection to Policy T1(3) suggests an alternative form of words which require that central area short-stay provision be adjusted to control levels of traffic congestion on the primary road network.

6.4 This objection, whatever its intrinsic merits, cannot be supported because it is not directed at the control of development (ie the use of land and buildings). The balancing of parking provision and induced vehicle traffic flow will, in future, most probably be secured by pricing mechanisms. These will be determined in the context of Local Transport Plans, as yet unsupported by statutory powers. The purpose of land use planning is to secure an adequacy of off-street parking, appropriately located with reference to shoppers' and others' destinations, in this case within the town centre. It is also the proper function of land use planning to lay down policy for the future alternative use of land at present in use for off-street parking. This is the entire purpose of Policy T15 (as amended by PC159).

6.5 To that extent, a degree of short-stay overprovision may well be unavoidable. The alternatives would be either to severely restrict new provision on redevelopment or to secure the residential (or other) redevelopment of existing town centre car parks in advance of major retail floorspace being created elsewhere. Both courses of action would be extremely difficult. The former would be, on the available evidence, commercially unattractive (or indeed unacceptable) to intending developers. The latter would be exceedingly difficult to integrate with major redevelopment. Moreover, unless precisely co-ordinated, it would most likely result in a temporary shortfall of off-street parking provision. This would be unwelcome, to say the very least, in the face of acknowledged out-of-town competition.

6.6 PC144 partly meets objection DT0104 and the “appropriate” provision of long-stay parking on the edge of the town centre appears to be consistent with road-rail interchange at Maidstone East Station, disabled access generally and increased restrictions on operational parking. The central quadrilateral core of Maidstone town centre, as defined by the north-south and east-west railway lines, High Street and Week Street, appears to be of optimum accessibility by the public transport. For this reason, the major new retail development areas (R3 and R4) have been allocated combined short-stay parking provision in the range of 1300-1400 spaces. This would appear reasonable, having regard to their direct access from the principal road network, in conformity with Policy T1, commercial preference and the overall aim of ensuring the viability and vitality of the shopping centre.

6.7 Objections DT0099 and DT0123 are both slightly misplaced in that it is not appropriate to detail specific highways improvements such as controlled pedestrian crossings or matters of local traffic management consultation in a statutory local plan; needs of pedestrians and cyclists being largely addressed in Policies T8-9. However, the objection does implicitly raise the question of the future physical segregation of vehicles, pedestrians, cyclists and equestrian traffic. There is no policy content specifically directed at segregation and traffic safety. This is regrettable since the adopted structure plan (paras 9.36-37 and Policy T11) explicitly mentions “segregated crossing facilities”. It may be that the Council will wish to modify Policy T9 in view of the possibility of achieving segregation as a by-product of development; no recommendation is made as to specific wording.

6.8 Objection DT0125 is reasonably met by PC143. It is proposed to modify the text of the Written Statement to reflect the obvious fact that public transport network coverage is less dense within the rural parts of Maidstone District. This modification will have little direct impact on the policy content of the local plan, except to the extent that it adds colour and context to the operation of development control and site selection which may be exercised under Policy T1 and Policies T22-24 (inclusive). It will be noted that, although the objection in question was made by the Rural Development Commission (RDC), that body is now absorbed, with the Countryside Commission, into the newly formed Countryside Agency.

6.9 Despite the fact that a number of the objections have quite reasonably been met by PCs 142-144, much of the content of Policy T1 is effectively that of very general planning goals and objectives. The statement usefully ties together many aspects of land use and transport planning; to that extent it is fully in accord with current and emergent planning guidance. However exemplary the individual aims may be, as criteria for assessing development proposals, they add nothing at all to other policies of the Plan. For example, criterion (2) is concerned with the worthy aims of securing road safety and with the unnecessary use of private cars; two by no means unconnected objectives. Nevertheless, the Plan already contains a serviceable Policy T11 which sets out the Council’s traffic management policy. Although this in itself read partly as a statement of aims, as now recommended for modification it might directly assist in the control of development (see T11).

6.10 For example, development which would generate a good deal of intrusive traffic in a sensitive area might be made the subject of conditions. These might require prior off-site works (such as road closure or traffic-calming) to mitigate such impact, by reference to this

policy. Similarly, criterion (1) effectively duplicates the policy areas already covered by Policies T3, T8 and T9. Criteria (1-5) ought therefore to be put into the supporting text as aims and objectives (see earlier under ENV1). The gist of Policy T1 is quite properly intended to develop an integrated land use-transport strategy and it thus may stand. To this end, all new development should be well related to the existing networks, road and rail, and be phased so that the necessary works to enable it to proceed may be secured either by agreement, undertaking or condition.

RECOMMENDATIONS

6.11 Modify Policy T1 of the Plan to read as follows:

“POLICY T1 AN INTEGRATED TRANSPORT STRATEGY FOR MAIDSTONE WILL BE FOLLOWED BY THE BOROUGH AND COUNTY COUNCILS. ALL NEW DEVELOPMENT WILL REQUIRE TO BE SAFELY AND SECURELY RELATED EITHER TO EXISTING OR TO IMPROVED MOVEMENT NETWORKS AND THEY MAY BE PHASED SO THAT ANY NECESSARY WORKS AND OTHER FACILITIES ARE PUT IN PLACE AT THE APPROPRIATE TIME.”

6.12 Modify the Plan by incorporating criteria (1-5) of Policy T1 as supporting text.

6.13 No other modification in response to the above objections.

T2 - Public Transport Prioritisation:

Objections DT0031 - Maidstone Friends of the Earth
 DT0072 - Peugeot Motor Company PLC
 DT0078 - Ms C Morgan
 DT0079 - Ms C Morgan

Issues

- (a) whether the local plan ought precisely to specify the extent and implementation of bus priority measures within the urban area.
- (b) whether the agency of implementation or the funding of bus priority measures ought to be addressed in the local plan.
- (c) whether any policy preference between light rail and urban trolleybus systems ought to be included in the local plan.

Conclusions

6.14 Objections DT0031 and DT0078 cannot be sustained. Universal bus priorities are not generally justified on less frequent services and might unreasonably remove available kerbside parking space in areas where parking control is not strictly necessary. Trolleybus services would require very substantial capital funding through agencies which are not under

the control of the Council and which are not bound by the local plan's provisions. Such a system might well have a greater adverse visual impact on historic urban areas because of the need to install unduly intrusive supporting poles, overhead dual contact wiring and span wires. Most importantly, a trolleybus system could not operationally or physically integrate with the national rail network as is the whole purpose and intent of the Medway Metro system (see T5). A decision of this nature must be left for consideration under future local transport plan preparation procedures.

6.15 Objection DT0072 addresses matters (detailed traffic management and regulation) which are not strictly related to land use planning. It may be necessary on occasion to acquire land for bus-only links which are outside the limits of the present highway. In accordance with current legislation, this would be done either by agreement or by the use of various statutory powers of compulsory acquisition. Objection DT0079 relates to a specific stretch of bus priority on the A229. It is not appropriate to nominate places for such treatment in a local plan. This is too detailed a matter and, in any event, would need further consultation with the highway authority and local interests, other than those represented by the present objector.

RECOMMENDATION

6.16 No modification to the Plan in response to the above objections.

T3 - Public Transport Provision

Objections	DT0017 - Meyer International DT0027 - House Builders Federation DT0051 - Government Office for the South East DT0073 - Peugeot Motor Company PLC DT0117 - George Wimpey PLC CT0020 - House Builders Federation CT0028 - Council for the Protection of Rural England
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Proposed Change 145

Issue	(a) Whether Policy T3 of the local plan should attempt to prescribe threshold levels or acceptable forms of public transport provision in association with future development.
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Conclusions

6.17 Objection DT0017 is partly met by PC145, as is DT0051. It is clear that provision for public transport within *all* new development areas, of appropriate size and location, will necessarily be a matter for detailed study and negotiation. The effect of PC145 will be to require a Traffic Impact Statement and this will demonstrate whether or not the projected volume and modality of attracted traffic (and the specific location) would require such special provision. This question is also raised by objections to Policy T22 (see later). Future traffic

impact analysis will determine whether or not new housing (and indeed other development) sites are “significant” and it may well also serve to indicate the correct proportioning of developer contribution to new or improved public transport provision.

6.18 Objections DT0027 and CT0020 are slightly misconceived in that the actual provision of bus services or their future subsidy by way of revenue support is not sought by Policy T3. The purpose of the policy is quite reasonably to require the allocation of land, the location, design and disposition of buildings and the provision of fixed facilities for passengers within the confines of development sites or areas. All this may be subject to suitable agreement by negotiation. These matters ideally need to be addressed and resolved at the time of making outline planning applications and certainly no later than the submission of detailed proposals. It is appropriate therefore to serve notice on all intending developers that such matters have to be taken into account and (if need be) negotiated.

6.19 Objections DT0073 and DT0117 are partly met by PC145. It is obviously impossible for the local plan precisely to define the application of Policy T3 for every future development site. The essence of the policy is to signal the need to integrate public transport and private development much more closely in future. This is in line with PPG 13 advice and should be no more onerous in practice than the present reasonable provision of on-site roadworks. Such requirements need to be even-handed as between one development site and another. They cannot reliably be left to marketing judgement since they “*clearly have an impact on....the general character of a neighbourhood*” (PPG 3(1992) paragraph 6).

6.20 The overall conclusion is that Policy T3 is justified and necessary so that developers may be required to make provision for suitable access by public transport. However, PC145 inserts inappropriate words and phrases such as “*ensure*” and “*seek to negotiate*”. It would be better to specify precisely what the requirements are likely to be. The revised wording of the policy itself and its reasoned justification are recommended below but threshold levels are left to the discretion of the Council. It should be noted that Policy T3 applies to *all* development sites above a certain size but Policy T22 (see later) specifically applies to *unallocated* sites; hence its requirements are more detailed and may well be more onerous in practice. It would be unwise to accede to Objection CT0028 since the original version of the policy attracted objection from GOSE as being contrary to PPG 1 + 12 guidance.

RECOMMENDATIONS

6.21 Modify paragraph 6.29 of the Written Statement to read as follows:

“6.29 Many new development schemes have the opportunity to make a particular contribution towards offering the choice of energy-efficient and sustainable modes of transport, as required by PPG 13 (Transport). All major development proposals will inevitably be generators of inward movement. They should accordingly have appropriate provision in their design and layout for residents, employees, visitors, shoppers and others to make alternative transport choices. This will come about by offering attractive and accessible bus and taxi facilities, including convenient bus stops,

waiting areas and shelters and ease of access on foot and by wheelchair from all parts of the development area in question.

6.29A Substantial new housing sites will additionally be generators of outward movement and should accordingly make provision, where this is physically possible, for either exclusive or priority direct access to or through them for public service vehicles. These vehicles will include buses (and possibly light rapid transit systems in future). Their specific needs of access and movement should be taken into account in determining footways, pedestrian crossing points, speed restrictions, road widths, visibility distances, gradients and curvature.”

6.22 Modify Policy T3 of the Plan to read as follows:

“POLICY T3 PLANNING PERMISSION WILL NOT BE GRANTED FOR MAJOR DEVELOPMENT PROPOSALS UNLESS ADEQUATE PROVISION IS MADE, WHERE NECESSARY AND APPROPRIATE, WITHIN THE OVERALL DESIGN AND SITE LAYOUT FOR THE FOLLOWING FACILITIES FOR PUBLIC TRANSPORT:

- (1) **PRIORITY OR EXCLUSIVE PROVISION FOR PUBLIC SERVICE VEHICLE ACCESS TO OR THROUGH THE PROPOSED DEVELOPMENT AREA;**
- (2) **SAFE AND CONVENIENT PASSENGER WAITING ACCOMMODATION, INFORMATION SYSTEMS AND SIGNED PEDESTRIAN ACCESS ROUTES;**
- (3) **SUITABLE PROVISION FOR DISABLED ACCESS TO THE WAITING ACCOMMODATION FROM ALL PARTS OF THE DEVELOPMENT AREA.”**

6.23 No other modification in response to the above objections.

T4 - Railways

Objections	DT0032 - Maidstone Friends of the Earth [FOE]
	DT0043 - Government Office for the South East
	DT0058 - Council for the Protection of Rural England [CPRE]
	DT0080 - Ms C Morgan
	DT0082 - Ms C Morgan
	DT0084 - Ms C Morgan
	CT0001 - Government Office for the South East

Proposed Change 146

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| Issues | <ul style="list-style-type: none">(a) the extent to which the local plan can influence or anticipate the nature and timing of improvements to the national rail network or to local levels of service and interchange facilities.(b) whether or not the local plan should encourage or facilitate ease of public transport interchange or multi-modal forms of travel. |
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Conclusions

6.24 Objections DT0032 and DT0080 are not sustained because they call for decisions and the use of resources which are outside the direct control of the Council; ie investment in new rail services and stations. Both the north-south and east-west rail routes through Maidstone at present support medium to high density suburban passenger rail services to and from London and there is no evidence of obvious demand for interchange at Allington. Moreover, the proposed Medway Valley LRT might provide a halt at this point which would effectively perform much the same function (see T5). Interchange facilities, even if a need were more clearly demonstrated, could not easily be accommodated because of topography and also nearby planning commitments (H2(xvii)), to say nothing of locally severe policy constraints under Policy ENV38. Objection CT0001 has merit in that the word “encourage” is misplaced and the exhortation to provide a link with CTRL at Ebbsfleet is not a land use planning policy.

6.25 Objection DT0043 is met by PC146 and the revised wording of Policy T4, which is endorsed. In response to objection DT0058, it might well be appropriate to modify the wording of Policy T4 in order to clarify the need for easy multi-modal access to all new and existing stations. This would be in line with the emphasis of the supporting text to Kent Structure Plan Policy T1 (paragraph 9.5). The objection implies that pedestrian and cycle modes of traffic ought to be given at least as much emphasis as car traffic when new or improved access to railway stations is being considered. A simple modification to the policy is recommended, which will emphasise the equal importance of ease and security of access by passengers arriving at or leaving existing and proposed new railway stations on foot, by cycle or connecting public transport services, as well as by private car.

6.26 Objections DT0082 and DT0084 both call for investment in the Medway Valley line. These cannot be sustained because such decisions are not for the Council to make or influence. Moreover, the capacity of the line would have to accommodate both heavy and light rail traffic if the Medway Metro proposal is implemented at some future time, as seems reasonably probable. The consequential levels of service of light and heavy rail operation would require adjustment but its overall usefulness to passengers would be enhanced on account of more frequent stopping places and the LRT penetration of the urban core. The effective result might very well be to secure better access from Maidstone both to the new CTRL intermediate stations at Ebbsfleet and Ashford International and to the Medway towns (see also T5).

RECOMMENDATIONS

6.27 Modify Policy T4 of the Plan to read as follows:

“POLICY T4 THE BOROUGH COUNCIL WILL PERMIT NEW AND IMPROVED RAIL-RELATED AND OTHER FACILITIES AT RAILWAY STATIONS WHERE THESE WOULD IMPROVE THE SAFETY AND CONVENIENCE OF EXISTING RAIL USERS, ARRIVING OR DEPARTING FROM THE STATIONS BY ALL MODES OF PUBLIC OR PERSONAL TRANSPORT, AND WOULD GENERALLY FACILITATE THE GREATER OR MORE FREQUENT USE OF RAIL SERVICES. THE POTENTIAL FOR NEW RAILWAY STATION SITES, TO INCLUDE INTERCHANGE PROVISION FOR A VARIETY OF MODES OF PASSENGER ACCESS AND FOR VEHICLE PARKING, WILL CONTINUE TO BE EXPLORED.”

6.28 No other modification in response to the above objections.

T5 - Light Rail Proposals

Objections	DT0028 - The House Builders Federation
	DT0033 - Maidstone Friends of the Earth
	DT0059 - Council for the Protection of Rural England
	DT0081 - Ms C Morgan
	DT0105 - Historic Buildings & Monuments Commission
	DT0138 - Wards Construction (Medway) Ltd
	DT0154 - Railtrack Property

Proposed Change 147

Issues	(a) whether the Proposals Map ought to indicate the probable or alternative alignments of the Medway Metro LRT within the local plan area.
	(b) whether the Medway Metro is technically capable of both on-line running with mainline rail services and on-street operation in Central Maidstone.
	(c) the future impact of the Medway Metro upon the scale and disposition of major retail allocations in Central Maidstone.
	(d) the nature and purpose of a Local Plan policy in the statutory context of the Medway Metro proposals and their implementation

Conclusions

6.29 Objections DT0028 and DT0138 have little merit at this stage since current PPG 12 advice is not to show any transport projects on the Proposals Map unless and until they are assured of secure funding and early implementation. Although the Metro has been the subject of a feasibility study, it is not yet assured of funding and is described in the current Kent TPP (CD33) as a “*medium term project*” (paragraph 1.2.2.1(2)). From the available evidence, it would be a hybrid operation, combining 750V overhead electrification and dual use of the existing Medway Valley railway line from Rochester to Maidstone. It would then extend into the two urban centres with conventional standard-gauge tramway, running on-street. Even though most of the future alignment is abundantly self-evident, an indication of the proposal now might give rise to unwarranted expectations and possibly premature investment decisions, as distinct from the adverse effects of blighting land or buildings.

6.30 Although the objections cannot be supported, because of the tentative nature of the LRT proposals, the implications of the project for the future planning of Maidstone Town Centre should certainly not be ignored. The TPP comments: “*this work (ie development of better public transport in Maidstone) needs to be extended both geographically and in terms of its intensity (ie in relation to its carrying capacity)*”. It also notes: “*the Medway Metro could radically alter attitudes to travel and patterns of transport in this area and the Medway Towns, which are linked closely...in functional terms*”. The published promotional material on the Metro suggests that the line would link Maidstone Barracks and Maidstone West Stations with a terminus at Maidstone Cannon. This would result in the town centre’s “quadrilateral core” (see earlier) having enhanced accessibility.

6.31 Whilst such a possible combined light and heavy rail pattern of operation in Maidstone is clearly in line with current TPP strategy, it cannot yet be formally embodied in the local plan. However, the route pattern is largely consistent with the intended disposition of major retail allocations in the central core area (ie Policies R3-4 and R5 (as amended by PC191)). The possibility of further street-running in Central Maidstone was briefly discussed at the local plan inquiry in connection with Policy T10 pedestrianisation (see later). The implication of such extended operations (cf the proposed terminal loop running in Chatham-Gillingham (CD33 map 1.6)) might well be to achieve rather better linkage as between the three existing railway stations. This might (in effect) secure the interchange which is sought by objections DT0032 and DT0080 (see T4).

6.32 Objection DT0059 cannot be sustained since the Medway Metro, if it is to be progressed, will necessarily be the subject of a order made under the Transport and Works Act (TAWA) 1992. The order-making procedure allows for consultation and the making of objections. Confirmation of the order could also grant deemed planning permission and listed building consent (if this were required) for the necessary works. If such an order were confirmed, the resulting proposal would be a future planning commitment. At that stage, it would then be appropriate to indicate a notation alignment on the Proposals Map in the course of local plan alteration or review. It should be noted in passing that the consultation,

notification and objection procedures for a TAWA order are considerably more rigorous than those for a conventional planning application.

6.33 Objection DT0154 is somewhat anomalous, since Railtrack would inescapably be party to any proposal to accommodate heavy and light rail traffic along part of the Medway Valley line. It is reasonable to assume that such support would not be forthcoming if the combined operation were seen to be in any way inimical to rail users' interests or future convenience. Objections DT0033 and DT0081 cannot be sustained since there are now no insurmountable technical problems to combined heavy and light rail operation. Such operation is at present in use in Continental Europe and is proposed for the Greater Nottingham and the Tyne and Wear Metro systems. Whether or not it would be the best investment decision will be for Railtrack and KCC to decide. The LRT proposal would have the advantage of providing town centre access for a very much wider retail and employment catchment area than any reintroduction of the very restricted former urban trolleybus system in Maidstone.

6.34 The present wording of Policy T5 rather implies a degree of certainty that the Medway Metro will be constructed during the Local Plan period. If this were so, it would be more appropriate to indicate the alignment on the Proposals Map. Since it is not yet firmly programmed, it would be better to reflect the uncertainty in the policy and its supporting text. Modifications are recommended which will (a) indicate the present methods by which light rail projects are currently publicly examined and statutorily authorised (b) the limitations within which the local planning authority must currently operate during such authorisation procedures and (c) the aspects of any future proposal which the Borough Council might reasonably seek to influence as being matters specifically related to the use and development of land and the management of traffic.

RECOMMENDATIONS

6.35 Modify the Plan in accordance with Proposed Change 147.

6.36 Modify paragraph 6.36 of the Written Statement to read as follows:

“6.36 Both the Borough and County Councils, as local planning and highway authorities, are enthusiastically in support of the Medway Metro proposal. They will exert considerable effort to bring it to fruition within the Plan period. However, it should be recognised, at this stage, that a decision to proceed with the project will emerge from regional guidance. It will also be justified in accordance with the provisions of future Local Transport Plans. Moreover, the engineering works required by the project will be development generally permitted by virtue of the Second Schedule (Part 17) of the Town and Country Planning (General Permitted Development) Order 1995.

6.36A However, planning permission for the project as a whole (if approved) will normally be deemed to be granted by a direction of the Secretary of State, on making the requisite order under sections 1 and 2 of the Transport and Works Act 1992. The Borough Council would normally be consulted on the making of the order and would then wish to be satisfied that all relevant planning matters had been taken into account

in the scheme's preparation. It is open for an applicant for such an order to obtain planning permission beforehand. In these circumstances, the planning application would be considered in the light of the following policy."

6.37 Modify the Policy T5 of the Plan to read as follows:

"POLICY T5 A LIGHT RAIL SYSTEM IS UNDER CONSIDERATION AS A DIRECT CONNECTION BETWEEN CENTRAL MAIDSTONE (CANNON) AND THE MEDWAY TOWNS. IF CONSTRUCTED, IT WOULD USE THE MEDWAY VALLEY RAILWAY AND CONTINUE ON-STREET WITHIN MAIDSTONE. PLANNING PERMISSION AND LISTED BUILDING CONSENT (UNLESS OBTAINED IN ADVANCE) WOULD BE DEEMED TO BE GRANTED FOR THE LIGHT RAIL SYSTEM BY MEANS OF AN ORDER UNDER THE TRANSPORT AND WORKS ACT 1992. IN THE COURSE OF STATUTORY CONSULTATION IN THE MAKING OF THE ORDER (OR IN THE EVENT OF PRIOR PLANNING AND LISTED BUILDING CONSENT APPLICATIONS), THE BOROUGH COUNCIL WILL WISH TO BE SATISFIED THAT:

- (1) THE LIGHT RAIL ALIGNMENT AND INTENDED STOPPING PLACES ACCORD WITH THE PATTERN OF LAND USE, PLANNING COMMITMENTS AND THE RELEVANT PROVISIONS OF THE ADOPTED LOCAL PLAN; AND,**
- (2) THAT THE VISUAL AND PHYSICAL IMPACT OF THE LIGHT RAIL PROPOSALS IS ENVIRONMENTALLY ACCEPTABLE, WITH PARTICULAR REGARD TO HISTORIC AREAS AND BUILDINGS IN CENTRAL MAIDSTONE."**

6.38 No other modification in response to the above objections.

T6 - Channel Tunnel Rail Link

Objections DT0121 - Union Railways Ltd
DT0155 - Trinity College, Cambridge
CT0019 - Union Railways Ltd

Proposed Change 148

Issue (a) whether the local plan should attempt specific land allocations or make detailed provision for interim development control during the present construction phase of the CTRL.

Conclusions

6.39 Objection DT0155 cannot appropriately be met by further modification of Policy T6 as this is purely a safeguarding measure and related to the construction of the CTRL. It is currently uncertain how much land will be required for construction, mitigation works and the long-term operational needs of the new high-speed railway line. Until these needs are established and secured, it would be unwise to make any further Policy R17 or other allocations in the marginal area between the settlement of Harrietsham and the CTRL. Landowners adjacent to the safeguarded limits of deviation are free to make planning applications, subject to call-in by DETR if requested by URL. Detailed lineside land allocations will no doubt be reconsidered at review stage post 2003 when the railway and associated acoustical screening will have been completed. Objection DT0121 is substantially met by PC148, which is endorsed. Objection CT0019 relates to a minor matter of the railway promoter's title which the Council may wish to correct in the adopted text.

RECOMMENDATIONS

6.40 Modify the Plan in accordance with Proposed Change 148.

6.41 No other modification in response to the above objections.

T7 - Railway Safeguarding

Objections

- DT0024 - Bearsted Parish Council
- DT0034 - Maidstone Friends of the Earth
- DT0044 - Government Office for the South East
- DT0053 - Government Office for the South East
- DT0083 - Ms C Morgan
- DT0120 - Bearsted Amenity Society
- DT0141 - Spinnaker Properties Ltd
- DT0144 - Mr J Broadhurst

Proposed Change 149

Issues

- (a) whether Policy T7 ought to be modified to seek a wider and more general commitment to support for present passenger rail services in Maidstone District.
- (b) whether or not Policy T7 ought to address the possible future redevelopment of railway land formerly in use for wagonload freight traffic.

Conclusions

6.42 Objections DT0024, DT0120 and DT0144 are site-specific and relate to a former goods yard. They therefore mainly fall outside the scope of Policy T7 which relates to passenger railway operation. No doubt the Council will determine the current planning application for

the land having regard to possible community benefit, ease and safety of pedestrian access and all other material considerations. Objections DT0034 and DT0083 cannot be sustained. Alternative railway station provision is a matter for technical and commercial decision by the KCC, the train operating companies (TOCs) and, most importantly, Railtrack. In the event of station replacement and redundancy, this would not run counter to Policy T7, if modified in the light of PC149, which is endorsed. Objections DT0044 and DT0053 are met by the revised wording of PC149.

6.43 Objection DT0141 is essentially directed at the alternative allocation of Staplehurst Station car park for retail development. As such, it is more conveniently dealt with under the Chapter 7 objections (see DR0145 later under R20).

RECOMMENDATIONS

6.44 Modify the Plan in accordance with Proposed Change 149.

6.45 No other modification in response to the above objections.

T8 - Provision for Cyclists

Objections	DT0003 - Mr D Watson DT0018 - Meyer International DT0021 - Head of Kent Estate Management KCC DT0052 - Government Office for the South East DT0060 - Council for the Protection of Rural England [CPRE] DT0071 - NFU South East Region DT0074 - Peugeot Motor Company Plc DT0085 - Ms C Morgan DT0133 - Croudace Homes CT0010 - Government Office for the South East (support PC150)
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Proposed Changes 150-154

Issues	(a) whether future cycleways within Maidstone District ought to be shown in detail on the local plan Proposals Map. (b) whether Policy T8 ought to prescribe the agency of implementation or programming of cycleway provision. (c) whether connections between the Maidstone cycleway network and those of adjoining districts ought to be indicated.
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Conclusions

6.46 Objection DT0003 is now less relevant in that detailed cycle routes are proposed to be deleted from the Proposals Map (PC153-154). This deletion of what are in essence largely

measures of direction signing and traffic management seems reasonable and is endorsed. As informal commentary, the Council's proposed future route in the Oakwood area is to be preferred because of the welcome degree of possible prioritisation and protection given by signal light control at the relevant A26 junction. Although the emergent cycle network should not figure as a set of proposals in the statutory plan, the Council might wish to illustrate its overall extent and configuration. This might be in diagrammatic form, possibly combined with bus priority and park and ride sites (see also later comment under T19).

6.47 Objections DT0018 and DT0074 are not sustained because the agency of implementation and funding of the cycle network may well vary in time and place. There may be considerable but variable scope for simple works within the limits of the highway, alongside waterways and through public open space. Important parts of the network may be achieved as a by-product of development or redevelopment proposals. It is therefore fully appropriate to signal this clear possibility in the relevant development plan policy. Objection DT0021 is met by PC150 and PC153-154, which are endorsed. It may be commented, informally, that the alternative route suggested appears to have some planning merit. Objection DT0052 is met by the revised wording in PC153, which is endorsed.

6.48 Objections DT0060 and DT0085 relate to possible cycle network extensions throughout Maidstone District and outside the immediate urban area. The Sustrans (Sustainable Transport) national cycle network may indeed have considerable relevance to the rural area and also to connections with the emergent urban system. However, integration would better be achieved by indicating the national network within Kent, possibly in a revised structure plan Key Diagram. Given this possible future strategic requirement, a local plan review might then well look to its detailed accommodation and its connection to similarly developing cycleways in adjoining local planning authority areas and within the ambit of their district-wide plans.

6.49 Objection DT0071 is misconceived in that Policy T8 is of immediate relevance to urban highways, residential areas and development proposals. In rural areas, cycling is as a matter of fact legally permitted on most public roads (apart from motorways), all byways and all bridleways. The latter are clearly shown on the relevant OS maps and are generally signposted along the public highway. It is not currently general practice to show such routes on proposals maps for statutory local plans. Any extension of cycle access (eg by footpath conversion to bridleways) would be a matter for KCC as local highway authority and the relevant order-making process allows for consultation and objection by user groups, interested landowners and others.

6.50 Objection DT0133 calls for greater co-ordination of cycle network planning as between adjacent LPAs. This is no doubt a worthy aim but the specific example of future linkage of Allington to Barming Station would be the subject of Policy T1, T4, T7 and T8 consideration in the context of local residential allocations (eg H2(i)) and future development. Cycleway co-ordination as between LPAs will no doubt be improved as and when their respective urban networks are implemented and in the probable context of future strategic requirements set out in the structure plan (but see above).

6.51 As proposed for change by PC153, Policy T8 contains certain expressions of aims and intentions. To some extent, these have less specific force in the light of the decision to delete the future network from the Proposals Map. Much of the first and last paragraphs of revised Policy T8 would be better incorporated in the supporting text. The only development control policy content relates to a requirement to incorporate cycle parking facilities within new development areas and proposals. This is not the subject of objection and a requirement to incorporate new cycle paths within development areas is a reasonable one, broadly analogous to that set out in Policy T3 (see above) but possibly less onerous in practice.

RECOMMENDATIONS

6.52 Modify the Plan in accordance with Proposed Change 154.

6.53 Modify paragraph 6.42 of the Written Statement to read as follows:

“Provision for Cyclists

6.42 The Borough and County Councils, as local planning and highway authorities, are developing networks of strategic and local cycle routes. The opportunity to develop local routes will be pursued both through the future highways programme and as part of the development control process. The Borough Council, as part of the latter activity, will secure the provision of cycle parking facilities at public transport interchange points, such as railway stations, and at all buildings open to the general public, especially leisure, educational and institutional buildings and those within Maidstone Town Centre.”

6.54 Modify Policy T8 of the Plan to read as follows:

“POLICY T8 ALL MAJOR DEVELOPMENT PROPOSALS SHALL MAKE PROVISION FOR CYCLING FACILITIES WITHIN THE DEVELOPMENT AREA. SUCH FACILITIES MAY INCLUDE, WHERE APPROPRIATE, PRIORITY MEASURES WITHIN FOOTWAYS AND ROADWAYS AND NEW OR IMPROVED SEGREGATED CYCLEWAYS WHICH RELATE TO USERS’ PREFERRED ROUTES OR WHICH ENABLE EXISTING ROUTES TO BE SHORTENED OR MADE MORE SECURE AND ACCESSIBLE. CYCLE PARKING PROVISION WILL BE REQUIRED WITHIN OR NEAR BUILDINGS OPEN TO THE GENERAL PUBLIC.”

6.55 Modify paragraph 6.42, in accordance with Proposed Change 150, renumbered as paragraph 6.43.

6.56 Renumber paragraph 6.43 of the Written Statement as paragraph 6.44.

6.57 Modify paragraph 6.44, in accordance with Proposed Change 151, renumbered as paragraph 6.45

6.58 Renumber paragraph 6.45 of the Written Statement as paragraph 6.46.

6.59 Modify paragraph 6.46, in accordance with Proposed Change 152, renumbered as paragraph 6.47.

6.60 No other modification in response to the above objections.

T9 - Pedestrian Provision

Objections DT0061 - Council for the Protection of Rural England
DT0145 - Council for the Protection of Rural England

Proposed Change 155

Issues

- (a) whether pedestrian movement should be facilitated in development proposals and existing provision should thereby be enhanced.
- (b) whether new or improved pedestrian routes should provide for disabled access in all cases.

Conclusions

6.61 Objection DT0061 has some merit in that Policy T9 might be revised in detail. The first two sentences are clearly related and should be combined, purely in order that the policy should be made more explicit. The phrase “wherever possible” seems redundant since the improvement of existing pedestrian ways is clearly contingent on physical possibility. Although not the subject of a specific objection, the last sentence of the policy (and PC155) is needlessly restrictive; there may well be situations where topography precludes disabled access to or along pedestrian routes. These may still be useful, desirable or essential for able-bodied people; to deny such majority access would itself seem to be slightly discriminatory and unfair.

