

## **Session 6A –Maidstone and ‘Other Urban Area’ Housing**

### **Policy H1 (30) West of Eclipse, Sittingbourne Road**

1.6.

The Council has proposed a minor change to amend the site address from ‘Old Sittingbourne Road’ to ‘Sittingbourne Road’.

1.7.

Persimmon Homes South East (R19603) is preparing a planning application and seeks to increase the number of dwellings by enlarging the site towards the M20 and reducing the extent of a noise buffer which is referred to at H1(30)(1) but is not shown as such on the site plan. The Representor says that there is no evidence to justify the extent of the buffer. Neither has any technical evidence been supplied with the representations.

**Qn6.11**

Would the proposed change increase the extent of the allocation and require the modification of the settlement boundary?

6.11.1 Yes the allocated area should reflect the red line area identified on drawing 659-PL-11 rev – attached, and the built up area boundary of Maidstone should be amended accordingly.

6.11.2 By way of background we understand that the rational for the extent of the developable area and the introduction of the proposed buffer between the allocated area and the M20 – the grey shaded area on the Reg 18 plan was associated with the potential landscape impact on the Kent Downs AONB (to the north of the M20) and noise impacts from the M20.

6.11.3 Having reviewed the evidence base to the Local Plan we note that:-

Technical Appendix A of the SA of the Maidstone Draft Local Plan - Housing Site Proformas March 2014 prepared by URS for MBC (ORD004(A)) states on p417, when considering site HO69 (the site reference for the purposes of the SHEDLAA), that:-

There was ‘No information available at this stage’ re ‘potential noise problems with the site – either for future occupiers or for adjacent/nearby occupiers arising from allocation of the site?’ and that the site is ‘1510m from an AQMA.’

Technical Appendix A of the 2015 SA (ORD006(A)) prepared by AECOM Ltd for MBC only looked at sites submitted for consideration following the 2014 Regulation 18 Consultation so no assessment is made of the subject site – it had been considered in 2014 and included in the 2014 Reg 18 plan (ORD21 refers). Policy H1 (24) (p48 and p209).

There were no substantive changes to policy H30 after the Reg 19 consultation in Feb 2016 – see the Report of the Head of Planning and Development to the Strategic

Planning, Sustainability and Transportation Committee Monday 18th April, 2016  
(ORD023)

Appendix A.1 of the Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA) 2016<sup>1</sup> (HOU007(c)) states, when assessing this site and considering the issue of air quality and noise  
‘Within AQMA, but no issues raised.’

6.11.4 Nothing is said within the SHEDLAA, the SA or the other supporting documents, including the Landscape Character Assessment undertaken by Jacobs for MBC in 2012 and amended in July 2013 (ENV001 refers), the Maidstone Landscape Capacity Study: Sensitivity Assessment of January 2015 (ENV0014 (A) refers), the Housing Topic Paper (SUB – 005) or the Spatial Strategy Paper (SUB-007) to explain the rational for the extent of the developable area and the need for the buffer, and why the buffer is the size it is. Indeed the Landscape Character Assessment undertaken by Jacobs for MBC in 2012 and amended in July 2013 suggests at table 2 (p455) that the landscape character area within which the site is located (14.1 – Weaverling Fringes) has only a moderate condition, low sensitivity to change and the guidelines should be to improve and reinforce.

6.11.5 Furthermore, we note that the Maidstone Landscape Capacity Study: Site Assessments January 2015 (ENV0014 (B) refers), encompasses the site in with its assessment of the other sites within Maidstone and Adjoining Parishes, and states on P149 that:-

***Landscape Character Sensitivity: Low***

- Regenerating scrub across site, tall tree belt along Sittingbourne Road and Heath Wood to west of site provide a moderate pattern and extent of semi-natural habitat
- Landscape significantly interrupted by surrounding housing, commercial development, pylons, extensive car parking and M20
- Landscape makes little contribution to surrounding landscape character
- Site appears to be unmanaged and contains few aesthetic features that contributes towards the landscape character

***Visual Sensitivity: Moderate***

- Site partially enclosed by Heath Wood to west and vegetation belts along eastern and northern site boundaries
- Views into site from public footpath along southern site boundary and from surrounding housing and commercial properties
- Possible long distance views towards site from high ground within the Kent Downs AONB to the north
- Good scope for mitigating potential visual impacts by utilising and reinforcing boundary vegetation, although proximity to M20 would require a sensitive design approach

***Landscape Value: Moderate***

- Heath Woods to west is covered by TPO
- Site forms part of foreground to Kent Downs AONB, which is located north of the M20

