

REFERENCE NO - 18/500346/FULL		
APPLICATION PROPOSAL		
Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works.		
ADDRESS Lordswood Urban Extension Gleamingwood Drive Lordswood Kent		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>The application has a significant impact from the loss and deterioration of Ancient Woodland and the harm from encroachment into the open countryside and to its character and appearance.</p> <p>The new National Planning Policy Framework gives a greater degree of protection to Ancient Woodland from planning decisions on development. It is not considered that the current application achieves the test of demonstrating “<i>wholly exceptional reasons</i>”. It is not a nationally significant infrastructure project nor does it provide a public benefit that would clearly outweigh the loss and deterioration of habitat.</p> <p>The extra units, compared to the scheme allowed on appeal, will increase the population in the development and thus the impact on the Ancient Woodland being retained will be greater and more harmful. The scheme is similarly also contrary to Maidstone Borough Local Plan policy DM3.</p> <p>The adoption of the Local Plan and improved housing supply gives substantially more weight to Policy SP17 of the Maidstone Borough Local Plan in the consideration of the scheme than was the case when the Inspector made his decision. The proposal breaches policy SP17 as it encroaches into the open countryside by reason of its location and harms the character and appearance.</p> <p>It is not considered that the extant permission granted appeal is a material consideration that is substantial enough to outweigh the harm identified.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Called into Committee by Boxley PC and contrary to their views.		
The application was withdrawn from the Planning Committee of 16 August 2018 for Officers to consider the detailed implications of the new National Planning Policy Framework with regard to Ancient Woodland and to obtain formal confirmation from Medway Council on its requests complying with the CIL Regulations.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT McCulloch Homes And Palm

		Developments Limited AGENT Tetlow King Planning
TARGET DECISION DATE 12/07/18		PUBLICITY EXPIRY DATE 03/08/18

Relevant Planning History

15/503359/OUT

Outline application with all matters reserved for residential development (approx. 89 dwellings) plus open space, biomass plant and access road (plus emergency access) (Revised Scheme).

Appeal Allowed Decision Date: 30.11.2015

13/1797

Outline application with all matters reserved to develop the site for residential (approximately 89 dwellings) with open space, access road and biomass heating plant as shown on drawing no: PL001 Rev 11, PL002 Rev 11 and PL003 Rev 11,

Refused Decision Date: 23.04.2014

13/1587 Request for Screening Opinion - Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Environmental Impact Assessment Not Req. Decision Date: 03.10.2013

Provisional TPO Woodland Order No: 5007/2015/TPO dated the 07.08.2015 (not confirmed)

Provisional TPO Woodland Order No TPO ref 5008/2018/TPO dated 14.08.2018

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is close to the Medway Council district. It is outside the urban confines of Lordswood and is thus in the countryside. It comprises an area of 4.28ha mainly being 2 fields in open agricultural land with some Ancient Woodland.
- 1.02 It is sited to the east of Lordswood, a residential area that spans the Borough boundaries and was developed in the 1960s and 70s. The red line application site includes a main access through the woodland to Gleamingwood Drive plus land needed either side for visibility splays and

also an emergency access to the south to Westfield Sole Road and a non-vehicular link to the northernmost extent (Sindals Lane).

- 1.03 To the east, the site is bounded by Sindals Lane, an unmade track, to the North by Roots Wood and the site of Gibraltar Farm. Gibraltar Farm has an outline planning application for up to 450 homes (originally allowed on appeal).
- 1.04 The M2 motorway forms a boundary to the southern edge of Lordswood and separates it from Kent Downs Area of Outstanding Natural Beauty (AONB).
- 1.05 The site has been used for horse related purposes in the past and is mainly 2 fields. They are separated visually from open agricultural land to the east and south by a small bund planted with a mixture of deciduous trees and an inner row of mature coniferous trees.
- 1.06 Gleamingwood Drive follows the perimeter of the built up area and on its eastern side is lined with mature trees designated as Ancient Woodland owned by the applicant. This adjoining woodland is known as Reeds Croft and Cowbeck Woods and has an area of approx. 7 ha. These two woodland parcels are believed to have remained more or less continuously wooded since at least 1600, although part of Reeds Croft Wood was replanted in the 19th or 20th Century, in part for softwoods and in part for commercial sweet chestnut coppice.
- 1.07 The new access road would be created through the Ancient Woodland from Gleamingwood Drive and another section of roadway through Ancient Woodland would link the 2 fields. The housing units themselves and a landscaped buffer area would be entirely contained within the open fields sections of the application site.
- 1.08 The site lies on the edge of countryside which forms a gap between Lordswood and Hempstead to the east, but the gap between these settlements has no specific landscape policy protection. It does fall within the Local Landscape Character Type of "Dry Valleys and Downs" and the "Bredhurst and Stockbury Downs Landscape Character Area" in the Maidstone Landscape Character Assessment of 2012, as amended in 2013. The Ancient Woodland within the site is acknowledged to have been maintained by coppicing in the past but there is currently no active management.
- 1.09 A public right of way (PROW) runs along the NE boundary (PROW KH37). The Ancient Woodland forms a strong visual barrier between suburban development and open farmland. The woods themselves do not have a PROW through them but there are informal paths and hence there is some informal use of the application site and the adjacent wooded area for recreation such as dog walking.
- 1.10 A provisional woodland TPO ref 5008/2018 has recently been served on this site and adjoining woodland.

2. PROPOSAL

- 2.01 The scheme is for 115 dwellings, an increase of 26 dwellings over that approved in the outline appeal scheme, approx. 27 dwellings per hectare. Generally the new houses are detached and semi detached with a few terraces. They are mainly 2 storeys but there are some 2.5 storey dwellings, the latter have eaves heights of 7m and ridge heights of 10.5m. The mix is 2, 3 and 4 bed properties. There are to be 46 affordable units comprising; 12 x 2 bed; 31 x 3 bed; 3 x 4 bed. Of these, 32 units (70%) will be social rented and 14 (30%) will be shared ownership.
- 2.02 In the centre of the site is a triangular open space indicated to include a Locally Equipped Area for Play (LEAP).
- 2.03 In terms of renewable and low carbon design, the applicants state that the new development has been designed to meet best practice criteria relating to sustainable design and the scheme incorporates a number of energy efficiency measures such as passive solar design and orientation, high quality roof, wall and floor insulation, air tightness and the use of energy efficient appliances and lighting throughout the development.
- 2.04 A palette of traditional materials is proposed which are intended to compliment the proposed contemporary external appearance. They consist of Cambridge dark weathered brick, profiled Larch cladding Black stained profiled Larch cladding; Marley artificial slate; Black rainwater goods Joinery: pale grey aluminium windows and doors.
- 2.05 The perimeter is predominately surrounded by trees. Parking areas and communal areas which are publicly accessible are generally overlooked by adjacent dwellings providing a natural surveillance. Footpaths are intended to be visually open, and have clear intended routes to encourage their use.
- 2.06 Street lighting will be introduced for all public routes, to consist of energy efficient LED luminaires with no up lighting to minimise light spillage.
- 2.07 A comprehensive ecological appraisal in support of the application addresses biodiversity and the ancient woodland. Most affected woodland areas are overstood coppice with low bat roosting potential so the risk to roosting bats is relatively low. The report also concludes that the existing woodland is of relatively poor quality for the majority of specialist woodland birds. The 2 reptile species found are both relatively common in Kent (slow-worm and common lizard).
- 2.08 An objective of this application is the need to find a vehicular access route through Reeds Croft Wood having the least impact on the Ancient Woodland. The application has therefore been accompanied by a detailed route plan based on a precise survey of trees forming part of the Ancient Woodland.
- 2.09 The carriageway will have a gradual bend and a narrowing chicane intended to result in minimal loss of trees and coppice stools all of which have been the subject of a detailed survey. Specifically, the tree survey states that the route will require the loss of smaller trees, such as some of

the birch and chestnut and some of the weaker birch and beech. Revision to the roadway, narrowing by approx. 2m where it passes tree group 36, has reduced the impact and enabled a further tree in the group to be retained.