6.62 Objection DT0145 also has merit. The policy does indeed not preclude the formation of new pedestrian ways. However, since development proposals are expected, when practicable, to provide for enhanced pedestrian facilities, the policy (as currently worded) only relates to existing routes. This is excessively restrictive and inflexible, particularly in cases where new pedestrian ways might reasonably be looked for in areas of existing deficiency. The policy is, in this important respect, at odds with its supporting text. A slight modification is accordingly suggested. Reference to supplementary guidance should be made in the text.

RECOMMENDATIONS

6.63 Modify Policy T9 of the Plan to read as follows:

“POLICY T9 ALL DEVELOPMENT PROPOSALS SHALL PROVIDE ATTRACTIVE, DIRECT AND SAFE PEDESTRIAN ACCESS AND SHOULD, IN THESE RESPECTS, IMPROVE EXISTING PEDESTRIAN ROUTES WHICH ARE AFFECTED BY SUCH PROPOSALS. ALL NEW AND IMPROVED ROUTES SHOULD FOLLOW DESIRE LINES, ESPECIALLY IN AREAS DEFICIENT IN PEDESTRIAN PROVISION, AND SHOULD BE CHOSEN TO ALLOW FOR SECURE AND CONVENIENT MOVEMENT ON FOOT AND, WHEREVER PRACTICABLE, BE EASILY ACCESSIBLE BY THE DISABLED.”

6.64 No other modification in response to the above objections.

T10 - Pedestrianisation Proposals

Objections	DT0069 - Speciality Shops Management DT0140 - Maidstone & Mid Kent Chamber of Commerce
Issues	(a) whether the implementation of Policy T10 should be made contingent upon the absence of objections. (b) whether it is reasonably possible to exclude all motor traffic, including buses, taxis and light rail vehicles, from a pedestrianised High Street.

Conclusions

6.65 Objection DT0069, regarding methods of implementation and the resolution of objections, cannot be sustained because detailed consultation on pedestrianisation is governed by separate legislation. Although the local plan may indeed advocate or propose pedestrian shopping streets and their extension within Central Maidstone, detailed traffic orders are needed for implementation. The local plan is a policy-making and not an order or law-making instrument and cannot itself prescribe or amend statutory consultation procedures. Moreover, to make proposals explicitly dependent on absolute consensus might well be to assign unreasonable powers of overall veto to minority interests.

6.66 Objection DT0140 has certain merit in that the present, somewhat restricted, degree of pedestrian priority in High Street and King Street does not seem entirely satisfactory. Some progress may well be made in time-limiting deliveries and excluding private vehicles as well as by the imposition of a lower speed limit and by increased traffic calming. However, the total exclusion of buses in particular would be highly inconvenient for public transport users and would critically reduce the convenience and accessibility of this mode. It would also be unfair and illogical if LRT street-running as far as The Cannon (or beyond) were in future to be instituted under Policy T5. Exclusion of certain classes of vehicle is very much bound up with the implementation of the All Saints Bypass proposal (see T19.5).

RECOMMENDATION
6.67 No modification to the Plan in response to these objections.

T11 - Traffic Management

Objections DT0062 - Council for the Protection of Rural England
 DT0086 - Ms C Morgan
 DT0156 - Bearsted Amenity Society

Issues

- (a) whether environmental traffic management should be exclusively concentrated in urban areas.
- (b) whether it is appropriate for a statutory land use plan to envisage area-wide speed limits for vehicles.
- (c) to what extent traffic calming measures may be required as a part of the development control process.

Conclusions

6.68 Objections DT0062 and DT0156 are slightly misconceived in that neither urban nor rural roads are excluded from future consideration. Priority may well be given, in practice, by the local planning and highway authorities to urban areas. These are where most of the residential population is to be found and where available statistics suggest that the majority of traffic injury accidents take place. Traffic management, lower speed limits and calming are increasingly being imposed on rural roads and settlements. However, Policy T11 needs to be specifically related to traffic calming and the development control process. Traffic management of a general kind, when initiated by the highway authority, is very largely outside the scope of the development and use of land and buildings.

6.69 Objection DT0086 cannot be sustained since current government advice is to impose lower speed limits only in selected areas, be they rural or urban in character. Such areas, which will typically be residential enclaves or shopping precincts, will normally be reasonably self-contained and will generally be subject to traffic calming and other complementary control measures. A more general lower limit would run counter to this policy and would be difficult to enforce. It is not a matter directly connected with land use planning and would not, in any event, necessarily serve to enhance pedestrian safety, amenity or convenience.

RECOMMENDATIONS
6.70 Modify the Plan by the insertion of the following before paragraph 6.51:

“Traffic Calming in New Development [delete present sub-heading]”

6.71 Modify the Plan by the insertion of the following in the Written Statement:

“6.54A Traffic management measures, including traffic calming, will be sought in appropriate urban and rural development areas by the Borough and County Councils in order to control vehicle speeds, increase pedestrian and cyclist safety and mobility, reduce the optional use of private cars and generally to enhance the living and working environment. Priority will be given to residential and environmentally sensitive areas and such measures will be directed to the encouragement of walking, cycling and the use of public transport. Such measures will be introduced widely and progressively by the local highway authority as opportunity permits; but they will also be sought, as and when development takes place, by means of the development control process.”

6.72 Modify Policy T11 of the Plan to read as follows:

“POLICY T11 NEW DEVELOPMENT WILL NOT BE PERMITTED UNLESS ITS INTERNAL ROAD LAYOUT IS APPROPRIATE TO ITS FUNCTION AND TO THE LOCALITY AND, WHERE APPROPRIATE, INCORPORATES MEASURES TO CONTROL VEHICLE SPEED AND TO SECURE SAFE PEDESTRIAN MOVEMENT AND A PLEASANT AND QUIET RESIDENTIAL ENVIRONMENT.”

6.73 No other modification in response to the above objections.

T12 - Heavy Freight Vehicles

Objections DT0016 - Lenham Parish Council
 DT0063 - Council for the Protection of Rural England
 DT0142 - Harrietsham Parish Council

Proposed Change 156

Issue

- (a) whether the effects of noise nuisance and vibration caused by heavy goods vehicle movement should be included in Policy T12.
- (b) to what extent traffic regulation orders may be required as a part of the development control process.

Conclusions

6.74 Objection DT0063 is partly met by PC156. However, damage caused by heavy goods vehicles (HGVs) may vary in nature from outright physical impact to noise nuisance and vibration. The term “damage” in the policy might well be expanded to reflect these effects. Objections DT0016 and DT0142 specifically relate to a location south of Lenham (map ref 33: TQ 8851). It is not appropriate to include a site-specific proposal in a general area-wide

policy. Moreover, a decision to implement Policy T12 on a specific highway by means of a traffic regulation order, in advance of appropriate consultation, would be both premature and inequitable.

6.75 However, the purpose of including any policy in the Local Plan is to help in the regulation of the development or use of land. The background aim of area-wide weight or width restrictions may well be mentioned as part of the supporting text. No doubt the local planning and highway authorities may equally be engaged in the preparation and implementation of such schemes. These proposals will clearly need some prioritisation but this will normally be independent of the development control process. Where this process may be involved is in the case of development generating significant heavy goods vehicle traffic. In such cases, it may be appropriate to require traffic regulation orders to be in place before development is started or premises are occupied.

6.76 Recommendations are made as to the modified supporting text. However, as drafted, Policy T12 is exclusively concerned with the identification of a network of heavy goods vehicle routes and the making of traffic regulation orders. This activity is initially one for the local highway authority, no doubt in consultation with the Borough Council. The Council may wish also to adopt a land use planing policy such that development likely to generate significant heavy goods vehicle traffic will not be permitted in advance of the making of the necessary orders. Such a policy might be implemented and enforced by means of suitable planning conditions and agreements. No recommendation as to wording is made.

RECOMMENDATIONS

6.77 Modify the Plan by the insertion of the following before paragraph 6.55:

“Traffic Regulation Orders”

6.78 Modify the Plan by the insertion of the following in the Written Statement:

“6.56A The Borough and County Councils continue to seek the exclusion of heavy goods vehicles from residential areas, town and district centres, villages and minor roads. Exceptions may be made for agricultural movements to and from farms and for necessary access to premises for deliveries and loading and unloading. A network of lorry routes is being identified, based on the most suitable existing roads as regards their widths, gradients, curvature and prevalence of on-street parking and frontage properties. Wide consultation will be carried out so that the effects of the necessary traffic regulation orders are carefully examined in advance.

6.56B Advisory routes from the principal road network will be clearly signed and their improvement pursued through the highways programme. Traffic regulation orders will be made to restrict heavy goods vehicle movement, especially where such movement is causing noise nuisance or vibration or other demonstrable damage to the environment. Such orders may be required to be in place before development takes place in cases

where it might generate significant heavy traffic, especially where historic or sensitive areas would be subject to resultant noise nuisance or vibration damage.”

6.79 Delete Policy T12 of the Plan as at present worded.

T13 - Parking Standards

Objections	DT0014 - British Telecommunications PLC
	DT0019 - Meyer International
	DT0047 - Government Office for the South East
	DT0055 - Government Office for the South East
	DT0070 - McCarthy & Stone (Developments)
	DT0075 - Peugeot Motor Company PLC
	DT0098 - Sainsbury's Supermarkets Limited
	DT0100 - Natwest Group
	DT0106 - Historic Buildings & Monuments Commission
	DT0107 - Historic Buildings & Monuments Commission
	DT0150 - Safeway Stores Plc

Proposed Change 157

Issues	(a) whether the parking policies of the local plan ought to be formulated in isolation to detailed standards of provision.
	(b) the degree to which parking policies and standards should be flexibly applied and should have regard to existing on-site provision.
	(c) whether maximum rather than minimum standards ought to be allowed or imposed with respect to retail floorspace development.
	(d) whether the allocation of commuted sums in lieu of parking provision ought to be determined by policies set out in the local plan.

Conclusions

6.80 Objections DT0106 and DT0107 cannot be sustained because the explanatory text before Policy T13, especially as set out after paragraph 6.60, appears fully consistent with PPG 13 and its supplementary advice. The Council's aim is to restrict the amount of non-operational parking in certain cases and to restrict operational parking in all cases and to relate its provision to certain specified roads in Maidstone Town Centre. This generally restrictive policy will be in force throughout the plan period; detailed parking standards may well change and therefore must necessarily be the subject of supplementary planning

guidance. The 33% level of operational parking now forms part of the policy as a result of PC157, which is endorsed. Objection DT0150 cannot be supported because the amount of parking provision is quite clearly a highly material consideration in determining planning applications. The precise level of provision will be largely dictated by external factors, most importantly national and regional planning policies and guidance.

6.81 Objections DT0014 and DT0019 seek to have existing levels of parking provision taken into account and to look for flexibility in the application of new standards. Modification to the policy is not appropriate to meet these objections. Firstly, regard must always be had to individual circumstances in exercising development control policies. Secondly, the standards are inherently variable. Thirdly, it would run counter to other traffic restraint and planning objectives if either existing (or previous) parking provision on any given site were regarded as immutable. Future provision might accordingly be quite unrelated to the scale and form of land use or redevelopment proposed. It does not seem necessary to make reference to the parking needs of the disabled in Policy T13; this is adequately covered in Policy T25 (not the subject of objection (see later)).

6.82 Objection DT0047 is also met by PC157, which is noted. Objection DT0055 may be accommodated by a reference to future supplementary planning guidance in the supporting text rather than in the wording of Policy T13 itself. Objection DT0070 cannot be sustained because detailed parking standards may well vary during the local plan period. This is because national and regional policy guidance may itself change, new investment in public transport may significantly alter modal choice and the onset of local congestion or other charging may influence investment and land use planning decisions in the medium to longer term.

6.83 Objection DT0075 seeks an assurance that detailed parking standards will be the subject of full consultation. The Council gives this assurance; if consultation did not take place, the resultant standards would carry very little weight for development control purposes. Objections DT0098 and DT0100 cannot be sustained because it would be invidious to modify the parking policy to favour a specific land use, such as retailing. Moreover, it would run counter to the concept of treating individual proposals on their merits and having regard to location. PPG 13 advice is generally to set maximum rather than minimum levels of provision. The way in which commuted sums are invested must remain at the discretion of the Council and their disposal should be left for consideration in future Local Transport Plans (subject to regional guidance on the subject).

6.84 The reference to Supplementary Planning Guidance in Policy T13 is contrary to the advice of PPG 1 (General Policy and Principles)(paragraph 42). It should accordingly be deleted from the wording of the policy itself. Since the supporting text makes reference (paragraph 6.59) to the 1993 KCC parking standards being under review, it might be appropriate to refer to the emergent standards there. Although not the subject of specific objection, the application of operational-only levels of provision in the text of the policy is imprecise and hard to follow. It is recommended that the town centre roads that are excluded from this restriction be indicated on the Inset Proposals Map, rather than be listed in the text. Conversely, the application of the restrictive part of the policy might be defined as being the same as for Policy R2.

6.85 The recommendations made below will have the welcome effect of considerably shortening the text of the first four paragraphs of Policy T13. A further simplification might be to split Policy T13 into two separate policies. The reason for this suggestion is that the first policy would then address the overall future provision of parking; the second the related but subsidiary matters of time-sharing, dual use and specific relaxations of control. No corresponding recommendation is made on this suggestion. However, it is also suggested that criterion (1) should be expanded to make it more explicit; conversely, criterion (2) is excessively detailed and might usefully be shortened. The sixth paragraph is essentially a statement of planning aims and is recommended for relegation to the supporting text.

RECOMMENDATIONS

6.86 Modify Policy T13 (first paragraph) to read as follows:

“POLICY T13 THE BOROUGH COUNCIL WILL ADOPT PARKING STANDARDS FOR ALL NEW DEVELOPMENT, GENERALLY TO ENSURE MINIMUM PROVISION. ALL PROPOSED DEVELOPMENT SHOULD COMPLY WITH THESE STANDARDS. IN THE TOWN CENTRE (AS DEFINED FOR THE PURPOSES OF POLICY R2 [or another suitable area definition]) ONLY OPERATIONAL PARKING PROVISION WILL BE PERMITTED WITHIN SITES WHICH DO NOT HAVE DIRECT ACCESS TO THE TOWN CENTRE PERIPHERAL ROADS. THESE ROADS ARE DEFINED ON THE TOWN CENTRE INSET PROPOSALS MAP. OPERATIONAL PARKING WILL BE SET AT A MAXIMUM OF ONE-THIRD OF FULL PROVISION....”

[rest of Policy T13 to remain as at present worded, apart from the sixth paragraph which should be deleted and included in the supporting text].

6.87 Modify the Plan by the indication of the nominated Town Centre Peripheral Roads (T13) (on the Town Centre Inset Plan only).

6.88 No other modification in response to the above objections.

T14 - Urban Parking Strategy

Objections DT0048 - Government Office for the South East
 DT0108 - Historic Buildings & Monuments Commission
 DT0116 - Otham Parish Council
 DT0132 - Environment Agency

Proposed Change 158

Issues (a) the degree of restraint which should be imposed on non-residential on and off-street parking in Central Maidstone.

- (b) whether or not long-term off-street parking ought to be provided around the fringe of the central area of Maidstone.

Conclusions

6.89 Objection DT0048 is met by PC158, which is endorsed. Objection DT0116 should not be met by making parking spaces difficult to find; merely by using a suitable pricing mechanism. The Local Plan advocates the reduction in private non-residential (PNR) parking provision on-site. Commuted payments by individual developers may be sought (Policy T13). It may well be the Council's future intention to use such sums to support capital investment in public transport. The suggestion that commuted sums be used specifically for revenue support of park and ride services is however outside the scope of land use planning policy, quite apart from being unduly restrictive of future local budgetary control.

6.90 Objection DT0132 relates to a site-specific proposal (Medway Street multi-storey car park) and no modification is called for with respect to its detailed development. The site is obviously within the floodplain of the River Medway and no doubt the Environment Agency will be consulted on its detailed redevelopment, as envisaged in the Local Plan. The same considerations of flooding, road access and public safety would no doubt apply to the nearby Fremlins Brewery site (R3) which would accommodate substantial parking provision and is now the subject of planning permission.

6.91 Objection DT0108 calls for a prohibition of long-stay parking provision around the fringe, as well as actually within the centre area of Maidstone itself. This is unsupported by current planning policy guidance and would also be inequitable and quite possibly run counter to the longer term viability and vitality of the centre. Policy T14 makes it clear that a modicum of such provision is needed for operational parking by employees. It may also be required to support the occupation or conversion of non-residential floorspace where on-site provision is either not possible or not desirable eg in historic buildings' conversion. It may also be needed to support certain Policy R5 proposals.

6.92 Although not the subject of objection, it may be commented that the introductory first paragraph of Policy T14 (as proposed for change) contains a succinct statement of planning aims rather than a land use planning policy as such. Accordingly, in the light of good practice advice contained in CD46, the Council may wish to consider embodying it in the supporting text, immediately following paragraph 6.64. It would seem possible to do this without any alteration since its content clearly supports the policy, which is now proposed to be shortened. No formal recommendation is made on this matter.

RECOMMENDATIONS

6.93 Modify the Plan in accordance with Proposed Change 158

6.94 No other modification in response to the above objections.

T15 - Non-Residential Town Centre Parking

Objections DT0035 - Maidstone Friends of the Earth
DT0045 - Government Office for the South East

Proposed Change 159

Issue (a) whether or not the pricing regime for on and off-street parking ought to be influenced or determined by planning policies.

Conclusions

6.95 Objection DT0045 is met by PC159 and the modified policy would be complementary to Policies T13-14. Objection DT0035 specifically relates to the pricing regime to be imposed upon publicly-controlled parking provision. This regime is implicitly to be universal in or near the town centre in the light of Policies T13-16, as and when they are implemented. This measure of stringency is probably about as far as the Local Plan can or need go at present and the precise methods of charging and enforcement are not matters which can properly be addressed in a statutory land use plan.

6.96 Although not the subject of specific objection, it may be commented that the concluding words of the policy: “*where proposals to do so would not be in conflict with other policies of the plan*” look to be a little redundant and might well be omitted. On the other hand, it is important to be clear as to the precise area of application of this permissive policy. As in the case of Policies T13 and R2, it might be helpful and avoid confusion if the relevant town centre and fringe area, which is to be subject to Policy T15, were indicated on the Town Centre Inset. No formal recommendation is made on this matter.

RECOMMENDATIONS

6.97 Modify the Plan, generally in accordance with Proposed Change 159.

6.98 No other modification in response to the above objections.

T16 - Residents' Preference Parking

Objections DT0049 - Government Office for the South East
DT0089 - Ms C Morgan

Proposed Change 160

Issue (a) whether or not the allocation of on-street parking spaces will be a matter to be determined by the Council.

Conclusions

6.99 The supporting text at paragraph 6.70 is held to be factually correct and is consistent with Policy T16. For this reason, Objection DT0089 appears therefore to be without foundation. Objection DT0049 is accommodated by PC160 although it may be commented that here the word “normally” is not entirely out of place. The reason is that allocation of on-street parking space is not subject to planning control, in the sense of requiring planning permission. It is merely a factor that may well be taken into account in determining specific planning applications and the on-site provision of loading and parking spaces. For this reason, the Council may well consider it right either to delete Policy T16 or to relegate it to the supporting text. No formal recommendation is made on this matter.

RECOMMENDATIONS

6.100 Modify the Plan in accordance with Proposed Change 160.

6.101 No other modification in response to the above objections.

T17 - Park and Ride Proposals

Objection DT0054 - Government Office for the South East

Issue (a) whether the policy identification of park-and-ride sites ought to include design guidance as to access, layout and landscaping.

Proposed Change 161

Conclusions

6.102 Objection DT0054 is met by PC161, which is endorsed. It may however be commented that the existing Policy T17 sites are not everywhere as closely integrated with adjoining areas of development as might ideally be wished (eg T17(ii)). The Council may care to stress the interdependence of park and ride facilities and future development in the content of the Local Plan. Given the apparent success of the operation and its ridership potential, it is possible that Policy T17 sites may very well act as catalysts to adjacent future development and accordingly further policy guidance might be prudent. Given the revenue inevitably lost through “dead mileage” in park-and-ride operations, there may be future operational and commercial incentives to locate retail and other development at the outer terminals. No recommendation is made but it is a matter which the Council may wish to keep under review.

6.103 Although not the subject of objection, it may be commented that Policy T17 contains a certain amount of unnecessary detail for a land allocation policy. For example, criterion (1) covers matters which would normally accompany an eventual planning application or be

reserved for future approval. Conversely, criterion (2) includes considerations which might reasonably have been taken into account in making any of the allocations. Later in the report (see 17(i)), it is concluded that part of one of the allocations is unacceptable, precisely because of local impact. Criterion (3) may well be very relevant to future Local Transport Plan preparation but it is scarcely a land use planning consideration. The Council may therefore wish to consider the deletion of these parts of the policy. No formal recommendation is made.

RECOMMENDATIONS

6.104 Modify the Plan in accordance with Proposed Change 171.

6.105 No other modification in response to the above objections.

T17(i) - Park and Ride (Forstal Road)

Objections DT0009 - Boxley Parish Council
 DT0064 - Council for the Protection of Rural England (CPRE)
 DT0113 - The Cobtree Charity Trust Ltd

Issue (a) whether a split site for the park-and-ride car park would either be operationally inconvenient or would adversely affect the surrounding area.

Conclusions

6.106 Objections DT0009 and DT0064 are worthy of support in that the split allocation T17(i) would not seem to sit easily in the rather attractive local landscape. From a functional point of view, it would also be rather less than satisfactory. The pronounced difference in levels might well discourage passenger use of the lower, smaller section. Some adverse impact on existing residential privacy and amenity might also be caused. This would be especially regrettable in the light of the protective ENV32 and ENV37 designations currently proposed by the Local Plan. Although, as noted earlier, it would be a matter to be resolved in the determination of a future planning application, the probable access to the lower section is far from satisfactory. This is because of the local road gradient, curvature, traffic flow and speed and the presence of nearby side road junctions.

6.107 Objection DT0113 cannot be sustained because the larger T17(i) allocation sought would be environmentally damaging and visually highly intrusive. Significant tree loss and residential demolition would be required. On the other hand, Class A3 or other uses of adjacent land might serve to generate additional revenue to the park and ride operation (see comments above (T17)). In this particular case, the nearby hotel, public house and museum attractions might well be popular passenger destinations but are not especially easy of final access on foot or by the disabled. Nevertheless, the other objections appear to carry rather greater weight in view of the degree of adverse impact upon the surrounding landscape. The

existence or future possibility of associated or ancillary development at Policy T17 sites adds some weight to the case for additional policy guidance as noted above.

RECOMMENDATIONS

6.108 Delete the southern part of the land allocated under Proposal T17(i).

6.109 No other modification in response to the above objections.

T17(ii) - Park and Ride (Sittingbourne Road)

Objections DT0010 - Boxley Parish Council
DT0136 - Chestergate Estates Ltd
DT0137 - Stakis PLC

Issue (a) the extent to which pedestrian linkages ought to be established between park-and-ride sites and nearby generators of passenger traffic.

Conclusions

6.110 Objections DT0010, DT0136 and DT0137 have all been overtaken by events in that a Policy T17(ii) site has come into operation since the Local Plan was deposited. It is not the site allocated in the Plan but it is similar and a site inspection revealed that it is fully operational and shows every indication of being successful. The present site is conspicuously difficult of easy and convenient access from the nearby Stakis Hotel on foot. This would appear to be a serious design shortcoming and likely to restrict ridership by hotel guests and consequently to put added pressure on town centre parking. At the very least, such poor local connections may induce needless linked trips by car between hotel car park and bus terminal. No recommendation is made but it is certainly a matter which the Council may wish to keep under review.

RECOMMENDATION

6.111 No modification to the Plan in response to these objections.

T18 - Coach Parking

Objection DT0110 - Historic Buildings & Monuments Commission

Proposed Change 164

Issue (a) whether or not specific town centre sites ought to be allocated for daytime tourist coach parking in the Local Plan.

Conclusions

6.112 Objection DT0110 is concerned with the future allocation of sites for daytime coach parking. However, the policy is merely an indication of the extent and general location of such facilities. No specific allocations have been made in the Town Centre Inset Map and the policy therefore seems unexceptionable. Whether or not it has an unfavourable impact on the Carriage Museum could only be assessed in the light of detailed proposals, including those for the All Saints Bypass (see T19(i)). PC164 is included merely as a factual updating of matters of accommodating waiting tourist coaches within public car parking areas. As such, it would seem to be worthy of comment in the Local Plan's supporting text but no recommendation is made in this respect.

RECOMMENDATIONS

6.113 Modify the Plan in accordance with Proposed Change 164.

6.114 No other modification in response to the above objections.

T19 - Road Hierarchy and Highways Improvement

Objections

- DT0025 - Bearstead Parish Council
- DT0029 - The House Builders Federation
- DT0036 - Maidstone Friends of the Earth
- DT0065 - Council for the Protection of Rural England
- DT0066 - Council for the Protection of Rural England
- DT0076 - Peugeot Motor Company PLC
- DT0090 - Ms C Morgan
- DT0109 - Historic Buildings & Monuments Commission
- DT0118 - George Wimpey PLC

Proposed Changes 162, 165 and 166

Issues

- (a) whether the deletion of certain road proposals or their delay ought to influence the release or development of housing and other sites.
- (b) whether Policy T19 ought to propose a general embargo on new road construction during the currency of the local plan.
- (c) the proper road programming role of *statutory* land use plans as compared with that of future *non-statutory* local transport plans.

Conclusions

6.115 Objection DT0025 is met by PC166, which deletes Proposal T19(vi) from the list of highway schemes included in the Local Plan. Objections DT0029 and DT0118 seek assurance that all the original list will be completed prior to 2006. If they are not (and this is now quite inescapable given the proposed deletions from the list), such lack of progress should not be used (in the view of the objectors) as a reason for opposing housing development. These objections cannot be sustained as PPG 12 (Development Plans) advice is clearly to exclude road proposals which are unlikely to be implemented in the plan period. The object is to avoid blight or the raising of false hopes. Such hopes might indeed include the enhanced accessibility of land or housing sites. Their development, in the absence of programmed road improvements, might therefore have to be partly or completely funded in substantial accordance with Policies T22-T24.

6.116 Objections DT0036 and DT0090 seek to delete all road-building proposals from the plan. These objections cannot be sustained because both KCC and MBC intend to carry out certain limited road improvements within the plan area and the plan period. One object of statutory land use plans is to include known commitments in order that developers and the public at large are aware of impending changes and make their investment decisions accordingly. It would therefore be unhelpful and misleading to omit proposals which have reasonable prospect of implementation. An additional reason for not supporting the objections is that certain limited road schemes (eg T19(i) and T19(iv)) must be considered on their merits which may well include direct benefits for public transport, cycling and pedestrian safety.

6.117 Objection DT0065 is met by PC162 which seeks to correct errors as shown in the Inset (sic) Map in the Written Statement. As an informal comment, it is not entirely clear why these Maps should be on an OS base, yet entitled "*For illustration only*". This degree of precision is perhaps not warranted and has elsewhere resulted in the deletion of the urban cycle routes which were the subject of objection to inclusion on the Proposals Map and Inset Maps proper. It is recommended earlier (see G3) that the so-called "Inset Maps" should be renamed. They might also be replaced by clearer diagrams (not to scale) leaving out the confusing OS base detail. No further recommendation is made.

6.118 Objection DT0066 appears to be without foundation in that the A229 south of Maidstone is a priority through route linking the Medway Towns, Maidstone and Hastings and having important connections with the M2 and M20 motorways as well as the A21(T) route. It is shown as part of the "*Strategic Road Network*" and a "*primary route*" in the 1998-1999 Kent TPP (CD33: Map 2.1). It is wholly appropriate that it bears the same description in any maps or diagrams contained in the MBLP Written Statement. Any proposals for its improvement will no doubt be treated on their merits (eg the Staplehurst Western Bypass which has just been abandoned (PC165)).

6.119 Objection DT0076 cannot be sustained because there is no requirement to specify the detailed programming of road improvements. This function is carried out at present by the Kent County Council's Annual TPP (Transport Policies & Programme)(CD33). In future, this programming function will be embodied in Local Transport Plans (LTPs) which will be non-statutory but prepared in accordance with adopted structure plan strategies and regional

policy guidance. In either event, the development plan has and will have no specific programming function for road improvements. It is enough for it to contain proposals which are reasonably assured of implementation during the plan period. Individual development proposals need not be prejudiced by an absence of highway scheme approval since developer contributions under Policy T24 of the plan may be sought and agreed.

6.120 Objection DT0109 is directed at the wording of policy support to paragraphs 6.76-6.83 of the Written Statement. The objection seems to be without foundation in that the various MBLP policies would appear generally to be consistent with the Maidstone UTS and the present version of PPG 13 (Transport). In simple terms, the various policies seek to restrain the amount of purely car-based travel at about present levels but not to attempt any significant increase in road capacity by means of new construction (as witness PC166 which reduces the number of proposals (ie T19(i-xiii) to T19(i-iv)). The necessary shift in balance will be achieved by favouring public transport and by encouraging multi-modal journeys. No doubt the Council may wish to express its necessarily complicated intentions more clearly, having regard to emergent strategic guidance.

RECOMMENDATIONS

6.121 Modify the Plan in accordance with Proposed Changes 162, 165 and 166.

6.122 No other modification in response to the above objections.

T19.1 - Highways Improvements: Upper Stone Street

Objections DT0095 - Historic Buildings & Monuments Commission
 CT0023 - South Maidstone Traffic Action Group
 CT0025 - Tovil Parish Council

Proposed Change 165

Issue (a) whether the abandonment of the previous Upper Stone Street widening ought to be reflected in area-wide revised traffic management proposals.

Conclusions

6.123 Objection DT0095 is met by PC165 which reflects the abandonment of the widening of Upper Stone Street. Counter-objections CT0023 and CT0025 oppose PC165 in this connection. The matter is bound up with the significant curtailment of the proposals for the Southern Approach Road as contained in Proposal T19(i). This will be considered later in this report (see T19.5) but it may be noted that the counter-objections are not without some substance. The All Saints Bypass essentially now comprises the replacement of an environmentally damaging one-way traffic management scheme with a two-way road on a new alignment. This reduced proposal would leave part of the existing wider one-way

management scheme in existence for an unwelcome and indeterminate period. Some policy statement might reasonably be expected to fill this gap.

RECOMMENDATIONS

6.124 Modify the Plan in accordance with Proposed Change 165.

6.125 No other modification in response to the above objections.

T19.2 - Highways Improvements: Medway Towns Southern Peripheral Road [MTSPR]

Objections DT0101 - Bredhurst Parish Council
 DT0114 - Medway Towns Council (conditionally withdrawn)
 DT0115 - Medway Towns Council (conditionally withdrawn)

Proposed Change 165

Additional Change 8

Issue (a) whether the detailed implications of the interim abandonment of the MTSPR ought to be covered in the local plan or left to future resolution under Policy T23.

Conclusions

6.126 Objections DT0114 and DT0115 are met by PC165, which is endorsed. Objection DT0101 essentially looks for measures of mitigation in connection with residential development in the Westfield Sole Road area (see map 1: TQ 7862 SW). This matter was discussed at the public inquiry and to some extent resolved. As the Council recognises, it is very largely a question to be settled if, as and when detailed development proposals are brought forward and submitted. In this connection, any necessary traffic regulations may be made in the light of a Transport Impact Study, required under Policy T3 and access arrangements would fall to be considered under Policy T23 (see T23 later in this report)(nb: elsewhere in this report it is recommended that housing allocation H2(v) be in fact deleted).

RECOMMENDATIONS

6.127 Modify the Plan in accordance with Proposed Change 165 and Additional Change 8.

6.128 No other modification in response to the above objections.

T19.3 - Highways Improvements: Staplehurst By-Pass (A229)

Objection DT0157 - Staplehurst Parish Council

Proposed Change 166

Issue (a) to what extent traffic stress and environmental impact in Staplehurst may be mitigated in the absence of specific road improvements under Policy T19.

Conclusions

6.129 Objection DT0157 cannot be sustained because the local highway authority plainly does not wish to proceed with the bypass which was previously included as a proposal in the Local Plan (see Written Statement diagram 8 and map 54: TQ 7743-7744). Site inspections reveal a considerable degree of traffic stress along the A229 through Staplehurst. The revised Written Statement indicates that environmental traffic management measures through the village will be considered. This would appear a promising approach and the concern of the Parish Council regarding added traffic generation is worthy of note (see also R20).