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<sup>1</sup> pA264 site HO69

- *Peripheral vegetation provides limited scenic quality*
- *Although peripheral vegetation and Heath Wood are worthy of conservation, the site would benefit from enhancement*
- *Poor sense of remoteness and tranquillity owing to proximity to M20 and surrounding residential and commercial development*

**Opportunities and Constraints**

- *Well contained site*
- *Close proximity to, and well connected to, edge of Maidstone and existing residential development at Shaw Close*
- *Scale and location of site relates to existing settlement scale and pattern*
- *Mature vegetation surrounding site could be utilised and reinforced to provide a landscape setting to future development*
- *High capacity for housing development as an extension to Shaw Close*

**Mitigation**

- *Retain and reinforce surrounding vegetation*
- *Retain buffer between further development and the M20 and provide adequate planting to visually screen the highway and traffic movement*
- *Pattern, scale and density of further housing should reflect existing development at Shaw Close*
- *Consider views from, and the character of, public footpath along southern site boundary’*

6.11.6 Similarly Appendix A.1 of the SHEDLAA 2016 (HOU007(c)), whilst raising the issue of impacts on the AONB in its suitability assessment of the site does not raise this as an issue in the conclusions. Rather it states:-

*‘Following the consideration of the issues raised above, the sustainable location and its close relationship to the urban residential area to the south west, I consider that the site is suitable for residential development.*

*The ecological impact and the impact upon the neighbouring ancient woodland would need to be carefully considered and it is likely that a landscaped belt would need to be created. Furthermore, due to the topography of the site and its proximity to the M20, the developable area of the site would be reduced and suitable noise mitigation would need to be incorporated.*

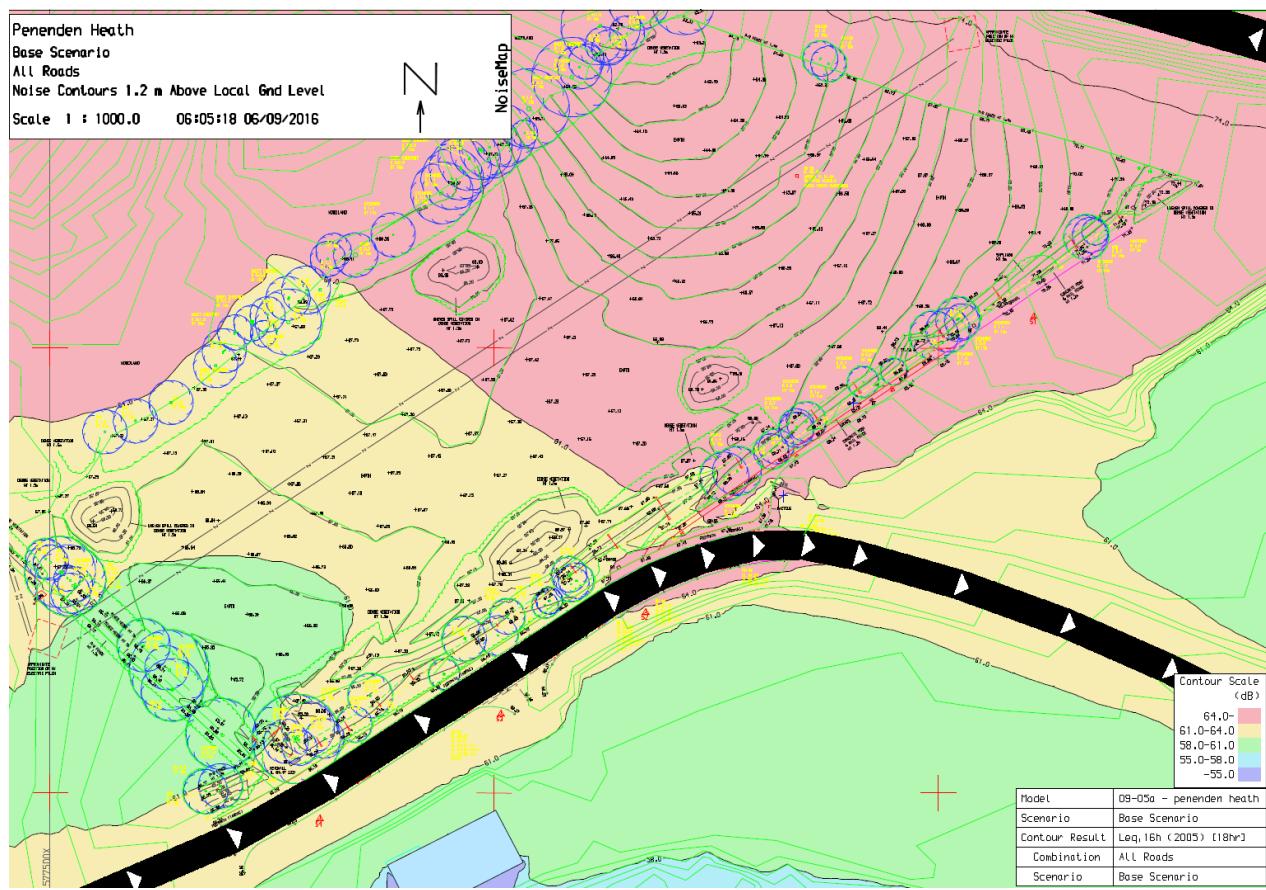
*Similarly, due to the points raised, the density of any residential development would need to be appropriate to be sympathetic to this character. Our development matrix indicates a density of 35dph for a site in this urban periphery location which I consider would be appropriate.*