- 2.10 Overall the Tree Report submitted concludes that the proposed development results in the loss of very few trees. Most trees being lost are stated to be those of low quality and value and that the impact on trees is not materially altered from that already deemed acceptable and allowed at appeal.
- 2.11 A landscape visual impact assessment states that the proposed new scheme will have no greater visual impact on the landscape setting than the approved appeal scheme despite the increase in unit numbers.
- 2.12 As with the scheme allowed on appeal, the development would have a single access from Gleamingwood Drive, with a secondary emergency access onto Westfield Sole Road using an existing entry point. Westfield Sole Road is narrow with passing points at regular intervals but it has no pedestrian access so is not suitable as a main access. (NB the appeal decision was in outline subject to a Unilateral Undertaking, with all matters reserved but the Inspector specifically approved the access from Gleamingwood Drive and the link access between the 2 housing parcels as per the submitted drawings).
- 2.13 Trip forecasts to determine the impacts on the surrounding highway network have been updated due to the increase in number of proposed dwellings on the site, and have also factored in recent approvals that may affect highway capacity. The assessment concludes that the proposed development is in a sustainable location with respect to local facilities and public transport, whilst its impact on the local highway network is minimal.
- 2.14 Following comments from KCC as the Local Highway Authority, changes have been made such as the relocation of the proposed crossing point at the site access junction with Gleamingwood Drive in order to tie in with existing provision and to avoid the loss of the first section of existing parking layby on the opposite side of the road.
- 2.15 In response to KCC concerns about the need for off site highway improvements at Gleamingwood Drive/Lordswood Lane Junction, the applicant's consultants have suggested an alternative scheme: partial widening on the eastern side of Lordswood Lane and where the footway and verge is at a comparable level to the carriageway, to reduce queuing, to address the existing overrunning of the verges which already occurs on the northbound Lordswood Lane and on the left turn radius from Gleamingwood Drive. Works to the splitter islands and white lining of Round Wood roundabout have been agreed with KCC.
- 2.16 In addition to the network of woodland walks, the proposed development benefits from an accessible pedestrian footpath that provides access from Gleamingwood Drive to all units and sections for a circular footpath along the site's perimeter.

2.17 The landscape masterplan proposes

- Retention, protection and positive management of important landscape features
- Removal of the conifer tree belt
- Retention and enhancement of existing hedgerow along Westfield Sole Road and creation of a 10m tree/scrub buffer;
- Creation of a 15m buffer to the Ancient Woodland
- creation of areas of public open space and amenity areas
- informal green linear recreational route around the proposed development;
- landscape/ecological management/enhancement of the site and woodland adjacent
- Creation of a new footpath link to Gleamingwood Drive.

2.18 The scheme includes provision of policy compliant onsite affordable housing.

2.19 Foul drainage is intended to connect to the main sewer and surface water to infiltration to ground as part of SuDs scheme.

2.20 The agent has submitted the following in support:

- Affordable housing additional benefits: an increase of 10 additional affordable homes; there is an acute need for affordable homes in the Borough which the 46 affordable homes arising from the current application would make a significant contribution towards addressing.
- Highways additional benefits: Widening of the previously proposed footway on the southern side of the access to become a footway/cycleway; Introduction of a chicane around the group of trees on the outside of the bend before entering the site proper to give greater clearance to them; Relocation of the proposed crossing point at the site access junction with Gleaming Wood Drive to avoid the loss of the first section of existing parking layby on the opposite side of the road; Lordswood Lane/Gleaming Wood Drive priority junction improvement works
- Landscape additional benefits: retention, enhancement and positive management of important landscape features on and abutting the site; reinstatement of woodland coppicing; removal of the conifer tree belt; enhancement of the perimeter deciduous tree belts; reinforcement of hedgerow along Westfield Sole Road; and creation of a 15m buffer between the ancient woodland and proposed housing; more space around the mature outgrown hedgerow

- Central area of public open space has been enlarged and redesigned to provide a more attractive focal point and natural play area. Frontages now overlook the ancient woodland buffer zone and areas of informal open space. This will provide better natural surveillance and will improve ease of access for landscape maintenance, ensuring the future success and longevity of the buffer zone.
- Trees and Ancient Woodland additional benefits: proposed scheme reduces the amount of woodland that is lost; a detailed Woodland Management Plan has been submitted whereas the extant consent merely required such a management Plan to be put in place. Conservation-led woodland management proposed, delivering the wood fuel product that will contribute to the continued management of the woodland in perpetuity and securing better controls over public access and usage.
- Ecology additional benefits: Survey work has indicated that there is no overriding ecological impediment to reinstating coppice with standards management with dormice, birds foraging bats and flora all likely to benefit considerably.
- Extant scheme: My clients have confirmed that should this current application be delayed or refused then they would proceed with the previous scheme in order to maintain the additional value secured in the site. My clients pursued 2 original outline applications and appeals in order to secure the consent and will therefore have no desire to lose this position now and return the site to the existing vacant use. This consent already establishes the principle of the access road through the Ancient Woodland and indeed the principle of development more generally of the site. This is therefore a recognised fall-back position in planning terms that should be considered in the context of the current submission.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF 2018)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017 (MBLP) SS1; SP17; SP19; SP20; SP23; DM1; DM3; DM6; DM8; DM12; DM19; DM20; DM21;DM23;DM30; H1; ID1

Supplementary Planning Documents: Air Quality; Public Art.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 48 objections received from local residents raising the following (summarised) issues

- This site has not been identified as a housing allocation site in the Maidstone Borough Council
- Road fatalities in the area
- 115, from the original 89, is too many extra houses
- many of the surveys, transport etc are out of date
- approval gets given and as this has set a precedent - plans change and
- Pleased with the biomass plant removal
- This build is coupled with the Gibraltar Farm build next door of 450 homes – overall impact should be assessed
- Local residents not given opportunity to attend meetings
- Other sites should be developed with less of an impact.
- proposed entrance is on an already tight and dangerous bend that buses cannot pass cars
- Junction will be an accident blackspot.
- Needs significant improvements to Gleamingwood Drive
- access to the site should be via Westfield Sole Road to A2
- emergency exit onto Westfield Sole Road is unsuitable for that purpose since it exits onto a narrow country lane
- needs new slip roads on and off of the A2 and peak time traffic lights at the roundabout
- improve the cycle lane
- improve bus infrastructure
- fire risk of the new houses
- inadequate parking
- needs a suitable pedestrian crossing
- should not result in less layby parking outside the site
- impact on overstretched GP Surgeries and local secondary schools, a new doctors surgery is needed
- Loss of ancient woodland is unnecessary, will suffer damage by resident using it as a short cut or for recreation.
- Identity of the area should remain characterised by Woods.
- harm to wildlife- Some species not listed in the ecology report
- loss of natural barrier against sound/fumes/smells/cross winds