RECOMMENDATIONS

6.130 Modify the Plan in accordance with Proposed Change 166.

6.131 No other modification in response to the above objections.

T19.4 - Highways Improvements: Northern River Crossing

Objections DT0022 - Mrs M H De Winton
 DT0039 - Cllr M Robertson
 CT0014 - Cllr M Robertson
 CT0023 - South Maidstone Traffic Action Group
 CT0025 - Tovil Parish Council

Proposed Changes 163 and 165

Issue (a) to what extent would the abandonment of the second river crossing in Central Maidstone affect the ease of implementation of the Medway Metro.

Conclusions

6.132 Objection DT0022 has been met by PC165, which removes the possible blighting effect on property affected by the direct line of the Northern River Crossing (Town Centre Inset Map and map 13: TQ 7556 NW). However, Objection DT0039 is directed against the loss of a second river crossing which, in the opinion of the objector, is needed both for direct access by buses and to accommodate general traffic displaced by the street-running LRT section of the Medway Metro. Nevertheless, the Council regard the second crossing as

extremely unlikely, whatever its merits. It is arguable that among these merits might be direct access for the future Medway Metro from the existing railway line into Maidstone Town Centre from the north (see also T5). However, in the light of the somewhat uncertain funding of the Metro project, this additional merit cannot be given any significant weight at the present time. For these reasons, Objection CT0014 cannot be sustained.

RECOMMENDATIONS

6.133 Modify the Plan in accordance with Proposed Change 163.

6.134 No other modification in response to the above objections.

T19(i) - Highways Improvements: All Saints By-Pass (A229)

Objections	DT0004 - Mr D Watson
	DT0013 - Mr D W G Sawyer
	DT0037 - South Maidstone Traffic Action Group
	DT0067 - Council for the Protection of Rural England
	DT0111 - Historic Buildings & Monuments Commission
	DT0134 - Croudace Homes

Proposed Changes 165-166

Issues	(a)	the effect of the proposed bypass upon the present character and future appearance of the All Saints Church and Maidstone Centre Conservation Areas.
	(b)	the overall environmental impact of present and future patterns of vehicular traffic using the existing one-way gyratory system and the proposed dual carriageway.
	(c)	the probable degree of trip suppression and modal change relative to journeys to, from and between major destinations within Central Maidstone.
	(d)	the extent to which future modal split can be influenced by the reallocation of available road space and other priority measures for public transport.
	(e)	whether or not the provision of a new road link would on balance improve personal mobility by all modes within Central Maidstone.
	(f)	the effect of road improvement on conservation, economic viability and vitality and overall prospects of urban regeneration within Maidstone.

Conclusions

Designated Conservation Areas in Central Maidstone

6.135 The two conservation areas in or close to Maidstone Town Centre, which are both directly affected by the proposed line of new bypass, were designated some time ago. These designations were made by KCC as local planning authority. No designation appraisals or statements were available at the inquiry but the areas' nature and extent suggests that they were respectively based on the historic town centre road pattern and the riverside archiepiscopal precinct. An anomaly of designation is that the two areas do not touch each other. Somewhat unusually in designation practice, one edge of the All Saints Conservation Area actually runs along the notional line of the projected bypass road. For this reason, this boundary does not coincide with any recognisable features on the ground.

6.136 It is not generally the function of a report into objections to a local plan to speculate on past conservation area designations or indeed to suggest ways in which they might be extended or amended in future. However, the evidence points to the fact that designation had regard to long-standing highway proposals, at least as far as the riverside precinct was concerned. It is otherwise hard to understand the reasons for not including the entire New Burial Ground which, quite apart from its intrinsic interest, visibly forms an important part of the setting of the grade II listed Carriage Museum. By contrast, the almost (but not quite) adjoining town centre conservation area is bounded by the impounded stretch of the River Len and also by the listed Police Station and by part of its curtilage.

6.137 It is equally hard to escape the conclusion, on the basis of all the topographical and archaeological evidence, that these two important conservation areas would have had a common boundary, in the absence of road proposals. The fact that the designating planning authority and the highway authority was one and the same tends to reinforce this probability. Whatever the optimum extent of the conservation areas may be and whatever the precise basis of original designation, it does appear that the present line and location of the Policy T19(i) highway proposal would harm the special character of both areas. This is because one historic area of open land would be lost and the settings of two or more listed buildings would be diminished.

Character and Appearance of the All Saints Archiepiscopal Area

6.138 The evidence which was brought to the inquiry amply illustrated the historical nature and development of the area centred on All Saints Parish Church and the Archbishop's Palace. From late mediaeval until comparatively modern times, the riverside area enclosed by the High Street and Stone Street was relatively secluded. The Palace, The Stables (or Tithe Barn), Collegiate Church, the College of Priests and College Farm formed a coherent group of related buildings, which are now statutorily listed as of special architectural or historic interest. They are, indeed, all included within the modern conservation area although, as already noted, this designation partly follows the intended road line and is accordingly somewhat arbitrary with regard to both curtilages and settings.

6.139 The physically invasive nature of the town's wider road network evidently dates from the nineteenth century, when College Road was laid down. This formed a through link between Mill Street and the outlying village of Tovil. The link was later widened in 1907-1908 in the course of laying down the electric tramways from the Cannon to both Loose and Tovil. The quadrilateral local road network was completed by the cutting through of Palace Avenue from Mill Street to Lower Stone Street in the 1920s. This was accompanied by the building of the mock-Tudor Police Station and Magistrates Court buildings in 1934, these being subsequently very much enlarged by later extensions designed by KCC, still retaining their original function.

6.140 Despite these very considerable twentieth century changes to the local pattern of urban form, previously characterised by burgage strips and backland plots, and by more recent post-war office development, the street layout of the wider precinct surrounding the historic nucleus remains decidedly rectilinear in shape. The effect of inserting a new road link would accordingly be inescapably intrusive. This is because of the sinuous nature of modern highway design. It may be argued that this process began some time ago, with the linking of Mill Street and College Road. However, this gradual process and its effect on topography is a matter of degree. The essential character of the area is historically defined by the line of the river, the Mill Pond, the line of burgage plots behind Lower Stone Street and Knight Rider Street, the historic approach to the original river crossing, now in the course of being perpetuated by a new pedestrian bridge.

6.141 The striking thing which emerges from a study of the cartographic evidence is that the present urban form still displays much of its pre-nineteenth century origins. That is to say, the historical definition of the wider setting of the archiepiscopal precinct and grouping of buildings still may be discerned on the ground. The effect of, so to speak, cutting a diagonal swathe across it would be damaging to the character and appearance of the area. No amount of hard or soft landscaping would serve to disguise this degree of intrusion. The effect would not be merely visual; the pattern of local movement would be disturbed, even more than it is at present by the effects of one-way traffic management. This will be next considered because it is one of the objects of new road construction to minimise its impact.

Traffic Management Systems in the Town Centre

6.142 The pattern of traffic management in Central Maidstone is varied, to say the least. Historically, the town shows a characteristic late mediaeval cruciform layout, based on Week Street, High Street and Gabriel's Hill. All these limbs of the original road system are, or will be, pedestrian or pedestrian-priority areas (possibly with public transport route penetration). The north-west and south-west quadrants of the cruciform layout are bounded by high capacity modern dual carriageway roads (A229-A249). These two form parts of the primary distributor framework of Maidstone, together with the main southern approach road (A229). Given the emergent traffic-calmed or pedestrianised status of the High Street and the forbidding and permanent presence of HM Prison Maidstone, the only feasible place for the completion of an inner orbital road is within the south-west quadrant of the town centre.

6.143 There are a number of satellite one-way management systems around the town centre. These include the gyratory systems at Tonbridge Road-Rocky Hill, Andrew Broughton Way-Tonbridge Road, as well as around Palace Avenue-Lower Stone Street-Knight rider Street-Mill Street. This last is intended to be replaced by the roughly 300 m length of new dual carriageway across the existing street block and joining Bishops Way and Wat Tyler Way, both existing dual carriageways of relatively recent date. All these traffic management schemes appear to be rather less than ideal from both traffic engineering and environmental standpoints. It is arguable that Palace Avenue system is the most intrusive and objectionable, certainly as seen in its particularly sensitive conservation area context.

6.144 The environmental and townscape quality of some of the street block defined by the one-way system is somewhat undistinguished, despite its containing many buildings of interest or distinction. Among the latter are recent skilful additions to the Police Station and Magistrates Court on Palace Avenue. However, much of the perimeter frontage is gap-toothed and a good deal of the superficial area is given over to unsightly open parking. Worst of all, the fine western frontage of Lower Stone Street is visibly deteriorating and evidence at the inquiry was to the effect that letting prospects and rentals are poor on account of traffic noise and blight. This is especially worrying in view of the number of listed buildings here which need viable uses to ensure their good repair and enhancement.

Pattern of Movement and Modes of Transport

6.145 The thrust of objection DT0111 is that, not only is the new road proposal contrary to PPG 15 (Planning and the Historic Environment) but it represents a measure of last resort, rather than an optimum design solution. The view is taken that the emergent armoury of fiscal and other restraints on urban car traffic ought to be allowed initially to bite. It is also argued that increasingly stringent limits on atmospheric pollution will result in such a degree of trip suppression and modal change as to render an increase in highway link capacity unnecessary. It is accordingly urged that road space be further allocated to public transport, on the one hand, and that short-term town centre parking should be curtailed, on the other.

6.146 This approach is not endorsed, for a variety of reasons. The first is that the present system of local traffic management is wholly outdated and indeed quite unsatisfactory. Ever since the publication of the Buchanan Report "Traffic in Towns" in 1963, it has been accepted that environmentally intrusive one-way traffic schemes (such as this) are mainly to be regarded as temporary expedients. Nothing has been included in subsequent policy guidance to negate this long-standing basic principle of urban traffic management and good planning practice. Indeed, the emphasis of PPG 15 advice in its section 5 "Transport and Traffic Management" (paragraphs 5.1-5.3 in particular) is to protect sensitive historic areas from the depredations of motor traffic and its continuing unbridled accommodation.

6.147 Moreover, it is seriously doubted whether trip suppression or modal change or linkage of trip purpose, either singly or together, would reduce daily or peak hour vehicle flows around the south-west quadrant of the town centre. It may well be that traffic modelling in Maidstone has been carried out using unduly coarse zoning patterns and that the purpose of journeys has been inadequately examined to see how much reduction is possible. Even so,

the present degree and length of congestion on the one-way system suggests that quite draconian trip suppression would have to be imposed to relieve it. In addition, the planned combination of significant Policy R3 and R4 retail development to the north-west and south-east of the town centre indicates a distinct probability of high levels of *intra-zonal* trip generation by private car.

Public Transport Prioritisation and Improvement

6.148 This last consideration, in particular, leads logically to the question of modal choice and the encouragement of combined journeys by encouraging mixed-use development (as advised in the Chapter 2 of the DETR publication “Planning for Sustainable Development” (1998)). Public transport has and will be given a considerable degree of priority access to the core shopping areas of Maidstone. This includes (or will include) covered and easy access by buses to the existing Chequers Centre and priority perimeter bus access to the very recently authorised Fremlin Centre. The two key comparison shopping areas will also be linked by pedestrian areas and may indeed be accessible by the high-capacity Medway Metro system in the somewhat longer term.

6.149 However, there is clearly strong commercial pressure to maximise short-term off-street and undercover private car parking, dedicated to the main retail floorspace areas. Given the powerful attractions of modern, entirely enclosed, shopping malls out of town, there will be increased importance attached to all-weather mobility within what will constitute an extensive bi-polar shopping area in Central Maidstone. This will measure some 750-800 m from end to end, spanning the entire town centre. Many shopping and related trips may well have origins and destinations within the same town centre quadrant. Equally, a fair number will cross the central area and a large number will, for linked or other related journey purposes, have intermediate parking destinations.

6.150 In addition, certain quite legitimate and entirely necessary operational vehicle journeys will inevitably begin and end within the anchor retail areas at the extremities of the town centre. Principal among these will be delivery vehicles which will need easy access off the town centre distributor network. Many such movements will form delivery rounds by single vehicles with several drops within the network. It is scarcely likely that operators will wish to roster delivery vehicles to individual destinations. Nor might they willingly accept excessive delivery mileage around orbital routes using the M20 motorway to the north of the town, there being no closer reasonable alternative in the road hierarchy within and around Maidstone.

6.151 Finally, and perhaps crucially, there is the matter of priority route availability for public transport operation. Some progress has been made on the reallocation of road space in favour of buses (and taxis) along the main radial distributor roads. It is the intention of the Local Plan to further this process (see Policy T2). This is both in line with national and regional planning guidance and evidently enjoys widespread popular support locally, although opinions clearly differ as to the optimum type of public service vehicle and the extent of priority provision. The backbone of the future public transport system is likely to be an enhanced heavy and possible light rail network. This would be based on the available

infrastructure, which might also include an LRT extension south to Parkwood (this being the main corridor devoid of rail services at present).

6.152 Much was made, at the inquiry, by the local planning authority, of the uncertain nature and unknown funding prospects of the Medway Metro. These are, to an extent, of limited relevance for longer-term integrated land use and transport planning. The reason is that modern practice increasingly demands either segregated or dedicated rights of way for many public service vehicles, be they conventional buses, guided buses, trolleybuses or light rail vehicles. The object is to secure freedom from service dislocation and delays caused by other traffic (see PPG 13 Better Practice Guide paragraph 6.80). For these reasons, the relevant local authorities will no doubt wish to secure clear paths on or alongside public highways for whatever form of passenger transport will be in use at any future time.

6.153 There would appear to be some physical prospect of achieving this within most if not all the radial routes into and out of Maidstone. Indeed, evidence was available at the inquiry of the intention of KCC to investigate a contraflow bus (and heavy goods vehicle) lane down Upper Stone Street (A229). What is abundantly evident is the present physical impossibility of accommodating any segregated bus lanes around most of the All Saints one-way system, bearing in mind its currently overloaded condition. At the same time, it is the stated intention of the local planning authority to secure bus priority provision within a proposed All Saints Bypass. It is worth pointing out that this might equally well support on-street LRT operation to Parkwood in future, as is envisaged.

Personal Mobility and Local Movement

6.154 Objection DT0004 calls for the provision of a cycleway connection between the riverside at All Saints Church and Mote Avenue, some 500 m to the east. This is without doubt a worthy aim, given the congested state of the intervening road system at present. However it is not a matter for appropriate comment in this report, for the reasons touched on earlier (see T8). It does nevertheless highlight one of the evident problems of the entire potentially highly attractive area between Lower Stone Street and the River Medway. That is, the severe paucity of reasonable provision for safe and segregated foot and cycle movement across and around the present one-way traffic system.

6.155 Not only is east-west movement conspicuously awkward and unpleasant on foot at the present time, but the historic connection between town centre and the riverside open space is neither made easy nor particularly inviting. One of the advantages claimed for the All Saints Bypass is that controlled pedestrian crossing will be enhanced. It is open to doubt whether there would be much to choose between signalled crossings of an urban dual carriageway or the present largely uncontrolled crossings of the one-way traffic management scheme. The essential point is however that road improvement works would at least offer the prospect of easier and safer movement by non-motorised modes.

Economic Viability and Retail Vitality

6.156 Although the future vitality and viability of Maidstone Town Centre for retail purposes are matters which are considered in relation to Chapter 7 objections, accessibility to the area will decisively affect both. Regardless of what success measures of restraint such as limitation of long-stay parking, peripheral on-street parking zones and the reduction of small off-street car parks may have, there are clear commercial pressures to provide substantial amounts of shopper parking. The combined effect of locating most new parking provision close to the main distributor roads and the closure of the historic town centre roads to all but essential traffic will be to make the integrity and proper functioning of the emergent network even more vital to commercial success.

General Conclusions

6.157 The south-west quadrant of the historic town centre is potentially the most attractive and actually the worst congested part of the central area. The advice of PPG 15 is to integrate “...*transport with other aspects of land-use planning in order to reduce the need for travel, to moderate future traffic growth and to minimise the environmental impacts of transport*” (paragraph 5.1). The reduction in the need for travel is implicit in the retail policies and compact allocations of the Plan. The moderation in future traffic growth is implicit in the Plan’s policies relating to public transport improvements. It is also shown by the evidence of the local planning authority that link capacity will not be substantially increased by constructing the All Saints Bypass (making allowance for bus lane provision).

6.158 What remains in very severe doubt is the effective reduction of the environmental impact of motor traffic. If the Bypass were built as at present envisaged, it would impinge on both the conservation areas as regards the settings and groupings of key listed buildings. If it were not built at all, the pattern of continuing traffic flow in the short to medium term would perpetuate the ill effects of noise and disturbance within at least one of the two affected conservation areas. The result, in either case, would be neither to preserve the historic character nor to enhance the architectural or townscape appearance of the two potentially combined areas. A worthy overall planning aim might well be to secure both objectives. Indeed, it is an aim prescribed in the statutory basis for conservation area designation.

6.159 For these reasons, neither of the extreme courses contained in paragraph 5.35 of PPG 12 (Development Plans)(or paragraph 5.22 in PPG 12 (Revised)) appears appropriate. That is to say, the present proposed width and alignment is highly intrusive but it is wholly inappropriate to delete the entire distributor road proposal from the Plan. The middle course, that of defining on the 1:2500 scale Town Centre Proposals Map an area of land over which the Council intends to apply a safeguarding policy, would be the most prudent. Pending the outcome of further detailed urban design and highway studies (on which the HBMC would no doubt wish to be consulted (as advised by PPG 15)) any development proposals which might conflict with a future road scheme could be successfully resisted.

6.160 This course of action would have additional advantages. The need, timing and specification of the new link road might be established more firmly and reliably in the context of a future local transport plan. Further, the budgetary implications and programming of a road scheme costing in the region of £6 000 000 or more might be a good deal easier to

determine if and when a regime of hypothecated road and parking charges were established by legislation, yet to be introduced. Lastly, and most critically, the continued function of local traffic management schemes might be comprehensively (or “holistically” to use the word aptly employed by the South Maidstone Traffic Action Group) reviewed, rather than dealt with either serially or piecemeal.

6.161 This last conclusion relates to objection DT0037. The evidence at the inquiry was that KCC is currently investigating the possibility of widening the carriageway of Upper Stone Street so as to allow a single northbound contraflow lane for buses and heavy goods vehicles. The object of this road improvement would be to allow public transport easier access to the Policy R10(xiii) local retail frontages and also to give the largely residential Sheal’s Crescent-Hayle Road area some immediate relief from the effects of noise caused by northbound one-way traffic. This proposal is not part of the Plan and consequently any related objection should be regarded as directed against the omission of proposals for widening and not against the current scheme envisaged by the local highway authority.

6.162 The objection cannot, on the available evidence, be sustained in the sense of putting forward a specific proposal for Policy T19 highway improvement. Nevertheless, the local planning and highway authorities may think that there is some merit in jointly investigating the possibility of successively widening Upper Stone Street (in order to secure the early abandonment of the long-standing one-way traffic management scheme) and completing the All Saints Link Road (in order to relinquish or at least substantially modify the smaller one-way scheme within the Maidstone Centre Conservation Area). No formal recommendation is made on this particular topic since it must initially be for the local planning and highway authorities jointly to consider.

6.163 Objection DT0013 cannot be supported for the simple reason that both the local authorities concerned no longer wish to pursue the Southern Approach Road as proposed in the adopted Local Plan. To the extent that the objection seeks the abandonment of the Hayle Road one-way traffic management scheme, it may be met by whatever measures the local authorities care to adopt with regard to the overall A229-Upper Stone Street-All Saints Link Road improvement scheme advocated above. Since the workings and environmental impact of the wider traffic management scheme, as it operates in South Maidstone, were not discussed in any depth at the inquiry, even an area-based policy recommendation would not be in order.

6.164 Objection DT0067 calls for the putting underground of all or part of the All Saints Bypass. No evidence, costings or firm proposals are advanced by CPRE in support of this objection. The idea must reluctantly be rejected as potentially attractive but unworkable. It is not so much that an underground route is not feasible; it is entirely possible to build submerged roads otherwise tunnelling would not be an option for river crossings. It is rather that such a solution would be extremely costly. This is a compelling factor in the light of probable restrictions on expenditure. Even more compelling is the ample evidence of archaeological remains in and around the archiepiscopal precinct and the probability of their being disturbed by such a design solution.

6.165 Objection DT0134 is very largely met by the fact that the road alignment, following the PPG 12 advice, was shown on the Inset Proposals Map. Its programming within the plan period was confidently expected and urged by the Council during the inquiry. However, for the reasons given above, it is no longer appropriate to include it as a firm road improvement proposal in the face of the relevant objections by HBMC. In that sense, the objection in question cannot be supported. In view of the pattern of land acquisition carried out by KCC and Maidstone BC, and assuming that detailed designs and consultations go ahead promptly, it is not inconceivable that the road improvement may be achieved within the present plan period and thus effectively meet the objection.

RECOMMENDATIONS

6.166 Delete Policy T19(ii-vi)+(ix-xii) in accordance with Proposed Change 166

6.167 Modify (renumbered) Policy T19(i-iv) of the Plan to read as follows:

“POLICY T19 IT IS EXPECTED THAT THE FOLLOWING PROPOSALS OF THE HIGHWAY AUTHORITY, AS DEFINED ON THE PROPOSALS MAP, WILL BE IMPLEMENTED WITHIN THE PLAN PERIOD.

- (i) A274-WILLINGTON STREET JUNCTION IMPROVEMENT;**
- (ii) A274-WALLIS AVENUE (WEST) JUNCTION IMPROVEMENT;**
- (iii) B2163- LEEDS & LANGLEY HEATH BYPASS (OFF-LINE);**

THE FOLLOWING HIGHWAYS IMPROVEMENT AND ASSOCIATED MEASURES OF TRAFFIC MANAGEMENT, AS PROPOSED BY THE BOROUGH COUNCIL, WILL BE IMPLEMENTED, SUBJECT TO FURTHER DETAILED STUDY AND CONSULTATIONS, WITHIN THE AREA DEFINED ON THE INSET PROPOSALS MAP.

- (iv) A229-ALL SAINTS LINK ROAD (OFF-LINE);**

IN ALL CASES, DEVELOPMENT WHICH WOULD PREJUDICE THE IMPLEMENTATION OF THESE SCHEMES WILL NOT BE PERMITTED. IT IS EXPECTED THAT THE DETR WILL IMPLEMENT THE ON-LINE WIDENING OF THE M2 MOTORWAY BETWEEN JUNCTIONS 2 & 4 AND IMPROVEMENTS TO JUNCTIONS 2, 3 & 4, AS DEFINED ON THE PROPOSALS MAP, WITHIN THE PLAN PERIOD.”

6.168 Modify the 1:2500 scale Inset Proposals Map by the deletion of the Policy T19(i) notation and the definition of a new Policy T19(iv) area, along the centre lines of Palace Avenue-Lower Stone Street-Knighttrider Street-Mill Street (South).

6.169 Modify paragraphs 6.76-6.81 and 6.84-6.88 of the Written Statement in accordance with Proposed Change 165.

6.170 Modify paragraphs 6.82-6.83 of the Written Statement to read as follows:

“6.82 The All Saints Link Road (formerly the All Saints Bypass) is intended to provide a more environmentally sensitive and more easily achievable highway and traffic management scheme than the Highway Authority’s now abandoned Maidstone Town Centre Environmental Improvement Road Scheme (MTCEIRS), formerly the Southern Approach Road. A new scheme will achieve substantial environmental benefits by means of the removal of vehicle traffic from the precincts of the Archbishop’s Palace. It will allow the introduction of further traffic management measures in and around the town centre. The proposals, when developed in detail, will have the benefit of enabling the revitalisation of the residential area south of the town centre. This will derive from the abandonment of the large gyratory traffic system which was a key feature of MTCEIRS.

6.83 A new scheme will take into account the extent to which local pedestrian and cycle traffic and public transport might benefit from improved accessibility, protected movement and other priority measures. Provision will accordingly be made for shorter term bus priority measures and longer term LRT (Medway Metro) route extension from The Cannon southwards to Parkwood as a result of various corridor improvements envisaged by Policy T2(1-4). There will also be a priority requirement for complementary works and traffic management arrangements urgently to alleviate the adverse living conditions, of long standing, experienced by residents in Sheals Crescent and Hayle Road. A number of possible options are under consideration by the Borough Council and the County Council and will be the subject of further consultations, as to detailed design and programming, in due course.”

6.171 No other modification in response to the above objections.

T19(iii) - Highways Improvements: A229-Armstrong Road Junction

Objections CT0027 - Tovil Parish Council

Proposed Change 166

Issue (a) whether the proposed deletion of T19(iii) should be offset by local traffic management measures or improved signalling to favour public transport and pedestrians.

Conclusions

6.172 Objection CT0027 is noted with sympathy but cannot be sustained since the Council have deleted the previous proposal for junction improvement on the advice of KCC. However, it is noted that some progress is expected on a more limited improvement scheme within the highway limits, presumably by traffic engineering or re-signalling. The objector may wish to note the response by the Council and to keep the matter under active review since the junction in question not only critically affects a primary north-south route (A229) but, more importantly, is a bus priority corridor the subject of Policy T2(1-3).

RECOMMENDATIONS

6.173 Modify the Plan in accordance with Proposed Change 166.

6.174 No other modification in response to the above objection.

T19(xii) - Highways Improvements: Bearsted Road Widening

Objections DT0011 - Boxley Parish Council
CT0024 - Boxley Parish Council

Proposed Change 166

Issue (a) whether the deletion of Proposal T19(xi) ought to be offset by the provision of either protected or segregated pedestrian crossing facilities.

Conclusions

6.175 Objections DT0011 and CT0024 are both directed at the need to improve Bearstead Road in the vicinity of the M20 link road (map 14: TQ 7756 NE). The objections cannot be sustained because of the local highway authority's decision to delete this proposal from the current programme. However, the Parish Council's concern regarding the safety of both cycle and pedestrian traffic is noted with some sympathy. A site inspection reveals that there is not only a significant amount of passing vehicle traffic along this stretch but also a number of generators of such traffic. This, combined with the poor layout of the link road, adds weight to the need for protected or segregated crossing facilities which has been recognised by the Council. It is a matter which the county and borough councils and Boxley PC may wish to keep actively under review.

RECOMMENDATIONS

6.176 Modify the Plan in accordance with Proposed Change 166.

6.177 No other modification in response to the above objections.

T19(xiii) - Highways Improvements: Leeds-Langley Heath By-Pass

Objections DT0001 - Mr R G Luck
 DT0002 - Venture Property Services Ltd
 DT0041 - Grasslands & Heathfield Residents
 DT0068 - Council for the Protection of Rural England [CPRE]

Proposed Changes 165

Issues

- (a) whether the overall alignment of the Leeds-Langley Heath Bypass ought to be radically reviewed or the scheme deleted from the local plan.
- (b) whether the ancillary side road accesses and road closures associated with Proposal T19(xiii) ought to be reviewed or omitted from the local plan.

Conclusions

6.178 Objection DT0002 requires that the entire proposed alignment of the Leeds-Langley Heath Bypass (see maps 30-31: TQ 8051-8152-8253) should be replaced by an alternative. This alternative would follow an eastern alignment, very roughly along the present Burberry Lane and Gravelly Bottom Road. This objection cannot be sustained since, to do so, would be to override the lengthy consultation process which has led to the choice of the existing bypass western route and to its detailed specification and side road closures. This would not only be severely inequitable but, at the very least, would involve a further round of consultation, programme slippage and significant delay

6.179 Such a delay would very probably take the implementation proposal out of the present plan period. This would be especially regrettable since Proposal T19(xiii) is one of only four road improvement schemes to remain in the plan. A degree of prioritisation may quite reasonably be inferred from this fact. For this reason also, Objection DT0068 cannot be sustained. The alternative alignment would likely to meet local and general resistance, not least because of its conflict with environmental policies of the emergent plan. Among these are Policies ENV18 (Parks and Gardens of Special Historic Interest (Leeds Castle: see maps 23+31: TQ 8353 SW)) ENV 37 (Special Landscape Area (Low Weald)) and ENV43 (Site of Nature Conservation Interest (Abbey Wood)).

6.180 These protective designations are very largely avoided by the proposed route, no doubt deliberately and following evidently extensive and lengthy consultation over the past 10 years or so. The use of existing rights of way in the alternative proposed alignment is a somewhat spurious advantage. This is because the various Class III roads and roads used as public paths (RUPPs) selected for the route appear, on map reconnaissance and more detailed site inspection, to be mainly ancient trackways and very clearly of some recreational value. This character would be totally lost under modern road construction, incorporating levelling and

grading to obtain the imposition of rather more generous horizontal and vertical curvature. The recreational value of the route would also be very severely impaired.

6.181 Objection DT0041 is concerned with the relatively minor detail of Proposal T19(xiii) such as the new side road connection at Burnt Barn Farm (see map 31: TQ 8152 SE) to and from the existing Upper Street (B2163) and the proposed closure to vehicle traffic within Langley Heath (TQ 8151 NE). This objection cannot be sustained at this stage for very much the same reasons as given above. That is, both the principle and detail of the Leeds and Langley Heath Bypass were approved by the local highway authority after a lengthy process of consultation and public inquiry. It would be inequitable to amend the proposals which have been quite properly embodied in the Local Plan as firm commitments. For very similar reasons, Objections DT0001 and DT0068 also cannot now be supported.

6.182 There is an additional reason for rejecting the arguments against the detail of the proposal. That is because the adopted scheme, as shown on the Proposals Map, appears to be consistent with the advice contained in PPG 13 (Transport). That is to say, local journeys between the two bypassed settlements would be more safely, comfortably and securely made by non-motorised and sustainable modes of travel such as by cycle and on foot. Local car journeys would indeed be more circuitous but the balance of advantage would be tilted in favour of sustainability objectives, even to a marginal degree. The new link road would be a very valuable addition to the road network in its own right. Nevertheless, the need for road closure might still be reviewed in all the circumstances prevailing at the time of construction and in connection with the normal statutory order-making procedures.

RECOMMENDATIONS

6.183 Renumber Policy T19(xiii) as Policy T19(iii) (see paragraph 6.167).

6.184 No other modification in response to the above objections.

T20 - Boat Yards

Objections DT0050 - Government Office for the South East
CT0026 - Tovil Parish Council

Proposed Changes 167-168

Issue (a) whether there should be a policy emphasis in favour of retaining waterside sites for recreational and boating activities.

Conclusions

6.185 Objection DT0050 is met by PC168, which is endorsed. This seeks to impose more explicit limitation on the change of use or redevelopment of existing or potential waterside recreational sites. Objection CT0026 seeks the original flexibility in wording but this cannot

be sustained since there is clearly a need to reserve waterside sites for recreational use in view of their relative scarcity in the plan area. The substance of the objection is met by the fact that unusual or exceptional proposals of local interest may always be treated as material departures from the plan and, subject only to being advertised as such, be treated fairly on their merits.

RECOMMENDATIONS

6.186 Modify the Plan in accordance with Proposed Changes 167 and 168.

6.187 No other modification in response to the above objections.

T21 - Provision for General Aviation

Objections DT0023 - General Aviation Awareness Council

Issue (a) whether there is an apparent need for new or expanded private aviation facilities in Maidstone District and the extent to which these should be encouraged or controlled.

Conclusions

6.188 Objection DT0023 is concerned with the perceived lack of a more general policy related to new and extended airfields. At present, the single policy concerned with aviation relates to Headcorn Airfield (see maps 55-56: TQ 8443). The objection does not appear to justify additional planning policies in Maidstone District because PPG 13 (Transport) advises that “*small airports can serve local needs, especially in outlying areas, as well as recreational flying*” (para 5.35). It mentions the benefits of “*having suitable facilities within a reasonable distance of each sizeable centre of population*” (ibid). It may reasonably be concluded that demand for commercial and recreational flying is satisfied in the area. Maidstone is the single sizeable urban centre and Headcorn Airfield is only about 15 km distant on route A274 and in a suitably detached location.

6.189 The population distribution, landscape and topography of Maidstone District combine to suggest that additional sites for aviation might in any case be difficult to find. There are significant constraints to development and anti-coalescence policies (see WS diagrams 2-3) in the form of the Metropolitan Green Belt and Kent Downs AONB along the western and northern fringes, as well as extensive Special Landscape Areas in the North Downs, Low Weald and High Weald. Indeed, the present Headcorn Airfield lies within a very extensive (Policy ENV37) Special Landscape Area, covering much of the south-east of the District. This sensitive location is reflected in the generally restrictive nature of Policy T20, which is worthy of inclusion, as indicated by the support of the Parish Council.

RECOMMENDATION

6.190 Do not modify the Plan in response to the above objections.

T22 - Accessibility of New Development

Objection DT0042 - Government Office for the South East
 DT0091 - Ms C Morgan
 DT0151 - Safeway Stores PLC

Proposed Change 169

- Issues**
- (a) whether the degree of accessibility of new development and relative acceptability from this aspect ought more precisely to be defined in the local plan.
 - (b) whether the distance criteria (with respect to public transport access points) are reasonable in the light of published planning guidance.
 - (c) whether access on foot or by public transport has any direct policy relevance to trips made for shopping purposes.