*As such, I recommend that the site is accepted for development.’*

6.11.7 Having regard to the above it should be noted that Persimmon Homes started work on the preparation of an application for the development of the subject site in the autumn of 2015. Whilst the public consultation event that took place in February 2016 was well received, following liaison with both the local ward member and officers of MBC the decision was taken to review the scheme and improve both the relationship with the area of ancient woodland to the north west and create a more urban street scape with Sittingbourne Road to reflect the adjacent (both built and planned) development on Eclipse Park.

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6.11.8 Concurrent with this work detailed noise and air quality modelling has been undertaken. The noise assessment indicates that the setting of the site and the general topography of the site relative to the M20 and Sittingbourne Road is such that there is no significant difference in baseline noise levels associated with the M20 (the main noise source) falling within either the allocated area or the buffer zone. See plan below. It goes on to indicate that the control of noise within both the site allocation area and buffer zone can be off-set by the introduction of viable mitigation measures to counter road noise arising from the M20 motorway and/or through good design.



Initial noise assessment – Baseline position at 1.2m above ground level with no development

6.11.9 Having regard to the above we believe that policy H1 (30) should provide for the extent of the developable area and associated number of dwellings to be delivered on this site to be a matter to be determined through the submission of a detailed noise assessment that can demonstrate how the scheme will achieve a satisfactory noise climate in accordance with current best practice and having regard to the noise levels generated from nearby roads, especially the M20 motorway.

6.11.10 The draft layout prepared by Persimmon following the pre app advice received from officers of MBC in spring 2016 (see below), looked to offset the impact