- loss of privacy and views
- parking on Gleamingwood Drive makes the road dangerous- too narrow and unsafe by blind spots
- roads impassable when heavy snow
- loss of green wedge into the urban area when brownfield sites or empty properties in urban areas exist
- harms the local beauty of the area
- should pay a levy to Medway Council
- access should be from Maidstone not Medway
- need to take notice of the views of the residents
- Only a few Lordswood residents who come under Maidstone Council were informed of this build and then, at a very late stage in the planning process.
- headlight nuisance at new junction, affecting sleep
- unsustainable, allow the sprawl of London to increase into Kent
- South east is overheated and overcrowded
- Affordable homes are not necessary- just upsizing.
- merging of urban areas
- concrete will affect surface water drainage
- opens up the woods for more development
- loss of biomass boiler nullifies the Inspectors approval
- not enough parking at local shops
- noise during construction
- huge amount of housing going up in this part of Kent
- profiteering
- Travel Plan will not make any difference
- Sewers will not cope
- Commuting misery to our already overcrowded trains and coaches.
- Bus routes only serve Chatham station during the morning and evening peak.
- Water which is already in seriously short supply during periods of drought

- on the edge of the Kent Downs AONB and is an area of Local Landscape Importance
- the development did not get declared on legal searches
- devaluation of house prices
- Teenagers and young adults with cars will stay at home as cannot afford to move out so will park in Lordswood roads necessitating permits.
- Shameful that views of every person who lives in the area ignored by local council and Government

Woodland Trust

- Strongly objects due to the loss of and damage to Ancient Woodland; contravenes national and local planning policy and flies in the face of the government's intention to better protect Ancient Woodland from inappropriate development; needs a minimum 30m buffer and alternative routes for the access road and link road.
- The Government has recently updated the National Planning Policy Framework. Protection for ancient woodland and ancient and veteran trees has been strengthened. This application contravenes paragraph 175c which refers to the need for wholly exceptional reasons and a suitable compensation strategy. Exceptional reasons are defined as follows: "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat." The proposed development does not fit these criteria and as such should be refused.

Ward and Medway Council Members

- previous application was only allowed on appeal
- a negative impact upon local residents from the increase in numbers of dwellings
- overdevelopment
- detrimental impact on the quality of life during construction period and also when finally built out
- Junction 3 of the M2 is already beyond capacity and 300 hundred more cars will have an enormous impact
- The traffic now is much heavier than when the original application was submitted
- The impact on local schools, doctors and dentist will have an impact on an area already over developed, and all this area is served by Medway Hospital a hospital already very overstretched.

- Boxley Parish Council has thoroughly covered all the relevant reasons why this application should be refused.

Local MP (Tracey Crouch)

- impact on the local area from increasing number of dwellings
- pressure on local infrastructure, services and roads
- Nearby application for 450 dwellings has been granted on appeal.
- concerns about the scale of housebuilding taking place in the area

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.01 Boxley PC- Strongly objects

- a greenfield site is inherently unsustainable
- incongruous urbanisation into the countryside
- Planning Inspector was heavily swayed by the inclusion of a sustainable bio-mass
- MBC now has a 5-year housing
- Poorly related to the existing built up urban area.
- visual impact
- main access creates significant gaps in the woodland- harm to the street scene and loss of visual amenity
- direct loss of Ancient Woodland
- loss of connectivity for Dormice and bats
- harm to wildlife habitat from lighting, activity, recreational use
- loss buffer zone to the rural strategic gap
- Harms setting of the North Downs AONB and its landscape and scenic beauty.
- light and noise pollution
- loss or deterioration of irreplaceable habitat and aged veteran trees
- selling coppiced wood would require additional road traffic movements,

- the applicant is exploring how to get volunteers involved suggests that the funding of future woodland management is not robust
- inadequate car parking
- Inadequate Travel Plan: unmaintainable, unfunded
- Unlikely to get an on-site LEAP managed by MBC
- No sustainable inclusive and mixed communities
- inadequate public transport or cycling routes
- Over 500m from the nearest stop through a wooded area
- Local sewer network inadequate
- Unsafe access
- Outdated 2013 traffic count statistics
- M2 junction 3 is beyond its design capacity.
- proposed Lower Thames Crossing is expected to increase local road usage
- inadequate local medical services
- air pollution
- no consultation took place with the community
- 106 payments are requested for: Highway junction improvements; the local parish council hall; that the bike routes are linked.

5.02 Additional objections on revised plans: the junction improvement of the left hand lane of Gleamingwood Drive, for drivers turning left into Lordswood Lane, is not included and it is unlikely to be financed by the Gibraltar Farm development. Concern that the proposed improvement on Lordswood Lane will be insufficient in width and length especially as the junction is extensively used by HGVs. Insufficient parking spaces, All road surfaces should be permeable to allow rain water to be captured over a larger area as possible; The Green Travel Plan is not achievable and not enforceable; KCC's Consultee Comment – The cycle path does not continue along Gleaming Wood Drive (past the Industrial Estate) to the Lords Wood Lane junction - a cycle route from the development to the Lords Wood Lane junction is needed. KCC response falls short on the impact of the development on Jct3 of the M2 and associated roundabouts, Walderslade Woods and local highway infrastructure.

5.03 Medway Council: No objection subject to a Section 106 Agreement to secure the following developer's contributions:

- Nursery School Expansion: £105,248.00 and Primary School Expansion: £95,953.37 at one or more of: St. Benedict's RCP, Lordswood Primary or Kingfisher Primary
 - Secondary School Expansion: £179,194.97 at Holcombe Grammar School
 - £80,070.00 towards the provision of open space locally
 - Appropriately worded conditions pertaining to access arrangement, lighting, submission of a Construction Environmental Management Plan to ensure that mud is not brought on to the highway and the hours of the construction would not be detrimental to the amenities of the local residents.
- 5.04 Medway CCG- Funding sought of £53814.25 towards running a Minor Illness Clinic in Lordswood.
- 5.05 KCC Education: KCC schools could not accommodate the increased pupil demand for both Primary and Secondary provision. Medway Council's confirmation needed that schools within that area can accommodate the additional demand or will be expanded to do so.
- 5.06 Environment Agency- a low environmental risk. The applicant may be required to apply to the EA for other consents, permissions or licenses.
- 5.07 Forestry Commission- refers to standing advice and in the wider planning context the Forestry Commission encourages local authorities to consider the role of trees in delivering planning objectives. For instance through the inclusion of green infrastructure (including trees and woodland) in and around new development; and the use of locally sourced wood in construction and as a sustainable, carbon lean fuel.
- 5.08 Natural England: proposal is unlikely to affect any statutorily protected sites. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.
- 5.09 Natural England has published Standing Advice on protected species and Ancient Woodland. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community.
- 5.10 KCC Ecology objection: direct loss of Ancient Woodland through the creation of two access roads to facilitate the development that will result in a loss of connectivity throughout the site.

- Reduction in the area of other semi-natural habitat adjoining the woodland though the proposed 15metre buffer could provide similar benefits if it is established and managed appropriately.
- Disturbance to species present within the Ancient Woodland including breeding birds, dormice and bats.
- Increase in recreation within the woodland, trampling of the ground flora and a disturbance to protected species within the site.
- Lighting scheme could be developed to minimise the impact but impact cannot be avoided completely.
- fly tipping/Garden encroachment:
- Translocation of the soils from the proposed road ways can enable the seedbank to be retained active
- Needs management of the woodland for the lifetime of the development, regardless of whether the proposed works are economically viable.
- A minimum of a 15 metre woodland buffer along the boundary of the woodland must be created and managed appropriately as per the current NE Standing Advice.
- Protected Species surveys were carried out in 2013 but the results are likely to still be valid but there will be a need for updated species surveys for detailed mitigation strategies and any EPS licence applications. Consider management on the grassland fields for suitable reptile habitat. 5 species of bats are foraging within the site mainly along the woodland boundaries and hedgerows which should be retained within the proposed development.
- Detailed lighting strategy must demonstrate that there will be minimal light spill in to the open/natural spaces.
- Dormice have been recorded within the Ancient Woodland and the proposed development site so the canopy should be retained across the access road.