Conclusions

6.191 Objection DT0042 cannot be sustained since it is preferable that Policy T22 should not attempt too great a level of precision. In other words, “*significant traffic*” and “*high levels of visitors*” appear relative and not absolute measures of movement. Much will depend on the modal split and the directional movement of traffic (in terms of both people and vehicles) at the time and place, when and where, development is proposed and upon its impact on the immediate surroundings of the site in question. This is best addressed at or about the time of making individual planning enquiries, proposals or applications. It is best assessed by means of a properly conducted and professionally competent Transport Impact Study, as suggested by PC169, which is accordingly endorsed.

6.192 Objection DT0091 seems somewhat arbitrary in suggesting a simple halving of the public transport accessibility criteria of 200 m and 400 m, which are set out in Policy T22. It may be objected that the Local Plan’s criteria are themselves arbitrary since no explicit standards are laid down in PPG 13 or its supplementary “Guide to Better Practice”(1995). However, high accessibility is commonly taken to mean 400-500 m maximum walking distance of bus stops and rail stations (ibid paragraph 2.30 and illustrative diagrams). The adoption of the range of 200-400 m for urban and rural locations seems reasonable, especially as the Policy wording makes it quite clear that this means actual distance, as travelled over the ground, and not “crow-flight” distances.

6.193 Objection DT0151 is directed against any prescriptive definition of “good access” and the concept of locational criteria based on public transport access points. This is a fairly fundamental objection in principle to a large part of Policy T22. It not only runs counter to

the advice of PPG 13 and the later Transport White Paper (1998) but assumes a primacy of private motorised access, to retail uses in particular, which is unsupported by the available evidence. The PPG 13 Better Practice Guide (paragraph 5.48) suggests that about 48% of shopping trips, nationally, use walking and public transport as modes. There is no evidence to hand to suggest a radically different local modal split. Individual planning proposals may still be justified, even if at odds with the Plan, if impact study evidence supports such divergence. The Policy is accordingly endorsed, as modified by PC169.

RECOMMENDATIONS

6.194 Modify the Plan in accordance with Proposed Change 169

6.195 No other modification in response to the above objections.

T23 - Road Access Arrangements (Primary and Secondary Roads)

Objections DT0046 - Government Office for the South East
DT0092 - Ms C Morgan
CT0002 - Government Office for the South East

Proposed Change 170

Proposed Further Change 13

- Issues**
- (a) whether and to what extent should new or improved vehicle access points be permitted on major distributor roads and under what type of policy regime.
 - (b) whether the policy on side road access along major distributor roads ought only to be concerned with the safety of vehicle traffic.

Conclusions

6.196 Objection DT0046 reasonably questions the somewhat vague phrase “*may be permitted*” (in relation to otherwise acceptable accesses on to the primary or secondary road network). This objection should be sustained because the wording of the unaltered policy is distinctly unclear. What the policy appears to mean is that side roads and accesses entering or leaving the major road system, as required by new or intensified development, will not be allowed if considerations of visibility or traffic flow (or both combined) suggest that hazards or delays might result. However, if there is an opportunity of shifting an access point, or combining it with others or otherwise constructing or improving it to a standard that is fully acceptable to the local planning and highway authorities, then permission will presumably not be withheld. The wording of the policy should therefore be clarified. Objection CT0002 is

accommodated by FC13 which is substantially embodied in the recommended modified wording below.

6.197 Objection DT0092 appears slightly misconceived. The word “*crashes*” does not appear in the Kent Structure Plan; merely in the current Kent TPP (CD33). The word indicates a road accident involving a single vehicle or several vehicles. This is positively misleading in the context of Policy T23. In approving new or improved access points, the authorities may well wish to be satisfied that pedestrian, equestrian and cyclist (as distinct from motor vehicle) traffic using major roads will not be exposed to undue danger or delay because of turning movements. The word “*accidents*” (or alternatively “*collisions*”) more accurately describes deaths or injuries caused by such often avoidable incidents, which the more specific word “*crashes*” does not. This aspect of PC170 is therefore not endorsed.

RECOMMENDATIONS

6.198 Modify Policy T23 of the Plan to read as follows:

“POLICY T23 DEVELOPMENT WHICH WOULD REQUIRE THE FORMATION OF A NEW SIDE ROAD ACCESS (OR THE INCREASED USE OF AN EXISTING ACCESS) ON TO THE PRIMARY OR SECONDARY NETWORK WILL NOT BE PERMITTED WHERE AN INCREASED RISK OF ACCIDENT OR COLLISIONS OR SIGNIFICANT DELAY TO MAIN ROAD TRAFFIC MIGHT RESULT. ANY SUCH NEW, IMPROVED OR RELOCATED ACCESS(ES) WILL ONLY BE PERMITTED IF THEY ARE BOTH IN A LOCATION AND TO A STANDARD ACCEPTABLE TO THE LOCAL PLANNING AND HIGHWAY AUTHORITIES.”

6.199 No other modification in response to the above objections.

T24 - New Policy: Cycle Routes for the Disabled

Objections DT0093 - Ms C Morgan
DT0148 - Disabled Persons Liaison Committee

Issue (a) whether it is reasonable to seek universal access for both disabled and able-bodied people in their use of the cycleway network to be provided in urban areas.

Conclusions

6.200 Objections DT0093 and DT0148 call for liaison with Sustrans (Sustainable Transport) in order to make all (future) cycle routes in Maidstone District accessible to cyclists of “*all abilities*”. These objections cannot be sustained for the same reasons that informal advice was to omit the final sentence of Policy T9 (see earlier). Such modification would make the policy framework for new cycleway provision unduly restrictive. No doubt

every possible effort will be made to make *all* public land, buildings and other facilities widely accessible to the physically disabled (under Policy T25). This will include much of the future cycle network. However, there may well be some places where such things as severity of gradient or the cost of achieving cycleway segregation from motor vehicles might regrettably preclude full disabled access. Conversely, to remove such route choice or linkages for the able-bodied would be unfair and indeed (in itself) subtly discriminatory.

RECOMMENDATIONS

6.201 Do not modify the Plan by the inclusion of New Policy T24.

6.202 No other modification in response to the above objections.

T26 - New Policy: Monitoring of Transport Policies and Proposals

Objections DT0096 - Ms C Morgan
DT0097 - Ms C Morgan
DT0112 - Historic Buildings & Monuments Commission

Issues

- (a) whether the monitoring provisions of Chapter 6 of the plan ought to include the operation of local rail services.
- (b) whether monitoring should assess progressive levels of service or provision as distinct from actual scheme implementation.

Conclusions

6.203 Objections DT0096 and DT0097 essentially relate to the reinstatement of certain local train services and their prioritisation relative to the implementation of the Medway Metro and the various highways improvements listed in the local plan. These matters have already been addressed in this report (see T5 and T19). Apart from any other considerations, the objections cannot be sustained because they confuse questions of revenue support for rail services with capital investment in new works; these are critically different aspects of public policy. Moreover, the Council (and indeed local planning authorities generally) are not competent to determine matters which are properly within the purview of other bodies; in these particular examples, the train operating companies and the local highway authority.

6.204 Objection DT0112 addresses matters of clear land use planning policy and procedure. There is no policy, as such, regarding the monitoring of general progress being made in plan implementation. What is provided in paragraph 6.108(1-12) is a set of performance indicators. The objection is directed against their being based on the somewhat literal achievement of specific physical goals or proposals. What is rather being sought is an assessment of the *overall performance* of the local built environment, judged against the measures advocated by PPG 13. These presumably include such parameters as the need to manage travel demand and mode, the containment or reduction in number of local journeys

and journey distances. They might well include the prioritisation of public transport, segregation of vehicle, pedestrian and cycle traffic and so forth.

6.205 The essential problem is that PPG 13 (Transport), in its current form at least, scarcely uses the word “monitoring”, although it is fair to comment that PPG 12 (Development Plans) does so, in both its original and proposed revised forms. It is instructive to note that the latter guidance suggests that plan monitoring is a prime means of indicating a need for periodic policy and plan review. In this, it points to ways in which component policies may be measured as to effectiveness of outcome or as to their continuing relevance. The advice does not specifically concern itself with the actual achievement of particular proposals of the plan, be these detailed land use allocations or individual traffic management measures or whatever. In this sense, it provides support for the points made by the objection DT0112.

6.206 The objection is accordingly worthy of support but specific recommendations are more difficult to make. This difficulty lies partly in an absence of detailed policy guidance but also disinclination to constrain the Council’s freedom of action. Perhaps the most useful recommendation would be the deletion of specific proposals from paragraph 6.108 and the substitution of an equivalent number of policy-based criteria, possibly derived from those in paragraph 5.16 of PPG 12, as revised. Purely by way of example, such performance criteria might include an assessment of overall percentage accessibility by the resident population to the emergent cycleway network. If monitoring were carried out annually, not only would early notice of the need for plan review be given but a degree of policy integration with the local transport plan process would be achieved.

RECOMMENDATIONS

6.207 Modify paragraph 6.108 of the Plan in accordance with the advice contained in paragraphs 2.17-2.19 of PPG 12 (Development Plans).

6.208 No other modification in response to the above objections.

CHAPTER 7 RETAILING
R0 - Introduction and Planning Context

Objections DR0031 - Speciality Shops Management
 DR0053 - Commercial Union Properties

Proposed Changes 171 + 175

Issues (a) the adequacy of the statistical base for allocating retail uses within Maidstone District.

 (b) the appropriateness of the overall definition of Maidstone Town Centre for retailing policy purposes.

Conclusions

7.1 Objection DR0031 is addressed by PC208 which is the subject of consideration later in the report (see R1). Objection DR0053 is to some extent met by PCs 171 and 175, which are also the subject of later consideration (see R12).

RECOMMENDATIONS

7.2 Modify the Plan in accordance with Proposed Changes 171 and 175

7.3 No other modification in response to the above objections.

R1 - General Retailing Policies

Objections DR0004 - Marks & Spencer PLC
 DR0012 - Government Office for the South East
 DR0017 - Government Office for the South East
 DR0025 - Somerfield Stores Limited
 DR0026 - Somerfield Stores Limited
 DR0034 - NFU South East Region
 DR0039 - Ms C Morgan
 DR0040 - Ms C Morgan
 DR0061 - Sainsbury's Supermarkets Limited
 DR0054 - Commercial Union Properties
 DR0072 - Kent County Council
 DR0074 - Kent County Council
 DR0113 - Alan Firmin (Linton) Limited
 DR0122 - Disabled Persons Liaison Committee
 DR0129 - Safeway Stores PLC
 DR0131 - BP Oil (UK) Limited
 DR0137 - Berisford PLC

CR0001 - Marks & Spencer PLC
CR0002 - Somerfield Stores Limited
CR0035 - Safeway Stores PLC
CR0040 - Berisford PLC
CR0046 - Tesco Stores Limited
CR0049 - Tesco Stores Limited
CR0051 - Commercial Union Properties
CR0055 - Linton Parish Council
CR0056 - Linton Parish Council
CR0057 - Whatman PLC and Kent County Council
CR0060 - B & Q PLC
CR0061 - Alan Firmin (Linton) Limited

Proposed Changes 173, 174, 177, 178, 198, 208

Proposed Further Changes 14 - 15

- Issues**
- (a) whether the content of Policy R1 and Policy R1a ought to contain statements of general planning aims and objectives.
 - (b) the extent to which the two policies ought to reflect the provisions of Policy R1(i-ii) of the approved 1996 Kent Structure Plan.
 - (c) the appropriateness and validity of a lower gross floorspace threshold to distinguish between retail development proposals of a locally minor character.
 - (d) whether or not the land use characteristics of conventional retail trading are inherently sustainable and should be the subject of development plan policies.
 - (e) whether or not and to what extent accessibility by disabled people is a valid criterion in the locational choice and assessment of retail development proposals.
 - (f) the extent to which out-of-centre and out-of-town retail development siting may be regarded as “appropriate” in the context of sequential testing.
 - (g) whether the local plan should contain a distinct policy for the consideration of proposals for combined petrol filling stations and convenience shops.
 - (h) the necessity for a comprehensive and separate policy dealing with the conversion of rural buildings for retailing, in addition to one on farm shops.

- (i) whether or not the intended distinction to be made locally between major and minor retail proposals is valid and requires separate planning policies.
- (j) whether the Glossary of Terms to be appended to the local plan needs to be identical in all respects to the equivalent annexes to PPG 6 and the structure plan.
- (k) the relevance of areas deficient of adequate shopping provision to the sequential locational tests set out in PPG 6.
- (l) the degree of discretion which a local planning authority ought to retain with regard to the imposition of conditions designed to restrict retail changes of use.

Conclusions

General Aims and Objectives

7.4 As in the case of Chapters 3-6 of the Written Statement, Policy R1 has been formulated in a way which combines aims, policy content and detailed criteria. The opportunity has been taken to review its content and reduce it to its essentials. By these means, many of the objections have been overcome or have become irrelevant in the light of the modified wording now recommended. In essence, the basic retail policy lays down the *locational* preferences of the Council. There is no need to reiterate the aims set out in paragraph 7.20 et seq. The policy indicates that retail development outside the preferred centres (but within the urban area) may be subject to planning conditions designed to restrict unwelcome changes of use. Rural retailing is to be restricted to farm shops, which is now intended to be the subject of a separate policy (see R11a).

7.5 Objections DR0004, DR0012, DR0017, DR0025, DR0026, DR0034, DR0061, DR0072, DR0074, DR0113 and DR0137 are substantially or entirely met by PC177. Objection DR0004 cannot be accepted because both Policy R1(3-4) in its original and in its altered form (ie R1a(1-2)) appears to follow the policy guidance set out by Policy R1 of the 1996 Kent Structure Plan and by paragraphs 4.12-4.15 of PPG 6 (1966), at any rate to the extent of not conflicting with their provisions. Objection DR0129 is accommodated by PC177 in the sense that R1a(1-2) more logically follows the implied sequence of tests set out in R1(i) and R1(ii) of the adopted Structure Plan. The objection cannot be supported where it suggests that the economic impact of central area retail development be discounted.

7.6 The additional content of Policy R1a implicitly provides for a general acceptance of development below a 500 sq m threshold and would correspondingly only permit larger proposals provided that they conform to the criteria of both Policies R1 and R1a. The effect of splitting the previous general planning policy is to give a simplified and flexible framework for the consideration of what are regarded as minor proposals. This would seem to be in accord with the spirit of PPG 6 and would result in the greater rigours of the

sequential test being reserved for proposals of clearly greater impact. Such proposals would then be subject to the combined policies which would require compliance with all the relevant criteria which they contain.

Overall Policy Framework

7.7 The overall policy framework as now proposed would appear to give adequate guidance as to the preferred *location* of all forms of retail development. This is the fundamental requirement of development plans, as set out in paragraph 4.2 of PPG 6. The planning purpose and specific criteria set out in paragraph 4.3 of PPG 6 do not in fact require that new town centre shopping proposals should be assessed with respect to the vitality and viability of the immediate centre itself. However, when read together, it is obvious that considerations such as the “*physical condition of the centre*” and the “*range of services*” which it would provide are indeed material. In this sense, it would seem logical to provide for the careful examination of proposals in excess of the threshold level, notwithstanding that they would be in a conforming *location*.

7.8 Objection DR0061 is to an extent met by PC177, which is endorsed. However, the concept of “need” is expressed in proposed Policy R1a as “*the essential requirements and future trade potential of (the appropriate....sector)*”. This is a roundabout way of saying the same thing. The objection is nevertheless not sustained because current planning guidance requires that need and capacity be both taken fully into account. Criterion R1(5) is also the subject of proposed change. The alternative version is not acceptable because it lays undue emphasis on a *single* access mode. It merely requires shopping trips, made by private car, are made more economically. This is very significantly different from a requirement for multi-modal access and trip linkage. In the interests of brevity, criteria R1(5-7) might reasonably be condensed; this is the subject of recommendation.

Sustainable Development

7.9 Objection DR0039 evidently regards *all* forms of retail development as non-sustainable, by definition. This view is not supported by the recent DETR publication “Planning for Sustainable Development: Towards Better Practice”. The emphasis of this is to secure the integration of land use and transport planning with regard to town centre shopping and other forms of (implicitly sustainable) development. Existing forms of retailing activity are still predominantly by the central place delivery of most goods and services to individual members of the public. It is in the interests of energy conservation to ensure that retail floorspace is both accessible by a wider choice of travel mode and is allied to other land uses. To do this inescapably requires development and redevelopment which may be, if properly controlled, inherently sustainable in character.

Disabled Access to Shopping

7.10 Objections DR0040 and DR0122 are accommodated by PC173, in the sense that the supporting text refers to disabled access to town centre shopping. This is indeed, as the text suggests, a complementary aspect of pedestrianisation and public transport accessibility. It is certainly worthy of inclusion in a revised Policy R1, notwithstanding the existence of Policy

T25 (which is not the subject of objection). The reason for this distinction is that Policy T25 essentially relates to the detailed *siting, design and layout* of public buildings and housing. Policy R1 is intended to provide *locational guidance* for all forms of retail development; it is an important aspect of site selectivity that disabled access is fully feasible. For this reason, it should rank as an equally important aspect of locational acceptability as, for example, access by private car and by delivery vehicles.

Bulky Goods Warehousing Allocations

7.11 Objection DR0053 is concerned with the adequacy and accuracy of the statistical basis of the Local Plan. In particular, the adequacy of the retail warehousing allocations are questioned. To an extent, this particular objection is addressed in PCs188-191. The matter of adequacy or otherwise of the revised Policy R5 allocations will be considered later (see R5). It should however be noted that Policy R1(4) of the Local Plan (or Policy R1a(1) if PC177 is adopted) effectively repeats Policy R1(i)(a) of the Kent Structure Plan. This is an important point; both policies set out both locational and quantitative criteria to enable a range of future development control decisions to be made. The former criteria may fairly be expected to last the lifetime of the two development plans (unless national policy shifts significantly) whilst the latter are locally determined and may alter on a shorter timescale.

7.12 Objection DR0054 calls for detailed alterations to both text and policy. The change to paragraph 7.24 is not supported because the advice of PPG 6 indicates a preference for town and district centre locations for “*development that attracts many trips*”. This category certainly includes bulky goods warehousing. It may be that a sequential test may indicate a lack of town centre or edge of centre sites in future. However, to categorise such sites as “*appropriate*” in advance of any such test would be unwise at this stage. Moreover, the intention of Policy R1 and the Policy R5 allocations is quite clearly to locate bulky goods warehousing in or near Maidstone Town Centre. The matter of linked trips will be dealt with later but it is worth making the point that adequate car parking is a particular feature of such development and a peripheral location is important for “*park and walk*” trip linkage.

Retail Floorspace Dispersal

7.13 The change sought in Policy R1(3) (now R1a(2)) does not seem to find support in PPG 6 and would seem to add nothing of value to its locational guidance. To suggest that extensive town centre retail facilities should be, in effect, dispersed within Maidstone would seem to be counter to the basic planning aims of trip linkage and modal choice. The other proposals of Objection DR0054, that criteria R1(4) and (5) be altered in detail are not supported. The first because the phrase “*essential requirements (=need)*” is virtually identical to that used in the adopted Kent Structure Plan. The second because the content of Policy R1(5) is essentially a statement of planning aims or purposes and is better expressed as such. An alternative form of words which sets out the related land use planning criterion is recommended as Policy R1(3) (see below).

Smaller Retail Establishments

7.14 Objection DR0131 seeks the exclusion of certain smaller retail establishments from the scope of Policy R1. This objection is acknowledged because the effect of making a distinction between small and large retail proposals (ie between Policies R1 and R1a) to an extent addresses this concern. Small scale convenience stores commonly seek an accessible location within local and district centres. The exception to this general rule are petrol filling stations in fringe and rural locations, which is possibly what the objection is directed towards. This particular aspect of local convenience shopping is discussed later in the report (see R14a). The recommendation made there is that there should not be a separate policy for combined filling stations and convenience stores; rather an addition should be made to the supporting text before Policy R1.

Additional Retailing Policy (R1a)

7.15 The additional policy, proposed by the Council, was the subject of the objections as listed above. Objection CR0002 has been met by FC14 which corrects the factual basis for convenience floorspace headroom as being 830 sq m. Objections CR0055 and 0056 have to a limited extent been met by FC15 and by PC198 (see R11a). These objections seek the introduction of an overall policy for the retail conversion of buildings in the countryside. These cannot be supported because there is no evidence of widespread or increasing pressure locally for such conversion. Indeed, there is no specific guidance on rural retailing to be found in PPG 7. Moreover, the policies set out in chapters 3, 5 and 6 of the Plan are together relevant to rural conversion and a suitable modification is recommended in the text later.

7.16 Objection CR0001 seeks the deletion of criteria (1-3) of Policy R1a. This is tantamount to seeking the deletion of the entire additional policy, apart from the threshold figure of 500 sq m. The advice of PPG 6 points to a consideration of both need and capacity in the making and determination of planning proposals. A slight modification of Policy R1a(1) is accordingly recommended in order to reflect the neutral balance of paragraphs 1.10 and 1.11 of PPG 6. Criterion (2) would appear to reflect the locational advice set out in PPG 6, as supplemented by an additional criterion (3) which appears to be necessary in view of the relevant structure plan policy and the precise circumstances of Maidstone District. Both these latter criteria are recommended for minor modification as to wording.

7.17 Objections CR0035 and CR0046 both claim that the requirements of criterion (3) are unduly prescriptive. However, this aspect of the additional policy is reasonably based on a logical interpretation of the locational preferences expressed in Policy R1(i) and (ii) of the Kent Structure Plan. Just as Policies R1 and R1a of the Local Plan are intended to be read together, so is it obvious that new out-of-centre retail development should preferably support and consolidate existing retail development in the light of all the criteria set out in Policy R1 of the structure plan. Indeed, given the underlying planning aims of securing linked-purpose trips and wide multi-modal accessibility, it is doubtful whether isolated *large* out-of-centre retail outlets would in any event conform to all the relevant policies of the Local Plan. It would still be open to the Council to consider such a future proposal as a departure from the plan and duly consider it on its merits.

7.18 Objections CR0040 and CR0046 together seek the deletion of additional Policy R1a in favour of its amalgamation with Policy R1. This is not recommended, not least because the

later policy split was itself in response to earlier objections. Moreover, the intention of defining the 500 sq m threshold was to give added and welcome flexibility to the consideration of smaller retail proposals. There are now, in effect, three thresholds: >2500 sq m (regional significance) >1000 sq m (county significance) and >500 sq m (district significance). Below 500 sq m, proposals are to be judged mainly on their *local* impact and on detailed land use, siting and access considerations. This last distinction would seem to be entirely consistent with structure plan policy and indeed partly answers Objection CR0051 which is not supported with respect to its opposition to the lower threshold level.

7.19 Objection CR0049 considers that the appended Glossary of Terms (PC208) fails to conform to the content of Annex A of PPG 6. A revised Glossary is not recommended, firstly because some of the relevant descriptions appear to derive from the Glossary of Terms contained in the Kent Structure Plan. Secondly, and more importantly, it is clearly not the intention to give the PPG 6 Glossary of Terms anything approaching statutory force. This is evident in the opening text of Annex A where it states: “*new retail development takes different forms, each with its own operating characteristics, for example....*” The use of the phrase “*for example*” indicates that the choice of terms and their definition is intended to be illustrative, subject to possible change and not binding on local planning authorities.

7.20 Objection CR0061 requires an addition to the text of paragraph 7.28 (as proposed for alteration by PC176). The effect of this addition would be, in effect, to add policy content to the supporting text which relates to Policy R1. This would be illogical since the last sentence of the paragraph now refers to *farm shops*. These are the subject of an additional policy elsewhere (see R11a). Moreover, the change proposed by PC176 is the subject of further change FC15 (see above). Since this further change is now endorsed, the additional wording would no longer make grammatical sense. In any event, it would imply a wide-ranging and ill-defined category of rural area development which would go far beyond the strict limitations envisaged by Policy R11a in both its proposed and possibly modified forms. It is accordingly not supported.

7.21 Objection CR0051 suggests an addition to criterion (2) of Policy R1a, essentially to introduce the concept of area deficiency to the sequential test procedures set out in PPG 6, the Kent Structure Plan and Policy R1a itself. This objection appears to lack justification, either in relation to policy guidance or to local circumstances. The subject of area deficiency is introduced into the plan in Policy R10. Although a recommendation is later made to remove a policy reference to somewhat ill-defined “*areas of deficiency*”, the concept itself is valid enough. Accordingly retail proposals might be supported by evidence of demonstrably deficient coverage, locally in the case of *minor* development, and **by** reference to wider headroom considerations in the case of *major* development (as now defined by Policy R1a). In the former, the sequential test would *not* apply and, in the latter, the test is independent of deficiency criteria, the subject of criterion (1) in Policy R1a.

7.22 Objections CR0057 and CR0060 are identical in respect of the use of the word “will” as against “may” in Policy R1 (as proposed for change by PC177). These objections have merit in that a commitment to apply conditions to restrict changes of use (presumably within Use Classes A1-A3) in granting *any* permission under Policy R1 is unduly inflexible. The effect of laudably attempting to make the policy less ambiguous has regrettably been to lose a

necessary degree of flexibility. The commitment to impose such a standard condition, in the absence of detailed justification, would seem to prejudice the key tests of necessity, relevance to planning and relevance to the development in question, as set out in Circular 11/95.

7.23 With respect to the other aspects of Objections CR0057 and CR0060, the retention of criterion (9) in (altered) Policy R1 is accepted as unnecessary. The objections in relation to Policy R1a(1) definitions of “bulky goods” and “retail warehousing” are not accepted because they are adequately described in Annex A of PPG 6 (Town Centres) and Chapter 16 of the Kent Structure Plan. They are also adequately covered in the Appendix to the Local Plan (as inserted by PC208) and the precise definitions are intended to be helpful rather than to be distinctions for normal development control purposes.

RECOMMENDATIONS

7.24 Modify the Plan in accordance with Proposed Changes 173, 174, 177 and 208 (as amended by Proposed Further Changes 14 and 15) subject to the additional modifications to Policies R1 and R1a set out below.

7.25 Modify Policy R1 of the Plan to read as follows:

“POLICY R1 RETAIL DEVELOPMENT WILL BE PERMITTED WITHIN DEFINED URBAN AND VILLAGE AREAS PROVIDED THAT THE FOLLOWING CRITERIA ARE MET:

- (1) THAT THE PROPOSED DEVELOPMENT WILL NOT THREATEN THE OVERALL ECONOMIC VITALITY OR VIABILITY OF ESTABLISHED RETAIL CENTRES; AND**
- (2) THAT ARRANGEMENTS FOR ROAD ACCESS, PARKING AND SERVICING OF THE LAND AND BUILDINGS ARE ADEQUATE AND THAT THERE ARE NO HIGHWAY OBJECTIONS; AND**
- (3) THAT THE DEVELOPMENT SITE IS BOTH EASILY AND SAFELY ACCESSIBLE BY A REASONABLE CHOICE OF MODES OF TRANSPORT AND BY PEOPLE WITH DISABILITIES; AND**
- (4) THAT THERE IS NO SIGNIFICANTLY DETRIMENTAL IMPACT ON NEIGHBOURING LAND USES OR ANY LIKELY TO HAVE AN ADVERSE EFFECT ON LOCAL LIVING CONDITIONS.D**

WHERE RETAIL DEVELOPMENT IS PERMITTED, OTHER THAN WITHIN POLICY R3-R10 ALLOCATIONS OR OTHER POLICY-DEFINED AREAS, THE COUNCIL MAY IMPOSE SUITABLE CONDITIONS IN ORDER TO ENSURE THAT THE RETAIL USES DO NOT CHANGE THEIR CHARACTER SO AS TO CONFLICT WITH ANY OF THE ABOVE CRITERIA.”

7.26 Modify Policy R1a of the Plan to read as follows:

“POLICY R1a MAJOR RETAIL PROPOSALS (EXCEEDING 500 SQUARE METRES OF GROSS FLOORSPACE) WILL BE PERMITTED IN ACCORDANCE WITH THE ABOVE POLICY, PROVIDED THAT THE ADDITIONAL FOLLOWING CRITERIA ARE MET:

- (1) THAT THE PROPOSED DEVELOPMENT MEETS THE REQUIREMENTS AND THE TRADE POTENTIAL OF THE APPROPRIATE CONVENIENCE, COMPARISON OR BULKY GOODS SECTORS; AND**
- (2) THAT A SEQUENTIAL APPROACH TO SITING HAS BEEN FOLLOWED (IE THAT PREFERENCE IS GIVEN TO TOWN CENTRE, DISTRICT AND LOCAL CENTRES AND FINALLY EDGE-OF-CENTRE SITES BEFORE OUT-OF-CENTRE SITES ARE PROPOSED); AND**
- (3) THAT OUT-OF-CENTRE LOCATIONS ARE CHOSEN ADJACENT TO EXISTING OUT-OF-CENTRE AND FREE-STANDING RETAIL DEVELOPMENT.**

7.27 No other modification in response to the above objections.

R2 - Maidstone Town Centre Definition and Planning Strategy

Objections	DR0005 - Marks & Spencer PLC DR0008 - Government Office for the South East DR0035 - Peugeot Motor Company PLC DR0042 - Ms C Morgan DR0043 - Ms C Morgan DR0055 - Commercial Union Properties DR0056 - Commercial Union Properties DR0062 - Sainsbury's Supermarkets Limited DR0079 - Otham Parish Council DR0086 - Lansbury Developments Limited DR0118 - Location 3 Properties Limited DR0120 - B & Q PLC CR0010 - Government Office for the South East CR0024 - Prudential Assurance Company CR0052 - Commercial Union Properties
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Proposed Changes 178-183

Proposed Further Changes 16-17

Issues	(a) whether the provision of additional floorspace for bulky goods retailing ought to be made mainly or exclusively within edge of centre allocations.
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- (b) whether the continuing viability and vitality of Central Maidstone as a shopping centre would be adequately served by the combined chapter 7 policies.
 - (c) the degree to which retail warehousing of bulky goods in edge of centre locations is a sustainable and acceptable method of trading.
 - (d) whether or not additions to existing retail floorspace ought to be made mainly or exclusively within local plan allocations and other defined areas.
 - (e) the probability of the now committed Fremlin Centre's commercial viability in the face of competition from the Bluewater Shopping Complex.
 - (f) the economic prospects of an enlarged town centre shopping area in Maidstone in relation to Bluewater and their comparative future accessibility.
 - (g) the desirability and probable feasibility of incorporating residential accommodation within shopping development in Central Maidstone.
 - (h) the accuracy and adequacy of projections of extra shopping floorspace up to 2006 which have recently been revised by the local planning authority.

Conclusions

7.28 Objection DR0055 calls for the addition to paragraph 7.31 of the words "The major provision of (retail warehousing for retailers of bulky comparison goods...will be directed to the edge of the town centre)". This proposal would seem consistent (a) with the desire of the Council that a certain amount of electrical goods be retailed in High Street outlets and (b) with a recommended reduction in the number of allocated sites (see R5 later). Accordingly, the objection is supported (and PC 179 largely endorsed). However, to be consistent with the above conclusions, the suggested wording should be: "The major provision of floorspace for the retailing of bulky comparison goods...to the edge of the town centre". In addition, to ensure consistency with (modified) Policy R5, reference should be made to "three allocated sites" in paragraph 7.31.

7.29 Objection DR0042 calls for the deletion of any reference to the allocation of The Barracks site for retail warehousing. There is no such reference in the supporting text or the wording of Policy R2; only an illustrative indication of the allocation in diagram 10 of the Written Statement. Since the recommendation is to delete this allocation (see R5 later) the objection may be supported for that reason. Objections DR0005, DR0008, DR0118 and

DR0120 ask for the deletion of the second paragraph of Policy R2 (ie that “*the provision of any large-scale comparison retail development beyond the allocations made in this plan will be opposed*”). These objections are met by PC183, which is endorsed since the original policy statement is both effectively redundant and also contrary to the policy guidance of the current and emergent versions of PPG 12.

7.30 Objection DR0035 perceives a conflict between the promotion of the town centre and a degree of opposition to the establishment of additional retail floorspace. This objection is not supported because Policies R3, R4 and R5 make significant allocations for such floorspace within the defined area of the town centre. Policies R6, R7 and R8 merely seek to control the loss, by change of use, of existing retail floorspace; to varying degrees depending on relative importance and distance from the nodal point of the town centre. Policies R1 and R1a together operate generally to allow for retail development by laying down a series of locational criteria. The totality of these policies does not appear inconsistent. It will be noted that this particular objector’s interests are also the subject of recommendation elsewhere (see R8 later).