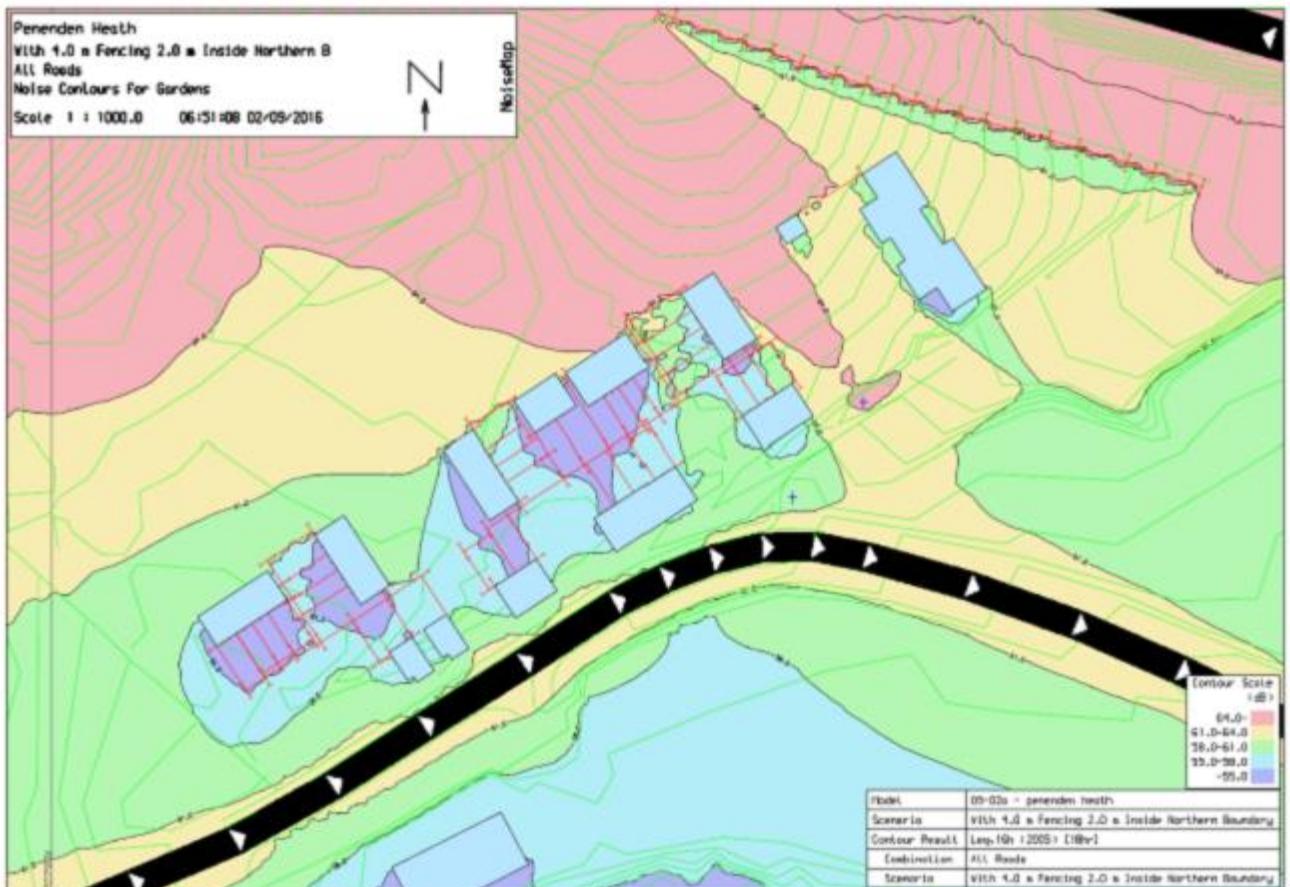
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of noise from the M20 through the siting and design of the proposed buildings. Measures to reduce any potential noise impacts included:

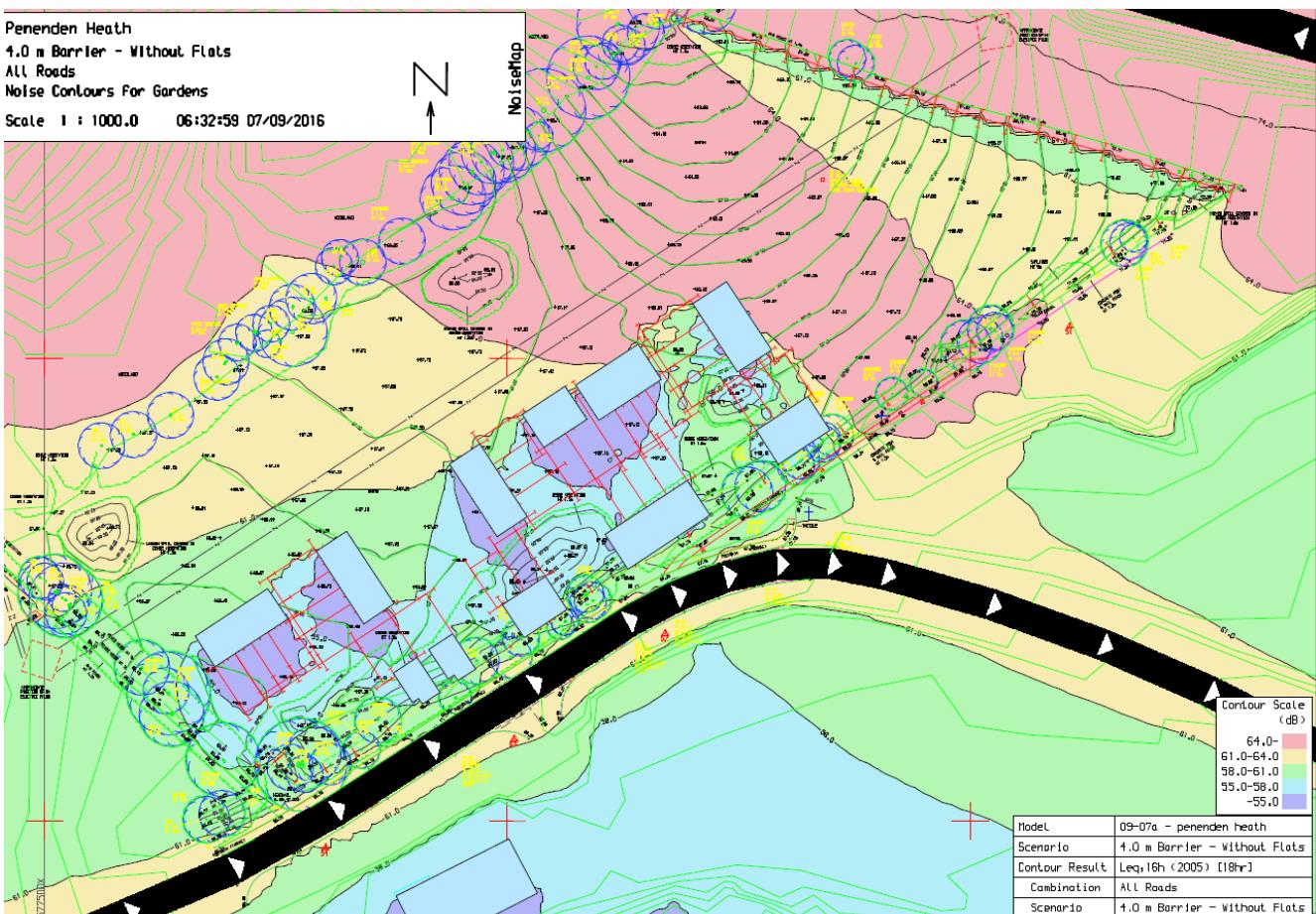
1. The construction of a less sensitive residential use, i.e. an apartment block with communal landscaping areas rather than private residential gardens nearest to the main noise source;
2. The alignment of the apartment block being such as to maximise its potential to act as an acoustic barrier itself;
3. The orientation of the apartment block being such that it is in effect single aspect with main habitable rooms facing away from the main noise source;
4. The introduction of engineering features in the apartment building and any other buildings that may require it to reduce the noise impact from the M20 i.e. acoustic glazing and acoustic trickle vents to minimise the need for windows to be opened at night.
5. Providing the communal open space in front of the apartment building so that the building itself provides a noise curtain to reduce any potential noise impact.