5.11 KCC Archaeology- The site lies within a general broad area of prehistoric and Roman archaeological potential requiring a programme of archaeological work.

5.12 KCC (PROW)- Public Rights of Way KH37 restricted byway runs along the eastern boundary of the site and should not affect the application

5.13 KCC (Drainage) - No objection subject to a condition for a sustainable surface water drainage scheme with additional ground investigation carried out in relevant locations across the site to support the use of infiltration: soakage tests are compliant with BRE 365, a modified infiltrate rate and any soakaway with an appropriate half drain time.

- 5.14 UKPN: 33KV overhead network crosses the land so steps must be taken to ensure their safety when working near the overhead network.
- 5.15 KCC (Highways and Transportation): A new priority T-junction onto Gleamingwood Drive that will be positioned at the south western end of the site is consistent with 15/503359, with the alignment influenced by the need to minimise loss of trees. At least one of the footways should be widened to form a shared footway/cycleway, commensurate with the larger scale of development and consistent with that on Gleamingwood Drive. The TA needs details such as the location, date or number of readings. Visibility sightlines of 2.4m x 43m are required due to the 30 mph speed limit on Gleamingwood Drive. Sightlines should be perpendicular to the kerblines. Swept path analysis has been provided - the turning manoeuvres of refuse vehicles can be accommodated. To the south west the new 2m wide footway will provide connectivity to the existing nearby bus stop. To the north east the 2m wide footway is shown to require the removal of several on-street parking spaces: prefer widening of the carriageway and the provision of a build-out to assist pedestrian crossing movements, which should be the subject of a Road Safety Audit. An emergency access is proposed onto Westfield Sole Road. This will need barrier control and improved visibility sightlines.
- 5.16 The TA highlights how the site is well-placed in relation to several key local facilities within Lordswood: local shops, primary/infant/junior schools, health centres, leisure centres and employment areas. Additional facilities are also available further afield at Walderslade and Hempstead Valley. Pedestrians and cyclists are assisted by the shared route that runs along Gleamingwood Drive to the west with connectivity to facilities in Lordswood and Walderslade. There is a dedicated pedestrian access at the northern end of the site providing a more direct route into Lordswood for residents within the northern part of the site.
- 5.17 There are bus stops on the Gleamingwood Drive/Clanton Road corridor. The development must be supported by bus stops with accessible waiting facilities for all passengers, ie. Raised kerbing for low floor access and dropped kerb/tactile paving to assist crossing pedestrians. These works should be secured as part of a S278 Agreement. There are bus links with scope for interchange with rail services at Chatham railway station.
- 5.18 The submitted Travel Plan has measures and initiatives proposed for the dissemination of travel information, overseen by a TP Co-ordinator, with a process of survey and review. Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives. A fee of £5000 is required to fund KCC's review of monitoring reports and work with the TP Coordinator to achieve the objectives. This should be secured via a Section 106 Agreement.
- 5.19 The TA seeks to quantify the net change in traffic generation that could arise having regard to extant planning permission no.15/503359. This is a legitimate methodology if permission 15/503359 can be lawfully implemented. The trip generation forecasts indicate that the proposed development will generate up to 76 vehicle trips in each AM and PM

peaks. The vehicle trip rates are identical to those applied within the TA that supported the 2015 application and have not been updated but there is no set rule against using an earlier version. In overall terms, the TA predicts a net increase of 17 vehicle trips in both the AM and PM peak periods which are modest in the context of the traffic flows already on the local network as a whole.

- 5.20 Trip Distribution: two thirds of trips being assumed to route to the west via Gleamingwood Drive and the Round Wood Roundabout. Over a third of all trips are assumed to route via Walderslade Woods (A2045) they have used traffic surveys undertaken in September 2013. This data is older than 3 years and is not therefore representative of current conditions, affecting the robustness of the findings.
- 5.21 Road crash data (2012 – 2017) identified 14 incidents, of which one resulted in serious injury. None in the vicinity of the proposed site access. The assessment of traffic impact has included background traffic growth over the period to 2018 (current year) and 2023 (horizon year). Uncertain whether this includes the 450 dwellings at Gibraltar Farm (MC/14/2395) approved by the Secretary of State as recently as March 2017. Capacity modelling analysis has been undertaken for peak periods on the key junctions when the development will be fully occupied in 2023. The Lordswood Lane/ Gleamingwood Drive junction is predicted to operate over practical capacity during both peak periods in 2023. The additional traffic will result in a further worsening of operating conditions. The predicted 38 vehicles queuing northbound would be more likely to impede traffic flow at the Round Wood Roundabout. Concerned that traffic growth over the intervening period has reduced the available capacity at the junction. Require this impact to be mitigated.
- 5.22 At Round Wood Roundabout, the additional traffic will result in a further deterioration in operating conditions. The applicant should fully mitigate the impact of the development.
- 5.23 Proposed 253 car parking spaces include 23 visitor spaces which accord with requirements. Cycle parking is proposed in accordance with the minimum standards. Suitable carry distances for refuse can be achieved.
- 5.24 (Additional Comments) The additional information submitted by the applicant has addressed principal areas of concern and enables the holding objection previously raised to be removed: avoiding any loss of existing on-street parking spaces. The arrangements improve upon those previously submitted in how they better cater for all types of road user. The internal layout has been amended to enable the shared footway/cycleway to extend into the site. Priority workings have been included where tree retention necessitates a narrower carriageway width. Further capacity modelling of the Gleaming Wood Drive/Lordswood Lane junction has been undertaken with the traffic generation of the Gibraltar Farm development and a proposal to improve the junction by widening the Lordswood Lane carriageway. In the case of the Round Wood Roundabout, the applicant has reaffirmed minor adjustments to road markings and splitter islands. The modifications are unlikely to prevent a worsening of the already extensive queuing on Walderslade Woods in the

PM peak. Whilst KCC Highways remain concerned about worsening congestion in this locality, it is recognised that the differential in impact between the consented 89 dwellings and the proposed 115 dwellings will make it difficult to sustain an objection.

5.25 Southern Water- The exact position of the public water mains must be determined before the layout of the proposed development is finalised. The results of an initial desk top study indicate that cannot accommodate the pumped flow without additional local infrastructure. Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. Suggest condition for a drainage strategy for means of surface water drainage and foul disposal and an implementation timetable; need to ensure that arrangements exist for the long term maintenance of the SUDS facilities to avoid the inundation of the foul sewerage system. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. No habitable rooms should be located closer than 15m to the boundary of a proposed pumping station site. Southern Water can provide a water supply to the site. The proposed development would lie within a Source Protection Zone around a public water supply sources.

5.26 Kent Police- (initial comments) Note section Secured By Design in the DAS, but significant concerns about the amount and type of permeability/footpaths provided through the parking court and general lack of natural and informal surveillance, particularly from active rooms, use of some blank elevations; Recessed front doors; Door sets and windows, should be certified to PAS24:2016.