7.31 Objection DR0043 requires the deletion of reference to retail warehousing because of “*over-heating the local economy*”. This cannot be supported for much the same reasons that a similar objection (see DR0039 in R1 above) objecting to the whole concept of retail development was not supported. That is to say, bulky goods are now very commonly retailed from extensive warehouse-type structures. Since this type of retailing is expanding for a wide variety of reasons, including its conspicuous unsuitability for mail order or other remote forms of purchasing, the Council is rightly making adequate but not excessive provision. If allocations were not made in or on the edge of the town centre, the probability is that out-of-centre and out-of-town locations would be subject to development pressures. This is not a tendency which would be at all in the interests of sustainability.

7.32 The second paragraph of the deposit version of Policy R2 is the subject of Objection DR0062. This is to an extent met by PC183, except that the objector concerned seeks a permissive policy and suggests various alterations to Policies R1 and R1a (see DR0061 in R1 earlier). Assuming that both Policies R1 and R1a are finally adopted in the forms which have been recommended, it would be open for unallocated sites to come forward for development according to the seven locational criteria that they jointly contain. It would not be appropriate for the original second paragraph of Policy R2 to be retained, even in a modified form. This is because it is unacceptable to state that retail development should only proceed within allocated sites; it is also necessary to define other circumstances in which such development may be permitted.

7.33 Objections DR0079, DR0118 and DR0120 are concerned with the nature and adequacy of the Policy R2 provisions in the face of trading competition from the recently opened Bluewater shopping complex near Dartford. This complex of about 111 500 sq m gross floorspace started trading in mid 1999 and the general concern is that expansion of the town centre of Maidstone may not be viable in the face of its competition. Since the Bluewater proposal would have been considered in the preparation of the Local Plan, there is every reason to suppose that its future impact would have been taken into account. In any event, both the Maidstone Policy R3 and R4 sites are of relatively long standing (see CD14: Plan 7),

the former in particular being dependent on the major riverside road improvement (ibid: Plan 8). Moreover, it is difficult to envisage a future form of town centre shopping without such important anchor development at each end.

7.34 In any event, the detailed Fremlin Centre proposals were approved by the Council during the course of the inquiry. The increase in gross floorspace will take Maidstone to an overall level well in excess of 100 000 sq m (see CD25). To that extent, the relevant provisions of Policy R3 should stand since this authorised development represents a firm commitment, likely to be implemented well within the currency of the Local Plan. The same applies to at least part of the Policy R4 allocation in the sense that the Council are minded to grant planning permission for an additional foodstore to redress the qualitative deficiencies of the town centre. Taking all these factors into account and bearing in mind the substantial existing retail floorspace in Central Maidstone and the policies designed to maintain the core frontages, it would seem that the Local Plan provisions are acceptably robust.

7.35 Moreover, Maidstone has a number of key advantages as a shopping centre. These are especially valid in an era where sustainability is to the fore and where dispersed patterns of retailing are likely to be restricted. Maidstone has an historic central area, an attractive riverside setting and a commendable degree of pedestrian priority within the main shopping streets. In addition, it enjoys good rail access from much of its wider shopping catchment. It also is the hub of an intensive bus network with good central area penetration, not the least attraction being existing and developing limited stop services from the various park and ride points. On top of this, there is at least the fair prospect of light rapid transit development which might provide very much better central area linkages and more widespread and secure park and ride provision.

7.36 Seen in this light, the perceived advantages of Bluewater, as a shopping destination, may not be quite as overwhelming as some objectors seem to fear. In particular, it will be very heavily dependent on private car use. Its only form of public transport access is ultimately dependent on a network of local and express buses, connecting with local rail services at Greenhithe and obliged to share an unsegregated approach over a single public highway (B255). The assured multi-modal access at present enjoyed by Central Maidstone may increasingly be seen as a prime asset. Indeed, the continuing availability of a choice of retail travel mode in and around Maidstone, so far from being an irksome planning policy requirement, may be a sizeable and growing advantage in a longer term perspective.

7.37 Objection DR0079 raises further basic points to do with the character and function of Central Maidstone. Essentially, it looks for a broader base of land uses, including more residential and other accommodation, and a wider pedestrian environment. This is very much in line with the report of the DETR Urban Task Force "Towards and Urban Renaissance". Be that as it may, there would appear to be few changes in provision possible at this stage in local plan preparation. Pedestrianisation has proceeded as far as it reasonably can for the time being (see T10). Indeed, the approved Fremlin Centre proposals themselves allow for a significant indoor extension of the pedestrian realm (albeit not as part of the public highway and presumably not available at all hours). This will ensure that the future town centre shopping area will very largely be traversed on foot without encountering vehicle traffic. Diversification of town centre uses is also implicit in Policies R2, R7, R8, R15, R16 and R18.

7.38 The other aspect of Objection DR0079 concerns future residential development in Central Maidstone. This matter was discussed at the public inquiry. The evidence then given by the Council was to the effect that intending developers of the Fremlin Brewery had opposed the introduction of a residential element on redevelopment. This is attributable in part to the disinclination of funding institutions to accept mixed use schemes. More importantly, the opposition is said to be based on an economic analysis of the present proposals and the somewhat indeterminate (as yet) impact on Maidstone rentals of the Bluewater shopping complex. Any unfavourable impact on rentals would result in a reduced level of capital values and hence the practical viability of any residential provision.

7.39 Whatever view is taken of these arguments, the fact remains that the Fremlin Centre will probably go ahead without any residential element. Indeed, Policy R3 (amended by PC186) does not require any such provision. A recommendation to that effect could be made but, on the limited but expert evidence available, this would not seem an appropriate course. However, the situation may change. By the end of the currency of the Local Plan, or possibly during it, the relative viability of retail floorspace in town centre and out-of-town locations may be altered. Planning guidance and the economic perceptions of retail developers may increasingly favour mixed use proposals. For these reasons, the Council may well wish to keep the matter under review, no doubt in consultation with the objectors.

7.40 Objections DR0086 and CR0024 query the projection of retail floorspace headroom requirements to 2001 or to 2006, on the bases of inadequate time horizon or the accuracy of the projections. The objection that floorspace needs are only taken to 2001 is met by the latest consultants' study and the changes to the text of the Written Statement set out in PC181-183. The objection to the 2006 headroom calculations (and hence the allocations made as a consequence) is in part based on the size and extent of the retail study area. The apparent acceptance, by the consultants and Council, that added floorspace will be mainly in consolidation of established centres is also queried. There is also a slightly inconsistent view expressed that projections to 2006 are inherently flawed because of the difficulty of looking that far ahead.

7.41 The inclusion of the Medway Towns within the catchment of Maidstone appears sound. The two centres are very clearly interactive (with regard to 20-minute drive times) as is shown by the relevant KCC structure plan topic paper (CD25). Indeed, this degree of overlap would be enhanced by the Medway Metro proposals in the sense of being connected, core area to core area, by high capacity and speedy public transport. This might well further improve their trading prospects relative to Bluewater. For present purposes, it confirms that Chatham ought to be studied as part of the catchment of Maidstone, provided that the relative purchasing potential of the two is accurately assessed. There is no compelling evidence currently available to demonstrate that this is not the case.

7.42 The basic assumption that available headroom floorspace within the Local Plan period will be mainly added to established centres also appears sound. In the first place, the consultants study was commissioned after the plan was prepared. It would be accordingly perverse to assume that much out-of-centre or out-of-town retail development would take place during the projected period. Secondly, in the nature of things, such variables as

household expenditure, retail floorspace efficiency and travel costs are difficult to quantify precisely. What is abundantly clear is the thrust of longer-term planning guidance as contained in PPG 13 (1994) and PPG 6 (1996) which points to the probability of most added floorspace going to urban and district centres. The objections are therefore not supported.

7.43 For the same reasons of trends in planning policy guidance, Objection DR0056 is not supported. This objection seeks changes to paragraphs 7.33-7.38 (the subject of PC180-182) which would remove references to the main additions to existing floorspace taking place within local, district and town centres. Policy R2 (and others in chapter 7 of the Local Plan) appear fully consistent with both national planning guidance and the more recent policies of the Kent Structure Plan. The one aspect of the objection which is supported is the deletion of the second paragraph of Policy R2 (relating to the development of non-allocated sites). This is met by PC183 which has already been endorsed.

7.44 Objections CR0010 and CR0052 relate respectively to imprecision and ambiguity in the wording of (amended) Policy R2 and to the inclusion of the word “unlikely” in (amended) paragraph 7.31. These objections are accepted by the Council in the form of FC16 and FC17 which are accordingly endorsed. The following recommendations will take account of both the various Proposed Changes and the Proposed Further Changes which have been referred to in the preceding paragraph. Some minor modifications to the Policy R2 supporting text are also recommended. Although not the subject of objection, some significant confusion arose at the inquiry over the central area retail definition. Since the Policy T13 boundary does not exactly define this area, a specific Policy R2 boundary is advised. No recommendation is made as to its precise location; merely that it be shown for future reference.

RECOMMENDATIONS

7.45 Modify the Plan in accordance with Proposed Changes 178-182 (as amended by Proposed Further Change 16), subject to the following change of wording to paragraph 7.31 of the supporting text:

“7.31 Provision for additional major core comparison goods shopping will be made in the town centre in order to sustain and enhance its existing role. The major provision of floorspace for the retailing of bulky comparison goods will be directed to the edge of the town centre (on to three allocated sites). These sites should provide for much of the identified additional retail headroom. In the event that additional provision is needed, after these sites have been committed, policies R1 and R1a will be used in the determination of further planning applications.”

7.46 Modify the Plan in accordance with Proposed Change 183 (as amended by Proposed Further Change 17).

7.47 Modify the Plan by the inclusion of a Town Centre Retail boundary (R2) (on the Town Centre Inset Plan only).

7.48 No other modification in response to the above objections.

R3 - Fremlin Centre Site: Retail Allocation

Objections	DR0021 - Council for the Protection of Rural England
	DR0032 - Speciality Shops Management
	DR0044 - Ms C Morgan
	DR0059 - Whitbread PLC
	DR0066 - Natwest Group
	DR0070 - Historic Buildings and Monuments Commission
	DR0080 - Otham Parish Council
	DR0088 - Prudential Assurance Company
	DR0111 - Environment Agency
	CR0004 - Somerfield Stores Limited
	CR0025 - Prudential Assurance Company

Proposed Changes 184 - 186

Issues	(a)	the degree to which the comprehensive retail re-development of the Fremlin Brewery site might accommodate residential or other floorspace.
	(b)	the way in which access ways and pedestrian circulation might be arranged within and around the site to maximise choice and variety in movement.
	(c)	the future impact of the proposed shopping development upon the riverside view and upon the character and appearance of the conservation areas.
	(d)	the flexibility of possible retail use change within the allocation for predominantly core comparison goods floorspace.

Conclusions

Present Planning Commitment

7.49 Objections DR0021 and DR0080 are concerned with the allocation of the Fremlin Brewery site for entirely retail use (*“the core comparison retail development will be a comprehensive single indoor mall scheme for the whole site”*: Deposit Policy R3). Since the deposit version of the Local Plan in May 1997, negotiations have proceeded with prospective developers. These negotiations resulted in a planning application and a subsequent permission during the course of the inquiry. Provision is made in it for the development of multi-level parking and shopping (Fremlin(s) Walk) with pedestrian access from St Faith’s Street, Week Street and Earl Street and vehicular access from St Faith’s Street and Fairmeadow. Car parking provision would be either internal or on the surface and slightly detached (within the next street block to the north).

Possibility of Mixed Use Redevelopment

7.50 In the light of evidence heard at the inquiry, there would seem to be little or no commercial prospect of incorporating any residential component in the scheme, far less of allocating the site as entirely residential. This is to do with the awkward crossfall of the land, the need to retain a significant amount of frontage property or listed facades and the economics of retail development. The latter is affected by the general disinclination of funding institutions to accept central area mixed use schemes. In addition, the full impact of the Bluewater development may serve to depress retail rentals and hence capital values. Lastly, the retention of much of the frontages and the unfavourable acoustical climate along the riverside would combine to restrict residential uses.

7.51 The objections which seek a partial or residential use of the site cannot be supported. It is true that a degree of mixed use, especially housing as well as shopping, would impart some variety and liveliness in the town centre and riverside. However, the Policy R3 allocation has now become a commitment. As well as the apparent headroom margin for additional comparison floorspace, there is without doubt a clear qualitative need for a modern department store in the central area. In addition, the form and function of the shopping centre will clearly benefit from being anchored by modern shopping at each end. The point is made elsewhere (T19(i)) that the continued vitality and viability of Central Maidstone will depend on bi-polar indoor shopping at the Fremlins Walk and Chequers Centres and by good pedestrian links between them.

7.52 Moreover, the emergent policy has moved towards implementation, in the sense of now being a commitment. However, until fully implemented, the policy will still stand unless and until redevelopment takes place. The somewhat limited evidence of economic viability is persuasive but not conclusive. Events may alter, most of all if planning guidance shifts in the direction advocated by the Urban Task Force. Its 1999 report "Towards an Urban Renaissance" contains the following recommendation: "*amend planning and funding guidance to improve the use of density standards to prevent urban development proposals with densities too low to support a sustainable and viable mixed use environment*" (op cit p6). In the light of this possibility and of the present objections, some modifications will be recommended as to the text of the policy (see later).

7.53 The various objections which sought a mixed use allocation, including some residential content (especially small units of accommodation), cannot be supported on the available evidence. To be successful, at least some limited form of financial or physical feasibility study would have to be produced by the objectors. As already stated, policy shifts in future may require a mixed use redevelopment scheme. Certainly, present planning guidance, as it stands, would indeed support such a scheme but not in the face of reluctance by the local planning authority and a prospective commercial developer. Apart from any other consideration, it would be not merely difficult but effectively impossible to formulate a mixed use development plan policy without any feasibility study. This alone could quantify the proportion and location of residential accommodation in relation to the retail floorspace within the site.

Perimeter Pedestrian Access

7.54 Objection DR0032 would have been made before the details of the present retail development were known. In this sense, the objection has been met since Earl Street will probably be provided with more than adequate access to the Fremlin Centre. This despite the fact that a very substantial frontage length in excess of 200 m is being retained along the northern side of the existing street. Indeed, one of the three main pedestrian entrances to the proposed scheme would be taken directly off Earl Street and aligned on the axis of Pudding Lane. In any event, this urban design aspect is reflected in PC 185, which is broadly endorsed since the approach from the north of the centre is of townscape significance and visually little degraded at present. Some modification is needed to PCs 184-185 in the light of the present planning commitment.

Urban Design and Conservation

7.55 Objection DR0070 is concerned in general with the urban design and conservation aspects of the retail allocation and policy. To some extent these matters have been overtaken by subsequent events. However, as noted above, it is at least possible that policy shifts and emphases may change. If this were to happen and were the authorised scheme not progressed, there is much force in the objections of the Historic Buildings and Monuments Commission. In particular, it is hard to see precisely how the proposed development would either “*preserve the (existing) character or enhance the (future) appearance*” of the two adjacent conservation areas directly affected. It is possible to argue that the present redevelopment scheme would be of neutral effect or would leave some of the buildings within the two areas literally intact, if not entirely unaffected.

Vitality and Viability of Retailing in Central Maidstone

7.56 Objections DR0044, DR0059, CR0004 and CR0025 raise the issues of floorspace use and definition as well as the impact of the proposed development upon the remainder of the town centre shopping (ie Policy R1). The last point cannot be sustained because there is a plausibly qualitative uplift to Central Maidstone by reason of adding a second anchor development directly off the pedestrian core. Moreover, the claimed available headroom for core comparison sales is supported by Kent CC. The question of retail definition is very clearly understood by the intending developers, whatever weight may be attached to the precise extent and disposition of the retail floorspace and its probable economic viability. The proposal visibly constitutes an “*indoor mall*” in the sense that it is a partly-covered precinct. However, what is lacking is policy guidance on post-redevelopment changes of use, once the project has actually been built.

Future Changes of Use Within the Fremlin Centre

7.57 Two of the above objections call for a widening of the proposed Class A1 shopping use and indeed one calls for a general Class A1-3 allocation. This detail is probably not appropriate to a development plan policy. The plans produced at the inquiry rather suggest at least some subsidiary Class A3 uses. It is probably best to leave the overall character of the Fremlin Centre to remain restricted within Class A1 use. However, it would probably be best to allow a combination of future commercial judgement and the discretion of the Council to

govern detailed changes of use within the overall framework but with some policy guidance. This is an area where some more policy detail is called for, in the sense that there will probably be continuing pressure for change. This would occur even if the present proposals are exactly implemented, on the analogy of the shopping zones covered by Policies R6-8.

Riparian Flooding Risk

7.58 Objection DR0111 appears now to have been met in the sense that the prospective developers have recognised the riparian flooding risk along the adjacent River Medway. This requirement has evidently resulted in the lowest level of car parking being at a lower level (6.1 m AOD) than the existing level of Fairmeadow (6.5 m AOD). It is of a comparable extent to the present open part of the brewery premises and presumably perform the same flood storage function if closed to parked vehicles. This matter of detail would not seem to merit inclusion in the development plan. It would otherwise figure in a future planning brief or, at the very least, call for future consultation between the Council and Environment Agency. Objection DR0066 merely calls for consultation on the detail of any future application; this similarly does not merit inclusion in the Local Plan.

RECOMMENDATIONS

7.59 Modify the Plan generally in accordance with Proposed Change 184 subject to the following wording:

“7.41 The Whitbread Fremlin Brewery distribution site and adjacent land between St Faith’s Street, Week Street, Earl Street and Fairmeadow is to be redeveloped for mainly core comparison retailing contained within a multi-level pedestrian shopping precinct. The site is located to the west of the existing primary shopping area and pedestrian access will be created from Week Street, the principal shopping street, and already exists from St Faith’s Street and Earl Street. The Council places emphasis on the implementation of this recently authorised proposal as a cornerstone of its overall retail strategy. It will continue to negotiate, as necessary, for land assembly by agreement and will consider the use of statutory powers of compulsory purchase.

7.42 Comprehensive overall redevelopment of the site as defined is intended by the Council and limited or piecemeal development will be opposed. It is only through comprehensive redevelopment that the Council’s objectives for the site and its general retailing policies for the town centre will be achieved. This is because what is required is a significant additional component of core comparison floorspace in a pedestrian setting. This should enjoy a high degree of shopping amenity and architectural quality with associated parking and other access arrangements which will provide both an attractive and substantial riverside presence.”

7.60 Modify the Plan generally in accordance with Proposed Change 185 subject to the following wording:

“7.45 The authorised redevelopment proposal will be wholly pedestrian and partly enclosed internally, with links on foot with a largely or partly pedestrianised St Faith’s

Street, Week Street and Earl Street. A shopping environment of the highest calibre will thereby be achieved. The opportunity exists to present a high quality external environment. This is especially important in view of the dominant townscape role which this site has for people approaching the town centre from the north.”

7.61 Modify the Plan generally in accordance with Proposed Change 186 subject to the following wording:

“POLICY R3 LAND BETWEEN FAIRMEADOW AND WEEK STREET AND BETWEEN FAIRMEADOW AND BRENCHLEY GARDENS IS ALLOCATED FOR PREDOMINANTLY USE CLASS A1 RETAIL REDEVELOPMENT IN ORDER TO MEET THE ESSENTIAL REQUIREMENTS AND FUTURE TRADE POTENTIAL OF THE CORE COMPARISON SECTOR. PROPOSALS FOR THIS SITE WILL HAVE TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

- (1) THE SCHEME OF REDEVELOPMENT SHOULD PROVIDE FOR A UNIFIED AND SINGLE PHASE COMPREHENSIVE RETAIL PEDESTRIAN SHOPPING CENTRE WHICH COVERS THE ENTIRE ALLOCATED SITE;
- (2) THE DESIGN AND EXTENT OF A REDEVELOPMENT SCHEME SHOULD ACCORD WITH THE SPECIAL CHARACTER AND APPEARANCE OF THE CONSERVATION AREAS AFFECTED BY THE ALLOCATION;
- (3) THE REDEVELOPMENT PROPOSALS SHOULD MAKE ADEQUATE ARRANGEMENTS FOR ACCESS AND CIRCULATION BY PEDESTRIAN TRAFFIC AND PUBLIC TRANSPORT AND FOR OFF-STREET PARKING;
- (4) THE SCALE, APPEARANCE AND MASSING OF THE REDEVELOPMENT SCHEME SHOULD BE OF A CHARACTER WHICH IS APPROPRIATE TO THE RIVERSIDE ZONE OF SPECIAL TOWNSCAPE IMPORTANCE;
- (5) SPECIAL CONSIDERATION SHOULD BE GIVEN TO THE RETENTION AND SYMPATHETIC FUTURE USE OF THE LISTED BUILDINGS WITHIN THE SITE AND OF ANY OTHER BUILDINGS OF TOWNSCAPE MERIT;
- (6) PROPOSALS FOR CHANGES OF USE WITHIN THE OVERALL RETAIL REDEVELOPMENT SCHEME SHOULD BE RESTRICTED TO THOSE WHICH ARE ANCILLARY TO AND SUPPORTIVE OF ITS FUNCTION.”

7.62 No other modification in response to the above objections.

R4 - Land to the East of the Chequers Shopping Centre

Objections	DR0016 - Government Office for the South East
	DR0022 - Council for the Protection of Rural England
	DR0027 - Somerfield Stores Limited
	DR0063 - Sainsbury's Supermarkets Limited

DR0067 - Natwest Group
DR0089 - The Prudential Assurance Co.
DR0091 - Merlin Land Limited
CR0005 - Somerfield Stores Limited
CR0044 - Merlin Land Limited

Proposed Change 187

Proposed Further Change 18

- Issues**
- (a) the comparative suitability of the site, East of the Chequers Centre, for housing, mixed development or specialised retailing uses.
 - (b) the relative merits of allocating the site for food sales, non-food sales or a mixture of retail warehousing and a convenience superstore with adequate parking.

Conclusions

7.63 Objections DR0016, DR0063, DR0089 and DR0091 are entirely or largely met by PC187 and FC18. These changes envisage the partial use of the allocated site for “a mixed scheme, including a large foodstore (of up to superstore size)” as well as a retail warehouse. In view of the size and centrality of the site and the fact that the foodstore is now a commitment, these changes can be endorsed. Since an exception has been made for the new foodstore, only on grounds of qualitative need, despite the lack of headroom capacity, it would not be appropriate to allocate the remainder of the site for unrestricted Class A1 use. Moreover, the space now available for the complementary retail warehouse development is now very severely restricted, as a consequence of the planning permission granted on the closing day of the inquiry (2 June 1999). It is noted elsewhere (see R5) that this would be the optimum site for retail warehousing and its loss will necessarily limit the amount of allocated and available land.

7.64 Objection DR0022 seeks the alternative allocation for housing. This is not supported because the prime accessibility of the site suggests either an employment or retailing use, or a combination of the two, for reasons of sustainability and the fostering of linked trips. It is certainly the case that Central Maidstone would benefit from additional residential accommodation (see R3). However, unlike a multi-level comparison retailing scheme where some airspace or perimeter housing development might be introduced, this allocation is not so suitable. It looks likely that either a foodstore or a retail warehouse (or both) will be built here. Regardless of the amount of on-site parking and regardless of its possibly being minimised by shared use, these establishments would generate much servicing traffic. The complications of access and circulation suggest that housing would not be easily integrated.

7.65 Objection DR0067 calls for consultation on any proposals which the Council indicate would be a normal aspect of development control. Objections DR0027 and CR0005 both suggest the specific deletion of the foodstore proposal. These cannot be supported in view of

the very recent and extant planning commitment. In any event, there is an evident need to improve the quality of large-scale food retailing locally. In the interests of the site's prime multi-modal accessibility for this shopping activity, the policy should stand. If not, such improvement would in all probability take place in a less sustainable location. Objection CR0044 asks for the removal of the bulky goods retailing allocation. There is an existing commitment to support the development of about 7320 sq m gross of such floorspace. This represents a significant amount of the total allocation and its loss cannot therefore be justified.

7.66 It may be objected that the authorised development of the site visibly precludes its use for bulky goods warehousing. This alternative is the other conforming use provided for by Policy R4 (as amended by PC 187 and FC18). The precise form of development and its access arrangements for customers' and servicing vehicles appears capable of accommodating either a large foodstore or a bulky goods warehouse. No doubt a Class A1 use which included both types of trading would be acceptable to the Council, under the terms of the permission. Notwithstanding the clear intention to carry out purely convenience goods sales, the present policy and allocation should stand. The reason is that the foodstore is justified on qualitative grounds. There exists a parallel and equally compelling case for bulky goods sales on the basis of quantitative need (see R5).

RECOMMENDATIONS

7.67 Modify the Plan in accordance with Proposed Change 187 and Proposed Further Change 18.

7.68 No other modification in response to the above objections.

R5 - Maidstone Barracks Site & Retail Warehousing Allocations

Objections	DR0009 - Government Office for the South East
	DR0023 - British Gas PLC
	DR0028 - Somerfield Stores Limited
	DR0046 - Ms C Morgan
	DR0047 - Ms C Morgan
	DR0057 - Commercial Union Properties
	DR0058 - Commercial Union Properties
	DR0064 - Sainsbury's Supermarkets Limited
	DR0068 - Natwest Group
	DR0071 - Historic Buildings and Monuments Commission
	DR0078 - Kent County Council
	DR0085 - Lansbury Developments Limited
	DR0090 - Trebor Bassett
	DR0093 - Ringbest Limited
	DR0114 - Thornfield Developments Limited
	DR0135 - Railtrack Property
	DR0136 - Railtrack Property

DR0138 - Berisford PLC
DR0139 - Berisford PLC
DR0146 - Trebor Bassett
CR0006 - Somerfield Stores Limited
CR0007 - Somerfield Stores Limited
CR0008 - Somerfield Stores Limited
CR0009 - Somerfield Stores Limited
CR0026 - Prudential Assurance Company
CR0041 - Berisford PLC
CR0043 - Historic Buildings and Monuments Commission
CR0045 - Ringbest Limited
CR0053 - Commercial Union Properties
CR0059 - Whatman PLC and Kent CC
CR0065 - British Gas Property Division

Proposed Changes 188-191, 194, 200

Proposed Further Change 16

Additional Proposed Changes 7 and 9

- Issues**
- (a) the extent to which the allocated sites for retail warehousing conform to planning policies and guidance contained in the structure and local plans.
 - (b) the comparative accessibility of the various sites allocated in the Local Plan and those the subject of the various site-specific objections.
 - (c) the potential for development of the allocated and alternative retail warehouse sites, having regard to considerations of ownership and physical feasibility.
 - (d) the probable relationship between the headroom figures as calculated by the county and borough councils and levels of accessible land availability.
 - (e) the outcome of a gap between demonstrable need and allocated land availability, having regard to current planning policies and guidance.

Conclusions

Introduction

7.69 The identification and allocation of 4 sites in the Plan for bulky goods retail warehousing under Policies R4, R5, R5a and R5b stem from the advice and requirements of PPG 6 and the relevant provisions of the Kent Structure Plan (esp its Policies R1 and R4).

Background information is contained in the relevant structure plan Technical Working Paper 4/94 (CD25) and the more recent retail surveys and analyses commissioned by Maidstone BC. The various objections (as listed above) relate both to the wording or inclusion of the various policies and to the selection of the sites. Since the wider-ranging objections in principle can only be properly considered against the detailed suitability of the individual sites, the latter will be assessed first and the various overall and detailed objections then considered.

7.70 At this stage, however, Objection DR0058 can be dismissed as there is no inherent conflict between Policies R1 and R12. The former sets out policy relating to shopping generally; the latter is concerned with the allocation of suitable sites for retail warehousing, within the constraints imposed by available headroom and the need for the sequential test. Objection DR0090 is essentially linked to DR0146, which is concerned with the additional allocation of land for retail warehousing along St Peter Street. These related objections cannot be supported because of the need to retain adequate employment land under Policy ED12. The Council may, however, wish to consider at a future date the advisability of additional retail warehousing on or near the riverside in this location in view of its reasonable accessibility and comparative closeness to the central area.

Allocated and Alternative Sites

[A] Royal West Kent Barracks Site (R5)

7.71 This site is variously described as above or as “Land to the West of Royal Engineer’s Road” but will be referred to as “the Barracks Site” for the sake of brevity. It extends to some 15 400 sq m in extent and the Plan envisages gross floorspace of up to 3900 sq m in the form of a retail warehouse. The site is of somewhat irregular shape and has a marked crossfall down from east to west. It has a frontage to the dual carriageway A229 radial primary distributor link from junction 6 of the A20 motorway, some 2 km due north of the site. It has the advantage of being in joint ownership and readily available for development. It nearly adjoins the KCC Springfield site for which a detailed planning brief (CD48) has been prepared, containing various development options (1-3). It is also allocated for high value manufacturing under Policy ED3. It was earlier recommended that this allocation be deleted as a matter of principle but that it be alternatively allocated for housing.

7.72 Since an appraisal of the various sites will be done on a comparative basis, it may be helpful to outline the characteristics which would appear to be generally relevant to this particular type of retail development. Retail warehousing is virtually universally single-storey in form with large rectangular building blocks having wide spans for flexibility and level floor plans for the mechanical handling of goods for storage, display and sale and for customer convenience. Open car parking is usually very generous in extent, again as level and unobstructed as can be contrived, but current planning guidance is in favour of its being disposed at the side or rear of buildings. This disposition is preferred to the more commercially attractive and visually prominent “front of house” location previously much favoured (and often required) by developers.

7.73 Contrary to the views expressed at the inquiry and in the representations, there is nothing *inherently* unsightly in retail warehouses. Much depends on the height, location and landscaping of such development. Conventional layouts in edge-of-centre or out-of-centre locations tend to assign roughly equivalent amounts of space to building footprint, parking space and service vehicle areas, with landscaping generally relegated to somewhat marginal or vestigial planting. On the other hand, best practice (in the post-war New Towns especially) tends towards much more generous screen planting and extensive soft landscaping, possibly to the extent of roughly equivalent space given over to building footprint, hard surfaces and landscaping respectively. A further constraint is site geometry, since warehousing is commonly contained in large rectangular plan forms. These contrast with the more flexible and malleable shapes of office, industrial or residential buildings.

7.74 Notwithstanding the illustrative plans made available at the inquiry, the Barracks Site would not appear entirely suitable for retail warehousing development, most especially if a suitably high level of urban design is sought. It is somewhat, if not markedly, irregular in shape and is on a slight but perceptible slope. More critically, it is not at all accessible by all forms of transport. This is a key consideration, most especially in the light of Kent Structure Plan requirements. Policy R4 of that Plan quite clearly states: *“provision of new retail warehousing should be made on sites which are accessible by a choice of public and private transport modes, including cycling and walking, and (are) well related to the primary or secondary road network”*.

7.75 Without any doubt, the Barracks Site is excellently related to the primary and regional distributor road network. Equally, its accessibility by scheduled public transport is good and will be improved by the Policy T17(i) proposals which will introduce a weekday park-and-ride operation along the A229 corridor. However, safe, direct and convenient pedestrian access is decidedly inadequate and the footway connection is tortuous. The site lies well to the north of even the Policy R8 tertiary shopping zone as at present defined. It is all very well to say that it is within walking distance (200 m) of Maidstone East station. That is to ignore the fact that the station itself is at the extreme north-east corner of what has earlier been referred to as “the (highly accessible) quadrilateral core of Central Maidstone” (see T1 and T5). A wide choice of transport modes cannot therefore truly be said to be available in any meaningful sense

7.76 It is entirely possible that the accessibility of this prominent site may improve in the longer term. For example, the Northern River Crossing is still being sought by the Council and it may yet be programmed within the Plan period. It may be that a future Local Transport Plan will address the detailed planning of an accelerated Medway Metro scheme and may result in the adoption of a terminal loop layout comparable to that envisaged at Chatham (see T5). Such a loop might reinforce the case for the new river crossing and might be aligned somewhere along the right bank of the River Medway. This would improve public transport accessibility to the extent that pedestrian access deficiency might loom less large. However, this is all very highly speculative. It may fairly be concluded now that the site is locationally quite unsuitable for retail warehousing and indeed for general Class A1 use. For these reasons also, Objections CR0007-0008 and CR0053 cannot (or need not) be accommodated.

7.77 The fact that the site is alternatively allocated under Policy ED3 for high value manufacturing within Class B2 suggests that the loss of the retail allocation is not of overriding concern to the Council. Its use for this purpose is dealt with in detail in Chapter 5, when considering objections to ED3.