6.11.11 In addition to the above additional noise mitigation measures have been incorporated to further reduce any residual impact from the noise from the M20. These include the provision of close board fencing around private amenity space /communal landscaped areas to reduce the noise at ground level; and the introduction of an acoustic barrier along the site boundary with the M20, which would provide a significant benefit especially at ground level.

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Proposed layout modelled at 1.2m above ground level with 4m acoustic barrier to M20



Proposed layout modelled at 1.2m above ground level with 4m acoustic barrier to M20 and no flats

6.11.12 Options for the design and construction of an acoustic barrier may include the following:

- A wooden close board fence;
- A green willow wall; or
- A landscaped earth bund.

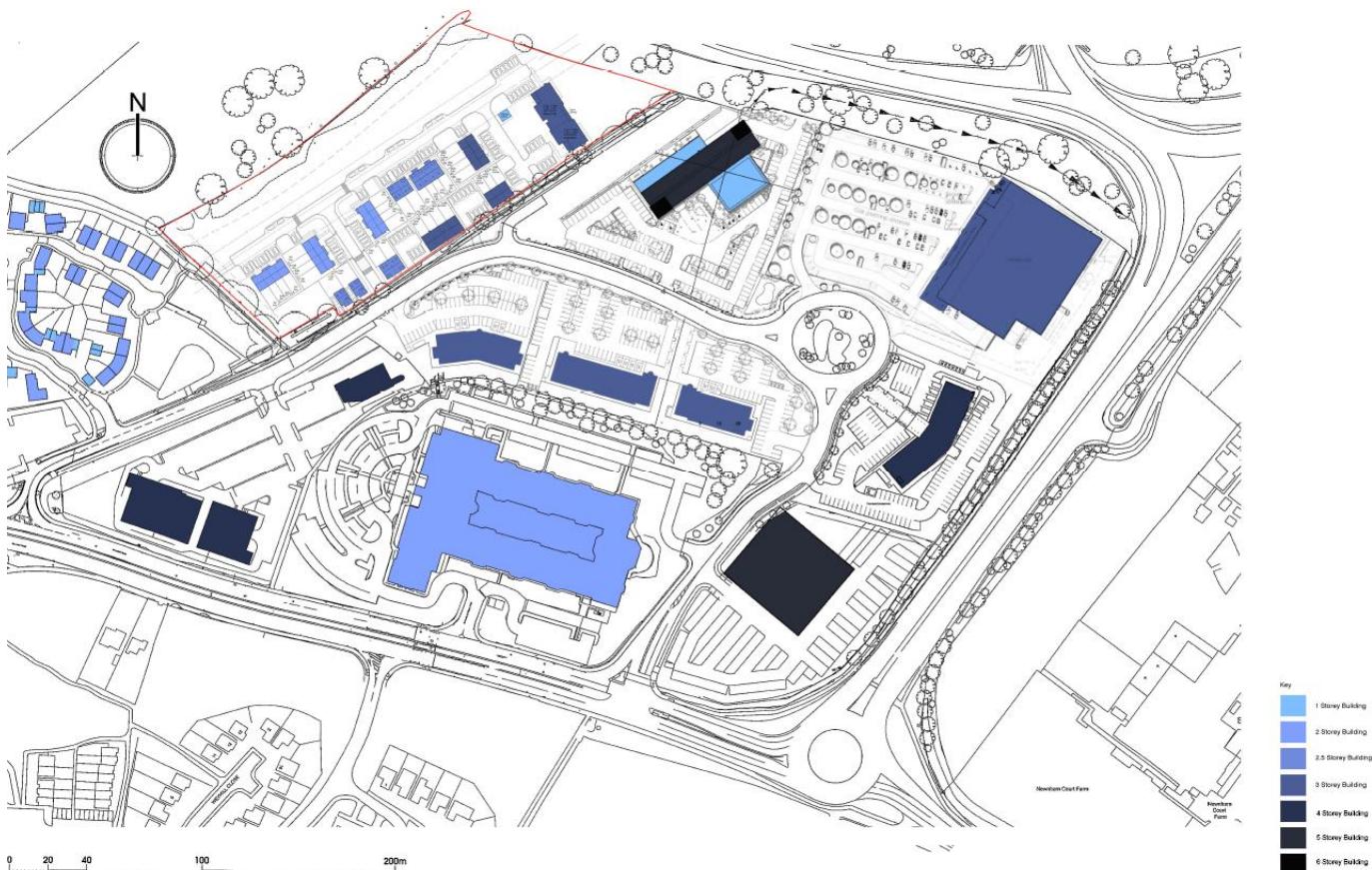
6.11.13 Whilst the details of the mitigation strategy are still being modelled, initial indications suggest that it would be better to include some development nearer to the M20 as the nearer the attenuation measures to the source (including single aspect apartments), the better the noise mitigation across the site as a whole. This is evident from the plans above, and we are confident that with more detailed design work a suitable noise mitigation strategy can be achieved for all future residents of this development.

6.11.14 With respect to air quality, initial advice is that there is unlikely to be any notable difference in impact between that within the site allocation boundary and that within the proposed buffer zone; and that air quality impacts will generally be managed through similar building management design techniques as that used to

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mitigate noise impacts i.e. mechanical ventilation/ acoustic glazing and acoustic trickle vents etc.

6.11.15 Turning to the issue of the need for a buffer to address the impact of any future development on the Kent Downs AONB, the inspector will note when he does his site visit that the site is heavily screened by woodland to the west and north (over the motorway) and is barely visible from the south due to the existing built up area. In this respect, it is clear from the plan below that the scale of development proposed by Persimmon Homes is considerably more sympathetic to its surroundings and the setting of the AONB than that which has been consented and build out on the adjacent Eclipse Park/ is currently subject to MBC consideration.



6.11.16 In addition policy H1 (30) can provide for the site layout to be designed so as to protect the landscape setting of the AONB – as set out below.

6.11.7 In the context of the above, we would like to refer the inspector to the Preliminary Visual Impact Assessment in relation to the Kent Downs AONB prepared by Mark Baker for Persimmon Homes. This assesses the projected visual impact of the development on the subject site on the Kent Downs AONB, and encompasses a

landscape strategy to mitigate any impacts by woodland planting within the site. This clearly demonstrate how contained the site is from public vantage points within the AONB, and how new woodland planting along the boundary to the M20 would help mitigate any possible impact such that there is no justifiable reason for containing the development area in the matter suggested by policy H1 (30) of the Reg 19 MBLP.