5.27 (Comments on revisions): note the changes to the proposed site plan and the inclusion of recommendations made from a CPTED aspect

5.28 Environmental Protection

- The proposed development is not in an Air Quality Management Area, and unlikely to be an issue for the new residents. However, any air quality impact for existing residents would need to be properly mitigated.
- The site does not appear on our database as being potentially contaminated.
- The main potential noise source would be the M2: the external noise levels in back garden and other relevant amenity areas should conform to the standard identified by BS 8233 2014
- One EV Charging Points 1 Publically accessible EV "rapid charge" point (of 22kW or faster) should be provided per 10 residential dwellings (where no dedicated off-street parking is provided). Ideally any dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Where not practicable, contribution towards installation at nearby locations should be considered.

5.29 Parks and Open Space- some of the 3.87 ha requirement for open space under DM19 could be met on site and the provision of an enhanced LEAP would serve children and young people in the area. However due to the sites location there are no adjacent MBC sites that could be enhanced for other Open Space types such as sport, allotments or natural open space. However Walderslade Woods is a nearby natural area which may be suitable for access enhancement. Boxley Parish Council has a number of leaflets promoting public way-marked trails around the woods; they may benefit from additional funding to improve or extend those networks and associated directional and interpretational signage. The woodland is roughly bounded by Boxley Road, Forestdale Road and Walderslade Woods (road).

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of Development and the Allowed Appeal
- Landscape Impact
- Ecology
- Ancient Woodland
- Environmental Sustainability
- Design and Layout
- Traffic and Highways
- Developer Contributions

Principle of Development and the Allowed Appeal

6.02 By letter dated 30 November 2015 (following a Public Inquiry in October 2015) an Inspector granted outline planning permission (15/503359/OUT) on an identical site for residential development of up to 89 dwellings plus open space, biomass plant and access road from Gleamingwood Drive (plus emergency access to Westfield Sole Road).

6.03 The Inspector did acknowledge that the site was outside the development boundary and was in an area appreciated and enjoyed as countryside. However, he said that there needed to be a balance to be struck in assessing the merits of development.

6.04 Since the appeal decision, there is an adopted Local Plan and a 5 year housing land supply (6.5 years). These both give substantially more weight to Policy SP17 of the MBLP in the consideration of the scheme than was the case when the Inspector made his decision. Policy SP17 defines the countryside as land outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map. It says that development proposals in the countryside

will not be permitted unless they accord with other policies in this plan, they will not result in harm to the character and appearance of the area, they do not have significant adverse impact on the setting of the Kent Downs AONB and they retain the separation of individual settlements.

- 6.05 As well as not giving countryside protection policies full weight, the Inspector said that tree screening would largely conceal housing from the south and east, even in winter. He considered the appeal proposal to be a natural extension of existing development of the Medway conurbation. However, Policy SP17 resists the principle of development in the countryside: whether visually screened in the long term or close to an urban boundary are not factors which necessarily outweigh against that policy.
- 6.06 The proposal breaches policy SP17 as it encroaches into the open countryside by reason of its location and thus also harms its character and appearance. Set against that is the need to consider if there are matters which outweigh that non-compliance with the Development Plan.
- 6.07 The appeal decision is an extant planning permission that must be viewed as a material consideration of significant weight if it provides a "fall back" position, ie: if it is a genuinely realistic alternative development opportunity. The planning permission granted in the appeal decision requires outstanding details of access, appearance, landscaping, layout and scale all to be submitted before 30 November 2018. Once the last of the reserved matters were to be approved, the developer would have a further 2 years to implement. The implementation target date is therefore not established as yet because it depends on an as yet unknown timeframe (being the time taken to approve the reserved matters applications). The reserved matters submission would be expected to include the biomass boiler as a key component of that outline consent.
- 6.08 The appeal decision does establish the principle for development of this countryside site with housing and creating an access with its consequent impacts upon the Ancient Woodland but it is for 26 fewer houses and includes a biomass boiler.
- 6.09 The section 106 Unilateral Undertaking (UU) included a commitment to submit a scheme to secure the biomass boiler. The time trigger for that is before implementation which, as mentioned above, is a date that has not been established. For the "fall back position" to be a genuinely realistic one, the developers need to indicate that they intend to implement the appeal decision and there are no obstacles to doing so. The planning statement indicates that the developer has no intention of building a biomass boiler because practical implementation of this was explored in great detail in conjunction with wood fuel providers and found to be an unviable proposition. As such this scheme does not propose to deliver an on-site biomass facility.
- 6.10 Whether the appeal decision is a genuine fall back position and thus a material consideration when determining this planning application is a matter of subjective judgement and inevitably one which is finely balanced. It is a scheme with 26 fewer houses and includes biomass boiler

and so is a distinctly different scheme to the current application. That this full application has been submitted could be viewed as an indication that the developer does not genuinely wish to progress the 89 unit/biomass scheme. The developer has had nearly 3 years to have submitted the reserved matters pursuant to the outline appeal decision but has not done so to date. They have indicated that they are aware of the need to submit Reserved Matters before 30 November 2018 to safeguard the outline decision.

Ecology

- 6.11 The ecological appraisal undertaken continues to acknowledge the importance of the site as Ancient Woodland having high habitat and nature conservation value. The wood has been subject to damage due to informal recreational use with a number of informal footpaths running through it and being well used by local dog walkers. Reference is made to various hedgerows also having high nature conservation value with the survey identifying the presence of badgers, numerous bird species, slow worms and common lizard, bats and dormice.
- 6.12 Paragraph 170 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued sites of biodiversity and soils, recognising the wider benefits from natural capital and ecosystem services of trees and woodland; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Notwithstanding the proposed mitigation, the proposal will disturb protected species. It is also likely that the proposal will bring about an increase in harmful recreational use of the woodland, risk of predation by domestic cats and additional losses arising from perceived harm of having trees close to houses. There is also the likely harmful impact of artificial lighting along with the reasonable possibility of fly tipping, garden encroachment by houses directly backing onto the woodland buffer while increasing the risk of non-native species establishing within the woodland. Paragraph 175 of the revised NPPF states: planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or, as a last resort, compensated. I am satisfied that overall, the ecological mitigation proposed allows the scheme overall to comply with that national policy and would not be a ground for refusal.

6.13

Landscape Impact

- 6.14 Policy DM30 for development in the countryside requires that impacts on the appearance and character of the landscape to be appropriately mitigated and assessed in a Landscape and Visual Impact Assessment. In terms of the Indicative Landscape Masterplan, the principles are sound and the Landscape and Visual Impact Assessment appears to comply with current guidelines.