[B] Maidstone East Station Site (R5b)

7.78 This site extends to some 9000 sq m or so and it is considered that it would have a capacity of about 3750 sq m of retail warehouse floorspace. Its redevelopment is being actively sought by Railtrack and it has the advantage of being level since it consists of the trackbed of the former railway goods yard. It is reasonably rectangular in shape and is capable of being made completely regular in the event of the redundancy of the modern power signal box at the south-west corner. In view of its former use and present ownership, it would be clearly capable of supporting a rail-related use in future. However, this matter is not raised in the representations and is accordingly not pursued in this report. In any event, it may be argued that the use of the site is indirectly rail-related at present in the sense that it supports a seemingly popular commuter car park which is to be retained.

7.79 The major development restriction on the site is that Policy R5b envisages a distinctly complex mix of uses. These include (according to the revised supporting text) offices, housing, hotel, restaurant, leisure facilities and a transport interchange. Admittedly, these uses need not all be secured and it is the intention to spread them over the “whole site” (ie the area at present indicated by the Policy ED11 and T7 notations on the Town Centre Inset Map). The question of such mixed development was discussed during the inquiry. Quite clearly, some form of decking and multi-level construction is envisaged. Such a relatively expensive form of site preparation is not inconsistent with retail warehouse development, whatever the economics of the matter may be. Certainly, the housing element of the mixed development would seem to be the easiest to integrate with the warehouse and the 400-600 place car park.

7.80 The forming of a level top deck would readily accommodate warehouse construction and the Plan clearly envisages siting the retail buildings at the western end of the site (any housing would presumably be kept to the eastern frontage). The difference in levels between the deck and the Fairmeadow spine road (A229) might allow of basement servicing which would assist in delivery vehicle access. What might well be difficult of attainment is the degree of soft landscaping envisaged for the other Policy R4 sites. This, coupled by the site’s prominence within the Policy ENV9 Riverside Zone raises a few doubts as to urban design feasibility within a realistic development budget. However, the site is in all respects acceptable from a locational aspect and matters of design acceptability may reasonably be left to the development control process.

7.81 In view of the earlier recommendation regarding the Policy ED11 allocation on this land, some overall modification of the Town Centre Inset Map would be advisable, in the interests of clarity and consistency. It would probably serve to adopt a composite notation which allocated a Policy ED11 function across the entire land in Railtrack’s ownership, a continuing Policy T7 function over the land retained for operational railway purposes and a Policy H2 allocation to cover the probable extent of residential development. As with the

proposed allocation of the St Peter's Gas Works's Site (see below), all that is reasonably called for in the allocation Policy R5b (the subject of PC191) is the simple statement of its allocation, intended use and a reference to the Town Centre Inset. It is not necessary to elaborate this general allocation policy by detailed criteria (1-7). These are superfluous since the matters which will have to be attended to in determining a future planning application are adequately set out in the supporting text (paragraphs 7.55C -7.55E) or will form part of a future planning brief.

[C] St Peter Street Gas Works Site (R5a)

7.82 This site is in the range of 7000-11 000 sq m in extent (depending on whether the PC191 or FC16 allocation is used as the basis of calculation). It is estimated as having a capacity for retail warehousing of 3750 sq m (according to PC191). It is level with a very long frontage to St Peter's Street, which is close to the bridge gyratory system (de facto part of the primary distributor road network). On its western edge runs the railway leading to Maidstone West station, the probable route of the Medway Metro (see comments on Policy T5). The site is regular in shape but is subject to Policy ENV9 (Riverside Zone) design considerations. It is close to existing retail warehousing and extensive open car parking on the other side of St Peter's Street. It is reasonably close to scheduled public transport in the form of bus routes around the gyratory system and train services to both Maidstone West and Maidstone Barracks Stations.

7.83 Most of the locational aspects of this Policy R5 retail warehouse site appear satisfactory. Indeed, it might be argued that it is the most easily developed of the sites under review. The only reservations, which were raised at the inquiry, concern the ease of pedestrian linkage with the town centre Policy R3 (Fremlins Brewery) and R6 (Primary Shopping) destinations. This disadvantage is shared by the existing bulky goods outlets to the north. At this point, the River Medway presents a barrier to movement on foot some 500 m in extent. Although the crowflight distance from the established retail warehouses to the Fremlin Brewery retail site is a mere 100 m or so, the true walking distance might well be five times as long. This exceeds the PPG 6 (Town Centres) guideline distance and must act as some future disincentive to multi-purpose shopping trips. The somewhat uncertain recent fortunes of the Broadway Centre tends to lend substance to that conclusion.

7.84 There is accordingly a slight discrepancy between the actual and potential acceptability of the BG Gas Works Site as a true "edge-of-centre" location. Nevertheless, the fact that its allocation as a Policy R5 site would undoubtedly consolidate the grouping of such activity on the left bank of the river must clearly count in its favour. This valuable opportunity for comparison shopping and trip linkage would closely accord with structure and local plan policy objectives. Quite possibly its location outside the Policy T13 zone and the availability of adequate free parking might well act as an incentive to linked trips by people arriving by car. On balance, its allocation is recommended and the design objections do not seem insurmountable, given the prospect of adequate landscaping and the undoubted rehabilitation of an unsightly area.

7.85 This last consideration also bears on the question of how to preserve the setting of St Peter's Church, a listed building. So far from posing a threat, the redevelopment of the vacant and unsightly Gas Works Site might well be held to be a valuable opportunity of

planning gain. Much would depend on detailed design control but there is nothing inherently unattractive in a retail warehouse as a building type. Given sufficient care in design, planting, landscaping and the layout of car parking, there is no reason to suppose that the presently cramped setting of the listed building could not be enhanced and expanded, in a purely visual sense at least. One possible reservation is the southern end of the PC191 allocation; this implies a wrapping round of the Policy R5a area. This would certainly be to the detriment of the listed building's setting and consequently is not recommended.

7.86 As with the Policy R5b allocation, all that is reasonably required in the allocation Policy R5a (the subject of PC191) is the simple statement of its proposed allocation, intended use and a suitable reference to the Town Centre Inset. It is not necessary to elaborate this policy by detailed criteria (1-7). These are superfluous since the matters which will have to be attended to in determining a future planning application are adequately set out in the supporting text (paragraphs 7.55A and 7.55B).

[D] St Peters Quayside Site

7.87 This site is not sought for warehouse development under Policy R5 by the Council but is the subject of objections (eg Objection DR0139) seeking such an allocation. It extends to very roughly 4500 sq m (on the assumption that the extreme southern tip would be excluded for townscape reasons). Its floorspace potential might therefore be of the order of 1500 sq m maximum. It is trapezoidal in shape, level but evidence points to very substantial surface and subsoil past contamination as a result of coal gas manufacture. It is prominent and directly adjoins an attractive riverside walkway. It has a long frontage to St Peter's Street and adjoins the car park of the nearby retail warehouses to its north. It stands opposite St Peter's Church.

7.88 Considering the long history of development proposals for this site, resulting from its attractive and accessible location but contaminated state, it is not surprising that it remains vacant. Whatever its ultimate or optimum use or uses may be, it is hard to regard it as suitable for retail warehousing. The reasons are that it is markedly irregular in shape and it is probably of a size which would either make it commercially unattractive or risk its being over-developed to attain viability. Its precise location and somewhat awkward shape would also make it intrinsically difficult to develop in a seemly manner. The urban design problems would include closeness to the listed church, the waterside and the need to bear in mind the exigencies of the Policy ENV9 Riverside Zone. Against these compelling factors, its undoubtedly good multi-modal accessibility carries comparatively little weight. Its allocation for Policy R5 use is not therefore recommended.

[E] East of Chequers Centre Site

7.89 This site is part of the mixed use Policy R4 allocation immediately to the east of the established Chequers Centre and to the west of Wat Tyler Way, the inner orbital dual carriageway linking with the A20 and A249 radial primary and secondary distributors to the east and north-east. As the Council claim, it is without doubt the most accessibly located of all the allocated sites for retail warehouse development. During the course of the inquiry it was the subject of a favourable decision by the Council in respect of a large foodstore application (the parallel allocation in Policy R4). Accordingly, the contribution to be made

by a warehouse development is slightly indeterminate. However, in view of the accessibility and centrality of the site, it is assumed to be of the order of 2500-4000 sq m.

[F] Haynes + Caffyns Garage Site

7.90 Objection DR0114 requests the allocation of a site to the east of the town centre for either Class A1 retail warehousing or Class A3 (Food and Drink) or Class D2 (Assembly and Leisure) uses. The site runs to about 17 000 sq m and is bounded on two sides by the Maidstone to Ashford railway and by the A20 Ashford Road (locally part of a one-way traffic management scheme). Despite its apparent suitability for such uses, it is locationally remote and detached from the bulk of the town centre. Rather like the Barracks Site [A] it is awkward of access on foot and ease of vehicle entry and exit might pose severe problems and hence reduce the prospect of linked trips. The fact that the intervening area is allocated for Policy ED12 employment use and much is within a designated conservation area, suggests that an extension eastwards of the central shopping area is improbable. The objection is accordingly not supported and the use allocations are not recommended.

Capacity of Allocated Sites in the Local Plan

7.91 Considerations of need and capacity must be taken into account in the preparation, adoption and subsequent review of development plans. This view has been confirmed by recent case law (*R v Hambleton DC [1999] JPL307*) and ministerial statement (11 February 1999). LPAs should accordingly consider the need for new retail development in their plan area over the lifetime of the plan. A sequential approach should then be adopted to identify suitable sites. Proposals for new retail development within an existing centre do not require to satisfy the need test because this will (or should) have been taken into account in the plan preparation. The above statement slightly qualifies the earlier High Court judgement which indicated that need was primarily a consideration to be taken into account as a development plan (as distinct from a development control) matter.

7.92 The need for retail floorspace for bulky goods sales has been calculated by the Council on the basis of information contained in the structure plan and its topic papers. These calculations have been revised, following their own surveys covering the period up to 2006. This review to a large extent meets the matters covered by Objection DR0085, which is also addressed by the inclusion of criteria contained in Policies R1 and R1a. The situation is complicated by the fact that the structure plan policy area is Maidstone + Malling (ie it covers part of the adjacent LPA's administrative area). It is further complicated by the fact that the definition of bulky goods varies as between county and borough councils. The former include 50% of estimated expenditure on electrical goods within their estimate of turnover attributable to warehouse retailing, the latter do not. This is because the borough council looks for the retention of most of this expenditure within the general (High Street) comparison floorspace sector.

Floorspace Requirements to 2006

7.93 The so-called "headroom" or gross floorspace requirements for the structure plan area accordingly differ. However, the likely available site capacity within the Plan area has been

calculated with reference to both adopted structure plan and emergent local plan policies. This capacity has not attracted objections from either KCC or Tonbridge and Malling BC as to site selection or aggregate level of commitment. Moreover, there is a deliberate shortfall in the Plan's Policy R5 provisions in relation to added retail warehouse floorspace up to 2006. This has been allowed for, partly as a contingency figure, partly as an allowance in the event that the comparison shopping sector does not achieve the amount of electrical goods sales as anticipated and partly to cater for unforeseen out-of-centre development which accords with emergent Policy R1a (see earlier).

7.94 The situation will be slightly altered if the recommendations made at the end of this section of the report area followed. In particular, a recommendation not to allocate the Barracks site will reduce the overall total. The comparative figures, in relation to structure plan headroom (as recently modified to 2006) are as follows:

Site Location	Site Area (sq m)	Floorspace (sq m)	Site Cover	FS Index
Maidstone Barracks	15400	3 900	0.25:1	32
Maidstone East Station	9 000	3 750	0.42:1	20
BG Gas Works	11 000	3 750	0.29:1	20
East of Chequers Centre	13 200	7 320	0.55:1	39
Total Allocated Capacity	48 600	18 720	0.39:1	100
MBC 2006 Est Capacity		17 950		96
KCC 2006 Est Capacity		15 600		83

The effect of deleting the Barracks allocation, without substitution, would accordingly be to bring the allocated retail warehouse floorspace capacity within Maidstone District within the KCC estimate of headroom and well within the MBC estimate. Need for such floorspace would not therefore equate with allocated land supply. However, the latter has been

identified by reference to the locational criteria set out in Policies R1 and R1a of the Local Plan and Policies R1 and R4 of the Kent Structure Plan.

7.95 This analysis places certain of the wider-ranging objections in context. If suitable retail warehouse sites within the Maidstone + Malling Sector come forward within the relevant local plan periods, it would be open to applicants to demonstrate, to the appropriate LPA, that the PPG 6 sequential test has been followed and that an unsatisfied element of need may then and there be accommodated. Such a proposal would of course have to satisfy both Policies R1 and R1a of the then adopted Borough Local Plan as well as Policy R4 of the Kent Structure Plan, at least as far as Maidstone BC is concerned. No doubt comparable policies and procedures would apply to Tonbridge and Malling District. Needless to say, the situation may change in the light of further ministerial statements and future planning guidance. However, there would certainly seem no case now to add or delete any further Local Plan Policy R5 allocations as far as acknowledged and demonstrable headroom requirements are concerned, having regard to the key considerations of site suitability, accessibility and availability.

Detailed Consideration of the Objections

7.96 Objections DR0028, DR0057, CR0006, CR0007, CR0008, CR0009, CR0026, CR0058 and CR0059 are not supported for the reason that the Barracks Site is locationally unsuitable for even restricted retailing of the bulky goods warehouse sort, far less for a wider range of Class A1 use within the core comparison category. This is because the locational and multi-modal criteria of the structure and local plan policies would even less be satisfied if the range of permitted sales were widened. Objection DR0117 is met by PC189 which is endorsed. Objection DR0009 is sustained because detailed design requirements cannot be specified at this stage in a development plan. Objections DR0042 and DR0047 are also sustained but for reasons somewhat different from those advanced by the objector. No further comment is made on the positive suitability of the site for housing.

7.97 Objection DR0068 is concerned with aspects of consultation on retail development which are irrelevant in the light of a recommendation to delete the allocation. Objection DR0093 is supported as far as retail allocation is concerned; no definite recommendation can be made on the suitability of the site for claimed alternative uses in view of the lack of available evidence. Objections DR0135 and DR0136 are also supported and it is concluded that a comparative evaluation of the Barracks and Maidstone East Station Sites suggest that the former fails the various sequential tests whilst the latter would satisfy them. Similarly, Objection DR0138 is supported, not only because of the site's locational characteristics but also because its prominent nature might well demand more prestigious development, not least because of the very fine listed building opposite (see below).

7.98 The Plan also contains Policy R9 which relates to a very prominent site directly opposite the Policy R5 site across Royal Engineer's Road. This is somewhat confusingly also referred to as "The Barracks Site", presumably because of historical land use and ownership reasons. This allocation, for use as a pub and restaurant (change of use and conversion of the derelict listed building on the land) has attracted two objections: DR0046 and DR0071. Both objections have been partly accommodated by PC194. The PC is endorsed and no further

elaboration seems necessary since the type of conversion envisaged is fully covered by Policies R16 and CF16 (both the subject of recommended modification; see later). The reference to a Planning Brief for the site appears to conform to PPG 12 and is accordingly supported.

7.99 Objections CR0043 and CR0045 are not sustained because of the appraisal of the BG Gas Works Site. It has been concluded that retail warehousing development of this extensive site and at the intensity envisaged (see above table) need not necessarily injure the setting of St Peter's Church. This favourable conclusion is reached subject to a detailed modification of the site allocation. The part of the objection relating to design guidance for the Barracks Site is no longer relevant. The objection also seeks to extend the Policy T13 zone west of the river; this would logically run counter to the whole object and purpose of allocating the site under Policy R5. The objection, as far as it relates to overall Policy R5 allocations is not supported because, for the reasons given above, the aggregated allocations are only a modest amount relative to total sectoral need for such specialised retail floorspace. Moreover, as concluded above, the Gas Works site appears to be comparatively the most suited for early development.

7.100 Certain nominally supportive representations (CR0050: Trebor Bassett and CR0065: British Gas) contain suggestions for the future development of the St Peter Street area as a whole. These are taken to imply that the Policy R5 allocation might be extended further on the west side of the street. This would involve an encroachment of the present Policy ED12(vii) allocation. Locationally speaking, this might well be an acceptable option for retail warehouse expansion. However, a loss of employment land would be involved, possibly contrary to the policy content of paragraph 13.19(i) of the adopted Kent Structure Plan. The site might also be landlocked with reference to the rest of the Policy ED12 area. Nevertheless, bearing in mind the possible shortfall of allocated Policy R5 sites and a possible deficit in housing land supply, alternative uses such as retailing and residential might well be given further examination. No recommendation is made on these matters.

7.101 Objection CR0041 is not accepted since the St Peter's Wharf site is considered to be unsuitable for retail warehousing for a number of reasons which have already been set out. Much the most compelling of these reasons is the effect of this form of development on this waterside site and within the obvious setting of St Peter's Church. It has been concluded that development of the Policy R5a site might well not harm the setting of this listed building. On the other hand, it seems fair to conclude that development of the objection site would do so. The matter is particularly important from a Policy ENV9 aspect; it is very hard to see how such development would satisfy criteria (1-4) and (8-10) of the policy in particular. This conclusion is reinforced by having seen the existing examples of recent riverside warehousing, the subject of much adverse comment at the inquiry.

7.102 Objection CR0045 is not sustained because of the nature of the Local Plan proposals and the size and location of the Policy R5b allocation at Maidstone East Station. The site is quite obviously highly accessible and capable of being reached by a variety of modes of transport. Above all, it is located at the end of the pedestrianised area of the town centre. It may well be that the residential capacity of the site will be maximised following a detailed study and design appraisal. This would have the welcome effect of slightly but significantly

boosting the town centre residential population (see R4). The warehouse and residential uses would presumably be segregated laterally and the circulation areas and car parking levels segregated vertically. It will not be an easy site to develop but it seems that it is the intention of the landowners to do so and prima facie the allocation appears appropriate.

RECOMMENDATIONS

7.103 Modify the Plan, generally in accordance with Proposed Change 188, but delete reference to “four sites” in paragraph 7.50 and delete its last sentence and paragraphs 7.51 and 7.52.

7.104 Do not modify the Plan in accordance with Proposed Changes 189-190.

7.105 Modify the Plan, generally in accordance with Proposed Change 191, but delete Policy R5, all consequential references to the Barracks Site and the criteria (1-7) attached to both Policies R5a and R5b.

7.106 Modify the Plan, generally in accordance with Proposed Change 194, but make reference to “The White House” in place of “The Barracks Site” in the heading before paragraphs 7.66-7.69.

7.107 No other modifications to the Plan in response to these objections.

R6 - Core Shopping Area

Objections DR0013 - Government Office for the South East
 DR0038 - Halifax PLC
 DR0060 - Prudential Assurance Company
 DR0069 - Natwest Group
 DR0096 - BSF Planning Consultants

Proposed Change 192

Issues

- (a) whether the content of Policy R6 adequately reflects the relevant planning policy advice currently contained in PPG 6.
- (b) the extent to which the identification of the Policy R6 core area will sustain the viability and vitality of town centre shopping.
- (c) the inter-related nature of the existing core comparison shopping areas with those proposed for future development under Policies R3 and R4.

Conclusions

7.108 Objection DR0013 is met by PC192, which is endorsed. Policy R6 seems admirably explicit in that it is the intention to retain the present predominance of Class A1 uses at ground floor level. The welcome effect of this, taken together with the definition of the policy area, would be to link the two anchor elements of the town centre. This would result in the existing Chequers Centre (R6) being linked with the proposed Policy R3-4 retail development areas. The extent of the existing Week Street-High Street-King Street-Gabriel's Hill frontages taken into the Policy R6 area is clearly confined to that fringing the direct shopper route between the two anchors. Within this mainly pedestrian core, Class A2-A3 representation is quite visibly limited at present.

7.109 Objections DR0060, DR0069 and DR0096 are not supported because the Policy R6 restrictions as to retail change of use appear consistent with PPG 6 (Town Centres and Retail Development) advice. The key paragraph in PPG 6 is 2.26 which advises that: *"town centres are...the focus for uses that generate a large number of trips....focusing development there can make it easier to provide good public transport or enable one car journey to serve several purposes"*. This strategy is amply evident in the way in which the three levels of shopping zone have been overlaid on the structure and physical relief of Maidstone Town Centre. The essential point is that the Policy R6 zone is virtually dead level (at about 17 m AOD in the vicinity of the historic crossroads).

7.110 The available evidence is that about 25% of the policy area frontages are given over to non-A1 uses. Without explicitly laying down a percentile limit, Policy R6 in effect identifies the prevailing concentration of A1 uses and also the area of maximum accessibility by all modes of transport. The point has been made earlier (see T19(i) that the overall R3-R4-R6 core area will actually be quite extensive. In order to maximise opportunities for trip linkage, it is important that the core comparison shopping area is kept compact and cohesive. It is also important that foot traffic is encouraged (by ease of movement) and retail vitality thereby supported along the most level part of the town centre network.

7.111 Objection DR0038 cannot be supported as regards the claim that no review of the core area has effectively been made since the preparation and adoption of the current development plan (CD14). There has clearly been a reappraisal and significant alteration of both retail policies and policy areas since the plan's adoption in 1993. This review has obviously been informed by the revision of PPG 6 in June 1996. In particular, advice contained in paragraph 4 of Annex B is seemingly followed with regard to the key shopping area around the Queen Victoria Monument. This policy shift is clearly reflected in the local and exemplary design of paving and street furniture, the subject of advice in paragraphs 2.33-2.38 in PPG 6.

RECOMMENDATIONS

7.112 Modify the Plan in accordance with Proposed Change 192.

7.113 No other modification in response to the above objections.

R7 - Secondary Shopping Areas

Objection DR0010 - Government Office for the South East

Proposed Change 193

Issue (a) whether the policy formulation is flexible enough to allow a diversity of retail and related uses but precise enough for development control purposes.

Conclusions

7.114 Objection DR0010 would appear to be met by PC193, which is accordingly endorsed, especially in the light of GOSE support. On inspection, the R7 policy areas all fulfil a most useful supportive role in the highly accessible, predominantly pedestrian but less obviously densely trading approaches to the central core of the retail area. Although not the subject of objection, the use of the words “*singular*” and “*and/or*” and “*considered to be*” in the policy formulation seems a little ambiguous. The criterion R7(2) might be better and more clearly expressed as “*the individual or the cumulative impacts of such uses are not detrimental....*” and is accordingly recommended.

RECOMMENDATIONS

7.115 Modify the Plan, generally in accordance with Proposed Change 193, but with criterion R7(2) re-worded as follows:

“(2) THAT THE INDIVIDUAL OR THE CUMULATIVE IMPACTS OF SUCH USES ARE NOT DETRIMENTAL TO THE FUNCTION OF THE AREA AND THE RANGE OF FACILITIES PROVIDED; AND,”

7.116 No other modification in response to the above objections.

R8 - Tertiary Town Centre Areas

Objection DR0036 - Peugeot Motor Company PLC

Issues (a) whether the range of land uses within fringe retail areas of the town centre ought to be made more flexible.

(b) the appropriate inclusion of a certain backland site and buildings within a policy area concerned primarily with frontage continuity and vitality.

Conclusions

7.117 Objection DR0036 is concerned with a large and very prominent site on the fringe of the town centre at Mill Street and Bishops Way. The buildings on the site are of some

architectural and historic interest and contain frontage showrooms and offices, in loosely *Art Deco* style. They stand on Mill Street, with an extensive and broadly similar 1930s industrial building behind, parallel to Palace Avenue. The backland building is largely landlocked because of being set behind a large area of impounded water, formerly a millpond. The objection seeks to clarify the precise future impact of Policy R8 and the site's overall inclusion within the tertiary or fringe area surrounding the town centre. The suggestion is made that all tertiary retail areas should support Class B1 uses if appropriate.

7.118 It is clearly not reasonable to vary the precise terms of an overall town centre policy simply to accommodate the future development potential of a single site. The policy is based on a desire to keep fringe frontage property within lively retail and residential uses. This is in order to maintain local vitality and interest for social and economic reasons. The inclusion of Class B1 uses would not seem specifically to address these aims. However, there is no very obvious reason for including more than the main site frontage in this case. The architectural interest of the backland building suggests that its exclusion from the tertiary retail area and its inclusion in the adjacent Policy ED12(xix) allocation might be suitable and allow a wider range of future uses.

RECOMMENDATION

7.119 Modify the 1:2500 scale Inset Proposals Map by the deletion of the industrial portion of the Mill Street objection site from the Policy R8 notation and its inclusion within the Policy ED12(xix) notation .

R10 - Local Centres

Objections	DR0002 - Boxley Parish Council
	DR0006 - Headcorn Parish Council
	DR0011 - Government Office for the South East
	DR0048 - Ms C Morgan
	DR0075 - Kent County Council
	DR0143 - Bearstead Amenity Society
	CR0047 - Tesco Stores Limited

Proposed Changes 172, 195 and 196

Issues	(a) whether the category of local shopping ought to encompass retail facilities in defined centres both within the urban area and within rural settlements.
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- (b) the need to specify, as part of a policy directed primarily at the maintenance of local shopping, criteria governing the establishment of new centres.
- (c) the appropriateness of including specific restrictions, applicable to a single centre, within a district-wide policy.
- (d) whether the extent of defined local centres ought to be governed by existing or by potential retail uses or outlets.

Conclusions

7.120 Objection DR0006 has been fully accommodated by PC195. Site inspections here and elsewhere within the range of district and local centres confirm the appropriate inclusion of Headcorn village centre (map 55: TQ 8344) within the Policy R10 category. Conversely, objection DR0048 cannot be supported since a site inspection confirms the Council's earlier unfavourable assessment. Willington Street (map 30: TQ 785 529) self-evidently lacks the full range of shops and services envisaged in Policy R10. Equally importantly, it is within the obvious and overlapping catchment areas served by the already identified local centres in this part of Maidstone (ie R10(ix)(xi) and (xii)). There would accordingly seem little prospect of its attaining local or district centre status or any obvious or demonstrable need for additional retail facilities in this suburban area.

7.121 Objections DR0011 and DR0075 are respectively met by PCs195 and 172+196, which are endorsed, the last one only in part. Objection CR0047 merits support because both paragraph 7.73 and the text of Policy R10 (if changed as proposed) would lay down a limit of 1000 sq m on supermarkets in deficiency areas. This unduly prescriptive limit seems to run counter to the advice of PPG 6 (paragraph 3.19). Here it is advised that new local supermarkets should be "appropriately-sized". When considering applications in deficiency areas, the Council will no doubt wish very closely to match the new provision with any existing deficiency, with particular attention to Policies R1(1) and (3)(as now recommended for modification). In this light, it does not appear to be necessary precisely to set threshold limits or to designate specific areas of deficiency or to restrict the policy to them.

7.122 Objection DR0002 relates to the existing district centre at Grove Green (map 14: TQ 784 561) on the northern edge of Maidstone. Site inspection showed it to be a very well laid out and easily accessible modern centre with integral parking provision and a range of facilities. The objection cannot be supported since it calls for unspecified restrictions on future hours of opening and incremental floorspace. This is inappropriate in a local development plan; the probable extent of the centre is implicit in its policy definition. Any future restrictions on floorspace or hours of trading can only be considered as and when planning applications are made and determined under Policy R1, among others. Any problems arising from non-compliance with existing or future planning conditions are for the Council to deal with by discretionary enforcement action under Part VII of the Planning Act.

7.123 Objection DR0143 does not oppose Policy R10 generally and its definition of its areas (ii) and (viii) but considers that area (iii) at Bearstead (map 22: TQ 801 559) ought to be

extended, by including a specific property. Leaving aside the fact that the site in question is noted as a 8-dwelling housing commitment (WS paragraph 4.17(vii)(as amended by PC75)), the objection is somewhat misconceived and cannot be supported. The reason is that Policy R10 seeks primarily to protect *existing* retail uses and community facilities. It does not fulfil an advocacy role in seeking to extend established and identified centres. Any such extensions or additions would, like new local centres themselves, fall to be considered under Policy R1, as already noted.

7.124 Although not the subject of objection, it may be commented that the introductory first sentence of Policy R10 (as proposed for change) contains a succinct statement of planning aims rather than a land use planning policy as such. Accordingly, in the light of good practice advice contained in CD46, the Council may wish to consider its deletion since it is an aim which is already effectively set out in paragraph 7.70. The second sentence of the policy is also a statement of planning purpose. The Council might wish to consider an alternative formulation such as *“The Borough Council will maintain existing retail uses in the defined local centres, consistent with their scale and function, and development which would harm their vitality and viability will not be permitted.”* No formal recommendation is made.

RECOMMENDATIONS

7.125 Modify the Plan in accordance with Proposed Changes 172, 195 and 196, except that Policy R10 (last two paragraphs) and paragraph 7.73 should read as follows:

“7.73 As noted, there are also parts of the town that are under-provided with district or local centres. There are particular deficiencies.....especially in relation to pedestrian and public transport access. In principle, the Council will support proposals to develop new local centres in areas deficient of such facilities, provided that.....in order to improve its convenience goods representation.”

“R10 (following R10(xix)) PROPOSALS FOR FURTHER CLASS A1 RETAIL DEVELOPMENT WILL BE PERMITTED IN, OR IMMEDIATELY ADJACENT TO, EXISTING DISTRICT OR LOCAL CENTRES, SUBJECT TO THE APPROPRIATE CRITERIA IN POLICIES R1 AND R1a.

THE COUNCIL WILL PERMIT THE DEVELOPMENT OF NEW LOCAL CENTRES, ANCHORED BY A CONVENIENCE STORE OR SUPERMARKET, PARTICULARLY IN AREAS DEFICIENT OF SUCH FACILITIES, SUBJECT TO THE APPROPRIATE CRITERIA IN POLICIES R1, R1a, R11 AND R14. THE DEVELOPMENT OF NEW DISTRICT CENTRES WILL NOT BE PERMITTED.”

7.126 No other modification in response to the above objections.

R11 - Local Convenience Shops and Facilities

Objections DR0018 - Government Office for the South East
DR0049 - Ms C Morgan

DR0076 - Kent County Council
DR0084 - Marden Society

Proposed Change 197

- Issues**
- (a) whether economically or physically disadvantaged groups in the local community ought specifically to be identified in the policy.
 - (b) whether policy protection ought to be extended to Class A2 and A3 facilities generally or to those which may be of local community interest or value.

Conclusions

7.127 Objections DR0018 and DR0076 are met by PC197 and PC195 respectively and are endorsed. Objection DR0049 may be met by a slightly more general reference to the less favoured and vulnerable members of local communities who are, indeed, difficult to identify in advance and in the absence of specific development proposals. Objection DR0084 cannot be entirely supported because Class A2 and A3 facilities are in general economically secure and consequently do not require specific planning policy protection. Indeed, the thrust of local and national policies is generally to resist their incursion into core shopping areas. However, banks and public houses very often function as a valued community resource in isolated settlements and elsewhere and might well also be included.

RECOMMENDATIONS

7.128 Modify the Plan's Written Statement by inserting the following sub-heading before paragraph 7.74:

“Local Convenience Shops and Facilities”

7.129 Modify Policy R11 of the Plan to read as follows:

“POLICY R11 IN CONSIDERING PLANNING PROPOSALS WHICH WOULD INVOLVE OR REQUIRE THE LOSS OF EXISTING POST OFFICES, PHARMACIES, BANKS, PUBLIC HOUSES OR CLASS A1 SHOPS SELLING MAINLY CONVENIENCE GOODS, PARTICULARLY IN VILLAGES, CONSIDERATION WILL BE GIVEN TO THE FOLLOWING:

- (1) FIRM EVIDENCE THAT THE EXISTING USES ARE NOT NOW VIABLE AND ARE UNLIKELY TO BECOME COMMERCIALY VIABLE;**
- (2) THE IMPACT ON THE LOCAL COMMUNITY AND ESPECIALLY ON THOSE ECONOMICALLY OR PHYSICALLY DISADVANTAGED;**

-
- (3) **THE AVAILABILITY OF COMPARABLE ALTERNATIVE FACILITIES IN THE VILLAGE OR THE LOCAL AREA; AND,**
- (4) **THE DISTANCE TO SUCH FACILITIES AND THE AVAILABILITY OF TRAVEL MODES OTHER THAN BY PRIVATE MOTOR VEHICLE.”**

7.130 Do not modify the Plan in accordance with Proposed Change 197.

7.131 No other modification in response to the above objections.

R11a - Farm Shops

Objections CR0062 - Alan Firmin (Linton) Limited
CR0066 - Linton Parish Council

Proposed Changes 176 and 198

Proposed Further Change 15

- Issues**
- (a) whether modifications are called for with respect to both Policies R1 and R11a regarding all rural retailing enterprises, including farm shops.
 - (b) the planning relevance and practical application of all the various criteria (1-8) proposed to be attached to the new policy for farm shops.
 - (c) the extent to which the additional policy R11a ought to be cross-referenced to other policies of the Plan, such as ENV52 and ED20.