**Qn6.12**

**Should the buffer be defined as part of the allocation?**

6.12.1. We do not believe there has been any science behind the extent of the developable area and line of the buffer drawn to date in the MBLP, and do not feel the buffer needs to be defined in any event. The spatial separation with the M20 so as to address any noise and air quality, and the spatial separation with the AONB, beyond the M20, so as to address the developments impact on the landscape character and setting of the AONB are both a matter for the development control process. The noise and air quality assessments and the Landscape and Visual Impact Appraisal should be able to demonstrate to the LPA’s satisfaction that the proposed development does not suffer from any adverse noise/ air quality issues/ does not adversely impact on the AONB. We have, set out below, some suggested amendments to policy H1 (30) to facilitate this.

**Qn6.13**

**Is a buffer necessary for air quality reasons as well as noise?**

6.13.1 As indicated above there does not appear to be any evidence submitted by MBC to demonstrate that a buffer is required for air quality reasons, and the initial advice we have received from Persimmons air quality consultant is that there is unlikely to be any notable difference in impact between that within the site allocation boundary and that within the proposed buffer zone. In practice any air quality impacts can be managed through the design of the buildings by way of mechanical ventilation/ acoustic air bricks etc. – if required.

**Qn6.14**

**What evidence supports the extent of the buffer or should the matter be left to development management?**

6.14.1 As indicated above we do not believe there to be any evidence to support the extent of the buffer, and feel that this is a matter that should be left to development management with policy H1(30) amended as set out below

**Qn6.15**

**What change is sought to the developable site area and the number of dwellings?**

6.15.1 We believe the extent of the allocated area should encompass all of the redline shown on drawing 659-PL-11 rev – as attached, and that the wording of policy H1 (30) as it is now numbered, should encompass a number of criteria that ensure there is no adverse impact on the AONB to the North/ future residents do not suffer from any adverse noise or air quality issues. We have set out below some suggested amendments to policy H1 (30) to facilitate this.

6.15.2 The work undertaken to date by Persimmon Homes would suggest that rather than the 35 dwellings the site is currently identified as being capable of

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accommodating, it could in fact accommodate circa 50 dwellings – an illustrative layout plan is provided below to demonstrate how this could be achieved. Please note this is still subject to discussion and consultation and is thus a ‘work in progress’

**Qn6.16**

**Why would the requested change be necessary for the plan to be sound?**

6.16.1 The land west of Eclipse Park is a sustainable Greenfield site located on the edge of the built up area of Maidstone – the principle town in the borough and the main focus for new development.<sup>2</sup> The Borough Council should be looking to maximise the development potential of sites like this to provide for as much flexibility as possible in their housing trajectory and to help them meet their OAHN. Policy H1 (30) as currently drafted has not been justified in as far as it relates to the extent of the developable area and the need for the proposed buffer to the M20. Our proposed revisions to policy H1(30), as set out below, would demonstrate a plan that is ‘Positively Prepared’, ‘Justified’, and ‘Consistent with National Policy’ in as far as looking to boost significantly the supply of housing (para 47 of the NPPF) whilst also preventing new development from being put at unacceptable risk from, or being adversely affected by unacceptable levels of air and noise pollution (para 109, 124 and 143 of the NPPF refer), and without harm to the landscape character and setting of the AONB (para 115, of the NPPF refers).

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<sup>2</sup> See point 2 of the spatial objectives – p13 of the MBLP Reg 19 (Feb 2016).

Persimmon Homes proposed policy H1 (30) revised wording <sup>3</sup>

*‘Land West of Eclipse, as shown on the policies map, is allocated for development of approximately 35 50 dwellings at an average density of 35 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.*

#### *Design and layout*

- ~~1. An undeveloped section of land will be retained on the north eastern part of the site to provide a suitable buffer between new housing and the M20 motorway.~~
- 1. The layout and landscaping of the site shall be designed to respect the setting of the Kent Downs AONB to the north, and the wider setting of the site. A Landscape and Visual Impact Appraisal will be submitted with any future application to demonstrate how the proposed development respects the setting of the Kent Downs AONB and the wider setting of the site; and a landscape strategy plan will be required to demonstrate the positive landscape management of the site, which should include landscape enhancement and reinforcement;*
- 2. A minimum 15 metre landscape buffer shall be provided along the site’s western boundary adjacent to the ancient woodland and no footpath, cycle or track-way shall be provided within this safeguarded area.*
- 3. The layout and landscaping of the site shall be designed to minimise the impact of development on the adjacent ancient woodland to the west of the site through appropriate siting of the built development.*

#### *Access*

- 4. Access will be taken from Bearsted Road only.*

#### *Noise*

- ~~5. Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the M20 motorway.~~
- 5. Development will be subject to a detailed noise assessment to demonstrate that a satisfactory noise climate can be achieved for all future occupants in accordance with national best practice through both the layout and design of the development/ proposed dwellings and through any necessary attenuation measures and having regard to noise from the M20 motorway.*