- 6.15 As with the appeal decision, it is still the case that the application site has no designation of a landscape of local value in the current Local Plan albeit the Ancient Woodland designation is a valuable contributor to landscape quality.
- 6.16 Key characteristics of the landscape are a mixture of arable fields, paddocks, remnant orchards and small to medium blocks of woodland in an irregular pattern. The application site is within the north western corner which is outside the AONB (yet provides a setting to it) and includes large blocks of Walderslade suburbs in between woodland. The overall condition assessment is 'poor' for the whole Landscape Character Assessment (LCA) with moderate sensitivity; guidelines are to 'restore and improve' including avoiding further built development which is out of character in terms of materials and design; conserve the blocks of Ancient Woodland; restore and improve the woodlands by improving management within historical coppice and introducing greater structural diversity; and reduce overgrazing, removing rubbish and discouraging fly-tipping.
- 6.17 Clearly this application would not accord with the guidelines of the LCA as it introduces built development (albeit there is an attempt in the materials and design to be sensitive) nor would it conserve blocks of Ancient Woodland. It does give an opportunity to require improved woodland management by re-coppicing and introducing greater ecological diversity. The Inspector said that this specific site did not warrant landscape protection based on objective landscape character assessment. Essentially, this accords with other decisions from appeal Inspectors which have clarified that it is necessary to assess landscape harm on a site by site basis ie. Being in the countryside is not, in itself, an objective basis on which to assign landscape value.
- 6.18 The detailed Landscape and Visual Appraisal seeks to demonstrate that given the height of the proposed houses, existing woodland, proposed landscaping and landscape buffers and existing bunds, that the proposal will be well contained within the landscape.
- 6.19 The application sites lies outside the identified built up area of Lordswood defined by the outer edge of Gleamingwood Drive. The developed areas of the application site are set, on average just over 100m back from the road with dense woodland intervening. It is accepted that it would be an isolated pocket of suburban development because of the general need to site the housing units in the open fields and thus secure some protection of the Ancient Woodland.
- 6.20 Given the current height and depth of the intervening woodland fronting Gleamingwood Drive, which is mainly deciduous in nature, the trees, when in leaf and in daytime, are likely to present glimpse views of the houses through the trees. This is considered to be similarly the case when viewing the site from Westfield Sole Road to the south and also to the east where there are existing planted bunds.
- 6.21 Due to rotational coppicing that would take place as part of woodland management, it is likely through the trees from Gleamingwood Drive will

be the outline of houses addition to the impact of lights from, houses, street and car lights.

- 6.22 The site is generally exposed to the open countryside spreading out towards Lidsing, Bredhurst and Hempstead. Regarding long range views to the site from the south and easterly directions from public vantage points, abutting the site to the north east is Sindals Lane which is a PROW whilst there are further PROWs to the north east. The application sets out a number of landscape mitigation measures as follows being:
- The retention and protection of important landscape features abutting the site including the Ancient Woodland, perimeter hedgerows and trees and deciduous tree belts abutting the eastern and southern site boundaries.
 - Enhancement of perimeter tree belts and removal of alien conifer trees along the east and south site boundaries.
- 6.23 There would be landscape screening augmentation of the existing mixed planting on the bunds with local tree species (eg Field Maple, Oak, Beech, Hornbeam, Wild Cherry) and the conifers removed. Hedge and scrub planting would be Field Maple, Hazel, Hawthorn, Holly and Spindle.
- 6.24 Notwithstanding existing planting, the development could significantly intrude into views from these directions unless and until the proposed planting on top perimeter bund matures and in the short term, it could affect the perception of a gap between settlements contrary to Policy SS1 and SP17 of the MBLP.

Ancient Woodland

- 6.25 A provisional TPO on the site has been served in the interests of amenity but cannot override the planning permission granted on appeal.
- 6.26 Policy DM3 of the Local Plan requires new development to protect and enhance the natural environment by incorporating measures where appropriate to protect areas of Ancient Woodland and to enhance, extend and connect fragmented Ancient Woodland; supporting opportunities to enhance, restore and connect other habitats, including links to habitats outside Maidstone Borough, where opportunities arise.
- 6.27 Ancient Woodland is irreplaceable and an important ecological resource. The Standing Advice for Ancient Woodland and Veteran Trees published by Natural England and the Forestry Commission sets out aims in relation to Ancient Woodland and veteran trees: this resource is an irreplaceable biological and cultural asset that needs protection and maintenance, and improvement in the condition of the UK's tree and woodland resource needs sensitive sustainable management.
- 6.28 The submitted arboricultural information consists of a tree survey, tree constraints plan and tree protection plan although more information is needed on the proposed 'no dig construction' and further arboricultural information in accordance with BS5837: 2012 is required.

- 6.29 The Inspector who allowed the appeal in 2015 regretted the loss of some trees and soil under the access roads. Nonetheless, he said that less than 2% of Ancient Woodland on the site would be removed to provide the access and that the harm was outweighed by the benefits of management to the overall area of Ancient Woodland. He said that, where necessary, roots could be bridged to ensure that trees could continue to thrive. Some coppice stools would need to be relocated and that was to be ensured by planning condition he imposed. Therefore overriding the direct loss and impact on the Ancient Woodland was that the remainder would be managed and maintained, the low density of 21 dwellings per hectare (dph) and that access through the woodland facing Gleamingwood Drive and a footway along a small part of that road, would not seriously compromise the perception of the woodland as an attractive feature in his opinion.
- 6.30 The Inspector formed the view that as the Ancient Woodland had not been managed for a considerable time, selective coppicing and felling on a rotational basis would be beneficial for its long term health and future biodiversity. That the products of woodland management would be used in a biomass installation (serving a 6 of the houses) was mentioned by the Inspector as a sustainability benefit.
- 6.31 The main impact on the Ancient Woodland remains the creation of a bellmouth with visibility splays onto Gleamingwood Drive with the access road having a width of just under 8 metres where it enters the woodland continuing in a broadly straight line of 5.1m width with a 2.3m wide footpath/cycleway on its southern edge for just under 100 metres before emerging from the designated extent to the Ancient Woodland and turning to the north. A narrowed chicane has been added in this scheme between the 2 most important trees in this stretch of roadway so that the extent of engineering is reduced giving a lessened impact on their Root Protection Zones. This chicane will also assist traffic calming and provide a gateway into the development.
- 6.32 As the access has been revised to be slightly narrower, there is marginally less impact on the Ancient Woodland compared to the appeal scheme. However, it cannot be denied that road will still create a significant gap in the otherwise currently largely unbroken aspect provided by the existing woodland and an adopted road and junction would inevitably urbanise and appear out of character in the existing wooded frontage. The fragmentation of the Ancient Woodland, the loss of ecological connectivity and the lack of a recommended 15m buffer between the new Road and the Ancient Woodland means the impact is greater still. There are implications of reducing the area of other semi-natural habitats adjoining the woodland resulting in a negative impact on the biodiversity of the woodland.
- 6.33 A second section of the Ancient Woodland will be removed in order to link the northern and southern housing parcels. This is said to have been based on a detailed survey and the tree report states that it involves removal of smaller trees that are of little consequence to the woodland overall. However, there is still a loss of habitat and ecological connectivity

and it is still technically Ancient Woodland that has national policy protection.

- 6.34 Regarding direct loss of Ancient Woodland from the current application, the main site access route and that providing access between the north and south housing parcels follow routes to minimise tree loss though of course this is still significant and has implications beyond the actual footprint of the roads. The long term impact of creating permanent roadways through ancient woodland is greater than the loss of individual trees for the width of the proposed roadway itself: there may be trees lost on the line of the roadways due to the construction process because additional room is likely to be required for the construction itself.
- 6.35 Root systems that are disturbed or damaged can become unviable or unstable and a hazard to road users and pedestrians. This effect is ongoing for future regenerating woodland, which will need to be managed so that it does not present a hazard to road users. There are long term ecological implications to permanently fragmenting woodland: less viable, as populations are less able to move freely; more disturbance from traffic noise, vehicle emissions, road lighting.
- 6.36 As detailed above, the Inspector was of the view that the appeal scheme was acceptable overall. However, that decision was made based on policy DM3 not being in an adopted Local Plan and also paragraph 118 of the NPPF 2012. It is therefore necessary to re-assess the rationale for that decision in light of the Local Plan now being adopted and the change in emphasis in the recently published NPPF 2018 which can be interpreted as giving a very substantial level of extra weight to preservation of the Ancient Woodland over that of the original NPPF.
- 6.37 Paragraph 118 of the now superseded NPPF stated:

planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

- 6.38 The new NPPF in paragraph 175 states:

Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 6.39 What could constitute a "wholly exceptional reason" is given in a footnote as "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat".