Conclusions

7.132 Policy R11a is proposed for insertion in the Plan by PC198 and, to an extent, meets objections to the wording of Policy R1 (ie objections DR0034 and DR0113 (see R1 earlier)). Objection CR0062 may be accommodated, to a degree, by modifying Policy R1 but it cannot be supported in the context of a policy specifically directed at farm shops and farm produce sales. The advice set out in PPG 7 (The Countryside) is concerned with rural enterprise in the broadest sense but does not specifically address the general question of retailing. There is an essential difference between the sale of fresh agricultural *produce*, grown locally, and the sale of the manufactured *products* of rural enterprise. The former clearly benefits from local outlets; the latter are inherently much more easily capable of transport and remote sale.

7.133 Objections CR0056 and CR0066 are partly accommodated by PC176 and FC15 which are endorsed (as far as they relate to WS paragraph 7.28). Objection CR0066 has some merit in that it clearly has some congruence with Policy ENV51. Indeed, it would seem that certain of the new Policy R11a criteria effectively duplicate other policies of the Plan. For the sake of simplicity, they ought to be reduced in number. Objection CR0066 has merit in that it is probably out of place to prescribe sales limits on bought-in and non-food items in a development plan policy. The essentially restrictive policy content should stand. However, thresholds related to aspects of trading and annual turnover are better placed in the supporting text. They may subsequently be reflected in planning conditions when specific cases are judged both on their merits and having regard to the provisions of the Plan.

7.134 Objection CR0066 is also concerned with the future application of a specific policy relating to farm shops. The concern is that farm shops may be established either as open land uses, by conversion or by the erection of new buildings. This does not appear to be a matter that need specifically be addressed in Policy R11a. The reason is that the policy is concerned with the volume and type of sales, as an exception to retailing restrictions in the countryside. It need not deal with the detailed environmental impact of open land sales or buildings, be they new construction or conversions. These are matters which fall to be dealt with under Policies ENV29, ENV51, T13 and T23. Provided that adequate cross-references are made in the supporting text, these other policies may collectively be relied upon for development control purposes.

RECOMMENDATIONS

7.135 Modify the Plan in accordance with Proposed Change 176 and Proposed Further Change 15 to the extent that they relate to paragraph 7.28 of the Plan's Written Statement.

7.136 Modify paragraphs 7.78-7.80a, generally in accordance with Proposed Change 198, so that they read as follows:

“7.78 As stated in Policy R1, the Council views retailing in the countryside as generally inappropriate. It believes that the countryside should be protected, in its own right, from harmful development and this is given expression in Policy ENV29. It is inconsistent with the principles of sustainable development that urban dwellers should drive into the countryside to find retail outlets. These should be located in the town centre or district and local centres or villages. Many village shops are of marginal viability and receive remittance on their Uniform Business Rates. Rural local centres and village shops are a key resource in their communities. Anything larger than limited farm shopping might serve to undermine their viability. The Council will resist proposals for rural retail uses, as stated in Policies ENV29 and R1.

7.79 However, a farm shop selling fresh produce grown on the farm does not need planning permission so long as it is ancillary to the running of the farm and that the quantity of any other produce sold is minimal. If it is proposed to extend the range of fresh produce not grown on the farm, for example to allow the retail operation to remain viable or to continue throughout the year, planning permission will be required.

Such permissions may, by condition, restrict the amount of bought-in fresh produce so that it does not represent more than a minority of total annual sales at the farm, as evidenced by trading returns. Such a level might generally be of the order of 33% of total annual sales turnover.

7.80 In considering such applications, most especially if new building or conversion is involved, the Council will have regard to other policies of the Plan. These policies are intended to protect the character, appearance and amenity of the countryside, the established retail hierarchy and to ensure the safety, convenience and free flow of all traffic on adjacent public highways (which may include footpaths and bridleways). The relevant policies include ENV29, ENV51, T13, T23 and R1.

7.80a Planning permission may be granted if proposals are in overall conformity with these policies and if additional produce intended for sale is consistent with farm trading and does not exceed the importation level already mentioned. Such permissions may also, in the interests of securing conformity with Policy R1, impose a condition restricting the proportion of other goods sold. Such other sales, of goods that are not fresh agricultural produce, will be restricted to a marginal level, which will generally be of the order of 10% of total annual sales turnover. Policy R11a is intended to make sure that retail activity is firmly rooted in the farm itself and is helpful to the farm enterprise whilst preventing a proliferation of food shops in the countryside.”

7.137 Modify Proposed Policy R11a of the Plan to read as follows:

“POLICY R11a PROPOSALS INVOLVING RETAIL SALES OUTSIDE DEFINED URBAN AREAS AND VILLAGE BOUNDARIES WILL ONLY BE ALLOWED IN THE CASE OF SHOPS SELLING FRESH PRODUCE AT THE POINT OF PRODUCTION (OR ORIGINATING OFF THE FARM HOLDING) PROVIDED THAT:

- (1) A SIGNIFICANT PROPORTION, BASED ON ANNUAL TURNOVER, OF THE RANGE OF GOODS OFFERED FOR SALE CONTINUES TO BE FRESH PRODUCE GROWN AND SOLD ON THE FARM HOLDING IN QUESTION; AND,**
- (2) THE RANGE OF ANY ADDITIONAL SALE GOODS IS RESTRICTED TO FRESH AGRICULTURAL PRODUCE AND THE OFFER FOR SALE OF OTHER GOODS, INCLUDING PACKAGED OR PRESERVED FOOD PRODUCTS, DOES NOT EXCEED A MINIMAL LEVEL; AND,**
- (3) THE PROPOSAL CONFORMS TO ALL OTHER RELEVANT POLICIES OF THE PLAN, IN PARTICULAR POLICY R1, AND IS NOT DEMONSTRABLY DAMAGING TO THE VIABILITY OF RURAL LOCAL CENTRES AND VILLAGE SHOPS.**

IN GRANTING PLANNING PERMISSION FOR FARM SHOPS, THE COUNCIL MAY IMPOSE CONDITIONS TO RESTRICT THE AMOUNT OF PRODUCE

WHICH ORIGINATES OUTSIDE THE FARM HOLDING IN WHICH THE PROPOSED DEVELOPMENT IS LOCATED AND ALSO TO RESTRICT, WHERE APPROPRIATE, THE PROPORTION OF NON-FOOD AND OTHER ITEMS TO BE SOLD.”

7.138 No other modification in response to the above objections.

R12 - Retail Warehousing

Objections DR0019 - Government Office for the South East
 DR0024 - British Gas PLC
 DR0050 - Ms C Morgan
 DR0119 - Location 3 Properties Limited
 DR0121 - B & Q PLC
 CR0042 - Berisford PLC
 CR0054 - Commercial Union Properties

Proposed Change 200

Issue (a) the extent to which Policy R12 and its supporting text needs revision to bring it into conformity with modifications recommended for Policy R1 and R1a.

Conclusions

7.139 Objection DR0019 is accommodated by PC200 which is endorsed. Objection DR0024 is related to DR0023 and is the subject of consideration elsewhere (see R5). Objection DR0050 is similarly related to DR0047 and Policy R5 allocation. These are met by modification to this policy (see also R5). Objection CR0042 is directed against the non-allocation of St Peter’s Wharf which is considered earlier (see also R5). Objection CR0054 is directed against the word “essential” in Policy R12 and seeks the deletion of paragraph 7.87. This cannot be supported, partly for the reasons which apply to CR0051 (see R1) and partly because paragraph 7.87 (as altered by PC 200) provides an accurate and revised background to Policy R12. This provides adequate flexibility for future planning proposals under Policies R1 and R1a (see also R1). Objection DR0078 has been met by the allocation of further Policy R5 sites; any shortfall in headroom provision would be made up by ad hoc proposals which would duly be considered under Policies R1 and R1a. Objections DR0119 and DR0121 are met to an extent by PC200; in addition, the criteria-based policy which is sought is now effectively provided by Policies R1 and R1a.

RECOMMENDATIONS

7.140 Modify the Plan in accordance with Proposed Change 200, apart from the deletion of “four sites” and “four allocations” in paragraphs 7.85-7.86 and substitution by “three sites” and “three allocations” respectively and by the deletion of the Policy R5 allocation in the text of Policy R12.

7.141 No other modifications to the Plan in response to these objections.

R14 - Superstores and Large Supermarkets

Objections	DR0020 - Government Office for the South East
	DR0037 - Peugeot Motor Company PLC
	DR0065 - Sainsbury's Supermarkets Limited
	DR0073 - Kent County Council
	DR0077 - Kent County Council
	DR0092 - Merlin Land Limited
	DR0127 - Tesco Stores Limited
	DR0128 - Tesco Stores Limited
	DR0130 - Safeway Stores PLC
	DR0132 - BP Oil (UK) Limited
	CR0036 - Safeway Stores PLC
	CR0048 - Tesco Stores Limited

Proposed Changes 202, 208

Issues	(a) whether the allocated use for the East of Chequers Centre site ought to be extended to encompass a wider range of Class A1 uses.
	(b) whether or not the site allocated under Policy R4 would also be suitable for residential use, having regard to its access and location.

Conclusions

7.142 Objection DR0020 is met by PC202, which is endorsed as reflecting the updated headroom requirements. It also reflects the qualitative need for additional convenience retail floorspace within the Policy R4 allocation (East of Chequers Centre) which has now been granted planning permission. Objections DR0037, DR0073 and DR0128 are concerned with the precise definition of the various terms employed in the wording of the Policy R14. These objections are met by PC208 which is endorsed. Objections DR0065 and DR0092 are in part met by PC208 which inserts a policy preference for the Policy R4 allocation. This has been implemented in the sense that a recent permission has been issued for approximately 5000 sq m (gross) of convenience retail floorspace in that location (see also R4).

7.143 Objection DR0077 relates to the definition of district centres and is covered by the response to DR0075 (see R10 earlier). Objection DR0130 is related to the earlier Objection DR0129 (see R1). This has effectively met by the relevant changes made and modifications recommended to Policies R1, R1a, R10 and R14 (as altered by PC202). Objection DR0127 has been met by the updating of the floorspace headroom data and calculations which have been referred to earlier. Objection DR0132 cannot be supported in that a policy reference to

“*smaller convenience stores or supermarkets*” in Policy R14 is entirely appropriate since it is specifically intended to cover the entire range of convenience retail floorspace. In response to related Objection DR0133, it is recommended that a reference to supermarkets at filling stations should be inserted in the supporting text before Policy R1 (see R14a below).

7.144 Objection CR0036 requires that major foodstores and smaller foodstores be respectively permitted within the town centre and elsewhere, subject to the criteria of (revised) Policies R1, R1a and R10. This would appear to be met by PCs 177, 195 and 202, taken together. It is accordingly hard to see how the various chapter 7 policies could collectively be made more flexible and responsive without departing from the guidance of PPG 6 and the concept of sustainable development. Objection CR0048 is directed against the restrictive nature of Policy R14, as combined with Policies R1 and R1a. As noted earlier (see R1) the latter policies have been framed to reflect locational differences between general and specifically major retail development. Since the Policy R14 categories necessarily have to conform to these criteria, it is entirely logical to include a reference to the other policies.

RECOMMENDATIONS

7.145 Modify the Plan in accordance with Proposed Changes 202 and 208.

7.146 No other modifications to the Plan in response to these objections.

R14a - Shops and Petrol Filling Stations

Objections	DR0003 - Mr D W G Sawyer DR0133 - BP Oil (UK) Ltd
Issues	(a) whether it is necessary to adopt a policy governing the establishment of retail floorspace integral with petrol filling stations. (b) if such policy guidance is required during the currency of the plan, whether it is expedient to rely on one which has not been the subject of public consultation.

Conclusions

7.147 Objections DR0003 and DR0133 are effectively opposed to each other. The former suggests that more stringent policy restrictions be placed on petrol filling stations selling things other than motoring items or refreshments; the latter looks for a relaxation of the policy content of paragraph 7.97. Neither can be uncritically supported, in the sense that there is actually no specific policy, as such, in the Plan. What appears in the Deposit Written Statement and is not proposed for change is a heading: “CONVENIENCE SHOPPING”, a

sub-heading: “Shops Associated with Petrol Filling Stations”, a short paragraph of reasoned justification (cross-referenced to Policy R1) but no succeeding policy.

7.148 Given the trend towards quite significant increases in convenience sales at what used to be called petrol filling stations, there is probably a need for local planning policy guidance. As far as this report is concerned, the alternatives are either to suggest that the paragraph be moved to another place in Chapter 7, in support of an explicit policy, or that a new policy be inserted here to complement its apparent justification. The former is preferred and is recommended. The reason is that an additional new policy would not have been the subject of adequate consultation. On the other hand, for development control purposes, some expansion of the reasoned justification of Policy R1 is both necessary and expedient.

RECOMMENDATIONS

7.149 Delete paragraph 7.98 and insert it after paragraph 7.27 and to read as follows:

“7.27a Over the past few years, an increasing trend has been the establishment of a shop or a small supermarket as part of the development or redevelopment of a roadside filling station. These establishments are often designed as supermarkets and some of them are quite large. It is recognised that such shops or supermarkets, if accessibly located, reasonably sized and carefully sited, may fulfil a local need where neighbourhood shopping is either deficient or totally absent. However, the Council is concerned that such shops might provide a threat to the continued viability of established local shops. This is especially the case in or near rural settlements since both local and passing trade may be diverted. In assessing such proposals, careful consideration will be given to the provisions of Policies R1, R10 and R11.”

7.150 No other modification in response to the above objections.

R15 - Amusement Centres

Objections DR0014 - Government Office for the South East
DR0124 - Disabled Persons Liaison Committee

Proposed Change 204

Issue (a) how to define the sensitive areas where the establishment of amusement centres might be inappropriate and accordingly should be resisted.

Conclusions

7.151 Both objections DR0014 and DR0124 are met by PC204. The policy sets out to define areas and places which might be sensitive to the visual or other impact of amusement centres. Although it is clear that the policy intends to protect both conservation areas and listed buildings and their settings, the phrase *“other places of special architectural or historic interest”* is vague and ambiguous. It will in any case be necessary for the Council most

carefully to assess the impact of any sort of development upon conservation areas, listed buildings and their settings (which are generally somewhat wider than their curtilages). Nevertheless, it is probably advisable to alert intending developers of the specific policy restraint operating in such situations.

7.152 Although they were not the subject of objection, the other criteria (2-6) largely appear to duplicate other policies in the Local Plan. Given the existence of a parallel policy on public entertainment (see CF16) it is doubtful whether any of the criteria are necessary at all; criterion (1) being eminently capable of being incorporated in the main body of the paragraph. It does not seem at all appropriate to refer to intrusiveness in the landscape in the context of the town centre; the existence of Policies R7 and R8 would seem to offer adequate control over amusement centres. The policy is therefore the subject of recommended wording which will have the effect of shortening it but retaining its essential force.

RECOMMENDATIONS

7.153 Modify Policy R15 of the Plan to read as follows:

“POLICY R15 THE COUNCIL WILL PERMIT AMUSEMENT CENTRES WITHIN THE SECONDARY OR TERTIARY TOWN CENTRE AREAS, PROVIDED THAT SUCH PROPOSALS WOULD NOT BE DETRIMENTAL, BY REASON OF THEIR UNDULY CLOSE PROXIMITY, TO RESIDENTIAL PROPERTY, SCHOOLS, PLACES OF WORSHIP, HOSPITALS OR HOTELS OR TO THE CHARACTER OF THEIR SURROUNDINGS, BY THEIR LOCATION WITHIN CONSERVATION AREAS OR WITHIN BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST (OR THEIR SETTINGS).”

7.154 No other modification to the Plan in response to the above objections.

R16 - Restaurants, Cafes and Licensed Premises

Objection DR012 - Disabled Persons Liaison Committee

Proposed Change 205

Issue (a) whether ease of access for disabled people ought specifically to be extended to all on-site facilities provided in association with catering premises.

Conclusions

7.155 Objection DR0125 is met by PC205. Nevertheless, the question of disabled access in the case of *all* forms of development involving land or buildings open to the public is covered by Policy T25 (which is not the subject of objection). Although it was not the subject of objection, the use of the term “core shopping area” is a little confusing and a specific

reference to Policy R6 would be helpful. In addition, criteria (3-7) either duplicate other policies in chapters 6 and 7 of the Local Plan or may be the subject of planning conditions (criteria 4, 6 and 7) or are not land use planning considerations (ie criterion 5). Accordingly, Policy R16 is recommended for substantial modification.

RECOMMENDATIONS

7.156 Modify Policy R16 of the Plan to read as follows:

“POLICY R16 THE COUNCIL WILL PERMIT HOT FOOD SHOPS, RESTAURANTS, CAFES, BARS AND PUBLIC HOUSES OUTSIDE THE CORE SHOPPING AREA TO WHICH POLICY R6 APPLIES, PROVIDED THAT THE FOLLOWING CRITERIA ARE MET:

- (1) **THAT THERE IS NO DETRIMENTAL EFFECT, BY REASON OF HOURS OF OPENING, FUMES AND SMELLS OR NOISE AND DISTURBANCE, TO NEARBY OR ADJOINING USES AND ESPECIALLY RESIDENTIAL AMENITY; AND,**
- (2) **THAT THE EFFECT OF ONE OR A CONCENTRATION OF SUCH USES WOULD NOT BE DETRIMENTAL TO THE VITALITY AND VIABILITY OF ANY DISTRICT OR LOCAL CENTRES WITHIN WHICH THEY MAY BE LOCATED.”**

7.157 No other modification to the Plan in response to the above objection.

R17 - Vehicle Sales and Showrooms

Objections DR0001 - Mr A C Tomlin
 DR0007 - South Maidstone Traffic Action Group
 DR0081 - Tovil Parish Council
 DR0083 - Mr & Mrs Holland
 DR0126 - Disabled Persons Liaison Committee

Proposed Change 206

Issue (a) the suitability of the sites allocated under Policy R17 for vehicle sales or showrooms, having regard to the likely range of conforming trading activities.

Conclusions

7.158 Objection DR0126 is met by PC206. However, many of the same comments as were made regarding Policies R15 and R16 are broadly applicable. The Council is recommended to alter the wording since many of the same planning considerations apply. However,

disabled access may be less of a problem because of the characteristics of the land use in question. The other objections are site-specific and the allocated land has all been inspected. In these cases, none of the landowners in question seem to have made critical or contradictory representations and are accordingly assumed to be in full accord with the relevant proposals. In the circumstances, it has also been assumed that the relevant development will only occur if a commercial need for it either exists or is likely during the currency of the Plan.

7.159 Objections DR0001, DR0007 and DR0081 relate to an apparently disused quarry site at Farleigh Hill, Tovil (map 21: TQ 752 541). The objections cannot be supported since the land in question would appear unsuitable for public open space. This is, in any case, allocated in an urban fringe location alongside. Given the problems of methane migration from the land formerly in use for refuse disposal, buildings for Class B1 or B2 uses might be difficult to construct. In view of the site's limited accessible road frontage and visibility, it might well attract specialised used car or spare parts sales. Both of these uses are *sui generis* and are assumed to fall into categories which the Council would regard as generally conforming to Policy R17. The site is not especially easy of access but this objection is offset by its obscurity and the low impact on nearby residential areas.

7.160 Objection DR0083 cannot be supported because the site (map 32: TQ 866 525) appears on inspection to be conspicuously unsuitable for either open space or allotment use. The reasons are that it is detached from the main settlement by the A20 Maidstone-Ashford road and also immediately to the north of the narrow safeguarding zone for the Channel Tunnel Rail Link. Given the close proximity of the high speed railway (now currently under construction) and the parallel M20 motorway, neither of these alternative uses appear propitious. On the other hand, the size and prominence of the site argue strongly for the allocated use, especially given the current tendency for car sales to seek larger sites in urban fringe locations.

RECOMMENDATIONS

7.161 Modify Policy R17 of the Plan to read as follows:

“POLICY R17 THE COUNCIL WILL PERMIT VEHICLE SALES AND SHOWROOMS AND ANCILLARY FACILITIES IN THE FOLLOWING AREAS, AS DEFINED ON THE PROPOSALS MAP:

[Allocations R17(i) to (xii) as set out in the Deposit Version of the Written Statement]

PROVIDED THAT ALL OF THE FOLLOWING CRITERIA ARE MET:

- (1) THAT THE SALEROOM OR OPEN SALES AREAS ARE COUPLED WITH A SUBSTANTIAL ELEMENT OF CLASS B2 (GENERAL INDUSTRIAL) FLOORSPACE;**
- (2) THAT THERE IS NO DETRIMENTAL EFFECT, BY REASON OF HOURS OF TRADING, FUMES AND SMELLS OR NOISE AND DISTURBANCE, TO NEARBY OR ADJOINING USES AND RESIDENTIAL AMENITY; AND,**

- (3) **THAT ARRANGEMENTS FOR GENERAL ACCESS, CUSTOMER AND EMPLOYEE PARKING, SALES DISPLAY AND VEHICLE DELIVERY ARE ADEQUATE.”**

7.162 No other modification to the Plan in response to the above objections.

R18 - Living Over the Shop

Objection DR0015 - Government Office for the South East

Proposed Change 207

- Issues**
- (a) the precise range of former or existing uses to which Policy R18 should be applied, in the interests of maximising residential capacity.
 - (b) whether or not it is important for the policy to specify independence of access to secure the retention or increase of living accommodation above retail uses.

Conclusions

7.163 Objection DR0015 is met by PC207. However, the policy as proposed for change is a little lacking in precision for development control purposes. “*Similar uses*” might be a difficult definition to apply and the term “*other retail-type or business uses*” would more precisely apply the policy to both *sui generis* retail uses (see PC208) and also to Class B1 business uses. These activities are commonly to be found in former residential accommodation and also in shopping parades in residential areas. In addition, it is presumably *independent* means of access which the policy seeks to retain; internal staircases and the like would scarcely be at risk within shop and other premises which do not offer self-contained accommodation.

RECOMMENDATION

7.164 Modify the Plan in accordance with PC207 with the exception of the first two paragraphs of Policy R18 which should read as follows:

“POLICY R18 THE COUNCIL WILL NOT PERMIT THE REMOVAL OF INDEPENDENT MEANS OF ACCESS TO THE UPPER FLOORS OF PREMISES (WHICH ARE OTHERWISE SUITABLE FOR RESIDENTIAL OCCUPATION) WHERE THE GROUND FLOOR IS (OR LAST WAS) IN EITHER CLASS A1-A3 RETAIL OR RETAIL-TYPE USES OR CLASS B1 BUSINESS USE.

CHANGE OF USE FROM RESIDENTIAL ACCOMMODATION IN PREMISES WHERE THE GROUND FLOOR IS (OR LAST WAS) IN THE ABOVE RANGE OF USES WILL NOT BE PERMITTED UNLESS IT CAN BE SHOWN THAT THE

ACCOMMODATION IS, BECAUSE OF LOCATION, DESIGN OR LACK OF FACILITIES, NO LONGER OR POTENTIALLY SUITABLE FOR OCCUPATION.”

R19 - Retail Monitoring

- | | |
|------------------|---|
| Objection | DR0052 - Ms C Morgan |
| Issues | <p>(a) whether the monitoring provisions of Chapter 7 of the Plan include the appropriate retail allocations.</p> <p>(b) whether monitoring should assess levels of provision or access to retail and other services, as distinct from recording emerging patterns of land use.</p> |

Conclusions

7.165 Objection DR0052 is merely a reiteration of DR0047 which opposes the allocation of the Barracks site for retailing. Accordingly it is dealt with elsewhere in this report (see R5). The earlier conclusions and recommendations regarding the monitoring aspects of the Plan equally apply to Chapter 7 (see T26). The only additional comment that need be made is that household access to retailing and other related services is a subject where monitoring would appear to be especially important. Indeed, the successful implementation of Policy R10 (in particular) might well hinge on comparative analysis of reliable land use survey data and up to date demographic information. In the circumstances, a recommendation along the lines of that made earlier (for Chapter 6) seems fully appropriate.

RECOMMENDATION

7.166 Modify paragraph 7.122 (1-6) of the Plan in accordance with the advice contained in paragraphs 2.17-2.19 of PPG 12.

R20 - Additional Retail Allocations

- | | |
|-------------------|---|
| Objections | <p>DR0051 - Ms C Morgan</p> <p>DR0115 - Maidstone & Mid Kent Chamber of Commerce</p> <p>DR0141 - South Thames Regional Office of the NHS Executive</p> <p>DR0144 - Highways Agency</p> <p>DR0145 - Spinnaker Properties Limited</p> |
| Issues | <p>(a) whether any or all of the proposed additional allocations would improve retail coverage or meet any deficiencies in local provision.</p> <p>(b) whether there are either policy-based or site-specific objections to any or all of the proposed additional retail allocations.</p> |
-

Conclusions

Church Street: Suggested Retailing Allocation

7.167 Objections DR0051 and DR0141 both concern the land and buildings at the Ophthalmic (Eye) Hospital, located on Wyke Manor Road and Church Street in Central Maidstone (Town Centre Inset Map: TQ 762 559). The objections both call for redevelopment proposals in the form of a specific allocation. Neither can be supported since the precise positioning of the site imposes severe development constraints. It is located within the Holy Trinity Church Conservation Area; all development proposals would therefore be the subject of Policies ENV12-15. They would be very much influenced by the settings of both the Eye Hospital and Trinity Hall (formerly Holy Trinity Church) which are listed buildings. In addition, Policy T13 would act severely to restrict the amount of on-site and non-operational parking and the surrounding conservation area is of conspicuously poor layout as regards road widths, vehicle access and general ease of pedestrian circulation.

7.168 On the other hand, the site of the apparently now redundant hospital and the adjacent vacant frontage land would seem to offer some limited retail development potential, consistent with Policy R8 of the Plan. This policy envisages a possible mix of retail, office services, catering, hotel, residential, institutional and entertainment uses. Given the latent environmental assets of the immediate area, which include statutory and locally listed buildings, attractive open space and close proximity to the town centre, an imaginative scheme of redevelopment can easily be conjectured. However, given its complexity, redevelopment might well call for a detailed planning brief that would be for the Council to prepare. Without such a brief, a firm allocation in the Plan would be both premature and unwise.

Notcutts Site: Suggested Retailing Allocation and Development Guidelines.

7.169 Objection DR0115 relates to the Notcutts Site (map 14: TQ 780 570). The site is located north of Bearstead Road (previously the subject of local improvement Policy T19(xi)). It is also bounded by the access spur (A249) leading to junction 6 of the M20. The objection seeks to have the site, currently in use as a very large garden centre, allocated for retail and other leisure purposes. This objection cannot be supported, for a variety of site-specific and policy-related reasons. The recently observed level of trading on the highly prominent site is at present about as much as its sensitive location and somewhat restricted access would allow without detriment to its surroundings. Moreover, its presumably permanent urban edge location suggests that its limited multi-modal accessibility is likely to remain restricted.

7.170 The urban edge of Maidstone has been defined in the Plan in relation to significant constraints, including ENV37 (Special Landscape Areas) and ENV43 (Sites of Nature Conservation Interest) designations. Given the value of the narrow buffer zone between the M20 motorway and the CTRL (now under construction), intensification or consolidation of the objection site as a result of retail allocation would seem singularly unwise and inappropriate. The only available road access is uncomfortably close to nearby major and

minor gyratory junctions. It is possible that retail development might partly serve, under Policy T23, to bring forward the delayed Policy T19(xi) improvements. Against this must be set the unfavourable location relative to Policy T22(2), with particular reference to secure, safe or segregated access by foot and cycle traffic.

Boxley Road (Walderslade): Suggested Retail and Petrol Filling Station Allocation

7.171 Objection DR0144 relates to a roadside (B2097) site on the extreme southern edge of the Medway Towns conurbation (map 2: TQ 772 616). The proposed allocation cannot be supported for several policy and site-specific reasons. Although the subject of a lapsed 1988 planning permission, the provisions of the Local Plan indicate that future roadside retail redevelopment would be inconsistent with overriding environmental and access considerations. Chief amongst these are the site's inclusion within the ENV38 (Areas of Local Landscape Importance) designation. The latter is particularly important since site inspection revealed that its depth is such as physically to preclude the remedial landscaping as argued in the supporting representations. It may be concluded that the extensive redevelopment of the site would be locally intrusive and likely to diminish the future effectiveness of the strategic gap in question.

7.172 The redevelopment which is envisaged would appear also to run counter to Policy T22 in that multi-modal access could not be reliably assumed. The site is (and presumably will remain) largely rural in character and is detached from the nearest residential area by a primary distributor route. In addition, its customers would come by car, which mode would not enjoy universally safe or convenient access. Leaving aside the somewhat indeterminate future of the Medway Towns Southern Peripheral Road (see T19.2), off which it would presumably have direct access, the proposed redevelopment might well induce undesirable traffic from the south. The access roads from this direction are Bell and Yelstead Lanes and Harp Farm Road. Not only are these of conspicuously poor width and alignment but they do not even enjoy local distributor status in the Local Plan. They are thus fitted mainly for frontage access purposes.

Staplehurst Station Yard: Suggested Supermarket Allocation

7.173 Objection DR0145 relates to the vacant and disused railway goods yard at Staplehurst (map 54: TQ 783 444). The land is included in the Policy T7 area (ie it is safeguarded as railway operational land). Its possible redevelopment for retail use is not opposed by Railtrack but would require the sanction of the Rail Regulator. It adjoins a large commuter car park and the main A229 Hastings-Maidstone road (which the Local Plan defines as a primary distributor route). Land to the south and west is respectively allocated for vehicle sales and Class B1-2 business and industrial uses in the Local Plan; some of this land is in active use at present. This land was previously intended to be circumscribed by the Staplehurst Western Bypass, now no longer proposed (see T19.3). The proposed supermarket would be rather more than a kilometre due north of the established local shopping centre in the middle of Staplehurst.

7.174 The proposed supermarket would run to about 2500 sq m gross floorspace and would thus represent a "major proposal" as defined by Policy R1a (see R1). The existing local

centre in the middle of Staplehurst is defined as such (see Policy R10(xix)) in the Local Plan (as currently proposed to be altered by PC195). The various arguments regarding the availability of district-wide “headroom floorspace” (ie the amount of additional convenience shopping capacity which might or might not be justified by future growth in household expenditure) appear inconclusive. This is because it is very difficult reliably to assign a specific catchment boundary in the case of a predominantly rural and low-density area such as the extensive southern half of Maidstone District.

7.175 Moreover, even if the objectors’ estimates of sustainable floorspace were accepted, the precise locational and access characteristics of the site strongly suggest a severely restricted resident population within easy daily reach of the supermarket by a variety of modes. This much is accepted by the objectors, who regard the proposed supermarket and the existing local centre as having complementary (ie both weekly and daily shopping) functions. On the contrary, local factors might combine to result in the two de facto centres being primarily split as to means of access and custom. That is, vehicular and passing trade on the one hand and walk-in and local trade on the other. The volume of commuter interchange traffic and the availability of parking would tend to favour the new as against the established shopping centre.

7.176 The pattern, frequency and characteristics of the available rail and bus services suggest that they are unlikely to support genuine multi-modal accessibility from whatever catchment area might be established. That is because of the linearity of their service pattern; essentially the substantial new convenience store would be competing with established centres. These include Staplehurst itself, Paddock Wood, Marden and Headcorn, as well as the southern fringes of the Maidstone urban area. It is instructive to note the recent and successful establishment of a small local supermarket of some 300:500 (net:gross) sq m floorspace at Headcorn. Site inspection of this retail facility, located in the centre of the Policy R10(xvi) defined area, suggests that it is proportionate and truly complementary to the established shopping centre.

7.177 The proposal indeed would provide for certain necessary road and bus-rail interchange improvements. For presumably these reasons, it has not attracted any objection from Kent CC or the Office of the Rail Regulator (ORR). Nevertheless, given the fact that the land is specifically safeguarded for transport use in the Local Plan, its possible public transport and interchange function might reasonably be given a degree of primacy, at least for the interim. In other words, instead of interchange being seen as a mere concomitant of redevelopment, it might be in the wider public interest to regard this function as determining the shape and size of the retailing element of land use. At the very least, these two land use activities ought to enjoy an equality of importance.

7.178 Given the existence of a planning permission for a small supermarket on the site and the proximity of extensive (and increasing) employment activity and additional allocations, there is no doubt a case for some retail redevelopment. It would also seem perfectly sustainable to envisage car trip linkage for both commuter and employee convenience shopping purposes. The impending determination of an outstanding retail planning application is noted. The process of development control and the overall framework of Chapter 6 and 7 policies (in the form adopted) would appear to enable the local authority to

accommodate the appropriate floorspace growth and collateral planning benefits. If permission were granted, the retail proposal might then figure in the Local Plan as a commitment, whether at adoption or at future review stages.