#### *Air quality*

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

#### *Open space*

- 7. Provision of approximately 0.15ha of open space within the site, together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM22.*

#### *Highways and transportation*

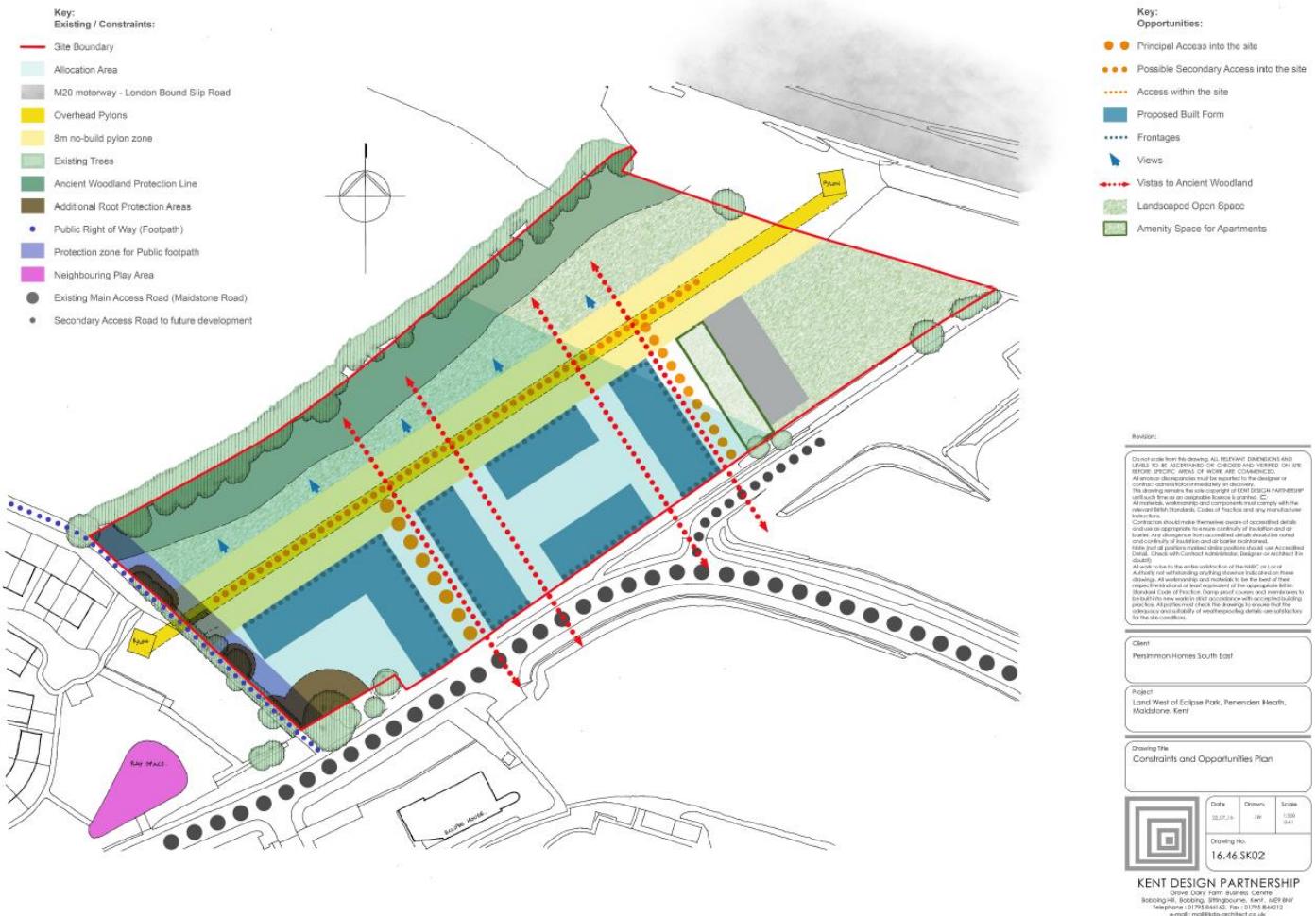
- 8. Complementary improvements to footpath KB9 that runs along the south western boundary of the site.*
- 9. Mitigation measures towards peak time congestion at Junction 7 of the M20 motorway.*

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<sup>3</sup> Struck though text to be deleted, blue text to be added.

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## Illustrative constraints and opportunities plan



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Illustrative layout plan