6.40 The applicants have continued to offer a management scheme to ensure that there will always be a belt of uncoppiced woodland between the proposed development and houses on the opposite side of Gleamingwood Drive. The applicant also refers to the screening effect of the 15m wide buffer zone that will be in place irrespective of coppicing and which will be planted up with natives species mix.

6.41 Whilst the applicant has committed that any soil forming part of the Ancient Woodland lying beneath the line of the proposed roads would be removed and translocated elsewhere on the site as compensatory measure, that in itself does not amount to wholly exceptional reason for the loss and damage to the Ancient Woodland nor, in my view, does it constitute a compensation strategy referred to in the new NPPF.

6.42 The intended mitigation is:

- A woodland management plan.
- Retention of all existing hedgerows, dormouse and reptile translocation and new habitats either on or off site as appropriate.
- Non-native trees cleared and new native habitats created in their place
- The 15m buffer zones around the housing areas would be planted up with a native species mix of a type and density to discourage access from the housing areas into the Ancient Woodland which would be supplemented by a post and rail fence within the buffer zone.
- selective felling and management to improve foraging and hibernation
- Trees abutting the proposed main site access road would have canopies to interlock and an artificial dormouse bridge.
- sympathetic lighting of the scheme
- log-piles to provide habitat for dead wood specialists
- roost and nest boxes
- retention of existing hedgerows on site
- coppice regime to benefit ground flora and improve structural diversity;
- selective removal of coniferous component; remove and control any growth/re-growth of non-native species;
- manage sapling trees for growing on as future standards
- use wood chipping for paths to allow access through the woodland whilst controlling public access to ecologically sensitive areas through dense boundary vegetation/fencing/ use of brash hedging

- 6.43 Given the likely direct harmful impacts still identified to the Ancient Woodland and wildlife within it and reasonably foreseeable and ongoing harmful additional impacts both to the woodland and the protected species identified above, it is considered that notwithstanding the proposed mitigation measures, the proposal will have a harmful impact on these interests.
- 6.44 It is not considered that the current application achieves the test of demonstrating "*wholly exceptional reasons*". The example given in the new NPPF is a nationally significant infrastructure project or where the public benefit would clearly outweigh the loss or deterioration of habitat. Neither of these apply in this case and the applicant has not formally submitted a case in response to the revised NPPF.
- 6.45 Having said that, the NPPF footnote is an example and not a comprehensive list of what could constitute a "wholly exceptional reason". Thus there is a judgement to be made as to the implications of this change in national policy. The NPPF 2018 is too new to have been tested at appeal or in the courts as to what this phrase means for decision makers. However, it is clearly intended to be both a very high bar and one that is much higher than the original NPPF on which the appeal decision was made.
- 6.46 On this basis, the application does not comply with the new NPPF. Whilst it could be argued that the extant appeal decision has weight, it is not considered that is substantial enough to outweigh the new NPPF in regard of avoiding the loss and deterioration of Ancient Woodland. The scheme remains contrary to policy DM3 which is now in an adopted Local Plan.

Environmental Sustainability

- 6.47 Paragraph 8 of the NPPF details that achieving sustainable development means three overarching objectives, which are interdependent: economic, social and environmental.
- 6.48 The site lies close to the built up area of Medway. Lordswood offers a wide range of facilities and services including employment, shops, pubs, schools, library and primary care medical facilities. There is scope to cycle or walk to local facilities or to take public transport including bus connections to Chatham Train Station or commuter coaches that serve London.
- 6.49 This area was not designated in the adopted local Plan as appropriate as a strategic growth area in the Borough. However it is considered that in locational terms, being close to Lordswood, the development is relatively environmentally sustainable.

Design and Layout

- 6.50 Policy DM 30 relates to design principles in the countryside and as this site is outside of the settlement boundaries, there is an expectation for high quality design in terms of the type, siting, materials and design, mass and scale of development.

- 6.51 The proposed indicative layout provides sufficient detail to demonstrate that the two housing parcels can be developed in a manner meeting the normal spacing, privacy, amenity space, parking and road layout standards. In addition the site will be developed at a density of 27 dph which is comparable to existing development fronting Gleamingwood Drive. It cannot meet the minimum recommended rural housing density in policy DM12 (30dph) due to the woodland buffer and the need for landscape screening on the perimeter and to respect the woodland setting.
- 6.52 It is therefore considered that the site has been well designed in terms of the style and layout to accommodate for this number of houses in an acceptable manner although the density is much greater than the extant planning permission. The houses fall within the same development envelope as the appeal scheme.
- 6.53 Regarding design, the details show contemporary two and 2.5 storey pitched roof (gabled/skillion/lean-to) housing which would be an attractive appearance with the use of materials of vernacular appearance eg extensive use of larch cladding. The slate grey colour to the roofs is relatively sensitive to the locality in terms of reducing long range visual impact of the roofscape.
- 6.54 The scheme layout has been revised since originally submitted. There are a number of dual aspect house designs in corner locations. Corner plots will have large glazed feature bays that will add visual interest and help to break up side aspect of the buildings. The highway will meander through a series of plot configurations which will create separate neighbourhoods, intended to have their own individuality. The public open spaces have also have landscaped and there is screened parking being further distanced from them. These new layouts will provide better passive surveillance and are intended to respond to concern expressed in the Kent Police representation in terms of being 'Secured-by-design'. The scheme was amended to take on board concerns of the Police and a safer layout has resulted in accordance with policy DM1.
- 6.55 The central amenity open space with a LEAP (Locally Equipped Area for Play) would ideally need to be a NEAP (Neighbourhood Equipped Area for Play) in order to meet needs for children up to the age of 14 for on site open space (policy DM19).It will assist in providing an attractive setting and outlook for the dwellings that front it. The majority of the dwellings will generally face outwards onto the perimeter trees. The layout and its landscaping attempt to ensure the Woodland punctuates through the development and there is an emphasis placed on the woodland setting.
- 6.56 Policy DM8 of the Local Plan refers to lighting. In terms of the potential for public and private artificial lighting to detract from the character of the area, it was stated by the Inspector that would not make a significant difference in the prevailing circumstances of the M2, traffic generally, residential areas, farm buildings and other semi-industrial and retail uses that exist in the area. It is difficult to argue that there has been a significant worsening of the scheme in this regard notwithstanding the increase in unit numbers.

Traffic and Highways

- 6.57 Policy DM21 relates to the transport implications of development. Paragraph 109 of the new NPPF stated that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.58 The application has been accompanied by a detailed transport assessment (TA) which concludes that the site is within easy walking and cycling distance of nearby services and close to bus stops providing links to Chatham.
- 6.59 The site location is sustainable in terms of access to transport, schools, health services and shops. The number of vehicle journeys generated by this proposal would represent only a very small proportion of journeys on the local network; no objection in principle was raised by the Local Highway Authority.
- 6.60 The scheme proposes a priority junction onto Gleamingwood Drive including extending a footpath to provide safe walking route to nearby bus stop though no traffic calming measures are proposed.
- 6.61 A pedestrian link is also proposed at the northern end of the site with links to the footpath running to the east to enhance the non-vehicular permeability of the proposed development. This is a criterion within Policy DM1 of the MBLP.
- 6.62 The TA also concludes that though traffic flows along Gleamingwood Road would materially increase at peak hours but the existing and combined flows still fall well within the design capacity of the road while beyond Gleamingwood Road there would be very little impact overall from the development. However minor mitigation works have been offered in terms of queuing problems to slightly widen the carriageway on Lordswood Road opposite the junction with Gleamingwood Drive to allow more space for cars to pass any waiting to turn right.
- 6.63 KCC raise no objection on any aspect of the highway or parking elements detailed in the submission subject to various suggested conditions and the applicant entering into a Section 278 Agreement in connection with local road improvements ie splitter islands and white lining to Round Wood roundabout .
- 6.64 In the circumstances it is considered that there is no sustainable objection to the proposal on highway or parking grounds as the scheme complies with policies DM21 and DM23. Notwithstanding the appeal decision at nearby Gibraltar Farm, the s278 highways works that will be required means that there will not be a severe impact on highway safety as judged by KCC as Local Highway Authority, which is still the test in the revised NPPF.