7.179 In the light of all the available evidence, including accompanied and unaccompanied site inspection, it is difficult to make very firm positive recommendations. The site was previously a goods yard; therefore future rail freight access would be secured by Policy T6. On the other hand, there is no obvious objection by Railtrack or the ORR with respect to loss of this or potential car park provision. Since Policies R1 and R10 combined would allow minor retail development, the Policy H28 boundary might be extended to cover the former goods yard not yet given over to car parking. By this means, the objectors might be able to propose a form of conforming retail development to serve the needs of both commuters and local employees which would not threaten the economic viability of the defined local centre.

RECOMMENDATIONS

7.180 Modify the Plan by the extension of the Policy H28 area over the western half of the station yard at Staplehurst and the consequential deletion of that part of the Policy T7 area definition, excluding any operational railway land.

7.181 Do not modify the Plan by the inclusion of any of the above retail allocations.

CHAPTER 8 COMMUNITY FACILITIES
CF0 - Introduction and Context

Objections DCF0013 - Head of Kent Estate Management
 DCF0014 - Head of Kent Estate Management
 DCF0044 - Ms C Morgan
 DCF0053 - Tovil Parish Council
 DCF0054 - Tovil Parish Council

Proposed Changes 209-212

Issue (a) the extent to which a statutory development plan can properly address the social and community needs of the resident population.

Conclusions

8.1 Objections DCF0053 and 0054 reasonably address the often vexed question of overlap between social, economic and physical planning considerations. The critical test to be applied to the detailed policy content of a development plan is whether it is directly relevant to the use or change of use of land and buildings. It is not whether it is partly (or even largely) concerned with underlying social or economic aims and objectives. This view is supported by paragraph 5.6 of PPG12 which reminds LPAs that *“to justify and explain the plan it will be necessary to refer to economic, social and other relevant considerations in the.....reasoned justification.”* These objections seem to be met by PC209 which is accordingly endorsed. PC210-212 are detailed corrections to the text of the Written Statement of the Local Plan in response to similarly detailed objections (DCF0013, 0014 and 0044).

RECOMMENDATIONS

8.2 Modify the Plan in accordance with Proposed Changes 209-212.

8.3 No other modification in response to the above objection.

CF1 - Aims and Objectives

Objections DCF0036 - Government Office for the South East
 DCF0038 - Government Office for the South East
 DCF0055 - Tovil Parish Council

Proposed Change 213

Issue	(a) the way in which the locational aims and objectives for community facilities provision ought to be set out and expressed in a statutory development plan.
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Conclusions

8.4 As was explained in relation to Chapter 3, when considering objections to Policy ENV1, it is important that the Plan's *objectives* should be set out clearly and distinguished from its *policies*. This reasoning is not repeated here but the same comments may be made about Policy CF1. The first section is a statement of intent, which includes the words "...*seek to maintain...*" and should be set out as an objective and not as a planning policy. There is no apparent need for the rest of the policy. Each aspect referred to is the subject of its own policy later ie medical services (CF6), education (CF8-13), community halls (CF14) etc. Listing criteria here is repetition which would lead to confusion. It is preferable that the first part of CF1 should be stated as an objective to be achieved by the other policies. The phrase "*facilities in the town centre, local centres and villages*" is somewhat obscure and should be explained.

8.5 In the light of the above conclusions, Objections DCF0036 and 0038 have little relevance. If criteria (1-6) were to be retained, the use of the word "normally" would probably not be appropriate. The use of the expression "presumption against (proposals in the countryside)" is not so much inappropriate as unnecessary since the thrust of the policy is to retain and provide community facilities in accessible urban or village locations. Objection DCF0055 is possibly a little demanding since a threshold of 7 dwellings might not necessarily be the most appropriate for detailed needs assessment. The underlying need to balance demand and provision might be better achieved by continuous monitoring. This activity is the subject of other objections and is covered elsewhere (see Policy CF18).

8.6 Additionally, it might be thought that the entire "Aims and Objectives" section (ie paragraph 8.15 and Policy CF1) and especially the phrase "*resolutely committed to the principle of balanced and sustainable communities*" would be considerably strengthened with a reference to the relevant Strategic Objectives in Chapter 2 upon which it is based. As a general comment, it might be noted that this policy-related link is not especially clear or obvious. In the context of Chapter 8, it is probably enough (a) to modify the Strategic Objectives to make the link clearer (b) rewrite the first part of former Policy CF1 as subsidiary objectives and (d) incorporate criteria (1-6) within the supporting text.

RECOMMENDATIONS

8.7 Delete Policy CF1 and rewrite its first section as objectives for Chapter 8.

8.8 Add a cross-reference to the relevant Strategic Objectives in Chapter 2.

8.9 Incorporate the criteria (1-6) of former Policy CF1 in the supporting text.

8.10 No other modifications in response to the above objections.

CF2 - Seeking New Community Facilities

Objections DCF0009 - Meyer International
DCF0010 - Head of Kent Estate Management
DCF0042 - Peugeot Motor Company Plc

Proposed Change 214

Issue (a) whether a policy which requires future developer contributions to certain community facilities provision is reasonable and conforms to current planning guidance.

Conclusions

8.11 Objections DCF0009, 0010 and 0042 relate to the requirement for some developer contribution to community facilities provision. They cannot be supported because, as altered by PC214, Policy CF2 reasonably requires such contribution in *appropriate* cases. The basic aim of Chapter 8 is to maintain and extend community facilities specifically within urban areas, as defined in the Local Plan. It follows logically that any increment of residential population in these areas may put a degree of pressure on such facilities. This may arise either as a result of increased demand, or as a result of the reduction in available sites, for such facilities (or possibly by a combination of such pressures). The position can only be fairly assessed on a case by case basis, bearing in mind advice on planning obligations.

8.12 Such an implicit requirement to both *demonstrate and quantify* local community needs emphasises the relevance of monitoring procedures (see C18). In addition to the above conclusions arising from the objections, a modified form of Policy CF2 is recommended. This is consistent with other recommendations in the report and with advice in CD46. The latter sets out the Council's intentions as a matter of planning policy. The final sentence of Policy CF2 is omitted in the revised form because the nature and extent of any such developer contribution must be governed by the fuller advice of Circulars 11/95 and 1/97. Not only is this advice on planning conditions and obligations the subject of possible change during the currency of the plan but it is probably unhelpful and unwise to try to summarise it in the wording of the policy.

RECOMMENDATIONS**8.13 Modify Policy CF2 of the Plan to read as follows:**

“Policy CF2 RESIDENTIAL DEVELOPMENT WHICH WOULD GENERATE A NEED FOR NEW COMMUNITY FACILITIES OR FOR WHICH SPARE CAPACITY IN SUCH FACILITIES DOES NOT EXIST, WILL NOT BE PERMITTED UNLESS THE PROVISION OF NEW, EXTENDED OR IMPROVED FACILITIES (OR A CONTRIBUTION TOWARDS SUCH PROVISION) IS

SECURED BY PLANNING CONDITIONS OR BY PLANNING OBLIGATIONS.”

8.14 Modify the Plan in accordance with Proposed Change 214 so far as it relates to paragraph 8.17.

8.15 No other modification to the Plan in response to these objections.

CF4 - Loss of Community Facilities

Objection DCF0039 - Government Office for the South East

Proposed Change 215

Issue (a) whether the wording of Policy CF4 ought to be revised in the light of current planning policy guidance.

Conclusions

8.16 Objection DCF0039 is fully met by PC215 which appears to be in line with current planning guidance and is accordingly endorsed.

RECOMMENDATION

8.17 Modify the Plan in accordance with Proposed Change 215

CF5 - New Post Office Facilities

Objection DCF0031 - Government Office for the South East

Issue (a) whether it is necessary to have a Local Plan policy directed to the need for post office facilities in deficiency areas, as well as one which resists their loss.

Conclusions

8.18 Objection DCF0031 is not persuasive in that Policy CF5 seems reasonably explicit and unambiguous, especially if very slightly re-worded. The intention is to try to widen the coverage of sub-post office services in areas which are deficient in such a facility. This is a matter of wide current concern and the monitoring of population change may well reveal areas where the policy may be of prime relevance. The clear advice of PPG12 is “*to include...policies...which will form the basis for deciding planning applications*”. The policy is complementary to R11 but differs from it significantly in that the latter only relates to the *loss* of such facilities as post offices. The present policy is intended to *extend* the coverage of

sub-post office facilities; both policies may be equally significant and material considerations in the determination of applications.

RECOMMENDATION

8.19 Modify Policy CF5 of the Plan to read as follows:

“POLICY CF5 THE BOROUGH COUNCIL, IN THE PROCESS OF DETERMINING PLANNING APPLICATIONS, WILL PERMIT THE PROVISION OF ADDITIONAL SUB-POST OFFICE FACILITIES WITHIN LOCAL CENTRES AND VILLAGES, ESPECIALLY IN AREAS WHICH ARE LACKING OR DEFICIENT IN SUCH PROVISION.”

CF6 - Medical Services

Objection DCF0032 - Government Office for the South East

Proposed Change 216

Issue (a) whether the policy relating to new or extended medical or dental practitioners' premises is adequately explicit for development control purposes.

Conclusions

8.20 Objection DCF0032 is nominally met by PC216. However, the effect of this Proposed Change is merely to express Policy CF6 in positive, rather than negative, language. Moreover, the burden of the objection is that the policy is unclear (ie not adequate for development control purposes). This view cannot be supported since the policy appears to address and to answer the main matters of public interest and concern which commonly arise in such cases. That is to say, local residents normally welcome new surgeries in principle but their establishment commonly gives rise to problems of noise, visual intrusion, unwelcome activity and disturbance. The choice of words seems admirably concise and explicit.

RECOMMENDATION

8.21 Modify the Plan in accordance with Proposed Change 216.

CF7 - Medical Service Provision on Allocated Housing Sites

Objections DCF0006 - Lenham Parish Council
DCF0008 - Tanyard Properties
DCF0065 - Staplehurst Parish Council

Proposed Change 217

- Issue** (a) whether there are any site-specific or policy objections to the further allocation of Policy CF7 sites, as sought by the objectors, in conjunction with other land uses.

Conclusions

8.22 Objection DCF0006 (see also CF14) relates to specific allocation of land fronting Maidstone Road, Lenham (map 33: TQ 895 523) under Policy CF7(iv), for a new medical centre. The main objection to this proposal is that it would seem to be a distinctly composite one; for a village hall, library, nursery school and medical centre. A second is that it is within the curtilage of a school playing field and development would hence be subject to the provisions of Circular 9/98 and the relevant Playing Fields Direction 1998. For this reason alone, a simple Policy CF7 allocation would not be immediately appropriate. The matter can best be resolved by future joint action by the three tiers of local government. If the proposal were progressed as an independent planning application, the LPA suggest that it would be judged on its merits and be the subject of consultation with the LEA. To influence such an outcome by way of a positive allocation would be premature, especially since such an allocation would seemingly not accurately specify the intended form of development.

8.23 Objection DCF0008 relates to specific allocation of land at rear of properties on Old Ashford Road, Lenham (map 33: TQ 902 522) for mixed development comprising doctor's surgery, village hall and residential development. The size of the site (> 10 000 sq m) suggests that the components of the development would better be described in the reverse order. Equally, the site cannot realistically be allocated for a specific community facility if it is intended to form only *part* of a mixed development. On the face of it, the use of part of the site as a doctor's surgery might run counter to either Policy CF1 or Policy CF6. The site occupies a backland position relative to existing housing and is outside the urban area boundary. It is also within an area designated under restrictive Policy ENV37. These are matters initially for the LPA (if an application were made) but certainly argue against a firm allocation in the Plan. Objection DCF0065 is met by PC217 which is accordingly endorsed.

RECOMMENDATIONS

- 8.24 Modify the Plan in accordance with Proposed Change 217.**
- 8.25 Delete allocation CF7(i) (in consequence of deleting allocation H2(v)).**
- 8.26 No other modification to the Plan in response to these objections.**

CF8 - Educational Provision and Playschool Facilities

Objections DCF0015 - Head of Kent Estate Management

DCF0016 - Head of Kent Estate Management

Proposed Changes 218-219

- Issue** (a) whether recent changes in local educational control, management and funding are accurately reflected in the Written Statement of the Plan.

Conclusions

8.27 Both Objections DCF0015 and 0016 appear fully to be met by the detailed revisions and additions to the text of the Written Statement embodied in PC218-219, which are assumed to be accurate and are accordingly endorsed.

RECOMMENDATION

8.28 Modify the Plan in accordance with Proposed Changes 218-219

CF9 - Primary Schools

- Objections** DCF0001 - Mr P L Passey
 DCF0011 - Head of Kent Estate Management
 DCF0017 - Head of Kent Estate Management
 DCF0018 - Head of Kent Estate Management
 DCF0040 - Government Office for the South East
 DCF0056 - Tovil Parish Council
 DCF0057 - Tovil Parish Council
 DCF0063 - South Thames Regional Office
 CCF0019 - Head of Kent Estate Management

Proposed Changes 220-222

- Issues** (a) whether or not the proposed and suggested site allocations for primary schools appear to be of adequate size and to enjoy the current support of the LEA.
- (b) the extent to which the development plan can foresee the precise programming and implementation of individual primary school allocation.

Conclusions

8.29 Objections DCF0017 and 0018 call for detailed alterations to the Written Statement and are met by PC220 and PC221, which are endorsed. Objections DCF0011 and 0040 are met by the rewording of Policy CF9, set out in PC222. This introduces a degree of flexibility

into future local implementation of the policy and is therefore welcome, especially in the light of Objection DCF0063. This latter cannot be supported since it would be wrong to attempt to speculate as to the precise form of future development at Oakwood, for which the LEA reasonably require an educational allocation. The allocation sought by Objections DCF0056 and 0057 may or may not be suitable for educational use in future. However, the essential point is that it has not been requested, at this stage, by the LEA and cannot therefore be supported.

8.30 Objection DCF0001 seeks a detailed boundary change as between an existing area of public recreation ground and a primary school allocation CF9(i) at Harrietsham (map 32: TQ 874 529), in favour of the latter. The ostensible purpose of this is to provide additional car parking for the new school building. The objection also refers to Policy CF11 which calls for the dual use of new school facilities. It cannot be supported because the LEA has not specified a larger area, having presumably had regard to the functional requirements of the new school. Site inspection would tend to confirm this as a fact. The area, whilst not within the designated Harrietsham (East Street) Conservation Area, is environmentally sensitive. It is adjacent to the attractive parish church and fringes the Policy ENV36-37 areas. For this reason alone, encroachment of the open space definition would seem intrusive and unwise.

8.31 Moreover, the wording of Policy CF11 suggests that dual use should be made of school land and buildings *as primarily provided for educational purposes* and having regard to residential amenity (PC227). Dual use would not seem to require additional parking facilities for public use after school hours. In any event, the wording of Policies CF9 and CF10 suggests some restraint on the use of private cars for school journey purposes. As Policy CF11 is written, it implies that possible dual use should be taken into account for design purposes. *Dual use* is subtly different from the legal concept of *mixed use*. If the latter were envisaged, no doubt additional parking provision might be needed. As it is, it would be generally unfair to impose extra development costs on the LEA for out-of-hours use.

RECOMMENDATIONS

8.32 Modify the Plan in accordance with Proposed Changes 220-222.

8.33 No other modification to the Plan in response to these objections.

CF10 - Secondary Schools

Objections	DCF0003 - Boxley Parish Council
	DCF0004 - Boxley Parish Council
	DCF0005 - Boxley Parish Council
	DCF0019 - Head of Kent Estate Management
	DCF0020 - Head of Kent Estate Management
	DCF0021 - Head of Kent Estate Management
	DCF0041 - Government Office for the South East
	CCF0021 - Head of Kent Estate Management

CCF0023 - Head of Kent Estate Management

Proposed Changes 223-226

Proposed Further Changes 19-20

- Issue** (a) the extent to which, if at all, the siting, access and parking arrangements for new secondary schools ought to be the separate subject of Chapter 8 policies.

Conclusions

8.34 Objections DCF0019-0021 and CCF0021-0023 concern very detailed points of wording in the supporting text and are generally accommodated by PC223-225 and FC19-20 which are endorsed. Objection DCF0041 is entirely met by PC226. Objection DCF0005 is nominally concerned with possible parking pressure at or near a specific secondary school allocation CF10(ii) (maps 14+22: TQ 778 560 (nb: the policy reference on map 14 appears incorrect)). It raises the wider point of appropriate multi-modal access and adequacy of off-street parking provision for secondary schools; a matter of common public concern. This site would appear to be tolerably well served by frequent public transport but perhaps the policy wording regarding access ought to be more explicit, not only with respect to this site but more generally.

8.35 The Policy CF10(ii) school site is not especially easy of access, from all directions and its probable catchment area, by pedestrians, cyclists and by private car. It may well be necessary to look at this aspect of its development closely. Although the wider aspects of access and parking are to an extent covered by Policies T8, T9, T11 and T23, the need to safeguard both ease and safety of pupil access by non-motorised modes is critical. These are matters to which the local planning, highway and education authorities will no doubt *all* have close regard in considering and co-ordinating development and access proposals. In the light of FC20, any reference to alternative open space allocation of the Policy CF10(ii) site should be deleted. An alternative allocation would introduce an unwelcome degree of doubt; it would also not seem necessary in view of the overall protection given to this area by Policy ENV19.

RECOMMENDATIONS

8.36 Modify the second part of Policy CF10 of the Plan to read as follows:

“....DEVELOPMENT WHICH WOULD PREJUDICE THE IMPLEMENTATION OF THESE PROPOSALS WILL NOT BE PERMITTED. ALL SECONDARY SCHOOL DEVELOPMENT SHOULD MAKE BOTH ADEQUATE AND BALANCED PROVISION FOR A VARIETY OF MEANS OF ACCESS, INCLUDING PEDESTRIAN, CYCLE AND CAR TRAFFIC.”

8.37 Subject to the above, modify the Plan in accordance with Proposed Changes 223-226 and Proposed Further Changes 19-20.

8.38 Modify the Plan by the deletion of paragraph 3.84(i) and Policy ENV25(i) and the complementary notation on the Proposals Map.

8.39 No other modifications on response to the above objections.

CF11 - Dual Use of School Facilities

Objections DCF0033 - Government Office for the South East
CCF0005 - Government Office for the South East

Proposed Change 227

Proposed Further Change 21

Issue (a) to what extent the development plan can encourage or influence the design of new educational premises to facilitate wider out-of-hours use.

Conclusions

8.40 Objections DCF0033 and CCF0005 are met by PC227 and FC21 and are accordingly endorsed as being likely to secure the generally worthy and long-standing planning aim of out-of-hours use of educational premises.

RECOMMENDATION

8.41 Modify the Plan in accordance with Proposed Change 227 and Proposed Further Change 21.

CF12 - Temporary and Mobile Classrooms

Objections DCF0012 - Head of Kent Estate Management
DCF0022 - Head of Kent Estate Management
DCF0023 - Head of Kent Estate Management

Proposed Change 228

Issue (a) the degree of stringency to which temporary or mobile school classrooms ought to be subject in the course of development control.

Conclusions

8.42 Objections DCF0012, DCF0022 and DCF0023 relate to the seemingly vexed question of the use of temporary classrooms for short-term educational use. Whilst the LPA's wish to see their use restricted for amenity reasons is clear and understandable, the policy needs to be flexible and individual cases may need very careful consideration by way of time-limited permissions. In view of the possibility of such development affecting local residential amenity, by way of loss of open space, overdevelopment or visual intrusion, some modification of Policy CF12 is accordingly recommended.

RECOMMENDATIONS

8.43 Modify Policy CF12 of the Plan to read as follows:

“POLICY CF12 THE BOROUGH COUNCIL WILL RESIST PROPOSALS FOR MOBILE AND TEMPORARY CLASSROOMS UNLESS THERE ARE DEMONSTRABLE AND IDENTIFIABLE SHORT TERM AND LOCAL NEEDS. THE CONSTRUCTION OF PERMANENT REPLACEMENT FACILITIES WILL BE PREFERRED TO THE RENEWAL OF TIME-LIMITED PERMISSIONS GRANTED UNDER THIS POLICY.”

8.44 No other modifications in response to the above objections.

CF13 - Tertiary Education

Objections DCF0024 - Head of Kent Estate Management
DCF0034 - Government Office for the South East

Proposed Changes 229-230

Issue (a) whether the policy is adequately precise for the purposes of development control.

Conclusions

8.45 Objections DCF0024 and 0034 are met by PC229-230 which appear consistent with current planning guidance, including PPG13, and are accordingly endorsed.

RECOMMENDATION

8.46 Modify the Plan in accordance with Proposed Changes 229-230.

CF14 - Libraries and Community Halls

Objections DCF0007 - Lenham Parish Council

DCF0025 - Head of Kent Estate Management
DCF0058 - Tovil Parish Council
DCF0064 - South Thames Regional Office NHS Trust
CCF0029 - Boxley Parish Council

Proposed Change 231

- Issues**
- (a) whether branch library sites ought formally to be reserved in the Plan notwithstanding Kent CC's present inability to finance such proposals.
 - (b) whether separate mention ought to be made to community facilities sought in connection with development in Tovil.
 - (c) the extent to which allocated housing development at Oakwood Hospital would require and economically sustain community facilities.

Conclusions

8.47 Objection DCF0007 has been effectively addressed earlier (see CF7) and cannot now be supported. Objection DCF0025 has to some extent been answered by PC231. However, the reservation of the branch library sites can be achieved by means additional to detailed allocations in the Plan. The continuing support of the Borough Council for these facilities is no doubt locally welcome and, if the sites have indeed been secured by planning agreement or undertaking, that in itself should adequately ensure their protection from alternative development. It is not possible to safeguard them by means of a reference in the supporting text of the Written Statement unless they are simultaneously covered by a complementary allocation. Since the county council might, in such a situation, have to accept a purchase notice in the event of alternative development being refused consent, this is not appropriate in view of the evident likelihood of funding being unavailable.

8.48 Objection DCF0058 cannot be supported because what is being sought is an open-ended developer commitment to the partial or entire funding of specific community facilities in a defined area of Maidstone. This is tantamount to an area-specific but undefined application of Policy CF2. It would run counter to the principle of considering matters of planning obligations on the basis of their proportionality with development proposals (see CF2). Objection DCF0064 cannot be sustained because other reasons of proportionality arise. In this case, it is asserted that allocation H2(xiii) cannot support CF14(iii) provision. This seems improbable, given that the allocation is substantial in terms of both area and numbers of dwellings. It is indeed by far the largest in Maidstone District. In any event, the purpose of the Plan is to signal a local need for community facilities (including a surgery) and their provision would be for the LPA to negotiate by means of a suitable agreement.

RECOMMENDATIONS

8.49 Modify paragraph 8.38 of the Written Statement of the Plan to read as follows:

“8.38 Since the last Local Plans....the planning process. It is not, therefore necessary for them to be included as allocations in this plan. Although the County Council now has no proposals to provide these libraries, the Borough Council continues to support the provision of a permanent library service to Grove Green and Loose.”

8.50 No other modification to the Plan in response to these objections.

CF15 - Arts, Social and Cultural Facilities

Objection DCF0035 - Government Office for the South East

Proposed Change 232

Issue (a) the precision with which the LPA should express its policy regarding the provision of cultural facilities, within the general context of Policy CF1.

Conclusions

8.51 Objection DCF0035 has been met by PC232 which appears to accord with current planning guidance and is therefore endorsed.

RECOMMENDATION

8.52 Modify the Plan in accordance with Proposed Change 232.

CF16 - Nightclubs, Sports, Leisure and Entertainment Uses

Objections DCF0043 - Peugeot Motor Company PLC
DCF0045 - Ms C Morgan
DCF0046 - Ms C Morgan

Proposed Change 233

Issue (a) the extent to which a policy seeking to locate and control potentially noisy and disruptive activities ought to specify detailed criteria for their acceptability.

Conclusions

8.53 Objection DCF0043 is not supported because the criteria do not appear to be unduly prescriptive. In the nature of things, places of public entertainment can give rise to various forms of unsocial behaviour, noise and disturbance. Unless these matters are fully addressed early in the development process, they may result in difficulties of control and enforcement when proposals are implemented. Since the Plan provides for the adoption of supplementary guidance on questions of parking provision and noise, it might be best to make reference to the relevant Policies T13 and ENV6 in the supporting text at paragraph 8.44. Criterion (3) would appear to need support in the text, criterion (4) duplicates others and criterion (8) is not a land use planning matter. On the other hand, criterion (10) relates to an important matter which is *not* the subject of a policy in Chapter 3 as might reasonably be expected.

8.54 Objection DCF0045 is met by PC233, which makes reference to public transport accessibility. However, the planning issue which is even more pressing is that of *pedestrian* access. This is not so much ease of access on foot, which is obviously important, but rather the suitability of such access routes to accommodate significant numbers of possibly noisy people at all hours. These are matters which need to be considered in the detailed siting and design of all places of public entertainment. They should therefore figure in the detailed criteria. Objection DCF0046 is not supported; the recycling of waste materials is neither a land use planning matter nor one specific to places of public entertainment.

RECOMMENDATIONS

8.55 Modify the Plan in general accordance with Proposed Change 233, except in relation to criteria CF16(4), (6) and (8-9).

8.56 Delete criteria CF16(4) and (8) without replacement.

8.57 Add the following sentence at the end of paragraph 8.44:

“In particular, problems of parking overspill and noise nuisance are most likely to affect residential amenity and are also the subject of Supplementary Planning Guidance.”

8.58 Modify Policy CF16(6) and CF16(9) to read as follows:

“(6) THAT PUBLIC TRANSPORT AND PEDESTRIAN ACCESS AND SITE SERVICING ARE ADEQUATE AND SUITABLE, THAT CUSTOMER PARKING PROVISION IS APPROPRIATELY LOCATED AND THAT THERE ARE NO OTHER HIGHWAY OBJECTIONS TO THE PROPOSED DEVELOPMENT.”

“(9) SUITABLE MEASURES FOR THE ATTENUATION, DIMINUTION AND CONTROL OF INTERNAL AND EXTERNAL NOISE AND DISTURBANCE, LIKELY TO BE GENERATED BY THE PROPOSED DEVELOPMENT, SHALL BE PROVIDED.”

8.59 No other modifications to the Plan in response to these objections.

CF17 - Burial Grounds

Objections	DCF0026 - Mrs J Daniels
	DCF0037 - Government Office for the South East
	DCF0047 - Ms C Morgan
	DCF0048 - Ms C Morgan
	CCF0004 - Mrs J Daniels
	CCF0006 - Government Office for the South East

Proposed Change 234**Proposed Further Change 22**

Issue	(a) whether burial grounds and crematoria ought to be accessibly sited in or near settlement areas or be alternatively located in the countryside
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Conclusions

8.60 Objections DCF0026 and DCF0037 are met by PC234 which is largely endorsed since it clarifies the locational aspects of Policy CF17. It is clear that burial grounds and crematoria should be in or next to urban areas but that their detailed siting should be carefully considered vis-à-vis sensitive land uses within settlements. Reference to “*village envelopes*” should be deleted since these do not figure on the Proposals Map and the word “*directly*” should qualify “*adjacent to*” to avoid ambiguity. Objection DCF0047 is not supported because criterion (5) adequately addresses the seclusion and quietude points. Objection DCF0048 is not supported because the modal split of the traffic generated by burial grounds would appear to be very heavily weighted towards private vehicles. To the extent that regular visitors and maintenance staff need access, the policy emphasis towards urban or fringe siting would give reasonable modal choice and accessibility and specific reference to Policy T22(2) is accordingly not necessary.

8.61 Objection CCF0006 is accommodated by FC22, which is endorsed because the degree of flexibility implicit in the word “usually” seems at odds with the fairly detailed criteria attached to Policy CF17. However, although not the subject of objection, criterion (3) is not a land use planning matter and criteria (4) and (6) needlessly duplicate relevant Chapter 3 and 6 policies. Objection CCF0004 is not supported since the policy is not unduly prescriptive. Not only is it desirable to keep the countryside generally open and undeveloped but burial grounds and crematoria (especially the latter), are essentially urban or fringe uses. As such, they support a certain amount of employment and also attract visitor traffic and general activity. Policy CF17 would accordingly appear to be consistent in this regard with current planning guidance (ie PPGs 2, 7 and 13) as well as with Policy ENV29(1-4) of the present

Plan. The Council may wish to explain the term “green burials” in the supporting text but no recommendation is made on this matter.

RECOMMENDATIONS

8.62 Modify the Plan in accordance with Proposed Change 234 and Proposed Further Change 22, except in relation to criteria CF17(1),(3),(4) and (6).

8.63 Modify Policy CF17(1) of the Plan to read as follows:

“(1) THE PROPOSED DEVELOPMENT IS LOCATED WITHIN OR DIRECTLY ADJACENT TO THE URBAN AREAS AS DEFINED ON THE PROPOSALS MAP, AND;”

8.64 Delete criteria CF17(3), (4) and (6) without replacement.

8.65 No other modifications to the Plan in response to these objections.

CF18 - Additional Policies

Objections	DCF0027 - Southern Water
	DCF0028 - Southern Water
	DCF0029 - Southern Water
	DCF0049 - Ms C Morgan
	DCF0050 - Ms C Morgan
	DCF0051 - Ms C Morgan
	DCF0052 - Ms C Morgan

Proposed Changes 235-236

Issues	(a) whether the adoption of recycling policies for waste products and materials should be included in this part of the Local Plan.
	(b) the extent to which, if at all, specific community facilities in rural areas ought to form the basis of separate policies as distinct from allocations.
	(c) the need for Chapter 8 monitoring procedures to identify and quantify deficiencies in community facilities provision as covered by adopted policies.

Conclusions

8.66 Objection DCF0049 and DCF0050 cannot be supported because the questions of waste collection and disposal, together with policies of recycling and recovering materials, are

essentially matters to be addressed in other statutory local plans. Specific land use allocations for composting or recycling facilities are not required, in the sense of their being locally provided on an ad hoc basis. Objection DCF0051 has been dealt with in relation to a similar objection to Policy ENV25. The current proposals for housing development at Brishing Lane (map 30: TQ 783 518) do not include provision for a community farm. Such an extensive facility could not readily be introduced into a comparatively small housing allocation (which is elsewhere recommended for deletion) without the risk of encroachment into the countryside or loss of dwelling capacity.

8.67 Objections DCF0027 and DCF0028 are met by Proposed Changes 235-236, which introduce Additional Policies CF18 and CF19. These are concerned with the sewerage of new development areas and are endorsed, apart from changes in wording to ensure consistency and proportionality. Objection DCF0052 requires an additional aspect of community facilities provision to be monitored. This is not supported because the promotion of waste recycling has no defined land use dimension requiring either a specific policy or allocations in Chapter 8 of the Plan. The objection refers to Policy ENV1 which is a very general statement of planning aims and intent and is covered earlier in the report.

8.68 On the other hand, an aspect of monitoring which appears to have been overlooked is the nature and extent of deficiency areas. These may exist in relation to, for example, ready accessibility of economically vulnerable or disadvantaged populations to facilities such as medical and dental treatment, sub-post offices, community halls and the like. This might best be done either by maintaining inventories of available facilities or commissioning detailed demographic surveys of deficiency areas, or doing both. Some of the Chapter 8 policies make specific reference to such lack of provision and deficiency areas. It might therefore be difficult to implement these policies without an accurate, objective and updated set of relevant data to guide development control decisions.

8.69 This is a matter best left to the LPA who may wish to give urgent consideration to the matter, most especially if further planning guidance is available, either before the Plan is finally adopted or during its currency. However, it will be obvious that the concept of deficiency areas may relate to such things as open space, public transport, local shopping as well as a varied range of community facilities. Accordingly, although not always the subject of specific objections, the need for monitoring is implicit in certain of the policies set out in Chapters 3, 6, 7 and 8 of the Plan. It may well be that the Council may wish to consider the form and function of its future databases as regards both population and land use information to allow of such monitoring. No general recommendation is made.

RECOMMENDATIONS

8.70 Modify the Plan in general accordance with Proposed Changes 235-236.

8.71 Modify the Plan by the adoption of New Policies CF18 and CF19, worded as follows:

“POLICY CF18 ANY DEVELOPMENT PROPOSALS WHICH WOULD DEMONSTRABLY OVERLOAD THE EXISTING SEWERAGE SYSTEM IN THEIR

VICINITY WILL BE PERMITTED ONLY IF NEW OFF-SITE SEWERS ARE REQUISITIONED.”

“POLICY CF19 ALL SEWERAGE SYSTEMS WITHIN SUCH NEW DEVELOPMENT AREAS SHALL BE CONSTRUCTED TO THE STANDARDS REQUIRED FOR ADOPTION IN ORDER THAT THEY MAY BE CONNECTED TO THE MAIN SYSTEM”

8.72 No other modifications to the Plan in response to these objections.