Developer Contributions

- 6.65 Policy ID1 relates to the need for development to provide the infrastructure needed to support growth. The Council's CIL policy comes into force on 1 October 2018 so up until that point, s106 agreements under the Town and Country Planning Act 1990 must be used where conditions cannot be imposed to secure the infrastructure.
- 6.66 The priority is Affordable housing. This is being met in full compliance with SP20 of the Local Plan. If Members were minded to permit the scheme, all other types of infrastructure can be secured either by condition or by requiring the developer to meet planning obligations within the s106 legal agreement.
- 6.67 Medway Council as an adjoining unitary authority seeks contributions for provision of open space locally plus Nursery, Primary and Secondary School Expansion given that the catchment area of the site falls mainly within Medway. Medway Council still need to confirm that requested open space funds are policy compliant. At this point in time, the Borough Council has no projects for outdoor sports and/or semi-natural space that would be adequately accessible to serve the development set against the criteria in policy DM19.
- 6.68 Medway CCG requests contributions to improve the Lordswood Healthy Living Centre, sought of £53814.25. The contributions satisfy the CIL tests as the scheme could serve the residents of the development and the CCG has provided up to date confirmation that it would not exceed the pooling limits.
- 6.69 In order to meet the requirements of the Affordable Housing policy, 40% of the development is affordable. The applicants are agreeable to full compliance with the policy SP20 of the MBLP: provision of 40% affordable housing and have submitted a tenure mix of that of 70% social rent and 30% shared ownership (32 social rent and 14 shared ownership). If planning permission were to be granted, the final detail of the sizes of units for each tenure type will need to be considered in more detail in liaison with the Housing Officers.
- 6.70 Boxley PC asked for a contribution towards its hall but that would not comply with the CIL Regulations in terms of being necessary or related to the development.

Other matters

- 6.71 The Environmental Protection section advises that mitigation of Air Quality for existing residents could be dealt with by condition. Similarly the Public Art threshold is exceeded and in this site could accommodate on site public art in principle.
- 6.72 Concern has been raised by objectors that the proposal will affect the character and setting of the North Downs AONB. However given that the AONB is sited to the south of the M2 while the application site is sited just under 300 metres to the north of the M2 at its nearest point, it is not considered the proposal will have any material impact on the character or setting of the AONB with the landscape screening proposed.

- 6.73 The application has been accompanied by a site assessment which concludes that given the site history there is unlikely to be any significant contamination from past uses requiring any specific response.
- 6.74 Regarding water management, a SUDS system is proposed which is intended to attenuate water runoff, also enabling green spaces to be provided and improving natural habitats within the site. The site is not at risk of flooding and the EA raises no objection
- 6.75 Southern Water's concerns regarding inadequate sewer capacity in the local network are noted. It would be for the developer to investigate sewerage options to overcome that constraint.
- 6.76 Regarding air quality (policy DM6) and vehicle noise due to the proximity of the site to the M2 to the south (policy DM1), these do not amount to fundamental objections to the principle of housing in this location.
- 6.77 Some objectors refer to the loss of the biomass boiler in the new scheme (some support its removal and some do not). The Inspector supported the biomass boiler principally because it would give a market for the products of positive woodland management. The applicant has committed to the same woodland management so the overall objective would still be met.

7. CONCLUSION

- 7.01 The NPPF requires in paragraph 9 that planning decisions should play an active role in guiding development towards sustainable solutions but should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 11 states that permission should be granted where there are no relevant development plan policies, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.02 It is accepted that the site is in a relatively sustainable location in environmental terms and there are social and economic benefits of the new housing, eg the offer of affordable housing.. There is an extant planning permission granted on appeal for 89 houses which could be a fall back position if it were progressed by the submission of reserved matters application before 30 November 2018, but only if intended to be built out in compliance with the UU and the conditions imposed by Inspector and there is some doubt that would be the case especially as regards the biomass boiler which is a non viable element. The access road is narrower slightly allowing more of Ancient Woodland to be retained including more separation from 2 important trees. Policy SS1 (Maidstone Borough Spatial Strategy) refers to housing target being made through the granting of planning permissions in addition to allocations. The increase in number of units in this planning application within the same red line envelope as the appeal decision therefore adds to the "windfall" contribution from this site by 26 units.

- 7.03 However, set against the above is that the scheme is a more dense development than the appeal scheme and has an extra 26 units (partly in lieu of the biomass boiler) which has a significant impact on the key issues of the countryside location and the loss of Ancient Woodland. The extra units increase the population in the development and thus the impact on the Ancient Woodland being retained.
- 7.04 The elements where planning harm remains that cannot be mitigated are the impact on Ancient Woodland and the countryside location. The policy framework by which the impact is assessed differs greatly from the situation in 2015.
- 7.05 In terms of Ancient Woodland, the new NPPF gives a greater degree of protection to Ancient Woodland from planning decisions on development. It is not considered that the current application achieves the test of demonstrating "*wholly exceptional reasons*". It is not a nationally significant infrastructure project nor does it provide a public benefit which would clearly outweigh the loss and deterioration of habitat. It is not considered that the extant permission on appeal is material consideration that is substantial enough to outweigh the consequent loss and deterioration of Ancient Woodland. The scheme remains contrary to policy DM3 which is now in an adopted Local Plan.
- 7.06 The adoption of the Local Plan and improved housing supply gives substantially more weight to Policy SP17 of the MBLP in the consideration of the scheme than was the case when the Inspector made his decision. The proposal breaches policy SP17 of the MBLP as it encroaches into the open countryside by reason of its location and the built development harms its character and appearance.
- 7.07 Policy SP17 of the MBLP has other criteria but due to the proposed screening, the medium to long term impact of the development on the gaps between settlements or on the landscape is not considered to warrant refusal whether viewed from the wider Countryside/setting of the AONB nor as seen from the existing development in Lordswood. As mentioned above, consideration of landscape harm needs to relate to their individual value (a policy stance which has not changed in the new NPPF).
- 7.08 The application was advertised as a Departure from the development plan. The recommendation is for refusal but if Members were to resolve the permit the application, it does not need referral to the National Planning Casework Unit under the criteria of the current (2009) Direction.

8. RECOMMENDATION

REFUSE planning permission for the following reasons:

- 1) The proposal by reason of the loss and deterioration of Ancient Woodland is contrary to Maidstone Borough Local Plan policy DM3 and paragraph 175 of the National Planning Policy Framework. It is not

considered “wholly exceptional reasons” exist that would clearly outweigh the harm nor that that the extant permission on appeal is a material consideration that is substantial enough to outweigh the harm identified.

- 2) The proposal breaches policy SP17 of the Maidstone Borough Local Plan by reason of its location as it encroaches into the open countryside and harms its character and appearance. It is not considered that the extant permission on appeal is a material consideration that is substantial enough to outweigh the harm identified.

Case Officer Marion Geary